



May 7, 2013

Dear Sirs;

I am wondering if this is a waste of time, as I don't think anybody listens to what the local citizens want, or our opinions.

On our farm, we have lots of trees and I think a higher concentration of raptors birds than any spot on the designated birds of prey area. Sometimes we have as many as 15 to 20 hawks soaring and gliding above the trees. They seem to be playing in the wind currents here. Right now, a pair of red tail hawks and another larger bird that I haven't been able to identify, are nesting on our place; plus many owls.

In the fall and winter there are many thousands of Canadian geese and hundreds of Snow geese; also ducks by the thousands. The flocks circle and circle, then land. What will a taller power line do to them?

Our neighbor, LaVar Thornton, when combining grain last fall, counted over 100 hawks on the fence line. This was not a first occurrence. Wildlife will adapt to different environmental conditions. Tractors and machinery in the fields do not discourage them. Building and maintaining a power line will not be a detrement to their environment.

Our farm is surveyed and plotted for a project with houses, golfcourse, greenbelt, clubhouse, etc. A huge power line through the middle will nulify it's feaseablity.

One powerline already exits on the south BLM ground. Another line parallel to it, seems to be the logical place for The Gateway West Transmission Line Project!

Sincerely yours,

Boyd Anderson  
Osprey Ridge Partners LLLP  
17220 S. Cloverdale Rd.  
Kuna, Idaho 83634

**From:** [jnclain@blm.gov](mailto:jnclain@blm.gov) on behalf of [Gateway West Trans Line, BLM WY](#)  
**To:** [blm@gwcomment.com](mailto:blm@gwcomment.com)  
**Subject:** Fwd: Gateway West Project  
**Date:** Tuesday, June 25, 2013 3:21:27 PM

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----- Forwarded message -----

**From:** **Diane Peterson** <[diane7h@hotmail.com](mailto:diane7h@hotmail.com)>  
**Date:** Fri, Jun 21, 2013 at 8:45 AM  
**Subject:** Gateway West Project  
**To:** blm <[gateway\\_west\\_wymail@blm.gov](mailto:gateway_west_wymail@blm.gov)>

Peterson Outfitters LLC  
Josh and Diane Peterson  
P.O. Box 10  
Walcott, Wy 82335  
307-324-5543

To Whom it May Concern,

Peterson Outfitters owns 40 acres (SW1/4 SW1/4: SEC 26 T 21 R 84) South of the town of Walcott, Wy near the railroad. It appears on your map that the agency preferred route will come directly across our southern half of our property. The property includes a residence which houses outfitter clients and employees of Peterson Livestock year round. The agency preferred blue line on the map is running directly over our water line and water cistern. The property also includes a shooting range and hunting blind for our clients. My concern is the close proximity of the line to a year round used residence and business. I am strongly opposed to the agency preferred route, as this would be extremely detrimental and a safety issue to our employees and business.

Sincerely,

Diane Peterson-Peterson Outfitters LLC

**From:** [jnclain@blm.gov](mailto:jnclain@blm.gov) on behalf of [Gateway West Trans Line, BLM WY](#)  
**To:** [blm@gwcomment.com](mailto:blm@gwcomment.com)  
**Subject:** Fwd: Gateway West Project  
**Date:** Tuesday, June 25, 2013 3:22:49 PM

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----- Forwarded message -----

**From:** **Diane Peterson** <[diane7h@hotmail.com](mailto:diane7h@hotmail.com)>  
**Date:** Wed, Jun 19, 2013 at 1:53 PM  
**Subject:** Gateway West Project  
**To:** blm <[gateway\\_west\\_wymail@blm.gov](mailto:gateway_west_wymail@blm.gov)>

Peterson Outfitters LLC  
Josh and Diane Peterson  
PO Box 10  
Walcott, Wy 82335  
307-324-5543

To Whom it May Concern,

Peterson Outfitters owns 40 acres South of the town of Walcott, Wy near the railroad. It appears on your map (segment 2) that the agency preferred route will come directly across our southern half of our property. The property includes a residence which houses outfitter clients and employees of Peterson Livestock year round. The agency preferred blue line on the map is running directly over our water line and water cistern. The property also includes a shooting range and hunting blind for our clients. My concern is the close proximity of the line to a year round used residence and business. I am strongly opposed to the agency preferred route, as this would be extremely detrimental and a safety issue to our employees and business.

Sincerely,

Diane Peterson-Peterson Outfitters LLC

**From:** [jmclain@blm.gov](mailto:jmclain@blm.gov) on behalf of [Gateway West Trans Line, BLM WY](#)  
**To:** [blm@gwcomment.com](mailto:blm@gwcomment.com)  
**Subject:** Fwd: Gateway West Transmission Project  
**Date:** Monday, July 01, 2013 10:25:11 AM

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----- Forwarded message -----

**From:** **Diane Peterson** <[diane7h@hotmail.com](mailto:diane7h@hotmail.com)>  
**Date:** Thu, Jun 27, 2013 at 9:31 PM  
**Subject:** Gateway West Transmission Project  
**To:** blm <[gateway\\_west\\_wymail@blm.gov](mailto:gateway_west_wymail@blm.gov)>

Peterson Outfitters LLC  
Josh and Diane Peterson  
PO Box 10  
Walcott, Wy 82335  
307-324-5543

To Whom it May Concern,

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Sincerely,

Diane Peterson-Peterson Outfitters LLC

**From:** [jmclain@blm.gov](mailto:jmclain@blm.gov) on behalf of [Gateway West Trans Line, BLM WY](#)  
**To:** [blm@gwcomment.com](mailto:blm@gwcomment.com)  
**Subject:** Fwd: Gateway West FEIS Comment Letter Package from Project proponents: Rocky Mountain Power & Idaho Power Company  
**Date:** Monday, July 01, 2013 10:24:41 AM  
**Attachments:** [Gateway West FEIS Comment Letter-062813.pdf](#)  
[Gateway West Proponent's FEIS Comment List-062813.pdf](#)  
[SRBOP NCA Enhancement Package-062813.pdf](#)

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----- Forwarded message -----

**From:** **Anderson, Pam** <[Pam.Anderson@pacificorp.com](mailto:Pam.Anderson@pacificorp.com)>  
**Date:** Fri, Jun 28, 2013 at 10:17 AM  
**Subject:** Gateway West FEIS Comment Letter Package from Project proponents: Rocky Mountain Power & Idaho Power Company  
**To:** "[Gateway West WYMail@blm.gov](mailto:Gateway_West_WYMail@blm.gov)" <[Gateway West WYMail@blm.gov](mailto:Gateway_West_WYMail@blm.gov)>  
**Cc:** "George, Walter E ([wgeorge@blm.gov](mailto:wgeorge@blm.gov))" <[wgeorge@blm.gov](mailto:wgeorge@blm.gov)>, "Mike Bracke" ([mbracke@idahopower.com](mailto:mbracke@idahopower.com))" <[mbracke@idahopower.com](mailto:mbracke@idahopower.com)>, "Fisher, Rod" <[Rod.Fisher@rockymountainpower.net](mailto:Rod.Fisher@rockymountainpower.net)>

To Whom It May Concern:

Please find attached the Gateway West FEIS comment package from the project proponents; which consists of:

1. Gateway West – FEIS Comment letter
2. Gateway West – FEIS Comment spreadsheet
3. Gateway West – Morley Nelson Snake River Birds of Prey National Conservation Area – Draft Enhancement Portfolio Proposal

Regards,

Pam

*Pam Anderson, PMP*

*Project Manager-Gateway West Project*

**Rocky Mountain Power**

*Office: 801 220-2481*

*Mobile: 801 505-3317*

[Pam.Anderson@Pacifcorp.com](mailto:Pam.Anderson@Pacifcorp.com)



June 28, 2013

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

Re: Rocky Mountain Power and Idaho Power Comments on the Gateway West Final Environmental Impact Statement

Dear Mr. George,

Rocky Mountain Power and Idaho Power (Companies), express our appreciation for your efforts on the development and publication of the Final Environmental Impact Statement (FEIS) for the Gateway West Transmission Line Project (Project). The release of the FEIS is another important milestone in the permitting process and one that the Companies have been anticipating as they have continued investing a considerable amount of resources into developing a Project that balances the need to comply with numerous and sometimes conflicting regulatory requirements, stakeholder issues and concerns and the need to construct the Project in a timely and fiscally responsible manner. We appreciate both your dedication and professionalism as the Project has progressed through the National Environmental Policy Act (NEPA) process.

The Companies are submitting this public comment letter to further clarify a number of technical details described in the FEIS and to reemphasize how critically important this Project is for the Companies to provide reliable service for our customers. As regulated public utilities, the Companies are required to provide safe, reliable and efficient electric service to all customers without discrimination. This obligation frames the process the Companies use to develop and offer various mitigation proposals as well as make decisions regarding maintaining, operating and upgrading the Companies' transmission systems.

### **Specific FEIS Comment Table**

The majority of the Companies' comments are addressed in the attached table. The comments reflect corrections, clarifications and objections to specific sections of the FEIS and its appendices.

### **Mitigation Associated with Routes in the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP NCA) for Segments 8 and 9**

The FEIS states in two locations (3.17-104 and 3.17-120) ...”required mitigation (specifically applicable to the acreage of shrub and grasslands that would need to be restored, as well as acres of cultural resource areas to be inventoried) would need to be at least a 2:1 ratio in order to fulfill the “enhancement” requirement in P.L. 103-64; however, larger ratios may be considered by the Bureau of Land Management. The Bureau of Land Management is currently considering mitigation ratios ranging from 2:1 to 5:1 based on mitigation required/offered by other energy development projects (Bureau of Land Management 2006c, 2010e).” The Bureau of Land Management’s assertion that 2:1 is the minimum to comply with P.L. 103-64 is not substantiated within the enabling legislation. The enabling legislation and the RMP are entirely silent about mitigation ratios. The Companies do not agree or support the ratios suggested by the Bureau of Land Management because they are not based on any science regarding the



SRBOP NCA and appear to be arbitrary. The references cited by the Bureau of Land Management (Bureau of Land Management 2006c and Bureau of Land Management 2010) refer to impacts on critical habitat for the Endangered Species Act-listed threatened desert tortoise in California where such ratios are explicitly discussed in approved Resource Management Plans and have no relevance for the SRBOP NCA

The Companies submit as an attachment to this letter an Enhancement Portfolio Proposal to address the enhancement requirement in P.L. 103-64. In this proposal the Companies present substantial evidence that the proposed Gateway West transmission lines provide an enhancement to the resources and values of the SRBOP NCA in and of themselves. Beyond that, the proposal presents a rationale for mitigation ratios for habitat restoration that are based in current conditions and depend on whether the line is located within the designated corridors authorized in the Resource Management Plan for the SRBOP NCA, and whether the exiting vegetation is disturbed from prior land uses or not.

The Companies offer the Enhancement Portfolio Proposal to enable the Bureau of Land Management to issue a complete Record of Decision in 2013 and to reconsider its Preferred Alternative on Segments 8 and 9 in favor of the alternatives developed in collaboration with multiple federal, state, and local stakeholders, including the Bureau of Land Management, over several years.

### Conclusion

The Companies greatly appreciate the contributions of the Bureau of Land Management, other federal, state and local agencies as well as landowners, members of the public and multiple stakeholders. It is inherent that a project of Gateway West's magnitude will introduce complex issues that are extremely challenging to resolve. As federally-regulated and state-regulated utilities, the Companies have an obligation to provide safe, reliable, adequate and efficient electricity. The Gateway West Project is an essential part of the Companies' future plans to serve customers, provide new transmission capacity and improve reliability of the existing system. The Companies stand ready to assist the Bureau of Land Management as necessary to achieve the next major milestone for the Project which is the Record of Decision scheduled to be issued on September 27, 2013. Please feel free to contact Pam Anderson at 801-220-2481 or Pam.Anderson@PacifiCorp.com or Keith Georgeson at 208-388-2034 or KGeorgeson@idahopower.com

Sincerely,

A handwritten signature in black ink that reads "Pam Anderson".

Pam Anderson  
Project Manager  
Rocky Mountain Power

A handwritten signature in black ink that reads "Michael A. Bracke".

Michael A Bracke  
Engineering Leader  
Idaho Power Company

**GATEWAY WEST FEIS COMMENTS - EXECUTIVE SUMMARY AND CHAPTER 1 - PURPOSE AND NEED**

Chapter/Subsection Title	Section	Page	Paragraph / Table / Figure	Final EIS Language	Comment
Executive Summary	Soils, Geologic Hazards, and Minerals	ES-23	¶ 1	Project construction activities that would affect soils include clearing, grubbing, and grading along the ROW and at additional temporary workspaces; trenching; backfilling; excavating; and construction of permanent structures, such as transmission line structures, access and service roads, <b>co-generation sites</b> , and substations.	Correct "co-generation sites" to "regeneration sites"
Substations That Would Be connected by Gateway West - Shirley Basin	1.3-2	1-26	Table	(Shirley Basin Substation) This new substation will be constructed immediately adjacent to the Difficulty Substation. Difficulty must be kept in service while Segment 1W(c) is reconstructed, requiring the additional bus construction to be conducted adjacent to the existing substation. Construction of Heward will allow PacifiCorp to control the operation of the new buses, essential for reliability of the reconstruction.	Purpose of substation as presented is incorrect. Appears to have been cut and pasted from Heward. Correct to read: "Shirley Basin is an existing substation which is included in the Dave Johnston-Heward-Shirley Basin-Aeolus 230 kV line rebuilt (1Wc). The new line will be looped into the Shirley Basin substation. No ground disturbing activities will be required."
Geographic Scope	1.7.1	1-37	¶ 3 Right of Way	The width depends on the voltage; a 250-foot ROW for the 500-kV single-circuit sections of the Project and a 125-foot ROW for the 230-kV single-circuit sections of the Project.	Please add Segment 3A details, the 5 mile section of 345-kV with 150-foot ROW (between Anticline and Jim Bridger)

**GATEWAY WEST FEIS COMMENTS - CHAPTER 2 - ALTERNATIVES**

Chapter/Subsection Title	Section	Page	Paragraph / Table / Figure	Final EIS Language	Comment
Transmission Line Features Common to All Proposed 230-kV Segments	2.1-2	2-4	Table	One OPGW containing 48 fibers and with diameter of 0.637 inch...	Should be "One OPGW containing 48 fibers and with diameter of 0.465 inch..."
Segment 1W - BLM Preferred Alternative	2.4.1.1	2-42	¶ 2	...This portion of the Preferred Alternative minimizes impacts by using an existing ROW...	Existing ROW will be expanded to 125-feet if currently less than 125-feet.
Proposed Environmental Protection Measures	2.7-1	2-151	VIS-15 (agency required)	If Alternative 7K is selected, Natina stain (or an equivalent product) will be applied to towers (including lattice towers) placed on NFS lands within the Sawtooth NF to reduce visual effects at the middleground level.	Our engineering analysis has determined: 1) From an engineering perspective, there is little information available addressing effects of the Natina treatment on structural integrity, especially for transmission structures; 2) Two major concerns in assessing this product are degradation of the galvanizing layer and possible corrosion of bolted connections; 3) Natina estimates it would take 40-72 man-hours <b>per tower</b> depending on structure geometry and crew work rates. Approximately 175-225 gallons of solution would be needed to fully treat an individual tower and preliminary inquiries estimate it would cost \$15,000-\$20,000. It is not guaranteed that the desired color would be developed from one application though. If multiple applications are necessary, additional time and costs would be incurred; 4) In comparison to Natina Steel, dulled galvanizing is a much more controlled and proven procedure that also reduces visual effects. Various shades of grey can be selected to best blend into the surrounding environment, and can be just as effective in reducing visual impact as Natina Steel in many cases.
Proposed Environmental Protection Measures	2.7-1	2-158	VEG-10 (agency required)	All timber and other vegetative resources to be sold or removed from federal lands will be appraised and sold at the appraised value.	The Proponents will meet the terms and stipulations within the timber sale contracts for timber removal operations on federal lands (Kemmerer and Pocatello Fos will also require appraisal and sale).

Proposed Environmental Protection Measures	2.7-1	2-159	TESPL-3	Qualified botanists shall conduct preconstruction surveys during a season when target species are readily identifiable for special status or globally rare species. Where feasible, micro-siting of project facilities shall avoid direct impacts to identified populations. Survey reports documenting the surveys, their results, and recommendations must be provided to land management agency for approval prior to construction. Agency botanists may evaluate individual sites based on site-specific conditions. Documentation of the evaluation of avoidance of impacts to sensitive and globally rare plants must be provided to the Agencies prior to construction	The Proponents previously submitted a comment on this measure while commenting on the Draft EIS. The BLM has adopted some, but not all, of the Proponent's requested change. The BLM has left out the portion of the measure that would require BLM to respond within 20 days of receipt of the report. Based on past experience, the BLM's workload, and the BLM's budget constraints, the Proponent's are not confident that the BLM could review and respond to any submittals in a timely manner. This measure has the potential to add substantial and unacceptable delays to starting construction of the project. The Proponent's request that the BLM commit to a timeframe and process for reviewing all required submittals.
Proposed Environmental Protection Measures	2.7-1	2-159	TESPL-4	Slickspot Peppergrass – Environmental monitors will survey for and mark slickspots and aboveground populations of slickspot peppergrass within 50 feet of the construction area prior to ground disturbance (including roads) in potential or occupied slickspot peppergrass habitat. No construction shall occur within 50 feet of any slickspot peppergrass plants or slickspots found by the environmental monitor. Also, construction shall not occur within 50 feet of previously known occupied slickspot peppergrass areas, based on Idaho CDC data, even if aboveground plants are not observed by the environmental monitor. Within proposed critical habitat, impacts to Primary Constituent Elements, such as native sagebrush/forb vegetation, will be avoided to the extent practicable. Seeding during reclamation in areas of suitable habitat will use methods that minimize soil disturbance such as no-till drills or rangeland drills with depth bands. Reclamation will use certified weed-free native seed. Excess soils will not be stored or spread on slickspots	This measure will only apply for new roads and/or road improvements.
Proposed Environmental Protection Measures	2.7-1	2-164	TESWL-1	H-frame structures will be equipped with anti-perch devices to reduce raven and raptor use, and limit predation opportunities on special status prey species on federally managed lands.	Considering prudent use of rate payers money, this is an onerous and unwarranted measure. H-frame in comparison to lattice structures inherently reduce and minimize raptor perching and nesting opportunities. Rocky Mountain Power currently has agreements with the FWS (Office of Law Enforcement) to not use anti-perch devices as they have been shown to be ineffective and increase potential for nesting. This requirement conflicts with the working agreements with the FWS. Also, anti-perching devices when used at high voltages specifically pose maintenance and safety risks as they would require to be maintained "hot". Regarding sage-grouse predation, there are no scientific correlations to tall structures which justify the use of anti-perching devices (see the UWIN literature review regarding tall structures and sage-grouse).
Proposed Environmental Protection Measures	2.7-1	2-163	WILD-8	Pre-construction pedestrian or aerial surveys will be completed during appropriate nesting time periods, needed to identify each raptor species. The Proponents will provide survey results to the authorized officer for approval. (See WILD-1)	This measure is similar to WILD-4 and could be combined with that measure, however, the Proponents propose the following revision: "Pre-construction pedestrian or aerial surveys will be completed during the appropriate nesting time periods needed to identify active raptor nests. The Proponent will provide survey results to the authorized officer."
Proposed Environmental Protection Measures	2.7-1	2-164	WILD-12 (agency required)	The Proponents will annually document the presence and location of large stick nests on any towers constructed as a result of this Project. Nests will be categorized to species or species group (raptors or ravens), to the extent possible. This would begin following the first year of construction through year 10 of operations. Results would be provided annually to the applicable land-management agency and to the USFWS.	This level and duration of monitoring is onerous and the cost is not commensurate with any benefit.

Proposed Environmental Protection Measures	2.7-1	2-165	TESWL-4	The Environmental CIC, an agency biologist, or agency designee will accompany the Construction Contractor site engineers during the final engineering design or prior to ground-disturbing activities to verify and flag the location of any known occupied structures (e.g., nests, burrows, colonies) utilized by sensitive species. This will include, but not be limited to, artificial burrows that have been constructed as part of research/restoration efforts, prairie dog colonies, and raptor nests, which could be impacted by the Project based on the indicative engineering design. The final engineering design will be "microsited" (routed) to avoid direct impact to these occupied structures to the extent practical within engineering standards and constraints.	Not clear what "structures" the EPM is referencing.
Proposed Environmental Protection Measures	2.7-1	2-167	TESWL-14 (agency required)	For the protection of aquatic and riparian/wetland dependent species, surface disturbing and disruptive activities will 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 will be developed. These plans will: 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 will be submitted to the appropriate land management agency and approved prior to construction of any portion of the Project within sensitive riparian habitat.	In order to fully assess this measure, citations for the 500 foot and 100 foot "buffers" need to be provided and justified. In order to maximize tower distance from such areas, the conductor sag will be greatest and thereby require more intensive vegetation clearing than otherwise in order to maintain clearances. The Companies have avoided to the extent practicable impacts to aquatic and riparian/wetland dependent species. Please see the response regarding indicative and engineering design for more details. The information required to comply with 1-4 will be provided in the POD; application(s) to the U.S. Army Corps of Engineers, and/or construction storm water plans. It is not clear how a Proponent can preserve microclimate.
Proposed Environmental Protection Measures	2.7-1	2-167	TESWL-15 (agency required)	Anti-perch devices will be required on power poles located within one-quarter mile of prairie dog towns within the BLM's Rawlins Field Office.	Considering prudent use of rate payers money, this is an onerous and unwarranted measure. H-frame in comparison to lattice structures inherently reduce and minimize raptor perching and nesting opportunities. Rocky Mountain Power currently has agreements with the FWS (Office of Law Enforcement) to not use anti-perch devices as they have been shown to be ineffective and increase potential for nesting. This requirement conflicts with the working agreements with the FWS. Also, anti-perching devices when used at high voltages specifically pose maintenance and safety risks as they would require to be maintained "hot".
Proposed Environmental Protection Measures	2.7-1	2-167	TESWL-16 (agency required)	Sage-Grouse – If the Kemmerer RMP is amended to allow Proposed Route 4 or Alternatives 4C or 4E to be selected, existing fences within 1 mile of the portion of the Gateway West Project located on lands managed by the Kemmerer RMP will be modified with FireFly Grouse Flight diverters (or a similar product) in order to prevent greater sage-grouse mortalities. Additional site-specific reclamation, such as transplanting sagebrush seedlings within previous disturbed habitats, will also be required to off-set the net loss of sagebrush habitats within the Rock Creek/Tunp management area.	Appropriate mitigations for impacts to sage-grouse will be implemented an identified through negotiations with the agencies.

**GATEWAY WEST FEIS COMMENTS - CHAPTER 3 - ENVIRONMENTAL**

Chapter/Subsection Title	Section	Page	Paragraph / Table / Figure	Final EIS Language	Comment
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Segment 7 - Populus to Cedar Hill	3.2.2.3	3.2-146	Last ¶	<p>...VIS-15, detailed below, is required by the agencies to lower the visual effects of the alternative alignment on NFS lands managed within the Sawtooth NF.</p> <p>VIS-15 If Alternative 7K is selected, Natina stain (or an equivalent product) will be applied to towers (including lattice towers) placed on NFS lands within the Sawtooth NF to reduce visual effects at the middleground level</p>	<p>Our engineering analysis has determined: 1) From an engineering perspective, there is little information available addressing effects of the Natina treatment on structural integrity, especially for transmission structures; 2) Two major concerns in assessing this product are degradation of the galvanizing layer and possible corrosion of bolted connections; 3) Natina estimates it would take 40-72 man-hours <b>per tower</b> depending on structure geometry and crew work rates. Approximately 175-225 gallons of solution would be needed to fully treat an individual tower and preliminary inquiries estimate it would cost \$15,000-\$20,000. It is not guaranteed that the desired color would be developed from one application though. If multiple applications are necessary, additional time and costs would be incurred; 4) In comparison to Natina Steel, dulled galvanizing is a much more controlled and proven procedure that also reduces visual effects. Various shades of grey can be selected to best blend into the surrounding environment, and can be just as effective in reducing visual impact as Natina Steel in many cases.</p>
KOP C108		3.3-188			<p>A number of wind towers have been constructed in the area (on private property) since the KOP photos were taken. If the KOP was done today, it would likely result in a finding of no effect or no adverse effect instead. Will there be opportunities to reassess impacts from the project at this, and other locations where significant visual impacts have occurred since the original assessment?</p>
KOP C99		3.3-217		<p>Due to the distance of the KOP to the Preferred/Proposed Route, the similarity of the Project's design with existing structures, and the potential for the elements to blend in with the backdrop, the VCR for this KOP is assessed as low to moderate. The Project elements do not draw the attention of the casual observer; therefore, there would be no adverse impact to the resource at this location.</p>	<p>If the project elements do not draw the attention of the casual observer, shouldn't the assessment be weak, instead of "low [sic] to moderate"?</p>
Overall Visual Impact		3.3-220	¶ 1	(see Section 3.3.2.4 – Methods for additional description of these values).	The correct section is 3.3.2.5 (3.3.2.4 is Native American Consultation)
Comparison of Alternatives by Segment	3.14.2.3	3.14-23	¶ 1	<p>Segment 4 also contains the highest risk from landslides. This segment and all the alternatives contain large areas of medium to high landslide risk. In the mid-1980s, a landslide failure near Viva Naughton Reservoir in southwest Wyoming (near Route Alternative 4F) necessitated the re-alignment of the existing <b>Bridger to Borah 345-kV transmission lines</b>.</p>	<p>Author is correct to use the plural "transmission lines". Only one of the lines is the Bridger - Borah 345kV line, the other is the Bridger - Kinport 345kV line. These two lines are operated and maintained by PacifiCorp. The third line in this corridor is IPC's Bridger - Goshen 345kV line which was rebuild on the original alignment.</p>
Electric and Magnetic Fields	3.21.2.2	3.21-17	¶ 1	<p>The electric fields at the edges of the ROWs and the highest electric field found within the ROW for each of the line segments in the Project are listed in Table 3.21-6. The largest electric field calculated at the edge of the ROW was 1.23 kV/m. This level was found along the 230-kV line segments that had ROW widths of 125 feet. Fields of 0.77 kV/m were found at the ROW edge of the single-circuit 500-kV line segments (Segments 2 through 10). The highest electric field found within the ROW was 9.67 kV/m for the single-circuit 500-kV segments (<b>Segments 5 through 10</b>).</p>	<p>Shouldn't this be Segment 2 - 10?</p>
Noise Sensitive Areas within Operations Analysis Area of Proposed Route and Route Alternatives	3.23-8	3.23-17	Table		<p>Reviewer had a hard time following table 3.23-8, for example for Segment 1W the table quantifies a number of NSAs near the 500kV centerline. There is no 500kV proposed for Segment 1W. Similarly this table shows a number of NSAs near 230 and 345 kV centerlines for Segments 8, 9 and 10. There are no such voltages proposed for these segments. Additionally, the introduction to the table refers the reader to Section 5.23.5.2 of the document for clarification but no such section exists.</p>

**GATEWAY WEST FEIS COMMENTS - APPENDIX C - MITIGATION PLANS**

Chapter/Subsection Title	Section	Page	Paragraph / Table / Figure	Final EIS Language	Comment
Proposed Project-Wide Historic Trails Mitigation Program	5.2.3	5-3	C-1	". . . Pursuing a conservation easement with interested Wyoming landowners . . ."	Clarify this pertains to Segment D (Windstar to Populus) ". . . Pursuing a conservation easement with interested Wyoming (Segment D) landowners . . ."
Cultural Resource Construction Monitoring	3.1	3-1	¶ 2	The CRS and/or CRM will observe the ground during mechanical scraping, grading, excavating, and similar activities for archaeological remains that might be exposed by these activities.	Revise to state, "In areas where there is a high probability of encountering buried deposits, the CRS and/or CRM will observe the ground...."
Appendix C-1/Attachment B--Draft Inadvertent Discovery Plan	All	All	All	(historic properties, resources, cultural resources, sites, artifacts, cultural material, etc.)	The plan needs to be revised to accurately differentiate between cultural resources and historic properties. Section 2.1 states, "For the purpose of this Plan, an inadvertent or unanticipated discovery is a discovery of historic properties where they had not been previously documented and that occurs during construction." The following list then includes a number of things that could be classified as a cultural resource, but aren't historic properties. Please revise.

**GATEWAY WEST FEIS COMMENTS - APPENDIX F - PROPOSED LAND USE AMENDMENTS**

Chapter/Subsection Title	Section	Page	Paragraph / Table / Figure	Final EIS Language	Comment
Proposed Amendment #3	3.4.3	F.1-16	Mitigation	Mitigation: Where the route would be visible on timbered slopes, limit tree removal to those portions of the right-of-way where it is required for safety in order to avoid creating a linear feature on the landscape. Vegetation removal requirements will consider Appendix A, Key Standards Relating to Electric System Reliability and Safety, of the Memorandum of Understanding with the Edison Electric Institute (2006).	While this language still exists in Appendix F Appendix L states the requirement was dropped. Limiting tree removal on the ROW is obviously a requirement that would be incredibly onerous and dangerous for us to try to adhere to, please provide confirmation that this requirement has indeed been dropped and correct to show measure is dropped.

**GATEWAY WEST FEIS COMMENTS - APPENDIX L - RESPONSES TO COMMENTS ON DRAFT EIS**

Chapter/Subsection Title	Section	Page	Paragraph / Table / Figure	Final EIS Language	Comment
DEIS Comment Letter Responses	100343	92		Chapter 2 - Components Common to All Actions Alts -- 2.7.5 -- 145 -- T2.7-1 (Vis-12) -- Where the route would be visible on timbered slopes, limit tree removal to areas required for safety rather than from the entire ROW in order to prevent a linear feature on the landscape from clear-cutting trees. Vegetation removal requirements will consider Appendix A, "Standards and Practices for Electric system reliability" -- The "area required for safety" is the entire ROW. A requirement that we not remove trees in the ROW will force us to prune to such an extent as to leave large numbers of tree remnants in the right of way. This practice would be unsightly, adversely affect system reliability, severely damage or kill existing trees, promote infestations of bark beetles, produce an unnecessary fire risk, and impose an unreasonable long-term management burden on the company and our rate payers. If land managers want to prevent linear features we can feather the right of way, as outlined in the last paragraph of Section 3.6.2.2, page 21 for the Medicine Bow-Routt and Caribou-Targhee NFs.	This comment seems to have two different responses from the BLM. The first being "This measure is being reviewed by the BLM and will be revised based on their direction (see Table 2.7-1 for the current list of measures)." The second being "This requirement is no longer being considered." The obvious question is which is it? Please verify consistent with Appendix F



# Morley Nelson Snake River Birds of Prey National Conservation Area DRAFT Enhancement Portfolio Proposal

## Gateway West Transmission Line Project

*Prepared by:*



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June 2013

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## ACRONYMS AND ABBREVIATIONS

BLM	Bureau of Land Management
Committee	Oversight Committee
Companies	Rocky Mountain Power and Idaho Power Company
EIS	Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
Gateway West	Gateway West Transmission Line Project
HPTP	Historic Properties Treatment Plan
IDANG	Idaho Army National Guard
IPC	Idaho Power Company
kV	kilovolt
NCA	National Conservation Area
NHT	National Historic Trail
NLCS	National Landscape Conservation System
NMA	Non-Motorized Area
NTP	Notice to Proceed
OCTC	Orchard Combat Training Center
PP&L	Pacific Power and Light Company (now PacifiCorp)
Project	Gateway West Transmission Line Project
RMP	Resource Management Plan
ROD	Record of Decision
ROW	right-of-way
SRBOP	Morley Nelson Snake River Birds of Prey National Conservation Area
SRMA	Special Recreation Management Area
VRM	Visual Resource Management

## 1.0 INTRODUCTION

This proposal from PacifiCorp, doing business as Rocky Mountain Power, and Idaho Power Company (Companies), is intended to offer sufficient enhancement for the resources and values for which the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP or NCA) was designated to allow the Bureau of Land Management (BLM) to complete its decision process for Segments 8 and 9 of the Gateway West Transmission Line Project and issue a complete Record of Decision (ROD) for the whole project.

### 1.1 Gateway West Transmission Line Project Description

The Companies, are proposing to construct and operate the Gateway West Transmission Line Project (Gateway West or Project) consisting of approximately 990 miles of new 230-kilovolt (kV), 345-kV, and 500-kV alternating current electric transmission system consisting of 10 segments between the Windstar Substation at Glenrock, Wyoming, and the Hemingway Substation approximately 30 miles southwest of Boise, Idaho. The proposed transmission line is needed to supplement existing transmission lines in order to relieve operating limitations, increase capacity, and improve reliability in the existing electric transmission grid, allowing for the delivery of up to 1,500 megawatts of additional energy for the Companies' larger service areas and to other interconnected systems.

The Project includes ground-disturbing activities associated with the construction, operation and maintenance of aboveground, single-circuit transmission lines involving towers, access roads, multi-purpose areas, fly yards, pulling sites, substations, communication sites, and electrical supply distribution lines. The Project crosses private land and public lands administered by the BLM, U.S. Department of Agriculture Forest Service, Bureau of Reclamation, and the states of Idaho and Wyoming, including the SRBOP.

### 1.2 Gateway West and SRBOP

As part of this Project, the Companies have proposed to construct Segment 8 from the existing Midpoint Substation near Shoshone, Idaho about 131 miles to the existing Hemingway Substation near Melba, Idaho. The BLM has advised that the Proposed Segment 8 crossing of the Halverson Non-Motorized Area could not be permitted at all and the Idaho Army National Guard (IDANG) expressed reservations regarding the crossing of the Alpha Maneuver Sector. Therefore, for the purposes of this proposal, the Companies have modified their Proposed Route to include Alternatives 8D and 8E, which were proposed to avoid the Alpha Sector and the problematic crossing of the Snake River and the Halverson NMA, respectively.

The Companies also originally proposed to construct Segment 9 about 162 miles from the proposed Cedar Hill Substation southeast of Twin Falls, Idaho to the existing Hemingway Substation. During the siting and routing discussions and meetings with the various task forces formed by local landowners, governments, and the local BLM (see Section 3.3), additional alternatives for Segment 9 were considered. The Owyhee

County task force proposed Alternative 9D, which parallels an existing line within the SRBOP, and the BLM, in response to concerns raised by that proposal, proposed Alternative 9G. The Proposed Route as modified by Alternative 9G has been termed the “consensus” route for Segment 9 and is presented here as the route proposed for approval by the BLM through the SRBOP.

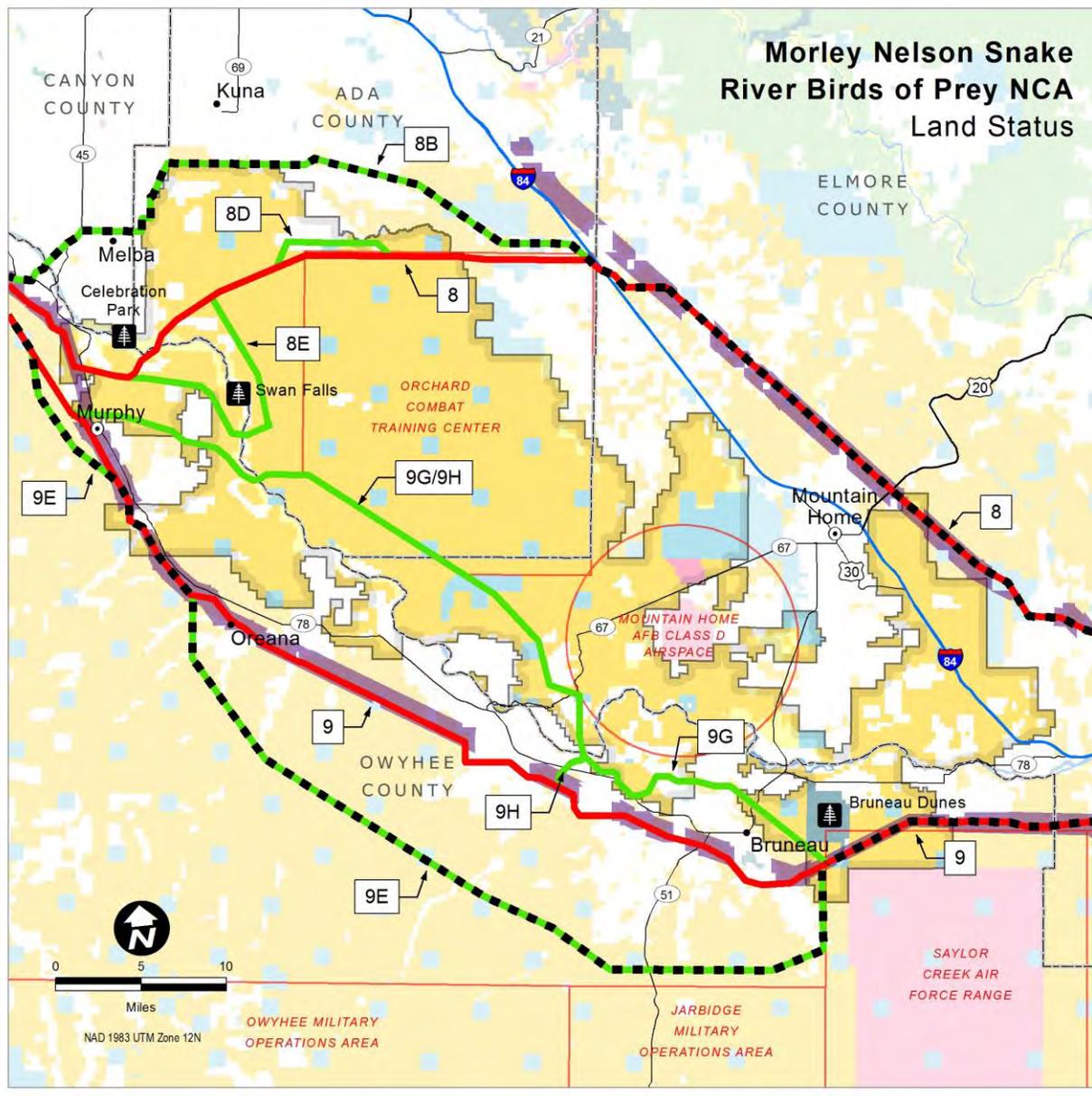
The BLM has not yet approved the Revised Proposed Routes for Segments 8 and 9. The BLM has instead indicated its preference that Segment 8 be constructed along the Proposed Route for the first 92 miles, then constructed through largely private land along Alternative 8B, avoiding most of the crossing of the SRBOP to arrive at the Hemingway Substation 40 miles later. BLM has also indicated its preference that Segment 9 be built using the Proposed Route for the first 95 miles, then use Alternative 9E and some modifications to the Proposed Route to arrive at the Hemingway Substation about 76 miles later. Table 1, below, shows the numbers of miles of the SRBOP crossed by the Revised Proposed and BLM-Preferred alignments for Segments 8 and 9.

**Table 1.** Distances of Alternative Routes across SRBOP on BLM-Managed Lands

Segment	Route	Miles	
		Total Length <sup>1/</sup>	Distance across SRBOP (BLM)
8	BLM Preferred	132	2.0
	Proposed modified by 8D,8E	145.0	36.6
9	BLM Preferred	171.4	11.2
	Proposed modified by 9G	162.8	52.3

<sup>1/</sup> Total length from Substation to Substation

Figure 1 shows the Proposed Routes for Segments 8 and 9 in red, alternatives considered for the purposes of this enhancement package in green, and the BLM’s presently-selected Preferred Alternative as a black striped overlay on either red or green routes, as appropriate.



- |   |  |  |
|---|--|--|
| <p><b>Project Features</b></p> <ul style="list-style-type: none"> <li>■ BLM Preferred Alternative</li> <li>— Proponent Proposed</li> <li>— Feasible Alternative</li> <li>9 Alternative Number</li> </ul> <p><b>Land Status</b></p> <ul style="list-style-type: none"> <li>■ Bureau of Land Management</li> <li>■ National Forest</li> </ul> | <p>■ Fish and Wildlife Service</p> <p>■ Bureau of Reclamation</p> <p>■ Military Reservation/Corps of Engineers</p> <p>■ State</p> <p>■ State Wildlife, Park, Recreation or Other</p> <p>□ Private</p> <p>■ Water</p> | <p><b>Other Features</b></p> <ul style="list-style-type: none"> <li>□ County</li> <li>□ Snake River Birds of Prey NCA Boundary</li> <li>□ Military Operating Area</li> <li>■ West-wide Energy Corridor (WWEC)/1</li> <li>■ State/Local Park</li> </ul> <p><small>/1 width of WWEC exaggerated slightly at this scale for cartographic purposes</small></p> |
|---|--|--|

Figure 1. Land Status

### 1.3 Purpose of Enhancement Portfolio

The Companies present substantial evidence in Section 4.3, below, that transmission lines are a benefit, not a detriment, to raptor populations. The lattice structures provide additional nesting, perching, and roosting substrates and the transmission lines do not pose a substantive risk to the raptors. The access roads used for construction and operation of the transmission line serve as fire breaks and access for firefighting, limiting the adverse impacts of cheatgrass that so often invades after a fire. Therefore, the Project would have no adverse impacts on the values for which SRBOP was designated and would enhance the SRBOP in important ways. The BLM does not agree with the Companies and has asserted in its Final Environmental Impact Statement (EIS) that any enhancement provided by the Project is outweighed by other environmental impacts. In the spirit of cooperation and in the interest of receiving a right-of-way (ROW) grant from the BLM in 2013 that includes Segments 8 and 9, the Companies propose this enhancement portfolio so that the BLM can find that this Project meets its stated “enhancement requirement” for the SRBOP and permit construction of both Segment 8 and Segment 9 within its boundaries.

The Companies present this enhancement package to the BLM to make a clear and public commitment to provide sufficient enhancement opportunities for the SRBOP to allow the BLM to approve a complete route for Segment 8 and a complete route for Segment 9 in its ROD regarding the Project. The Companies would prefer that the Proposed Route as modified by Alternatives 8D and 8E be approved for Segment 8 and the Proposed Route as modified by Alternative 9G be approved for Segment 9, reflecting the compromises worked out among state and local governments, the local BLM representatives, and the Companies.

The Final EIS was published April 26, 2013, and the ROD is scheduled to be published at the end of September 2013. As discussed in Section 3, below, the Final EIS states, for the Proposed Routes across the SRBOP and for Alternative 9G, that “the proposed mitigation...does not currently meet the enhancement requirement in the enabling legislation (Chapter 2, pages 2-47 and 2-48).” The Final EIS further implies that additional mitigation is required even for the BLM Preferred Alternatives, which are in National Energy Corridors, designated in 2008 with a BLM decision and further designated in the SRBOP Resource Management Plan (RMP) for energy infrastructure, before they can be approved. This package is intended to provide the needed mitigation to allow for approval of the complete Project in the ROD.

### 1.4 Structure of Enhancement Package

This package presents:

1. A summary of the enabling legislation and subsequently published regulation, plan, and policy regarding SRBOP, and a discussion of the consistency of the project with the values for which the SRBOP was designated;
2. Important aspects of siting and routing decisions for the Proposed, Alternative, and BLM Preferred routes for Segments 8 and 9;

3. A brief analysis of the impacts of the alternative routes across SRBOP considered by the Companies or by the BLM as reasonable and feasible routes, summarized from the Final EIS;
4. A proposed approach to determining the needed level of enhancement to allow for the approval of both Segments 8 and 9, using the level of disturbance as a metric that can be applied regardless of the alternative route considered; and
5. An Enhancement Portfolio including:
  - a. Project types;
  - b. Portfolio management including a proposed mechanism for receiving the funds through a third party entity, together with an Oversight Committee to provide oversight of fund receipt, management, disbursement, and effectiveness; and
  - c. A monitoring and reporting program to allow for transparent disclosure of the use and effectiveness of the enhancement projects.

## 2.0 SRBOP Regulatory Background

### 2.1 Enabling Legislation

The Enabling Legislation for SRBOP, Public Law 103-64, established the SRBOP in 1993 for the "...conservation, protection and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith..." Section 2(4) of the Act defines the term "raptor habitat" to include the habitat of the raptor prey base as well as the nesting and hunting habitat of raptors within the conservation area.

Section 1((5)(D) states, "Protection of the conservation area as a home for raptors can best and should be accomplished by the Secretary of the Interior, acting through the Bureau of Land Management, under a management plan that: (...) (D) allows for diverse appropriate uses of lands in the area to the extent consistent with the maintenance and enhancement of raptor populations and habitats and protection and sound management of other resources and values of the area."

Section 2002 of Public Law 111-11—Mar. 30, 2009, established the National Landscape Conservation System (NLCS) within the BLM and automatically made SRBOP, among other National Conservation Areas and other special areas, part of the NLCS. Public Law 111-11 specifically mandated the NLCS to uphold the enabling legislation for each of the components of the NLCS. Section 2301 added "Morley Nelson" to the NCA's title to recognize the contribution of that individual.

### 2.2 Resource Management Plan

In 2008, the RMP for the SRBOP was finalized and announced. The RMP states, "The SRBOP contains approximately 483,700 acres of public land in the Idaho counties of Ada, Canyon, Elmore and Owyhee. The NCA includes the 138,000-acre Orchard Combat Training Center (OCTC), used by the Idaho Army National Guard for military training since 1953. Within its boundary are approximately 41,200 State acres, 4,800 private acres, 1,600 military acres, and 9,300 acres covered by water; however, these lands were not affected by the SRBOP designation and are not affected by SRBOP RMP decisions. The SRBOP is managed by BLM under the concept of dominant use rather than multiple use. This means that prior to authorizing uses, BLM determines the compatibility of those uses with the purposes for which the NCA was established." GIS analysis conducted in 2013 differs from the above totals, showing that there are 36,343 acres of State lands and 65,290 acres of private lands within the boundaries of the SRBOP as designated, which encompasses approximately 602,860 acres.

Section 2.17 of the RMP states "Major utilities will be restricted to the two corridors identified (Lands Map 3). Potential developments within these corridors would be compatible with the purposes for which the NCA was established. Furthermore the RMP specifies, in Section 2.17 in the "Utility and Communication Corridor Objectives and Management Actions" table that the objective of this element is: "ROW authorizations for utility developments will be compatible with the purposes for which the NCA was established, emphasizing habitat protection with economic development." Lands Map 3

of the RMP specifies the two utility corridors to which all future utility development would be restricted.

### **2.3 NLCS Management Handbook (BLM 6100)**

In 2012, the NLCS issued its first management handbook. Section 1.6(J)(5) Lands and Realty, states,

“To the greatest extent possible, subject to applicable law, the BLM should through land use planning and project-level processes and decisions, avoid designating or authorizing use of transportation or utility corridors within NLCS units. To that end, and consistent with applicable law, when developing or revising land use plans addressing NLCS units, the BLM will consider:

- a. designating the NLCS unit as an exclusion or avoidance area;
- b. not designating any new transportation or utility corridors within the NLCS unit if the BLM determines that the corridor would be incompatible with the designating authority or the purposes for which the NLCS unit was designated; and
- c. relocating any existing designated transportation and utility corridors outside the NLCS unit.”

This guidance was released well after the completion of analysis for this Project. The RMP for the SRBOP accepted and incorporated the two National Energy Corridors and made them utility corridors within the SRBOP.

### **2.4 Consistency with Enabling Legislation and RMP**

The enabling legislation allows for “diverse appropriate uses of lands in the area to the extent consistent with the maintenance and enhancement of raptor populations and habitats and protection and sound management of other resources and values of the area.” The Companies believe that any of the proposed alignments considered for the purposes of this package are consistent with the enabling legislation. The Companies believe that transmission lines crossing the SRBOP enhance the values for which the SRBOP was established because:

1. Lattice structures are, in and of themselves, no hazard to raptors;
2. Lattice structures provide substantial perching, roosting, and nesting opportunities for many species of raptors and other birds of prey; and
3. 500-kV conductors are 1.5 inches in diameter and are bundled in a triangular configuration with spacing of 18 and 25 inches. The three conductor bundles are at least 39 feet apart from each other in the delta lattice tower configuration. There is negligible risk of collision with such large structures. There is no danger of electrocution as no raptor has a wingspan sufficient to touch two phases at once.

The Project conducted a rigorous routing and siting analysis “to develop proposed transmission corridors/routes and substation sites meeting the requirements of the Project purpose and need, minimizing or avoiding significant environment effects and meeting Project engineering and construction requirements” (IPC and RMP 2008). As

such the routes developed through this analysis balanced the many contributing constraints, including potential impacts to raptors with routing and siting opportunities. Similarly, the analysis presented in the Final EIS considered the many constraints and opportunities, including those expressed and those which continue to be voiced during public involvement and comment on the Project, in order to balance potential impacts to all resources and the public. BLM must consider the “multiple-use mandate” and concept presented in the Federal Land Policy and Management Act (FLPMA) of 1976 for the overall project, but must also respect the “dominant use” requirements of the enabling legislation and subsequent BLM regulation and policy.

The BLM, in the Final EIS, has stated that none of the routes, including the BLM Preferred Routes, is compatible with the RMP without a plan amendment. Table 2, below, lists the plan amendments the BLM has stated would be required to permit each of the alternative routes for Segments 8 and 9.

If the Proposed Route for Segment 8 were modified by the addition of Alternative 8D, it would reduce the concerns expressed by IDANG regarding interference with the Alpha Maneuver Sector but would still require all the amendments listed for Proposed 8.

If the Proposed Route for Segment 8 were modified by the addition of Alternative 8E, it would eliminate the crossing of the Halverson NMA and the associated Archaeological District and would reduce by about half the amount of land moved from VRM II to VRM III, but amendments regarding the use of utility corridors, slickspot peppergrass, and reduction of the SRMA along the Snake River would still be required.

If the Proposed Route for Segment 9 were modified by the addition of Alternative 9G, it would require amendments to allow construction outside the designated utility corridors, to allow crossing of the Cove NMA, and reclassification of the area within 250 feet of the centerline.

The BLM Preferred Routes for Segments 8 and 9 would require amendments for compensatory off-site mitigation for the Project to occupy the designated utility corridor.

**Table 2. RMP Amendments Needed by Route**

<b>Routes</b>	<b>RMP Amendment Needed for Conformance</b>
Proposed 8	Allow the Gateway West Project outside the designated utility corridors.
	Allow the Gateway West Project to cross the Halverson Bar non-motorized area (note that the BLM has stated this RMP amendment could not be approved even with enhancement)
	Gateway West will be allowed within 0.5 mile of occupied, sensitive plant habitat, with appropriate mitigation to protect sensitive plants, including slickspot peppergrass.
	Retain all public lands in the 43,000-acre ROW avoidance area to protect the visual corridor along the historic Oregon Trail and the resources along the Snake River canyon. Allow the Gateway West Transmission Line Project with required mitigation and as appropriate based upon Section 106 consultation.
	This SRMA consists of 15,900 acres in the Snake River Canyon downstream from Grandview, Idaho that is managed for the protection of cultural and scenic values. The SRMA designation has been reduced by approximately 6,400 acres to accommodate a major powerline.
	Manage the areas along the Oregon Trail and the Snake River Canyon as VRM Class II, the OTA as Class IV and remaining areas as Class III. Approximately 6,400 acres of Class II areas associated with the Oregon Trail and scenic values associated with the Snake River Canyon is designated as Class III to accommodate a major powerline ROW.
Alternative 8E	Allow the Gateway West Project outside the designated utility corridors.
	Retain all public lands in the 43,000-acre ROW avoidance area to protect the visual corridor along the historic Oregon Trail and the resources along the Snake River canyon. Allow the Gateway West Transmission Line Project with required mitigation and as appropriate based upon Section 106 consultation.
	This SRMA consists of 15,900 acres in the Snake River Canyon downstream from Grandview, Idaho that is managed for the protection of cultural and scenic values. The SRMA designation has been reduced by approximately 6,400 acres to accommodate a major powerline.
	Gateway West will be allowed within 0.5 mile of occupied, sensitive plant habitat, with appropriate mitigation to protect sensitive plants, including slickspot peppergrass.
	Manage the areas along the Oregon Trail and the Snake River Canyon as VRM Class II, the OTA as Class IV and remaining areas as Class III. Approximately 3,100 acres of Class II areas associated with the Oregon Trail and scenic values associated with the Snake River Canyon is designated as Class III to accommodate a major powerline ROW.
Alternative 8D	Allow the Gateway West Project outside the designated utility corridors.
	Gateway West will be allowed within 0.5 mile of occupied, sensitive plant habitat, with appropriate mitigation to protect sensitive plants, including slickspot peppergrass.
Preferred 8	Compensatory off-site mitigation will be required for the Gateway West Project to occupy the designated utility corridor.
Proposed 9	Compensatory off-site mitigation will be required for the Gateway West Project to occupy the designated utility corridor.
	Gateway West will be allowed within 0.5 mile of occupied, sensitive plant habitat, with appropriate mitigation to protect sensitive plants, including slickspot peppergrass.
Alternative 9G	Allow the Gateway West Project outside the designated utility corridors.
	Allow the Gateway West Project to cross the Cove non-motorized area.
	VRM Class II areas that are in view of the proposed powerline where micro-siting would not sufficiently mitigate for VRM Class II impacts would be inconsistent with the VRM II classification and would be reclassified to VRM III. In these locations, VRM Class II areas within 250 feet of the route centerline would be reclassified to VRM Class III, taking into account the need for a 0.5 mile buffer distance from NHTs. Mitigation will include adjusting the alignment to ensure a 0.5 mile buffer from NHTs is maintained.
Preferred 9	Compensatory off-site mitigation will be required for the Gateway West Project to occupy the designated utility corridor.

### 3.0 Siting and Routing Considerations for Segments 8 and 9

#### 3.1 Existing Transmission Lines across SRBOP

The SRBOP was designated in 1993, after several dams had been constructed to provide clean hydroelectric power for Idaho and other Western states on the Snake River and after several transmission lines had been built along and across the Snake River within the boundaries of the designated National Conservation Area to convey that power and other power sources to and through Idaho. One of those dams, Swan Falls, is within the SRBOP, and there are about 23.9 miles of lattice tower 500kV, 0.7 miles of lattice tower and H-frame 230kV, and 90.7 miles of lattice tower and H-frame 138kV transmission lines presently within the SRBOP. **Figure 2** shows underlying topography, the location of the Swan Falls dam, and the existing high-voltage (138-kV or greater) transmission lines within the SRBOP.

During development and refinement of the Proposed and alternative routes, the Companies were encouraged by multiple stakeholders, including land managing agencies, to take opportunities to route adjacent to existing lines where possible. Routing opportunities were few for this project and while routes were developed to take advantage of opportunities, the location of routes and development of alternatives was driven by the numerous routing constraints, including sensitive resources and stakeholder concerns and priorities. The Companies worked with stakeholders to develop a route and alternatives that addressed the numerous resource issues and stakeholder concerns associated with routes in the SRBOP and adjacent areas; this effort is summarized in Section 3.3.

#### 3.2 National Energy Corridor Designation

Two National Energy Corridors were designated across SRBOP in a ROD signed by the BLM in January 2009 in response to the Section 368 of the Energy Policy Act of 2005, requiring the Secretary of the interior to designate energy transport corridors on Federal land under existing authorities, such as those provided by the FLPMA. Those corridors include the corridor through which both the Proposed and, to a lesser extent, Preferred Routes for Segment 9 pass, and through which the Proposed and Preferred Routes for Segment 8 pass up to about milepost 90.

That ROD, which amended several RMPs that covered the SRBOP area at the time of the writing of the designation of corridors, states:

“Designation of Section 368 corridors and amendment of affected RMPs does not authorize any projects, mandate that future projects be confined to the corridors, or preclude BLM from denying a project in a designated corridor or requesting design revisions to meet unanticipated siting issues there. Future ROW proposals will need to comply with other applicable laws, regulations, and policies. ROW applicants will not be prevented from proposing projects outside the designated corridors for BLM’s consideration, although such proposals may need to go through the land use plan amendment process to be accommodated.”

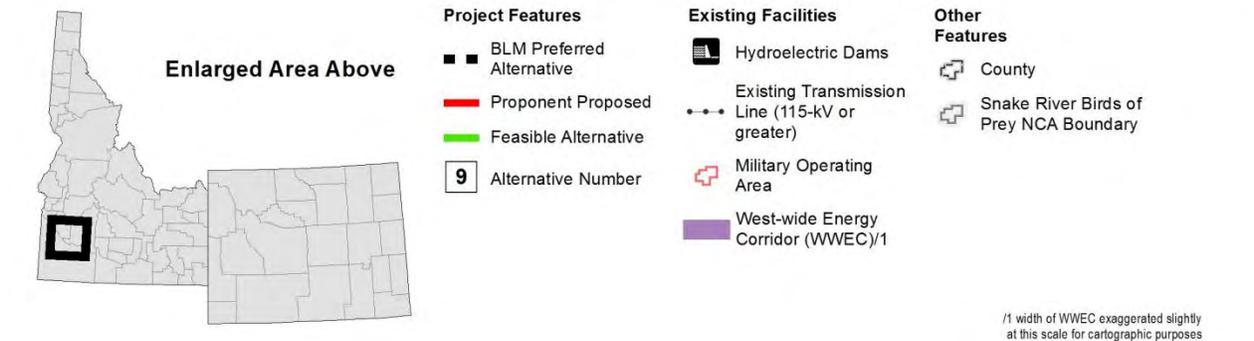
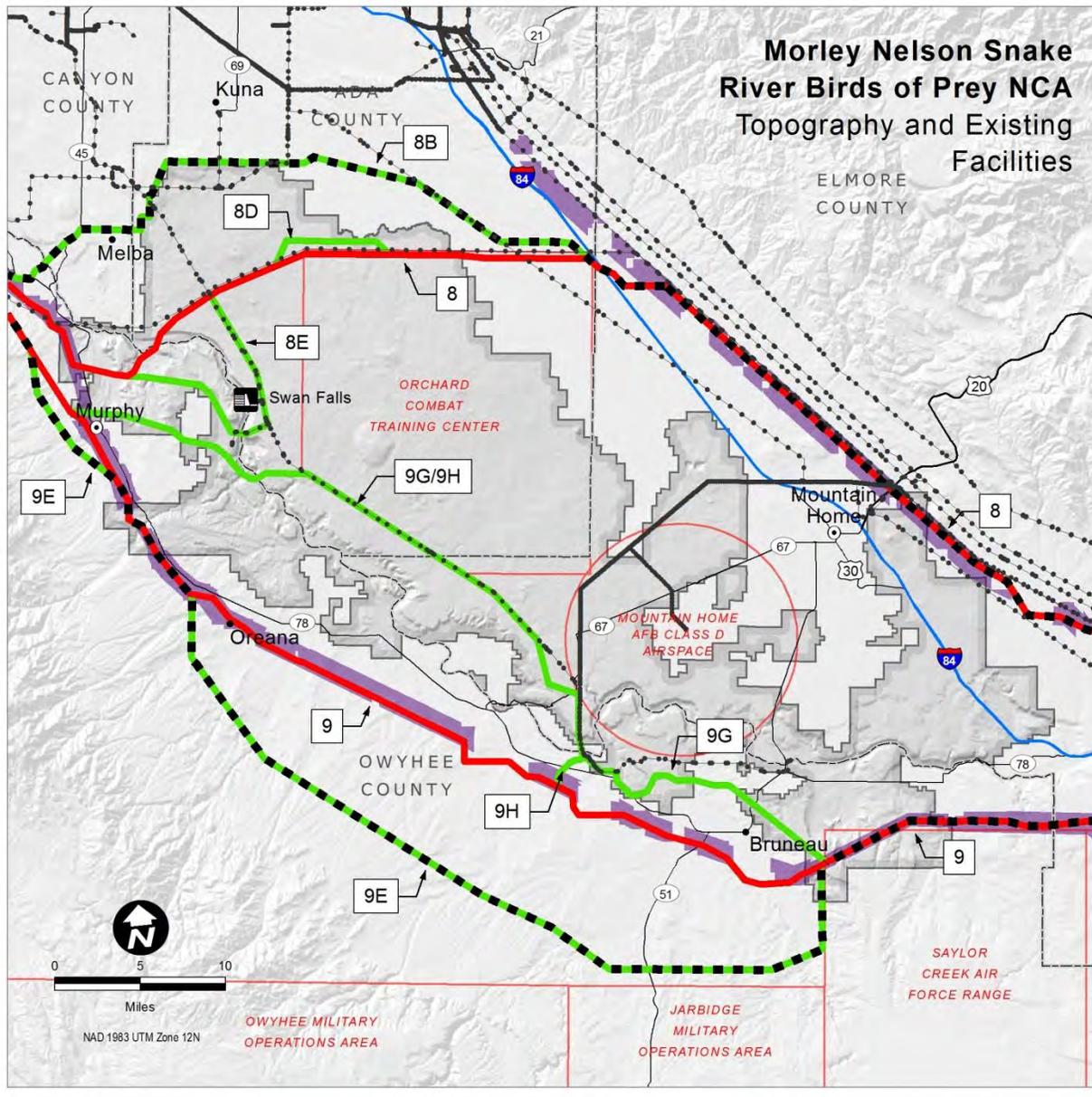


Figure 2. Topography and Existing Facilities

During the final development of the National Energy Corridors, then-director of the SRBOP, John Sullivan, worked with the national team to adjust the Corridor near Bruneau Dunes State Park to recognize that the Corridor would likely not be successful across a state park. The final corridor as declared was developed, in part, to accommodate the Gateway West Project.

### **3.3 Summary of Companies' Consensus-Building Siting Work**

The Companies' originally proposed to build Segments 8 and 9 entirely outside the SRBOP except where the National Energy Corridors explicitly allowed for transmission line construction (see Siting Study 2008). When the BLM initiated scoping meetings in May of 2008, numerous concerns were raised by local landowners, stakeholders, and governments regarding the placement of Segments 8 and 9. Based on a series of BLM- and Companies-sponsored meetings held in the vicinity of the proposed routes, several alternatives were developed.

As stated in a memo from the BLM accepting a revised siting study, "BLM has received a revised siting study dated December 30, 2009 from the Proponents of the Gateway West Transmission Line Project and received January 6, 2010. This supplemental study focuses on the alternatives that have been proposed by cooperating agencies and task forces and that were submitted to the BLM on or before September 4, 2009. In several cases, the Proponents made changes in their Proposed Routes based on those alternatives, and on October 6, 2009 provided the BLM with a memo explaining changes in the Proposed Route and providing preliminary recommendations regarding proposed alternatives."

The Companies worked with local stakeholders and local BLM representatives across multiple venues for several years in an attempt to find a route that could be acceptable to all parties participating in these discussions. A summary of meetings held is found in Table 3, below.

**Table 3.** Companies' Siting and Routing Meetings

Date	Title	Location	Public (Y/N)	Staff	Attendees	Number of Attendees
12/15/2008	Murphy Landowner Meeting	Murphy, ID	Y			54
4/8/2009	Kuna City Officials Meeting	Kuna, ID	Y	<b>IPC Staff:</b> Kristi Pardue, Doug Dockter, Stephanie McCurdy, Lynette Berriochoa, Denny Trumble	BLM, Kuna City Officials	15
4/9/2009	Owyhee County Planning and Zoning Commission Meeting	Murphy, ID	Y	<b>IPC Staff:</b> Mike Ybarguen, Brent Luloff	Administrator Mary Huff	
4/15/2009	Community Conversation	Gooding, ID	Y			5
4/23/2009	City of Kuna Engineering Department Meeting	Kuna, ID	Y	<b>IPC Staff:</b> Todd Adams, Justin Hitt	Gordon Law, Steve Hasson and Mayor Scott Dowdy	5
4/30/2009	Bruneau Town Hall Meeting	Bruneau, ID	Y	<b>IPC Staff:</b> Doug Dockter, Kristi Pardue, Blake Watson, Layne Dodson, Lynette Berriochoa <b>TT Staff:</b> Jim Nickerson, Ray Outlaw, Carl de Simas	County Commissioners, State Representatives, interested landowners	96
5/5/2009	Grand View Meeting		N	<b>IPC Staff:</b> Blake Watson		
6/3/2009	Town Hall Meeting	Melba, ID	Y			117
6/11/2009	Town Hall Meeting	Kuna, ID	Y			68
6/15/2009	City of Kuna Working Session		N	<b>IPC Staff:</b> Justin Hitt, Todd Adams <b>BLM Staff:</b> representatives		
6/18/2009	Owyhee County Committee Meeting	Grand View, ID	Y	<b>IPC Staff:</b> Todd Adams <b>TT Staff:</b> Walt Vering	Interested landowners and residents	

**Table 3.** Companies' Siting and Routing Meetings (continued)

Date	Title	Location	Public (Y/N)	Staff	Attendees	Number of Attendees
7/6/2009	Landowner Meeting	Kuna, ID	Y	<b>IPC Staff:</b> Justin Hitt <b>BLM Staff:</b> representatives	Ada County landowners (Kuna and Melba), BLM	
7/16/2009	Town Hall Meeting	Glen's Ferry, ID	Y			60
7/21/2009	Town Hall Meeting	Jerome, ID	Y			20
7/22/2009	Town Hall Meeting	Gooding, ID	Y			30
8/4/2009	Ada County Task Force Meeting		N	<b>IPC Staff:</b> Todd Adams, Justin Hitt <b>BLM Staff:</b> representatives	Charlie Baun	
8/11/2009	Owyhee County Meeting	Grand View, ID	N	<b>IPC Staff:</b> Todd Adams, Justin Hitt		
8/12/2009	City of Kuna Meeting	Kuna, ID	N	<b>IPC Staff:</b> Todd Adams		
8/19/2009	Ada Congressional Meeting	Kuna, ID	Y	<b>IPC Staff:</b> Layne Dodson, Rich Hahn <b>BLM Staff:</b> John Sullivan	Dale Willis (Owyhee County property owner), Charlie Baun (ECS meeting facilitator), Jed Jones (Osprey Ridge property owner), Duane Yamamoto (Kuna property owner), Owyhee County Commissioner Jerry Hoagland, Canyon County Commissioner Kathy Alder, Ada County Commissioner Rick Yzaguirre, Ada County Commissioner Fred Tillman, Ada County Commissioner Sharon Ullman, Matt Ellsworth (representing Senator Risch),	

**Table 3.** Companies' Siting and Routing Meetings (continued)

Date	Title	Location	Public (Y/N)	Staff	Attendees	Number of Attendees
					Brian Ricker (representing Senator Crapo), Tom Schwaz (representing Representative Minnick), District 23 Representative Steve Hartgen, Frank Bachman (Bruneau property owner), Lavar Thornton (Kuna property owner), Bob Davenport (Kuna/Melba property owner), Sid Anderson (City of Kuna), Steve Hasson (City of Kuna), Craig Moore (City of Melba), Burl Smith (City of Melba), Klinchew (City of Melba)	
8/28/2009	Kuna Task Force Meeting		N	<b>IPC Staff:</b> Justin Hitt <b>BLM Staff:</b> representatives	Charlie Baun	
11/10/2009	Community conversation	Mountain Home, ID	Y			33
11/12/2009	Community conversation	Kuna, ID	Y			60

The Companies have spent several years and many hundreds of hours in meetings listening to diverse stakeholders and responding with alternative routes. While there will never be a perfect route that pleases everyone for large and complex project like Gateway West, the Companies feel that their proposed routes, as well as the Proposed Routes as modified by important alternatives within the SRBOP, represent a good local consensus on route location and should be seriously considered by the BLM in its ROD and ROW Grant for the Project.

### 3.3.1 Segment 8

Among those changes, the Companies revised their Proposed Route for Segment 8 to cross the SRBOP parallel to the existing 500-kV Midpoint to Summer Lake transmission line, based in part on a recommendation from the city of Kuna and adjacent landowners

and stakeholders. The IDANG raised concerns regarding the crossing of the Alpha Maneuvering Sector of the OCTC, and the Companies responded by completing a feasibility study of rerouting the Midpoint to Summer Lake transmission line to the north of the sector and routing Alternative 8D parallel to the Midpoint to Summer Lake alignment through the SRBOP. The BLM raised serious concerns regarding the Proposed 8 crossing of the Snake River due to the sensitivity of the area and the Companies responded by completing a feasibility study and preliminary design for Alternative 8E which provides an alternative crossing, well south of the area of concern, that still largely followed existing transmission lines.

### **3.3.2 Segment 9**

The Companies completed desktop layouts for several alternatives for Segment 9 in close coordination with local stakeholders and BLM representatives, including the manager of the SRBOP. Owyhee County Task Force had originally proposed Alternative 9D, but the BLM had raised a number of concerns with this approach. Alternative 9G was developed in meetings with local stakeholders and BLM representatives to respond to BLM concerns while largely meeting Owyhee County concerns, and became the “consensus route” for Segment 9.

### **3.4 Rationale for Crossing SRBOP**

The fundamental rationale for proposing alternatives that cross the SRBOP has several components:

- The Project’s purpose, in part, is to connect the Midpoint and Hemingway substations with Segment 8 and the Cedar Hill and Hemingway substations with Segment 9. Given the location of these substations it is impractical to entirely avoid the SRBOP.
- To the extent feasible, the Project, along its 990-mile length, has been proposed to follow National Energy Corridors, state-designated corridors, utility corridors designated by BLM management plans; or to parallel existing transmission lines. This approach limits proliferation of transmission lines across the landscape and confines impacts to areas already impacted by similar utilities, a stated national goal of federal land managers (BLM 2009).
- There are two National Energy Corridors, confirmed and included in the SRBOP RMP as utility corridors, designated across the SRBOP. Utilization of these corridors is encouraged by BLM national policy and by the SRBOP RMP and was employed wherever possible during siting and routing.
- Although all uses of the SRBOP must conform with the enabling legislation to be considered, the Companies feel that their modified Proposed Routes across the SRBOP fundamentally do conform with the enabling legislation, that the transmission line does not adversely affect the resources and values for which this element of the NLCS was designated, and that when considered with this package, enhances raptor populations.

The Companies therefore propose to the BLM that Proposed Segment 8, as modified by Alternatives 8D and 8E, and Alternative 9G be approved through the SRBOP. Though the Companies believe that the project does not have an adverse effect on raptor populations, including the raptor prey base, and that no enhancement should be required, in the spirit of cooperation offer this Enhancement Package to allow the BLM to consider approval of these two routes across the SRBOP.

### **3.4.1 Segment 8 – Proposed Route**

The Proposed Route for Segment 8 was developed through collaborative work with representatives of Melba, Kuna, Ada County, the Proponents, and the Field Office and SRBOP staff of the BLM to reach a mutually acceptable solution. It follows the existing 500-kV Summer Lake – Midpoint line for 24.5 miles across the SRBOP, avoiding the areas of concern identified by Kuna and Melba. However, as proposed, it would cross the Alpha Maneuver Sector of the IDANG OCTC and would cross the Halverson Non-Motorized Area, which BLM has indicated cannot be permitted even with an amendment to the RMP.

### **3.4.2 Alternative 8D**

Consultation with the IDANG indicates their preference for a route that avoids the Alpha Maneuver Sector of the OCTC. Alternative 8D would accommodate the IDANG concerns. This alternative is 8.1 miles long, compared to 6.9 miles for the corresponding portion of the Proposed Route.

This alternative begins at the east boundary of the Alpha Maneuver Sector. At this point, the transmission line would be located on the existing Summer Lake to Midpoint 500-kV structures or on new structures if the existing ones are not adequate to support the proposed conductor. The existing circuits would be relocated to a parallel 4.7-mile-long segment offset approximately 1,500 feet to the north to maintain the reliability separation distance. This alternative would therefore avoid the Alpha area but would still be within the SRBOP.

Alternative 8D would not be in conformance with the management direction provided in the SRBOP RMP for sensitive plant habitat and for placing the transmission outside of the designated utility corridors, but would be in conformance with the resources and values for which the SRBOP was originally designated (see Section 4.3). It would also avoid impact to the IDANG and their training program.

### **3.4.3 Alternative 8E**

Alternative 8E was proposed by BLM to avoid the Halverson Bar and Wees Bar Non-motorized Areas and a National Register Historic District. Alternative 8E would minimize the impacts to cultural sites. While Alternative 8E technically crosses a small portion of the mapped avoidance area, it avoids known resources. It would follow the existing 138kV transmission line along the Snake River on the east side and across the river, only leaving existing lines on the short leg from the river crossing north to where it reconnects with the Proposed Route (See Figure 2)

Alternative 8E would not be in conformance with the management direction provided in the SRBOP RMP for sensitive plant habitat, utilization of existing corridors, and protections for visual resources, but would be in conformance with the resources and values for which the SRBOP was originally designated (see Section 4.3).

#### **3.4.4 Proposed Route as Modified by Alternatives 8D and 8E**

The Proposed Route, as modified by Alternatives 8D and 8E, is presented in this Enhancement Package as the route for Segment 8 that best meets concerns of all parties. It avoids the areas of concern to representatives of Melba, Kuna, and Ada County, avoids the Alpha Maneuver Sector of the OCTC, and avoids crossing the Halverson NMA and associated cultural resource protection areas. It parallels an existing transmission line for most of the distance across SRBOP.

The Proposed Route, as modified by Alternatives 8D and 8E, can be approved through the SRBOP when considered together with the Portfolio of projects and funding presented herein as enhancement for the resources and values for which the SRBOP was designated.

#### **3.4.5 Segment 9 Proposed Route**

The Companies presented the Segment 9 Proposed Route to avoid sage-grouse habitat to the west and the SRBOP to the east. It was designed to follow the WWE corridor on BLM-managed lands wherever feasible, which led to a short crossing of the SRBOP within the corridor. Between segments of the WWE corridor, however, it crossed many miles of private ranch and farmland. The Companies worked with local stakeholders to avoid many site-specific problems such as concentrated animal feeding operations and other private businesses. However, Owyhee County and the Owyhee Task Force were both strongly opposed to the overall impacts to private land.

#### **3.4.6 Alternative 9G**

Owyhee County had indicated that it preferred to see the project located well within the SRBOP, following an existing transmission line, in part because the County believes that the Proposed Route would have significant detrimental effect on the County's landowners, farmers, economy, future development, and its tax base. Alternative 9D is a variant of an alternative identified by the Owyhee County Task Force. Avoidance of private lands and maximizing the use of public land was the primary sitting criteria. The specific alignment was developed through consultation between the BLM representatives and the Proponents based on information originally provided by the Task Force. This alternative substantially deviates from the designated WWE corridor (which is followed by the Proposed Route) and would cross 47.9 miles of the SRBOP (thereby requiring an RMP amendment).

Alternative 9G is a further variant of Alternative 9D, recommended by local BLM staff. This alternative is generally coincident with Alternative 9D, but crosses the Snake River to the south to avoid potential routing issues with the Segment 8 crossing of the Wees Bar and Halverson Bar Non-Motorized Areas. It was developed in close coordination with landowners, Owyhee County, the State of Idaho, and the Field Office and SRBOP staff of the BLM. Alternative 9G best represents a "consensus route" for this area,

based on support from local BLM staff and agreement among a broad base of stakeholders that it resolves the majority of perceived issues with other routes.

### **3.4.7 Proposed Route as Modified by Alternative 9G**

The Proposed Route, as modified by Alternatives 9G, is presented in this Enhancement Package as the route for Segment 9 that best meets concerns of all parties. It was developed in close coordination with the Owyhee Task Force, with local stakeholders, and with the cooperation of local BLM staff. It avoids much of the private lands that would be crossed by the Proposed Route for Segment and avoids important resources through the SRBOP, paralleling an existing transmission line and its road system through much of the SRBOP (see Figure 2). The Proposed Route, as modified by Alternative 9G, can be approved through the SRBOP when considered together with the Portfolio of projects and funding presented herein as enhancement for the resources and values for which the SRBOP was designated.

### **3.5 BLM Preferred Alternatives**

The BLM has indicated that even its own Preferred Alternatives for Segments 8 and 9 would require an enhancement offering to be included in the ROD for the whole Project. The Companies do not agree. The BLM Preferred Alternatives largely follow designated utility corridors, which are National Energy Corridors, through the SRBOP. The enabling legislation and the RMP both explicitly permit such crossings, and the RMP explicitly states that locating utilities within the corridor is consistent with the enabling legislation. However, in the spirit of cooperation, the Companies will offer reduced mitigation ratios for an Enhancement Package if only the BLM Preferred Alternatives can be permitted and approved in the ROD.

#### **3.5.1 Segment 8 – BLM Preferred Alternative**

The BLM's Preferred Alternative follows the Proposed Route for Segment 8 for approximately 92 miles and then follows Alternative 8B to the Hemingway Substation. The Preferred Alternative generally avoids crossing the SRBOP and the IDANG OCTC but adversely affects private lands and slickspot peppergrass habitat to the north of the SRBOP. The BLM selected the Proposed Route and Alternative 8B as its Preferred Route because this alignment:

- Follows designated corridors and existing linear infrastructure for approximately 76 percent of its length;
- Generally avoids the SRBOP (crossing a 2-mile portion of it within an approved utility corridor), and it is likely the enhancement requirements of the SRBOP enabling legislation that created the National Conservation Area (P.L. 103-64, Sec. 1(5), 3(a)(2), and 4(a)(2)) can be met in this area;
- Avoids the IDANG OCTC; and
- Avoids a National Register Historic District.

### 3.5.2 Segment 9 – BLM Preferred Alternative

The BLM's Preferred Alternative combines the Proposed Route for Segment 9 with Alternative 9E, which avoids private lands to the southwest of the SRBOP but is longer and impacts more sagebrush habitat in Owyhee County. The BLM selected the Proposed Route and Alternative 9E (revised) as its Preferred Route because this alignment, as it relates to the SRBOP:

- Follows a pinchpoint between the Saylor Creek Training Area and Bruneau Dunes State Park. A total of 8.8 miles of the alignment through this pinchpoint is unavoidably located on public land in the SRBOP. However, 6.7 miles of that alignment is in a designated corridor on public lands within the SRBOP. It is likely that the impacts on the SRBOP in this area can be mitigated to meet the enhancement criteria of the enabling legislation. Alternative 9E does deviate a distance of 2.2 miles outside of this corridor to avoid private lands just west of the SRBOP boundary. A proposed land use plan amendment would allow this portion of the alignments outside of the designated corridor;
- Avoids the SRBOP, except where it is located in the above the pinchpoint and for 2.5 miles between Oreana and Murphy, Idaho, to avoid sage-grouse PPH. A total of 1.5 miles of the 2.5 miles in the SRBOP between Oreana and Murphy is located in a designated corridor on public land, and it is likely that the impacts on the SRBOP in this area can be mitigated to meet the enhancement criteria of the enabling legislation. A proposed land use plan amendment would allow this portion of the alignment outside of the designated corridor; and
- Is not located in sage-grouse PPH.

## 4.0 IMPACT OF THE PROJECT ON SRBOP

This section largely summarizes the results of the Final EIS analysis, with the exception of the Final EIS assertions regarding the relationship of predator and prey populations. The section presents first the impacts of the routes proposed for this package (i.e., Proposed 8 as modified by Alternatives 8D and 8E, and Proposed 9 as modified by Alternative 9G), then the impacts of the BLM Preferred routes (i.e., Proposed 8 as modified by Alternative 8B and Proposed 9 as modified by Alternative 9E).

This summary focuses on those resources emphasized in the enabling legislation. Enabling legislation for the SRBOP, while focusing on the conservation, protection and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith, also mentions important historic and cultural resources (including significant archaeological resources) that should be protected and appropriately managed.

Table 4, below, shows the disturbance impacts of various alternative routes in terms of impacts within the SRBOP only.

**Table 4.** Acres of Project Disturbance within SRBOP on BLM-Managed Lands

Segment	Route	Acres of Disturbance from Construction of Project within SRBOP (BLM)		
		Natural Vegetation	Disturbed Vegetation <sup>1/</sup>	Total
8	BLM Preferred	37	50	87
	Proposed modified by 8D and 8E	149	557	706
9	BLM Preferred	76	188	264
	Proposed modified by Alternative 9G	216	700	916

<sup>1/</sup> The "disturbed vegetation" class includes areas with roads, overgrazing, cheat grass invasion, and other disturbances to the naturally occurring vegetation in the area prior to construction.

### 4.1 Cultural Resources

The Proposed Route and Alternative 8E would cross areas covered by the SRBOP RMP, which classified areas along the Oregon National Historic Trail (NHT) and Snake River Canyon as VRM Class II, to provide reasonable protection for the NHT and scenic resources. Proposed 8 or Alternative 8E would require amendments to the land use plan to reclassify specified VRM Class II to VRM Class III, allow the Project to cross a utility avoidance/restricted area around a National Register Historic District, and allow the Project outside of designated corridors.

Proposed Route of Segment 8 passes through the extreme northern end of a National Register Historic District, which was listed in the NRHP in 1978. The district is located along a 35-mile-long section of the Snake River Canyon in Ada, Canyon, Elmore, and Owyhee Counties and follows the boundaries of the SRBOP. It encompasses 14,000 acres and includes 113 sites, all but four of which are open and sheltered prehistoric sites, as well as elaborate and spectacular prehistoric rock art. The four historic sites include the Swan Falls Dam, Guffey Railroad Bridge, the town site of Guffey, and an unknown historic settlement. Sites in the district offer the potential to address several regionally important research questions. The Companies have therefore proposed to avoid the portion of the Proposed Route through this culturally significant area by

incorporation of Alternative 8E. While the Alternative 8E technically crosses a small portion of the mapped avoidance area, it avoids known resources.

Previous surveys in the area of Segment 9 have been limited, which accounts for the low known site density, but they have demonstrated that the area was a center for cultural interactions, suggesting that actual site density may be moderate to high. Alternative 9G would cross a National Register Historic District and parallel NHTs through the SRBOP. Alternative 9G crosses 9 NHT segments and the Preferred and Alternative Routes for Segment 9 cross no NHT segments.

The SRBOP RMP emphasizes managing areas along the Oregon NHT as VRM Class II, to provide reasonable protection for the NHT. The Proposed Route and Alternative 9G are not consistent with these VRM requirements and would require an amendment to the land use plan reclassifying specified areas affected by the transmission line to VRM Class III. Reclassification areas would require micro-siting to ensure a one-half mile buffer from NHTs and to minimize visual impacts to the cultural resources. Proposed Segment 9 and Alternative 9G would cross a National Register Historic District in a utility avoidance area.

The Programmatic Agreement for this project provides for the development, review, and approval by BLM and the Idaho SHPO of a Historic Properties Treatment Plan (HPTP) for unavoidable adverse effects to historic properties eligible for listing, or listed on, the National Register of Historic Places. Once a route is selected for Segment 8 and for Segment 9, the Companies will develop an HPTP to fully mitigate for adverse effects on trails and other cultural sites and areas.

## **4.2 Plant and Wildlife Resources**

### **4.2.1 General Vegetation**

Segment 8 would cross very little wetland areas and no forested areas within SRBOP, regardless of route chosen. The vast majority of the vegetation is shrubland, most of it disturbed by previous human activities. The other two important vegetative types are grassland and agriculture in the Segment 8 area.

Similarly, both the Preferred and Proposed (as modified by Alternative 9G) Routes for Segment 9 largely impact already-disturbed vegetation, including disturbed sagebrush and disturbed grasslands within the SRBOP.

### **4.2.2 Invasive Plant Species**

The establishment of invasive plant species can affect the quality of habitat through competition with, and eventual replacement of, desirable native species. Replacement of native species can have various environmental effects including changes in fire regime (increasing the frequency and severity of fires), changes in the nutrient regime of soils, and increased soil erosion. For example, cheatgrass (*Bromus tectorum*) can proliferate rapidly in disturbed arid and semi-arid sagebrush grasslands, and can increase the rate and severity of fires, thereby creating a cycle of disturbance that ultimately increases the rate of cheatgrass establishment and spread. This has occurred in many places within the SRBOP and cheatgrass eradication and

replacement with native vegetation is a major focus of the SRBOP reclamation and restoration program.

To effectively implement measures for limiting the spread or introduction of invasive plant species, the Companies have prepared a detailed framework Reclamation Plan and Noxious Weed Plan, whose measures will be imposed prior to, during, and after construction to limit the introduction or spread of invasive plant species due to construction activities.

#### **4.2.3 Wetlands**

Approximately 6 acres of wetlands and 3 acres of riparian areas would be affected by construction of the Preferred Route of Segment 8. Approximately 2 acres of riparian areas would be affected by construction of the Proposed Route as modified by Alternatives 8D and 8E. For both the Preferred and Proposed Routes as modified, most of the wetland impacts would occur in herbaceous wetlands and most of the riparian impacts would occur in herbaceous riparian areas. For the Proposed Route as modified, construction would not affect any forested wetlands but would affect about 0.2 acre of forested riparian areas. All of the Alternatives would have fewer wetland and riparian impacts than the Preferred Route.

Approximately 5.6 acres of wetlands and 2.1 acres of riparian areas would be affected by construction of the Preferred Route of Segment 9. Approximately 6.0 acres of wetlands and 3.1 acres of riparian areas would be affected by construction of the Proposed Route as modified by Alternative 9G. For both the Preferred and Proposed Routes, most of the impacts would occur from construction of structure pads and access roads. Most of the wetland impacts would occur in herbaceous wetlands and most of the riparian impacts would occur in shrub and mixed riparian areas. For the Proposed Route, construction and ROW clearing would not affect any forested wetlands and only minor portions of forested riparian areas.

During detailed design for the Project, once a route has been approved, the Companies' engineers will work to avoid impacts to wetlands and to minimize impacts to riparian areas both inside and outside the SRBOP. Unavoidable impacts to wetlands and riparian areas will be subject to full compensatory mitigation requirements of the US Army Corps of Engineers 404 permit process.

#### **4.2.4 Special Status Plant Species**

Slickspot peppergrass (*Lepidium papilliferum*) was listed as threatened under the ESA on October 8, 2009 (74 *Federal Register* 52014). On August 8, 2012, the Idaho District Court vacated and remanded the USFWS decision to list slickspot peppergrass. The BLM has decided to continue to conference with the USFWS and will treat slickspot peppergrass as a species proposed for listing. This species occurs in semi-arid, sagebrush-steppe habitats of the Snake River Plain and adjacent foothills in southwestern Idaho and the Owyhee Plateau in south-central Idaho. It occurs only in slickspot microsites, which have soils much higher in clay content and significantly higher in sodium than adjacent areas.

Preferred Segment 8 is estimated to have impacts on 94 acres of proposed critical habitat, of which 48 acres is on Public Lands within SRBOP, as compared to 8 acres of impact on proposed critical habitat (none within SRBOP) for Proposed Segment 8 as modified by Alternatives 8D and 8E.

Preferred Segment 8 is estimated to have impacts on 384 acres of potential habitat, of which none is on Public Lands within SRBOP, as compared to 506 acres of impact on potential habitat (140 acres within SRBOP) for Proposed Segment 8 as modified by Alternatives 8D and 8E. Note that most of the impact on slickspot peppergrass habitat on the Preferred Route for Segment 8 is in Alternative 8B where it is outside the SRBOP.

Preferred Segment 9 has no impact on proposed critical habitat or occupied habitat but has 433 acres of impact (20 acres within SRBOP) of impact on potential habitat. Proposed Segment 9 as modified by Alternative 9G has 422 acres of impact (4 acres within SRBOP) on potential habitat and no impact on proposed critical or occupied habitat.

The SRBOP would be crossed by the Preferred Route, Proposed Route, Alternatives 9E (revised), and Alternative 9G. Its associated RMP requires that “surface disturbing activities be located at least ½ mile from occupied sensitive plant habitat.” The RMP also requires the implementation of certain conservation measures in slickspot peppergrass habitat. Therefore, an amendment to the RMP would be required for the Segment 9 Proposed Route and Alternative 9G to be in conformance with the RMP.

For both the Preferred and Proposed Routes for Segment 8, the BLM biologists concluded that the Project “may affect and is likely to adversely affect” slickspot peppergrass. For Alternatives 8D, 8E, 9G, and the Preferred and Proposed Routes for Segment 9, they concluded that the Project will have no effect on slickspot peppergrass. The Final EIS also concluded there would be no effect on any other sensitive plant species.

### 4.3 Raptor Impacts

“The five raptor species that are the most common in the Analysis Area have specific habitat requirements and nesting habits. Ferruginous hawk, prairie falcon, golden eagle, and burrowing owl are open-country birds, living in grasslands and shrublands. Ferruginous hawks build their nests on the ground, hillsides, rock outcrops, creek banks, buttes, bluffs, sagebrush, and human made structures in unforested areas with good visibility. Prairie falcon and golden eagle nest most commonly on cliffs or bluffs, but also in trees, manmade structures, or other sites. Burrowing owls are closely associated with prairie dogs or other burrowing animals, as they re-use existing burrows for their nest sites. Red-tailed hawks also prefer open to semi-open habitats such as sagebrush shrublands, and in Wyoming are often found nesting in cottonwoods (*Populus* spp.; Preston and Beane 2009). The Forest Service and BLM, based on the best available science, are using one-mile buffers around the nests of all raptor species to minimize direct and indirect effects. The Proposed Route for Segment 8 lies within 1 mile of the highest number of raptor nests, 307, of any of the segments. This segment

runs through the SRBOP, home to the largest concentration of nesting raptors in North America.<sup>1</sup>

As stated in correspondence to the BLM on August 8, 2012, Karen Steenhof, raptor biologist, wrote:

“In 1981, less than a year after Secretary of the Interior Cecil Andrus withdrew 482,000 acres of public land to protect birds of prey nesting in the Snake River Canyon in southwestern Idaho, Pacific Power and Light Company (PP&L: now PacifiCorp) began construction of a 500-kV transmission line across what is now the Morley Nelson Snake River Birds of Prey National Conservation Area. Raptor Expert Morley Nelson assisted PP&L with routing the line so it would not adversely affect raptors and with designing platforms for transmission towers that would encourage raptor nesting (Nelson 1976, Nelson and Nelson 1982).

From 1981 through 1989, Bureau of Land Management (BLM) and PP&L biologists monitored the response of raptors and ravens to the transmission line (Engel et al. 1992, Steenhof et al. 1993). They found that the 500-kV transmission line enhanced opportunities for raptor perching, nesting, and roosting. Unlike smaller distribution lines, large transmission lines do not present an electrocution hazard for large birds because the wires are too far apart for raptor wings to contact more than one wire at a time. Collision with transmission lines does not appear to be an issue for birds of prey in desert environments.

Raptors and ravens were attracted to the 500-kV line, and productivity of hawks and eagles nesting on transmission towers was as good as and sometimes better than that of those nesting in the canyon. In some cases, transmission line towers provided more secure nesting substrate than natural nesting sites. By 1989, 8 pairs of Golden Eagles, 11 pairs of Ferruginous Hawks, 33 pairs of Red-tailed Hawks, and 81 pairs of ravens were nesting on the transmission line between Midpoint, Idaho and Summer Lake, Oregon (Steenhof et al. 1993). In addition, biologists documented 13 communal night roosts of Common Ravens on the transmission line, including one roost on transmission line towers within the MNSRBOPNCA with more than 2100 ravens, one of the largest raven communal roosts ever documented in the world (Engel et al. 1992). Ravens used the roosts from spring to autumn, and as many as 700 roosted on a single tower.”

It is clear from the existing literature and observations within the SRBOP that transmission lines do not adversely affect and apparently enhance the raptor and raven populations. The Final EIS asserts that the enhancement of raptor and raven populations could have an adverse effect on small mammal populations and therefore reduce raptor and raven populations:

“If the Project’s transmission line and structures becomes an attractant to raptor and raven, and their numbers increase along the Project, this factor coupled with the reduced shrub cover in areas recovering from construction disturbances (i.e., a reduction in hiding cover for small animals) could result in increased predation rates on

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1 Final EIS, Section 3.10, Page 3.10-18

prey species, including small mammals. The primary mammalian prey species for diurnal predatory birds in the Project area include, but are not limited to, ground squirrel, black-tailed jackrabbits, cottontails, while many nocturnal raptor species take voles, mice, and rats (Snake River Birds of Prey RMP 2008). Increase (sic) predation rate on prey has the potential to subsequently impact raptor populations. For example, the population size and health of golden eagles in SRBOP has been linked to the population size of jackrabbits (Steenhof et al. 1997; Snake River Birds of Prey RMP 2008); as a result, increase predation rates on jackrabbits in SRBOP has the potential to impact the population size and health of golden eagles in SRBOP.<sup>2</sup>

The Companies do not find this assertion consistent with the best available science. There is no convincing information in the literature that predators are limiting (small) mammal prey populations (Korpimäki and Krebs 1996, Krebs 2002); there is even less evidence that this is the case with avian predators (Newton 1993, 1998). Thus, the statement that an influx of avian predators using the new transmission structures for hunting perches to procure prey is unfounded. Steenhof et al. (1993) documented that common ravens (*Corvus corax*) and red-tailed hawks (*Buteo jamaicensis*) were the 2 most common nesting birds (i.e., 114 out of 134 total nests) using towers along a 350-mi newly built transmission line (0.4 nest/mi). It is unlikely that this relative small number of nesting birds would have any impact on their prey base along the 350 mile line. Also, common ravens roosted in large numbers on transmission towers of this line (Engel et al. 1992). However, ravens were already roosting in the general area where the transmission line was built (Engel et al. 1992) and shifted their roost to a safer location. Large raven roosts were likely the result of locally abundant food sources associated with agriculture that is present year-round (Engel et al. 1992). Thus, there was not an influx in the area due to the building of the transmission line as suggested by the BLM, rather there was a redistribution of the existing population. Roosting ravens dispersed in the morning to feed at feed-lots and other agriculture associated enterprises (Engel et al. 1992). There was no evidence that these birds used the transmission towers to exploit small mammal populations.

The BLM also states that increased predation of prey may impact specialized predators, such as golden eagles, because of over exploitation of the prey afforded by more perching opportunities with the new line. Extensive research has been conducted by the BLM in the SRBOP since the early 1970s on birds of prey. Golden eagles (*Aquila chrysaetos*), prairie falcons (*Falco mexicanus*), and red-tailed hawks (*Buteo jamaicensis*) are 3 of the most extensively studied birds of prey species in relation to their prey (Kochert et al. 1999; Marzluff et al. 1997; Steenhof and Kochert 1988, Steenhof et al. 1997, 1999) in the SRBOP. Steenhof et al. (1997) showed that jackrabbit abundance influenced eagle production (number of young fledged per pair) during about 2/3 of the 23 years study. Prairie falcon reproductive rates are closely tied to ground squirrel relative abundance (Steenhof et al. 1999, USDI 1996). Ground squirrel abundance is related to climatic fluctuations over time (Van Horne et al. 1997, 1998). Thus, there is no evidence that even specialized avian predators are limiting their principal prey populations in the SRBOP. In fact, it is the reverse; prey populations limit

<sup>2</sup> Final EIS, Section 3.10, Page 3.10-29

avian predator populations. Therefore, BLM's statement that building of a new transmission line would cause an influx of avian predators that would deplete small mammal populations which in turn would affect nesting avian predators has no factual basis and is not supported by fundamental research on prey-predator populations conducted by the BLM in the SRBOP.

The Companies maintain that there is no evidence that constructing and operating the Proposed Route for Segment 8, as modified by Alternatives 8D and 8E, and the Proposed Route for Segment 9, as modified by Alternative 9G, will have an adverse effect on the resources and values for which the enabling legislation designated the SRBOP. In particular, construction and operation of these two segments will not have any long-term adverse impact on raptors and ravens or on their prey or the prey's habitat.

## 5.0 Proposed Compensatory Mitigation Approach

As stated in Section 4.3, there is no adverse effect on raptors or their prey species due to the lattice structures, rather these structures provide additional nesting, perching, and roosting substrates. The Project would have no adverse impacts on the values for which SRBOP was designated and would enhance the SRBOP in important ways. However in the interest of receiving a ROW grant including both Segments 8 and 9, the Companies have proposed an Enhancement Package herein to further advance the protection and enhancement of the objects and values of the SRBOP. The Companies recognize that although access roads within the SRBOP provide benefits, they may also increase public access and thereby may increase the risk of vandalism, weed infestation, litter, etc. This potential increase in risk is accounted for in the proposed package.

The Companies' approach to compensatory mitigation considers the following key elements:

1. Mitigation ratios;
2. Failure rate of restoration projects within the SRBOP;
3. Time required for restoration to be fully successful; and
4. Long-term maintenance and monitoring;

Proposed and Preferred Segment 8 for the first 90 miles and Proposed and Preferred 9 for nearly their entire lengths are within designated energy corridors where they cross the SRBOP. National Energy Corridors were established that cross the SRBOP, which the RMP acknowledges and memorializes as utility corridors in the RMP. Locating utilities within these corridors is consistent with the RMP and with the enabling legislation for the SRBOP and therefore requires no additional mitigation or enhancement to be consistent with the enabling legislation. One of the reasons the corridors were established in these locations was that they had minimum impact on the SRBOP. Another was that they largely cross disturbed vegetation—sagebrush and grassland habitat invaded by cheatgrass and substantially altered by grazing.

In spite of the compelling argument that no enhancement is required to make any part of the project located within designated energy corridors consistent with the enabling legislation or the RMP for the SRBOP, the Companies offer, in the spirit of cooperation and with the intent of fully supporting a BLM decision that includes both Segment 8 and Segment 9 in the 2013 decision, the following mitigation ratios. These were used in the calculation of the necessary level of enhancement to offset the habitat disturbed by Project construction on lands managed by the BLM and for the enhancement of the resources and values for which the SRBOP was designated.

Within designated utility corridors on BLM-managed Public Lands:

- 1:1 ratio for impacts to presently undisturbed area within the SRBOP; and
- 0.5:1 ratio for impacts to presently disturbed areas within the SRBOP.

Outside designated utility corridors on BLM-managed Public Lands:

- 2:1 ratio for impacts to presently undisturbed area within the SRBOP; and
- 1:1 ratio for impacts to presently disturbed areas within the SRBOP.

Temporary project impacts will be restored to previous conditions to the extent practicable. The Companies acknowledge that reclamation will require several years before it is successful.

The long-term impacts from the project (operational footprint) are a fraction of the temporary construction impacts, which include temporary disturbance such as pulling and tensioning sites and the full construction pad for structures. The Companies recognize, however, that the slow natural growth of native vegetation in the SRBOP area means that reclamation of the temporary impacts will also be slow. In order to address the temporary loss of fully functional habitat while the reclaimed areas rejuvenate and mature, the Companies therefore offer the above mitigation ratios based on **construction** impacts on BLM-managed Public Lands within the SRBOP, which provides approximately **ten times** the mitigation acres over using the operational impact estimate. Using the construction footprint estimate thereby substantially increases the proposed enhancement package.

## 6.0 Enhancement Portfolio Proposal

This proposal is based on the premise that the Proposed Route for Segment 8 as modified by Alternatives 8D and 8E, and the Proposed Route for Segment 9 as modified by Alternative 9G, will be approved. Project types, mitigation ratios, and dollar amounts are proposed on this basis. Please see Section 6.3 for additional discussion.

### 6.1 Project Types

Based on discussion with Patricia Roller, Manager for SRBOP, the Companies propose the following general outline, approaches and proposed project mix, regardless of route:

1. Habitat restoration (60% or more)
2. Purchase of high-priority private inholding (approximately 104 acres)
3. Visitor Enhancement (approximately 10%)

#### 6.1.1 Habitat Restoration

There are many opportunities for habitat restoration in the SRBOP. Two of the most important restoration activities are the conversion of non-native grasslands to native perennial plant communities and noxious weed control. These restoration projects target the enhancement of habitat for prey species for raptors.

As detailed in the RMP, grazing is permitted within the SRBOP but the livestock often have adverse impacts to riparian areas. Projects that work with grazing permittees to fence spring and immediate contributing areas from livestock and to develop alternate, off-site watering facilities for livestock would also substantially contribute to restoration and enhancement of riparian areas.

The estimated average cost of habitat restoration within the SRBOP through utilizing smaller-scale intensive treatments is \$1,500 per acre. Through discussion with Patricia Roller, the average success rate of such projects is approximately 80 percent. In order to address the risk of project failure and the need to conduct additional measures, the Companies will provide additional compensatory mitigation of \$300 per acre totaling \$1,800 per acre for habitat restoration. Based on preliminary estimates of the construction footprint for the Proposed Route for Segment 8 as modified by Alternatives 8D and 8E, and the Proposed Route for Segment 9 as modified by Alternative 9G, the total for direct funding of habitat restoration is estimated at \$3,354,300.

#### 6.1.2 Property Purchase

According to the SRBOP Manager, there are one or more parcels, surrounded by BLM lands, with substantial cultural and natural resource values. Once purchased and deeded to the United States, this land could be managed together with adjacent BLM lands and would not require additional funding for separate management. The Companies propose to provide funding for the purchase transaction and ownership transfer to the BLM for management in perpetuity as one element of this Enhancement Portfolio. The estimated cost of purchasing this land is unknown. The Companies

therefore propose to offer \$320,000 to the BLM to complete the purchase of one or more important parcels.

### **6.1.3 Visitor Enhancement**

Through discussion with Patricia Roller, informing and educating the public regarding the natural resources and values of the SRBOP and enforcing the management rules would further enhance the objects and values of the SRBOP and the public experience.

There are many opportunities for enhancement of visitor experiences within the SRBOP. For example, the funding could be used to assist with funding of the “Raptor Camp”, which provides opportunity for the public and local youth to learn of the values of and natural resources within the SRBOP, including cultural significance of the area. Support for two years of this camp is estimated at \$40,000. Another possible use of funds would be to further educate the public and promote responsible use of the SRBOP through the development of public service announcements and educational materials specifically addressing law enforcement issues, such as discouraging the use of exploding targets, in order to raise public awareness. Support for this element is estimated at \$40,000. The above two programs are provided as examples of projects that could be funded with the Visitor Enhancement component of the Enhancement Package of \$80,000.

## **6.2 Method of Financing**

Through development of this enhancement package, the Companies commit to providing funding, commensurate with acres occupied and impacted by Project facilities, to forward the “conservation, protection and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith” for which the SRBOP was created. The Companies will provide a proportional amount of the total, based on BLM-managed lands crossed by the approved routes by segment, as a term and condition of receiving a Notice to Proceed (NTP). For Proposed Segment 8 as modified by Alternatives 8D and 8E, 41 percent would be provided prior to issuance of an NTP for Segment 8. For Proposed Segment 9 as modified by Alternative 9G, 59 percent of the amount would be provided prior to issuance of an NTP for Segment 9. Percentages would vary if other routes are authorized.

The funding will cover the direct costs of restoration projects, property purchase, and visitor enhancement programs. It will also include an endowment fund, which is intended to provide the principal from which the interest can be used annually to cover the costs of monitoring, reporting, and administration of the fund and the Oversight Committee (Committee). The endowment fund will also cover the cost of administering the fund itself, planned for a third party fund administrator.

### **6.2.1 Fund Value**

The Companies are proposing an Enhancement Portfolio that would include \$1,800 per acre for restoration of the agreed number of “mitigation acres” as calculated by the agreed ratio and based on acres of disturbance for the approved route. It would include a fixed amount of \$320,000 for property purchase and \$80,000 for visitor enhancement programs, and it would include an endowment fund, the interest of which will cover the

administrative costs of the Committee and of monitoring and reporting for the 20-year life of the restoration projects. For Proposed Segment 8 as modified by Alternatives 8D and 8E, together with Proposed Segment 9 as modified by Alternative 9G, at ratios for compensation as proposed, the total value of the fund will be \$4,754,300.

## **6.2.2 Oversight Committee**

The Companies propose the establishment of an Oversight Committee (Committee) which will provide guidance and oversight for the management and implementation of the fund.

### **6.2.2.1 Committee Composition**

The Companies will work with the BLM to determine a broad stakeholder base for the Committee. Preliminary considerations for membership could include:

- BLM Director of SRBOP (chair)
- Representative from Boise State University Raptor Research Center
- Representative from the Idaho Governor's Office of Species Conservation
- Representative from the Idaho Department of Fish and Game
- Representative from counties crossed by the proposed routes
- Representative from one or more involved NGOs (Peregrine Fund, Hawks Unlimited, Audubon Society, etc.)
- Representative from the Great Basin Consortium

### **6.2.2.2 Committee Responsibilities**

- **Project Selection:** While the fixed funding amount in this Package was developed from a preliminary list of likely projects, the Committee will have the responsibility and authority to determine the actual funding allocation (project mix).
- **Implementation Oversight:** The Committee will be responsible for providing oversight of the implementation of projects and for assuring that the funding is used as intended and is properly documented.
- **Oversight of Monitoring and Reporting:** The Committee will also be responsible for assuring that the projects funded through this Enhancement Portfolio are successful, and that appropriate monitoring and reporting are conducted. Reports should be available to the public as well as to the Companies as completed.

### **6.2.2.3 Committee Administration and Compensation**

The Companies anticipate that the Committee will need to meet a maximum of two times per year and that most if not all meetings can be conducted by webinar or telephone conference. The Companies expect that the endowment fund will be established to include a component of compensation for Committee members requesting compensation and to cover the costs of the organization and management of the Committee over the life of the restoration projects. The Companies further assume

that all restoration projects will be completed within 20 years after completion of construction of the Project.

### **6.2.3 Endowment Fund**

The intent of the endowment fund is to provide sufficient principal, which would not be directly used by any of the projects or administrators, to supply annual payments sufficient to support needed monitoring, reporting, and administration of the Enhancement Package. The principal will remain in the name of the Companies but will be placed in an escrow or similar account such that the Companies will only be able to access the funds in the event that the ROW Grant is revoked or at the end of the 20-year restoration period. The Companies estimate that total monitoring, reporting, and administration costs will not exceed \$50,000 per year. Assuming a conservative 5 percent return on investment, the Endowment Fund will be established at one million dollars.

The Companies propose to retain, with the approval of the BLM, a third-party fund administrator. The National Fish and Wildlife Foundation is one such organization with a program designed to manage compensatory mitigation and enhancement funds.

### **6.2.4 Monitoring and Reporting**

The Companies anticipate that the use of the funding proposed herein will be accompanied by a rigorous program of monitoring and reporting. Each restoration project recommended for funding to the Committee should present expected future conditions and criteria for determining success. Each project should be accompanied by a monitoring and reporting plan. The Committee will be responsible for determining the entity or entities responsible for implementing the project and for its monitoring and reporting. The value of the Endowment Fund, discussed above, includes the cost of monitoring and reporting. It is expected that an overall monitoring report would be prepared for all projects so funded annually for the first five years, followed by a summary report every five years thereafter for the 20-year life of the restoration projects. Monitoring reports should be made public and a copy provided to the Companies.

### **6.3 Alternative Routes**

If the BLM will not approve the Proposed Segment 8 as modified by Alternatives 8D and 8E, together with Proposed Segment 9 as modified by Alternative 9G, and insists on approving only its Preferred Routes, the Companies do not feel that an Enhancement Package is needed. The Companies are aware that some staff of the BLM do not agree and have inserted language into the Final EIS that implies that some form of Enhancement will be needed even for the BLM Preferred Routes. If the BLM insists that some kind of Enhancement Package is needed for the BLM Preferred Routes, the Companies offer the same structure as the Enhancement Package herein described, which will contain elements of habitat restoration, property purchase, and visitor enhancement.

The mitigation ratios for restoration work will reflect the fact that most of the impact on SRBOP is within its designated utility corridors. Based on preliminary estimates for

restoration, the restoration element of the package will be \$709,200. The offered amounts for property purchase will be proportionately reduced based on reduced miles of the SRBOP crossed to \$64,000, and the offered amounts for visitor enhancement also reduced to \$16,000.

Because administration of the portfolio, the oversight committee, and the fund itself is likely to be largely fixed and unrelated to acres of impact, the endowment fund is offered at the same level, with \$50,000 per year for 20 years derived as interest from an escrow-maintained fund remaining in the name of the Companies in the amount of one million dollars. This would give a preliminary package value of \$1,789,200.

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November 5, 2012

Ken Salazar  
Secretary of the US Department of the Interior  
1849 C. Street N.W.  
Washington DC 20240

Re: Gateway West Transmission Line Project

Dear Mr. Secretary:

Our firm has been retained by Snake River Ranch, LLC and its owners to assist in challenging the Bureau of Land Management (BLM) Proposed Alternative with Segment 8B of the Gateway West Transmission Line Project. We are attaching a copy of our client's previous letter directed to you on October 17, 2012, and propose the following for your consideration:

1. Please delay (for 1 year minimum) the Final EIS statement from being released later this month. More time is needed to have effective collaborative discussion among impacted property owners, BLM, Idaho Power and all elected officials. As you know, the above parties went through such an exercise in 2009 and came to a consensus. You can review the Gateway West Transmission Line Project website for further information on the final report.

2. The negative impact from power lines being constructed through our clients' property includes: (a) the destruction of their ability to farm and ranch the property efficiently and effectively; (b) the location of power lines directly above a cattle sale barn, shop, 3 houses, and a 12,000/sq. foot dwelling; (c) the destruction of any ability to develop the parcel into the proposed beautiful residential Master-Plan Community next to the Snake River (see attached Master Plan proposed in 2008-09 to the county); and (d) rendering the property unmarketable either as farm/ranch ground or a potential development property.

12550 W. Explorer Drive, Suite 100 | Boise, ID 83713  
Phone: (208) 345-3333 | Fax: (208) 345-4461  
www.belnaplaw.com

3. In effect, if Mr. Roundtree's recommendations are followed, it will result in tens of millions of dollars of damages to our clients – damages they are not willing to suffer.

4. Finally, our clients will not be permitting anyone (BLM or Idaho Power officials or any contractors) to enter upon their property.

We look forward to your cooperation in delaying the Final EIS and recommending that Mr. Rountree and his committee reconsider the decision to make Segment 8B as the BLM Preferred Route. Furthermore, we strongly suggest that you consider as the Preferred Route the route through the Morley Nelson Birds of Prey previously agreed upon among property owners, governmental officials, BLM and Idaho Power officials after many months of private and public meetings.

Respectfully,



Wm. Lyman Belnap

Enclosures as stated

cc: Mike Pool, Acting Director, Bureau of Land Management  
 Carl Rountree, Director, Office of National Landscape Conservation System and Community Programs

Senator Mike Crapo  
 Senator James E. Risch  
 Congressional Representative Raul Labrador  
 Congressional Representative Mike Simpson  
 Keith Georgeson, Project Leader, Idaho Power Company  
 John Chatbum, Interim Administrator, Idaho Energy Resources Department  
 C. L. "Butch" Otter, Governor of Idaho  
 Aden Seidlitz, Boise District Manager, Idaho Bureau of Land Management  
 Canyon County Commissioners  
 Ada County Commissioners  
 Walt George

## Snake River Ranch, LLC

3850 E. Baseline Road, Suite 118

Mesa, AZ 85206

October 17, 2012

Ken Salazar, Secretary of the U.S. Department of the Interior  
1849 C Street N. W.  
Washington DC, 20240

Dear Mr. Secretary,

The purpose of this correspondence is to convey my displeasure, disappointment, and anger which is related to the Bureau of Land Management (BLM) Proposed Alternative with Segment 8B of the Gateway West Transmission Line Project.

My partners and I own in excess of 1,000 acres of productive farm and cattle ranch land which is located along the Snake River, just west of Melba, ID (see enclosed picture/map). Since January, 2009 we have worked very closely with other property owners, governmental officials, BLM & Idaho Power (IP) officials, so that a satisfactory solution could be achieved. After many months of private and public meetings on the issue of routing of the transmission lines; a compromise was achieved by locating the Preferred Route through the Morley Nelson Birds of Prey (NCA). It was and has been shown on the Gateway West Transmission Line website as the preferred route.

Recently, it was brought to my attention that Mr. Carl Rountree, Director of the Office of National Landscape Conservation System and Community Programs, along with his committee made a decision to change the route to the BLM Preferred Route, which travels through miles and miles of private, productive farmland in Owyhee County, Canyon County and Ada County.

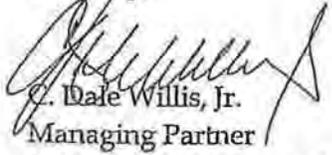
How can one individual/committee make such an important decision, without input from the citizens, landowners, elected city, county, state, national officials? Even the local officials at BLM and IP were "taken-back" by the decision. There are no known scientific studies that have shown any detriment to the NCA by having the location of the transmission lines within its boundary; in fact, there has been one 500KV line that has been located within the NCA for many years, which has had no known biological adverse impact to the environment.

## Snake River Ranch, LLC

Our property ownership has invested millions and millions of dollars in our farm and we will not stand-by quietly if the transmission line is located through the middle of our farm. We will be greatly harmed financially if that takes place!

My request is to have Mr. Rountree and his committee reconsider the decision to make Segment 8B as the BLM Preferred Route and return the route to the original location (NCA) that was agreed upon by everyone years ago. Please feel free to contact me should you have any questions at 480-507-6200.

Sincerely,



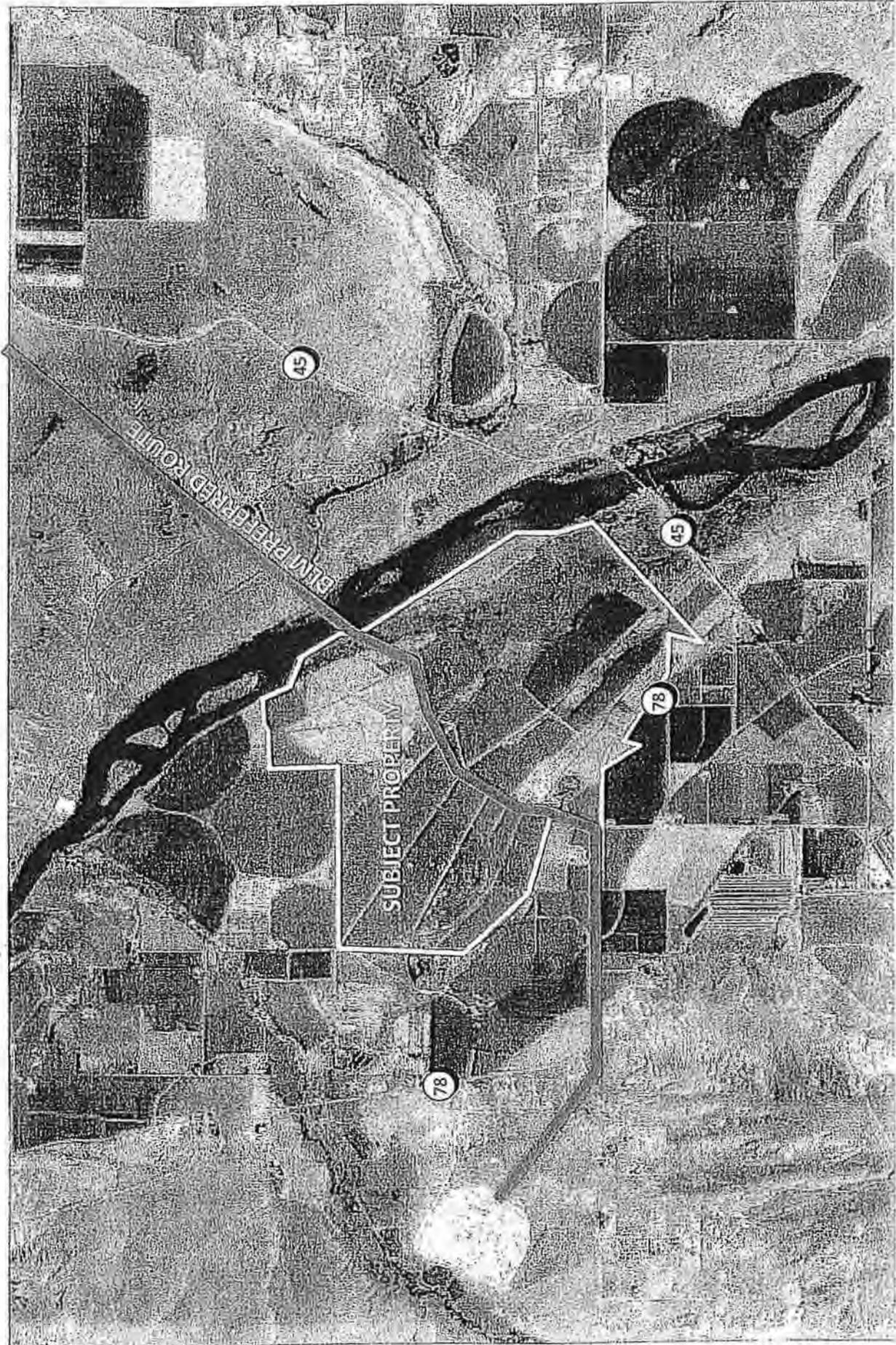
C. Dale Willis, Jr.  
Managing Partner  
Snake River Ranch, LLC

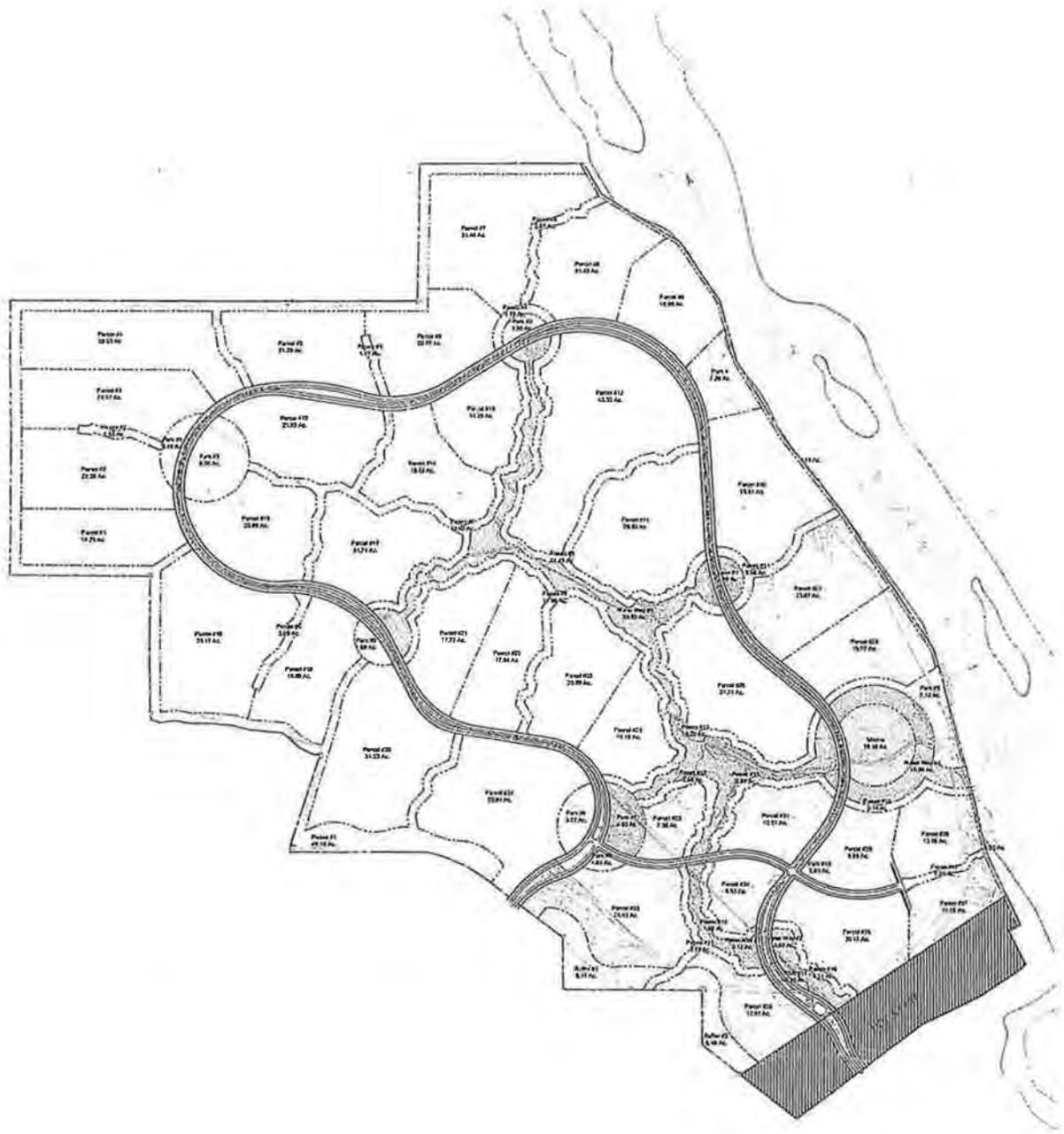
Enclosures:

cc: Mike Pool, Acting Director, Bureau of Land Management  
Carl Rountree, Director, Office of National Landscape Conservation System  
and Community Programs  
Senator Mike Crapo  
Senator James E. Risch  
Congressional Representative Raul Labrador  
Congressional Representative Mike Simpson  
Keith Georgeson, Project Leader, Idaho Power Company  
John Chatburn, Interim Administrator, Idaho Energy Resources Department  
C. L. "Butch" Otter, Governor of Idaho  
Aden Seidlitz, Boise District Manager, Idaho Bureau of Land Management  
Canyon County Commissioners  
Ada County Commissioners

Snake River Ranch, LLC . Phone (480)507-6200







GREY/PICKETT  
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# SNAKE RIVER R · A · N · C · H

LAND USE CONCEPT 'A'



# Snake River Ranch, LLC

3850 E. Baseline Road, Suite 118

Mesa, AZ 85206



2012 NOV -9 AM 10:00

RECEIVED  
DOI-BLM  
CHEYENNE WYOM

October 17, 2012

Ken Salazar, Secretary of the U.S. Department of the Interior  
1849 C Street N. W.  
Washington DC, 20240

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1/4



Our property ownership has invested millions and millions of dollars in our farm and we will not stand-by quietly if the transmission line is located through the middle of our farm. We will be greatly harmed financially if that takes place!

My request is to have Mr. Rountree and his committee reconsider the decision to make Segment 8B as the BLM Preferred Route and return the route to the original location (NCA) that was agreed upon by everyone years ago. Please feel free to contact our managing partner: Mr. C. Dale Willis, should you have any questions at 480-507-6200.

Sincerely,

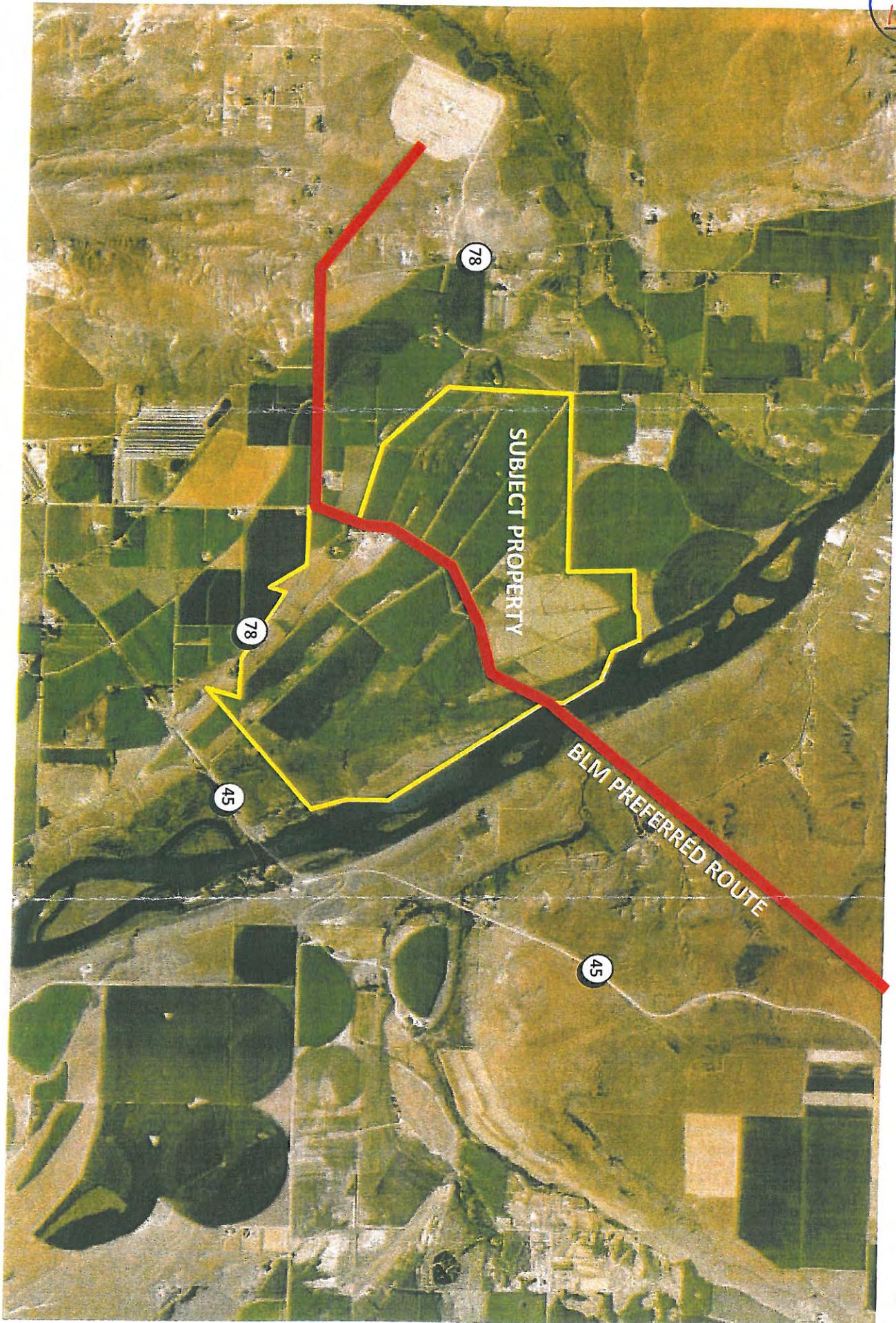
Michael Chen, M D.  
Partner  
Snake River Ranch, LLC

Enclosures:

cc: Mike Pool, Acting Director, Bureau of Land Management  
Carl Rountree, Director, Office of National Landscape Conservation System  
and Community Programs  
Senator Mike Crapo  
Senator James E. Risch  
Congressional Representative Raul Labrador  
Congressional Representative Mike Simpson  
Keith Georgeson, Project Leader, Idaho Power Company  
John Chatburn, Interim Administrator, Idaho Energy Resources Department  
C. L. "Butch" Otter, Governor of Idaho  
Aden Seidlitz, Boise District Manager, Idaho Bureau of Land Management  
Canyon County Commissioners  
Ada County Commissioners

2/4

ENTERED  
100824



ENTERED  
110824



4/4

**Snake River Ranch, LLC**  
**3850 E. Baseline Road, Suite 118**  
**Mesa, AZ 85206**



June 11, 2013

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

Re: Gateway Transmission Line Project

Dear Mr. George

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Upon review of the FEIS, it is very disconcerting to the partners of Snake River Ranch, LLC that many of the concerns related to the extent of the financial damages associated with the social and economic impacts that the proposed corridor will cause are not adequately addressed. Several of which include:

- The complete demise of planned development opportunities; due to adverse living conditions created by 500kv transmission lines, with 150 to 180 foot towers and electric cables that buzz due to stray voltage. This loss will result in millions of dollars of lost revenue for, not only our company, but also city, county and state government.
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Why should we suffer the consequences of individuals that are not an integral part of our community? Please do not allow the proposed transmission lines to ruin our private property along with our beautiful established communities. Our livelihood for farming, dairy farming, ranching, and development opportunities are at stake for the rest of this century and beyond.

Sincerely,

  
Joe Zoldos  
Partner  
Snake River Ranch, LLC.

2013 JUN 21 AM 10:00  
RECEIVED  
DOI-BLM  
CHEYENNE WY 82003

**Snake River Ranch, LLC**  
**3850 E. Baseline Road, Suite 118**  
**Mesa, AZ 85206**

June 11, 2013



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

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Sincerely,

Kathleen Zoldos  
Partner  
Snake River Ranch, LLC

2013 JUN 21 AM 10:00  
RECEIVED  
DOI-BLM  
CHEYENNE WY 82003

**Snake River Ranch, LLC**  
**3850 E. Baseline Road, Suite 118**  
**Mesa, AZ 85206**



June 11, 2013

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

Re: Gateway Transmission Line Project

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Sincerely,

Mike Chen  
Partner  
Snake River Ranch, LLC.

2013 JUN 20 AM 10:00  
RECEIVED  
DOI-BLM  
CHEYENNE WY 82003

Snake River Ranch, LLC  
3850 E. Baseline Road, Suite 118  
Mesa, AZ 85206



2013 JUN 20 AM 10:00  
RECEIVED  
DOUG BLUM  
CHEYENNE WY

June 11, 2013

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

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Sincerely,

Barbara M. Carroll

Partner

Snake River Ranch, LLC.

Snake River Ranch, LLC  
3850 E. Baseline Road, Suite 118  
Mesa, AZ 85206



June 11, 2013

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Gateway West Project  
P.O. Box 20879  
Cheyenne, WY 82003

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Sincerely,

Patricia Carroll-Chen

2013 JUN 20 AM 10:00  
RECEIVED  
DOI-BLM  
CHEYENNE WY 82003

Snake River Ranch, LLC  
3850 E. Baseline Road, Suite 118  
Mesa, AZ 85206



June 18, 2013

2013 JUN 24 AM 10:00

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

RECEIVED  
00-ELM  
CHEYENNE WYOMING

Re: Gateway Transmission Line Project

Dear Mr. George

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Sincerely,

C. Dale Willis Jr.  
Managing Member  
Snake River Ranch, LLC.

Snake River Ranch, LLC  
3850 E. Baseline Road, Suite 118  
Mesa, AZ 85206



June 11, 2013

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

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Sincerely,

Paul Berggreen  
Partner  
Snake River Ranch, LLC.

RECEIVED  
DOI-BLM  
CHEYENNE WY 82003  
2013 JUN 27 AM 10:00

1/1

Snake River Ranch, LLC  
3850 E. Baseline Road, Suite 118  
Mesa, AZ 85206



June 18, 2013

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

2013 JUN 24 AM 10:00

RECEIVED  
DOI-BLM  
CHEYENNE WYOMING

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Sincerely,

Shellie Willis

Partner

Snake River Ranch, LLC.

1/1

Snake River Ranch, LLC  
3850 E. Baseline Road, Suite 118  
Mesa, AZ 85206



June 11, 2013

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

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Sincerely,

Lloyd Champagne  
Partner  
Snake River Ranch, LLC.

1/1

Snake River Ranch, LLC  
3850 E. Baseline Road, Suite 118  
Mesa, AZ 85206



June 11, 2013

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

2013 JUN 24 AM 10:00

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001-BLM  
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Sincerely,

Travis Christensen

1/1

Snake River Ranch, LLC  
3850 E. Baseline Road, Suite 118  
Mesa, AZ 85206



June 11, 2013

2013 JUN 24 AM 10: 00

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

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DOI-BLM  
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Sincerely,

Mike Christensen

1/1

Snake River Ranch, LLC  
3850 E. Baseline Road, Suite 118  
Mesa, AZ 85206



June 11, 2013

2013 JUN 24 AM 10:00

Bureau of Land Management  
Gateway West Project  
P.O. Box 20879  
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Sincerely,

Justin Christensen

1/1

June 20, 2013

**VIA EMAIL: Gateway\_West\_WYMail@blm.gov**

Bureau of Land Management  
Gateway West Project  
P.O. Box 20897  
Cheyenne, WY 82003

Re: Comments on the Gateway West Final Environmental Impact Statement (FEIS)

Dear Mr. George,

Thank you for the opportunity to comment on the Gateway West Transmission Line Project Final EIS. Each one of the segment 4 routes proposed in the FEIS would traverse our property. Four generations of our family have ranched in the Bear River valley since our Granddad settled in 1927. We feel it important to have a say in any project that may negatively impact land values or inhibit our ability to continue this ranching tradition.

In an effort to protect our culture and ranching heritage, we worked with the Natural Resource Conservation Service (NRCS) to place a wetlands reserve easement over the home property. Project proponents have been on-site and have noted the markers identifying the boundaries of the easement. Among other protections, the easement agreement prohibits any new ROW's across the identified property. Surprisingly, this was not identified in any of the previous NEPA analysis that shows the proposed lines crossing the easement.

The route being proposed in the FEIS would place the transmission line through the original ranch homestead. There are three existing transmission lines approximately a half mile to the south. We initially discovered the proposed route while crews were conducting surveys and geotechnical studies well to the north of the existing lines. This came as a surprise since this route had never been mentioned in previous discussions with the proponents. The survey markers showed the high voltage lines running nearly overhead of ours and a number of other residences.

As soon as it became apparent that the proposed route could impact a disproportionate amount of private land and residential areas, we objected. In order to minimize these impacts, we met with Town and County officials to come to a solution. We considered several options such as burial of the line and a re-route that would avoid residential areas and the easement. If these were deemed unobtainable, we suggested adopting Alternative Route B/ D as the preferred alternative.

When we suggested these changes to State and BLM officials, we were told that they could not be considered because they lie within the Sage Grouse Core Area. The proposed route too lies within the Sage Grouse Core Area but is exempt by the Governor's Executive Order. It appears that Sage Grouse now have precedence over historic trails, view-sheds, big game migration corridors and human habitat.

We can appreciate the lengths that the BLM and State of Wyoming have gone through to protect the Sage Grouse from potential listing, even though we've seen no such declines in bird populations. It would be a devastating blow if the bird were to be federally listed. However, it's amusing that the agencies would require a three mile buffer from the perimeter of a sage grouse lek and yet allow high voltage power lines overhead of residential areas. The human environment should always take precedence.

We should note here that we are not opposed to the Gateway West. We actually depend on electricity. We are very concerned however with the FEIS' selected route through the easement and its proximity to structures and residences near Cokeville. The Mayor and Council of Cokeville, County Commissioners and neighboring landowners have expressed similar concerns. We will pursue all options, including legal action if necessary, to protect our most valuable asset.

We are also disappointed with the NEPA analysis and the attempt to make the proposed route appear least impactful compared to other routes. The Bear River has some of the oldest water rights in the state of Wyoming, many of which pre-date statehood. The proposed route would cross nearly a dozen canals and ditches with territorial water rights that were not considered in the NEPA analysis. The FEIS also failed to analyze impacts of the preferred route on the proposed Sublette Creek Reservoir south and east of Cokeville, which is currently being considered at a level III study.

The FEIS continues to insist that Alternative Routes 4B and 4D would cross the Cokeville Meadows NWR and would result in high visual impacts. These private lands crossed by Alternative Routes are not part of the Cokeville Meadows NWR lands. The FEIS must make clear that these lands are not part of the Refuge and cannot be forcibly managed as a wildlife refuge. Further, the Gateway West Transmission Line will not impact the "pristineness" of the refuge. Transmission lines currently exist across Cokeville Meadows NWR owned lands. Therefore, the character of these lands will not change from their current condition.

We request that the BLM adopt one of the following alternatives: (1) first, require the proponents bury the Gateway West Transmission Line as it passes south of Cokeville (*See Ex. 1*); (2) reroute from the Proposed Route southeast of Cokeville to connect with Alternative 4C south of Cokeville airport (*See Ex. 1*); and (3) finally, if neither (1) nor (2) are possible, we support Alternatives 4B and 4D to avoid impacts to residential areas.

Thank you for your consideration of our comments.

Sincerely,



Tim Teichert, Partner  
Teichert Brothers, LLC



Matthew Teichert, Partner  
Teichert Brothers, LLC

**From:** [Gateway BLM](#)  
**To:** [Gateway BLM](#)  
**Subject:** FW: Conservation Easement in Cokeville  
**Date:** Wednesday, June 12, 2013 11:32:47 AM  
**Attachments:** [Teichert Brothers Conservation Easement Descriptions.pdf](#)  
[WRP Warrenty deed signed.pdf](#)

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----- Forwarded message -----

**From:** **Tim Teichert** <[timt@allwest.net](mailto:timt@allwest.net)>  
**Date:** Fri, May 10, 2013 at 2:23 PM  
**Subject:** Conservation Easement in Cokeville  
**To:** [Kelly\\_lamborn@blm.gov](mailto:Kelly_lamborn@blm.gov)

Kelly

If you have any questions, please give me a call (307) 413-2519.

Thanks for your help.

Tim Teichert



**Teichert Brothers, LLC Conservation Easement  
Easement #1 (East of Railroad)**

(REVISED OCTOBER 31, 2011)

A conservation easement within tracts 45, 46, 54, 58, 59, 66, 67, 72 and 73 and being part of Sections 8, 16, 17, 21, 28 and 29 all of the resurvey of T.24N., R.119W., 6<sup>th</sup> P.M., Lincoln County, Wyoming and being east of the east right of way line of the Oregon Short Line Railroad and being more particularly described as follows:

Beginning at Corner #1 of Tract 66 of the resurvey of T.24N., R.119W., 6<sup>th</sup> P.M., Lincoln County, Wyoming;  
Thence S 0°53'34"W, 1317.24 feet to corner #2 of said Tract 66;

Thence N 89°35'44"E, 1323.77 feet to corner #3 of said Tract 66;

Thence S 01°01'58"W along the easterly boundary of said Tract 66 and Tract 58, 2639.92 feet to corner #3 of Tract 64 being identical to Corner #4 of Tract 60 and an angle point on the east boundary line of said Tract 58;

Thence S 01°08'07"W, 1322.31 feet to Corner #2 of said Tract 58 and Corner #1 of Tract 59;

Thence S01°06'11"W, 1323.73 feet to Corner #2 of Tract 59 and Corner #1 of Tract 54;

Thence S01°05'08"W, 2646.29 feet to Corner #2 of Tract 54 and Corner #1 of Tract 45 and Corner #4 of Tract 46;

Thence S 89°32'07"E along the northerly boundary line of said Tract 46, 1048.63 feet to a point on the north or westerly arc of a center pivot sprinkler system.

Thence 3641.42 feet along the outside westerly arc of said center pivot sprinkler system to a point on the south boundary line of said Tract 46. Said outside westerly arc being a curve to the left having a central angle of 154°19'05" and having a radius of 1352.00 feet. The chord of said curve to the right being 2636.37 feet which bears S 01°15'27"W.

Thence N 89°19'12"W along said southerly boundary of Tract 46, 1000.83 feet to Corner #3 of Tract 46 and being also Corner #2 of Tract 45;

Thence N 89°19'12"W along the southerly boundary of Tract 45, 942.46 feet to the intersection of said southerly boundary of Tract 45 and the easterly right of way boundary of the Oregon Short Line Railroad.

The following nine courses being along said easterly boundary line of said Oregon Short Line Railroad;

Thence N 3°39'22"E, 4738.33 feet to the tangent to spiral of a spiral railroad curve to the left.  
 Thence 321.67 feet along said spiral curve to the left to the point of spiral to curve. The central angle of said spiral being 1°37'00". The chord length of said spiral being 321.66 feet and bearing N1°55'49"E;

Thence 1859.16 feet along the arc of the central curve to the left to the point of curve to spiral. Said central curve to the left having an interior angle of 18°28'20", a radius of 5766.62 feet and a chord of 1851.12 feet which bears N 7°10'43"W.

Thence continuing 321.67 feet along the arc of a spiral curve to the left to the point of curve to tangent. The central angle of said spiral curve being 1°37'00" and said spiral having a chord of 321.66 feet which bears N 17°44'20"W;

Thence N 18°01'19"W, 2055.94 feet to a jog in the east right of way boundary of said Oregon Short Line Railroad; Thence S 82°11'10"W, 50.80 feet along said jog in the railroad right of way boundary;

Thence N 18°01'19"W, 4227.94 feet to a jog in the railroad right of way boundary at the north boundary line of Tract 67; Thence N 88°54'27"E along said jog in the railroad right of way and north boundary line of Tract 67, 52.26 feet;

Thence N 18°01'19"W, 991.42 feet to a point on a non-tangential southerly perimeter of a center pivot sprinkler system.

Thence 2693.77 feet along the arc of a curve (concaved southerly) of said southerly perimeter of a center pivot sprinkler system to a point on the non-tangential easterly boundary of Tract 73. Said curve concaved southerly having a radius of 1175.00 feet, a central angle of 131°21'17" and a chord of 2141.42 feet which bears N 77°34'16"E;

Thence S00°10'16"W along said easterly boundary of said Tract 73, 1370.62 feet to Corner #2 of said Tract 73;

Thence S0°59'08"W, 1336.28 feet across Tract 67 to the point of beginning.

Said easement containing 386.0 acres more or less.

Bearings and distances are in US Survey feet and are based on NAD83 (CORS 96) (EPOCH: 2002.0000) Latitudes and Longitudes that were projected upon the State Plane Coordinate System of 1983 (SPC83), Wyoming West Zone, Grid North, and then scaled by a factor of 1.0002920389.

## **Easement #2 (West of Railroad, Sections 20 & 29)**

A conservation easement within Tracts 44, 45, 54, 58, and 59 and being part of Sections 20, 21, and 29 all of the resurvey of T.24N.,R119W, 6<sup>th</sup> P.M., Lincoln County, Wyoming. Said easement being bound on the south by the south boundary of said Tract 45 and on the west by the median line of the Bear River and on the east by the west right of way boundary of the Oregon Short Line Railroad. Said easement being more particularly described as follows:

Y:\4567 Teichert Brothers\Correspondence\Legal desc\State Plane\Conservation Easements.docx

Commencing at Corner #2 of Tract 45 of the resurvey of T.24N.,R.119W, 6<sup>th</sup> P.M., Lincoln County, Wyoming thence N 89°19'12"W along the south boundary line of said Tract 45, 1142.73 feet to the Point of Beginning. Said point of beginning being the intersection of said tract line with the west right of way boundary of the Oregon Short Line Railroad.

Thence continuing N 89°19'12"W, 897.41 feet to the intersection of said tract line and the presently existing median line of the Bear River. The west boundary of this easement then being northerly along the median line of said Bear River to its intersection with the west right of way of said Oregon Short Line Railroad. The presently existing median line of the Bear River being identified below through the following 15 courses is presented for area calculation only.

Thence N 29°07'54"W, 233.79 feet

Thence N 19°51'40"W, 368.10 feet

Thence N 13°32'39"W, 146.68 feet

Thence N 2°14'38"E, 116.28 feet

Thence N 19°41'23"E, 107.13 feet

Thence N 41°22'32"E, 83.07 feet

Thence N 44°49'14"E, 160.52 feet

Thence N 10°27'51"E, 88.20 feet

Thence N 36°12'15"W, 94.68 feet

Thence N 62°45'26"W, 115.31 feet

Thence N 85°50'06"W, 118.88 feet

Thence S 66°52'01"W, 71.59 feet

Thence S 50°36'57"W, 102.67 feet

Thence S 75°17'25"W, 126.49 feet

Thence N 00°30'10"E leaving the median line of the Bear River 58.02 feet to a meander corner on the north bank of said Bear River and the west boundary of tract 45; thence continuing N 00°30'10"E, 811.57 feet to a meander corner again on the north bank of said Bear River and west boundary of tract 45; Thence continuing N 00°30'10' E, 59.05 feet to a point of the presently existing median line of the Bear River. Continuing northerly along said presently existing median line of the Bear River the following 37 courses presented for are calculation only.

Thence N 60°54'42"E, 362.56 feet

Thence N 71°40'54"E, 265.05 feet

Thence N 88°10'44"E, 124.18 feet

Thence S 81°45'07"E, 170.48 feet

Thence N 75°46'28"E, 124.19 feet

Thence N 39°44'14"E, 102.65 feet

Thence N 10°25'58"E, 131.10 feet

Thence N 4°47'54"W, 168.20 feet

Thence N 23°04'57"W, 141.25 feet

Thence N 49°30'59"W, 263.59 feet  
 Thence N 47°56'51"W, 395.80 feet  
 Thence N 47°01'56"W, 183.69 feet  
 Thence N 33°57'19"W, 105.09 feet  
 Thence N 16°10'17"W, 115.15 feet  
 Thence N 2°11'32"E, 64.41 feet  
 Thence N 27°44'38"E, 94.31 feet  
 Thence N 45°44'43"E, 398.66 feet  
 Thence N 59°16'10"E, 110.83 feet  
 Thence N 67°47'12"E, 148.84 feet  
 Thence N 43°12'57"E, 75.93 feet  
 Thence N 2°21'00"E, 89.25 feet  
 Thence N 17°21'56"W, 138.10 feet  
 Thence N 28°39'55"W, 184.19 feet  
 Thence N 38°03'00"W, 125.22 feet  
 Thence N 51°45'07"W, 108.93 feet  
 Thence N 49°50'53"W, 78.31 feet  
 Thence N 12°57'12"W, 57.33 feet  
 Thence N 18°17'16"E, 65.16 feet  
 Thence N 34°06'26"E, 155.07 feet  
 Thence N 33°51'23"E, 139.59 feet  
 Thence N 33°23'12"E, 140.05 feet  
 Thence N 49°52'13"E, 100.84 feet  
 Thence N 65°35'22"E, 223.12 feet  
 Thence N 72°53'27"E, 185.35 feet  
 Thence N 78°42'10"E, 261.70 feet  
 Thence N 70°01'19"E, 191.47 feet  
 Thence N 47°40'01"E, 114.18 feet to a point on a central curve of a spiral railroad curve of the west  
 Right of Way boundary of the Oregon Short Line Railroad.

Thence 682.93 feet along the arc of said central curve to the left to the point of curve to spiral of said  
 spiral curve. Said central curve having an interior angle of 7°01'45", a radius of 5566.62 feet and a chord  
 of 682.50 feet which bears S1°27'25"E.

Thence 316.03 feet along the arc of said spiral curve to the left to the point of spiral to tangent. Said  
 spiral curve to the left having an internal angle of 1°37'00" and a chord of 316.02 feet which bears  
 S 1°54'49"W.

Thence S 3°39'22"W, along the westerly right of way boundary of said railroad, 4754.23 feet to the point  
 of beginning.

Said easement contains 150.9 acres more or less.

**Easement #3**

(West of railroad, Sections 7, 8, 17, 18 and 21)

A conservation easement within tracts 57, 58, 59, 66, 67, 68, 69, 70, 71 and 72 and being part of Sections 7, 8, 17, 18 and 21 all of the resurvey of T.24N., R.119W, 6<sup>th</sup> P.M., Lincoln County, Wyoming. Said easement being west of the Oregon Short Line Railroad east of the median line of the Bear River and being more particularly described as follows:

Beginning at Corner #3 of Tract 83 of the resurvey of T. 24N., R.119W, 6<sup>th</sup> P.M., Lincoln County, Wyoming. Said point being an angle point on the north boundary of Tract 71;

Thence S 89°15'13"E, 1323.06 feet to corner #1 of Tract 71;

Thence N 89°57'09"E along the north boundary of Tract 68, 45.43 feet;

Thence S 1°15'52"W, 857.39 feet

Thence S 68°59'26"E, 647.33 feet

Thence S 27°35'03"W, 522.07 feet

Thence S 84°39'35"E, 543.68 feet

Thence N 86°05'07"E, 674.48 feet to a point on the west right of way boundary of the Oregon Short Line Railroad.

Thence S 18°01'19"E along said west right of way boundary of said railroad 1257.96 feet to a point on the common boundary between tracts 67 and 72 at which point said west right of way boundary of railroad jogs to the east.

Thence N 88°54'27"E along said jog in railroad right of way along said common boundary line between tracts 67 and 72, 52.26 feet to a jog in said west railroad right of way boundary;

Thence S 18°01'19"E, 2049.30 feet to a jog in the west right of way boundary of said railroad;

Thence S 71°58'41"W, 50.00 feet along said jog in railroad right of way boundary;

Thence S 18°01'19"E, 4274.04 feet to the point of tangent to spiral of a spiral railroad curve to the right;

Thence 316.03 feet along the arc of said spiral curve to the right to the point of spiral to curve. Said spiral curve to the right having a central angle of 1°37'00" and a chord of 316.02 feet which bears S 17°44'53"E.

Thence 784.84 feet along arc of the central curve to the right to the intersection of said west railroad right of way boundary and the median line of the Bear River. Said curve to the right having a central angle of  $8^{\circ}04'41''$ , a radius of 5566.62 feet and a chord of 784.19 feet which bears  $S 12^{\circ}22'32''E$ .

Thence northeasterly along the median line of the Bear River the following 38 courses which are presented for area calculation only;

Thence  $N 19^{\circ}41'11''W$ , 216.85 feet  
 Thence  $N 37^{\circ}48'01''W$ , 210.21 feet  
 Thence  $N 49^{\circ}18'29''W$ , 358.81 feet  
 Thence  $N 42^{\circ}22'28''W$ , 233.51 feet  
 Thence  $N 52^{\circ}06'50''W$ , 139.44 feet  
 Thence  $N 63^{\circ}31'42''W$ , 123.15 feet  
 Thence  $N 78^{\circ}59'48''W$ , 130.64 feet  
 Thence  $N 60^{\circ}45'08''W$ , 153.22 feet  
 Thence  $N 54^{\circ}56'01''W$ , 121.63 feet  
 Thence  $N 71^{\circ}14'54''W$ , 88.90 feet  
 Thence  $S 69^{\circ}41'47''W$ , 74.62 feet  
 Thence  $S 43^{\circ}09'31''W$ , 85.03 feet  
 Thence  $S 28^{\circ}27'26''W$ , 110.61 feet  
 Thence  $S 61^{\circ}24'29''W$ , 84.37 feet  
 Thence  $N 89^{\circ}42'20''W$ , 80.85 feet  
 Thence  $N 68^{\circ}18'40''W$ , 86.00 feet  
 Thence  $N 40^{\circ}45'54''W$ , 107.72 feet  
 Thence  $N 17^{\circ}53'28''W$ , 278.15 feet  
 Thence  $N 12^{\circ}29'17''W$ , 363.10 feet  
 Thence  $N 25^{\circ}32'44''W$ , 175.54 feet  
 Thence  $N 32^{\circ}55'31''W$ , 140.99 feet  
 Thence  $N 23^{\circ}37'10''W$ , 153.22 feet  
 Thence  $N 37^{\circ}53'54''W$ , 127.05 feet  
 Thence  $N 38^{\circ}04'47''W$ , 142.28 feet  
 Thence  $N 22^{\circ}39'14''W$ , 198.34 feet  
 Thence  $N 7^{\circ}50'46''W$ , 205.69 feet  
 Thence  $N 2^{\circ}20'50''W$ , 206.93 feet  
 Thence  $N 12^{\circ}31'19''W$ , 334.52 feet  
 Thence  $N 22^{\circ}16'24''W$ , 369.64 feet  
 Thence  $N 34^{\circ}24'27''W$ , 173.96 feet  
 Thence  $N 51^{\circ}54'08''W$ , 206.20 feet  
 Thence  $N 57^{\circ}42'20''W$ , 194.96 feet  
 Thence  $N 70^{\circ}16'51''W$ , 123.92 feet  
 Thence  $N 83^{\circ}35'52''W$ , 203.21 feet

Thence N 72°34'00"W, 171.04 feet

Thence N 53°11'47"W, 121.24 feet

Thence N 34°44'41"W, 225.05 feet

Thence N 21°05'17"W, 335.83 feet

Thence N 42°18'56"W leaving the median line of the Bear River 125.54 feet to a meander corner on the north bank of said Bear River; thence continuing N 42°18'56"W. 778.55 feet to a meander corner again on the north bank of said Bear River; Thence continuing N 42°18'56' W, 199.33 feet to a point of the presently existing median line of the Bear River. Continuing northerly along said presently existing median line of the Bear River the following 34 courses presented for are calculation only.

Thence N 42°18'56"W, 243.53 feet

Thence N 42°37'06"W, 103.95 feet

Thence N 54°24'45"W, 120.36 feet

Thence N 54°34'25"W, 138.71 feet

Thence N 47°37'44"W, 121.19 feet

Thence N 41°30'21"W, 202.76 feet

Thence N 38°23'19"W, 129.95 feet

Thence N 31°43'30"W, 123.30 feet

Thence N 20°07'38"W, 126.10 feet

Thence N 3°44'01" W, 88.17 feet

Thence N 14°37'21"E, 54.60 feet

Thence N 31°24'02"E, 115.01 feet

Thence N 20°34'44"E, 108.10 feet

Thence N 0°51'55"E, 168.31 feet

Thence N 4°50'16"W, 133.26 feet

Thence N 7° 19'27"W, 150.63 feet

Thence N 4°25'35"W, 146.58 feet

Thence N 5°46'09"E, 134.19 feet

Thence N 9°09'50"E, 171.89 feet

Thence N 3°32'10"E, 109.18 feet

Thence N 3°22'00"W, 131.44 feet

Thence N 19°32'20"W, 108.03 feet

Thence N 35°34'34"W, 109.23 feet

Thence N 46°04'18"W, 97.27 feet

Thence N 60°13'00"W, 80.21 feet

Thence N 71°26'42"W, 72.51 feet

Thence N 75°15'48"W, 105.32 feet

Thence N 65°12'26"W, 89.44 feet

Thence N 51°48'46"W, 83.18 feet

Thence N 22°35'34"W, 95.81 feet

Thence N 11°43'50"W, 115.61 feet

Thence N 32°02'35"W, 123.29 feet

Thence N 58°21'55"W, 96.11 feet

Thence N 68°42'38"W, 101.62 feet to a point on the east right of way boundary of Lincoln County Road 12-207;

Thence 785.49 feet along the arc of a curve to the right to a point on the east boundary of said Lincoln County Road 12-207. Said curve to the right having a central angle of 03°13'31", a radius of 13954.35 feet and a chord of 785.39 feet which bears N 30°06'29"E;

Thence N 33°20'07"E along said east right of way boundary of said Lincoln County Road 12-207, 287.81 feet to the PC of a curve to the right.

Thence continuing along said easterly right of way 271.95 feet along the arc of said curve to the right to the intersection of said curve and the eastern boundary of a parcel of land described in book 24 page 416 of the Lincoln county public records. Said curve to the right having a central angle of 15°39'39", a radius of 994.93 feet and a chord of 271.10 feet which bears N 25°30'17"E;

Thence N 30°47'00"E, 37.67 feet to a point on the northern boundary line of Tract 71;

Thence S 89°15'44"E along said northern boundary line of Tract 71, 29.68 feet to the point of beginning.

Said easement contains 487.4 acres more or less.

Bearings and distances are in US Survey feet and are based on NAD83 (CORS 96) (EPOCH: 2002.0000) Latitudes and Longitudes that were projected upon the State Plane Coordinate System of 1983 (SPC83), Wyoming West Zone, Grid North, and then scaled by a factor of 1.0002920389.

## RESERVED RIGHTS PILOT WARRANTY EASEMENT DEED

**WETLANDS RESERVE PROGRAM  
EASEMENT NO. 668E49-1-1111**

**THIS WARRANTY EASEMENT DEED** is made by and between  
Teichert Brothers LLC (Timothy and Matthew Teichert) \_\_\_\_\_ of  
P.O. Box 369, Cokeville, Wyoming 83114 \_\_\_\_\_ (hereafter  
referred to as the "Landowner"), Grantor(s), and **the UNITED STATES OF  
AMERICA**, by and through the Commodity Credit Corporation (CCC) (hereafter  
referred to as the "United States"), Grantee. The Landowner and the United States are  
jointly referred to as the "Parties". The acquiring agency of the United States is the  
Natural Resources Conservation Service (NRCS), United States Department of  
Agriculture.

### Witnesseth:

Purposes and Intent. The purpose of this easement is to restore, protect, manage, maintain, and enhance the functional values of wetlands and other lands, and for the conservation of natural values including fish and wildlife and their habitat, water quality improvement, flood water retention, groundwater recharge, open space, aesthetic values, and environmental education. It is the intent of NRCS to give the Landowner the opportunity to participate in the restoration and management activities on the easement area. By signing this deed, the Landowner agrees to the restoration of the easement area and grants the right to carry out such restoration to the United States.

Authority. This easement deed acquisition is authorized by Title XII of the Food Security Act of 1985, as amended (16 U.S.C. §3837), for the Wetlands Reserve Program.

**NOW THEREFORE**, for and in consideration of the sum of  
one million sixty-eight thousand two hundred eleven and eighty hundredths \_\_\_\_\_ Dollars  
(\$1,068,211.80 \_\_\_\_\_), the Grantor(s), hereby grants and conveys with general warranty of title  
to the UNITED STATES OF AMERICA and its assigns, (the Grantee),  in perpetuity  
or  for a period of 30 years, all rights, title and interest in the lands comprising the  
easement area described in Part I and appurtenant rights of access to the easement area,  
but reserving to the Landowner only those rights, title, and interest expressly enumerated  
in Part II. It is the intention of the Landowner to convey and relinquish any and all other  
property rights not so reserved. This easement shall constitute a servitude upon the land  
so encumbered; shall run with the land for the duration of the easement; and shall bind

the Landowner, (the Grantor(s)), their heirs, successors, assigns, lessees, and any other person claiming under them.

SUBJECT, however, to all valid rights of record, if any.

PART I. Description of the Easement Area. The lands encumbered by this easement deed, referred to hereafter as the easement area, are described on EXHIBIT A which is appended to and made a part of this easement deed.

TOGETHER with a right of access for ingress and egress to the easement area across adjacent or other properties of the Landowner. Such a right-of-way for access purposes is described in EXHIBIT B which is appended to and made a part of this easement deed.

PART II. Reservations in the Landowner on the Easement Area. Subject to the rights, title, and interest conveyed by this easement deed to the United States, including the restoration, protection, management, maintenance, enhancement, and monitoring of the wetland and other natural values of the easement area, the Landowner reserves:

- A. Title. Record title, along with the Landowner's right to convey, transfer, and otherwise alienate title to these reserved rights.
- B. Quiet Enjoyment. The right of the Landowner to enjoy the rights reserved on the easement area without interference from others.
- C. Control of Access. The right to prevent trespass and control access by the general public subject to the operation of State and Federal law.
- D. Recreational Uses. The right to undeveloped recreational uses, including undeveloped hunting and fishing and leasing of such rights for economic gain, pursuant to applicable State and Federal regulations that may be in effect at the time. Undeveloped recreational uses must be consistent with the long-term protection and enhancement of the wetland and other natural values of the easement area. Undeveloped recreational use may include hunting equipment, such as, tree stands and hunting blinds that are rustic and customary for the locale as determined by NRCS.
- E. Subsurface Resources. The right to oil, gas, minerals, and geothermal resources underlying the easement area, provided that any drilling or mining activities are to be located outside the boundaries of the easement area, unless activities within the boundaries are specified in accordance with the terms and conditions of EXHIBIT C which is appended to and made a part of this easement deed, if applicable.

- F. Water uses and water rights. The right to water uses and water rights identified as reserved to the Landowner in EXHIBIT D which is appended to and made a part of this easement deed, if applicable.
- G. Grazing. The Landowner reserves the right to graze the easement area in accordance with the terms and conditions of EXHIBIT E, which is appended to and made a part of this easement deed.

PART III. Obligations of the Landowner. The Landowner shall comply with all terms and conditions of this easement, including the following:

- A. Prohibitions. Without otherwise limiting the rights of the United States acquired hereunder, it is expressly understood that the rights to carry out the following activities and uses have been acquired by the United States and, unless authorized by the United States under Part IV, are prohibited on the easement area:
1. haying, mowing, or seed harvesting for any reason;
  2. altering of grassland, woodland, wildlife habitat or other natural features by burning, digging, plowing, disking, cutting or otherwise destroying the vegetative cover, except for grazing carried out in accordance with EXHIBIT E;
  3. dumping refuse, wastes, sewage, or other debris;
  4. harvesting wood products;
  5. draining, dredging, channeling, filling, leveling, pumping, diking, impounding, or related activities, as well as altering or tampering with water control structures or devices, except as specifically set forth in EXHIBIT D, if applicable;
  6. diverting or causing or permitting the diversion of surface or underground water into, within, or out of the easement area by any means, except as specifically set forth in EXHIBIT D, if applicable;
  7. building, placing, or allowing to be placed structures on, under, or over the easement area, except for structures for undeveloped recreational use;
  8. planting or harvesting any crop;
  9. disturbing or interfering with the nesting or brood-rearing activities of wildlife including migratory birds;
  10. use of the easement area for developed recreation. These uses include but are not limited to, camping facilities, recreational vehicle trails and tracks, sporting clay operations, skeet shooting operations, firearm range operations and the infrastructure to raise, stock, and release captive raised waterfowl, game birds and other wildlife for hunting or fishing;
  11. any activities which adversely impact or degrade wildlife cover or other habitat benefits, water quality benefits, or other wetland functions and values of the easement area; and

12. any activities to be carried out on the Landowner's land that is immediately adjacent to, and functionally related to, the land that is subject to the easement if such activities will alter, degrade, or otherwise diminish the functional value of the eligible land.

- B. Noxious Plants and Pests. The Landowner is responsible for noxious weed control and emergency control of pests as required by all Federal, State, and local laws. A plan to control noxious weeds and pests must be approved in writing by the NRCS prior to implementation by the Landowner.
- C. Fences. Except for establishment cost incurred by the United States and replacement cost not due to the Landowner's negligence or malfeasance, all other costs involved in maintenance of fences and similar facilities to manage livestock shall be the responsibility of the Landowner. The installation or use of fences which have the effect of impeding wildlife movement on to, off of, or within the easement area are prohibited on the easement or easement boundary.
- D. Use of water for easement purposes. The landowner shall use water for easement purposes as set forth in EXHIBIT D, which is appended to and made a part of this easement deed, if applicable.
- E. Protection of water uses and water rights. As set forth in EXHIBIT D, if applicable, the Landowner shall undertake actions necessary to protect any water rights and water uses for easement purposes.
- F. Taxes. The Landowner shall pay any and all real property and other taxes and assessments, if any, which may be levied against the land.
- G. Reporting. The Landowner shall report to the NRCS any conditions or events which may adversely affect the wetland, wildlife, and other natural values of the easement area.
- H. Survival. Irrelevant of any violations by the Landowner of the terms of this deed, this easement survives and runs with the land for its duration.

PART IV. Compatible Uses by the Landowner.

- A. General. The United States may authorize, in writing and subject to such terms and conditions the NRCS may prescribe at its sole discretion, the use of the easement area for compatible economic uses, including, but not limited to, managed timber harvest, periodic haying, or livestock water development.

- B. Limitations. Compatible use authorizations will only be made if, upon a determination by NRCS in the exercise of its sole discretion and rights, that the proposed use is consistent with the long-term protection and enhancement of the wetland and other natural values of the easement area. The NRCS shall prescribe the amount, method, timing, intensity, and duration of the compatible use.

PART V. Rights of the United States. The rights of the United States include:

- A. Management activities. The United States has the right to enter the easement area to undertake, on a cost-share basis with the Landowner or other entity as determined by the United States, any activities to restore, protect, manage, maintain, enhance, and monitor the wetland and other natural values of the easement area. The United States may apply to or impound additional waters, in accordance with State water law, on the easement area in order to maintain or improve wetland and other natural values.
- B. Access. The United States has a right of reasonable ingress and egress to the easement area over the Landowner's property, whether or not the property is adjacent or appurtenant to the easement area, for the exercise of any of the rights of the United States under this easement deed. The authorized representatives of the United States may utilize vehicles and other reasonable modes of transportation for access purposes. To the extent practical, the United States shall utilize the access identified in EXHIBIT B.
- C. Easement Management. The Secretary of Agriculture, by and through the NRCS, may delegate all or part of the management, monitoring or enforcement responsibilities under this easement to any entity authorized by law that the NRCS determines to have the appropriate authority, expertise and resources necessary to carry out such delegated responsibilities. State or federal agencies may utilize their general statutory authorities in the administration of any delegated management, monitoring or enforcement responsibilities for this easement. The authority to modify or terminate this easement (16 U.S.C. §3837e(b)) is reserved to the Secretary of Agriculture in accordance with applicable law.
- D. Violations and Remedies - Enforcement. The Parties, Successors, and Assigns, agree that the rights, title, interests, and prohibitions created by this easement deed constitute things of value to the United States and this easement deed may be introduced as evidence of same in any enforcement proceeding, administrative, civil or criminal, as the stipulation of the Parties hereto. If there is any failure of the Landowner to comply with any of the provisions of this easement deed, the United States or other delegated authority shall have any legal or equitable remedy provided by law and the right:

1. To enter upon the easement area to perform necessary work for prevention of or remediation of damage to wetland or other natural values; and.
2. To assess all expenses incurred by the United States (including any legal fees or attorney fees) against the Landowner, to be owed immediately to the United States.

PART VI. General Provisions.

- A. Successors in Interest. The rights granted to the United States shall accrue to any of its agents or assigns. All obligations of the Landowner under this easement deed shall also bind the Landowner's heirs, successors, agents, assigns, lessees, and any other person claiming under them. All the Landowners who are parties to this easement deed shall be jointly and severally liable for compliance with its terms.
- B. Rules of Construction and Special Provisions. All rights in the easement area not reserved by the Landowner shall be deemed acquired by the United States. Any ambiguities in this easement deed shall be construed in favor of the United States to effect the wetland and conservation purposes for which this easement deed is being acquired. The property rights of the United States acquired under this easement shall be unaffected by any subsequent amendments or repeal of the Wetlands Reserve Program. If the Landowner receives the consideration for this easement in installments, the Parties agree that the conveyance of this easement shall be totally effective upon the payment of the first installment.
- C. Environmental Warranty. "Environmental Law" or "Environmental Laws" means any and all Federal, State, local or municipal laws, orders, regulations, statutes, ordinances, codes, guidelines, policies, or requirements of any governmental authority regulating or imposing standards of liability or standards or conduct (including common law) concerning air, water, solid waste, hazardous materials or substance, worker and community right-to-know, hazard communication, noise, radioactive material, resource protection, subdivision, inland wetlands and watercourses, health protection and similar environmental health, safety, building and land use as may now or at any time hereafter be in effect.

"Hazardous Materials" means any petroleum, petroleum products, fuel oil, waste oils, explosives, reactive materials, ignitable materials, corrosive materials, hazardous chemicals, hazardous wastes, hazardous substances, extremely hazardous substances, toxic substances, toxic chemicals, radioactive materials, infectious materials, and any other element, compound,

mixture, solution or substance which may pose a present or potential hazard to human health or the environment.

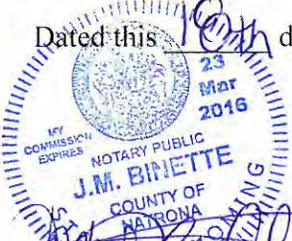
Landowner warrants that it is in compliance with, and shall remain in compliance with, all applicable Environmental Laws. Landowner warrants that there are no notices by any government authority of any violation or alleged violation of, non-compliance or alleged non-compliance with or any liability under any Environmental Law relating to the operations or conditions of the Property. Landowner further warrants that it has no actual knowledge of a release or threatened release of Hazardous Materials, as such substance and wastes are defined by applicable Federal and State law.

- D. General Indemnification. Landowner shall indemnify and hold harmless the United States, its employees, agents, and assigns for any and all liabilities, claims, demands, losses, expenses, damages, fines, fees, penalties, suits, proceedings, actions, and cost of actions, sanctions asserted by or on behalf of any person or government authority, and other liabilities (whether legal or equitable in nature and including, without limitation, court costs, and reasonable attorneys' fees and attorneys' fees on appeal) to which the United States may be subject or incur relating to the easement area, which may arise from, but is not limited to, Landowner's negligent acts or omissions or Grantor's breach of any representation, warranty, covenant, agreements contained in this easement deed, or violations of any Federal, State, or local laws, including all Environmental Laws.

**ACCEPTANCE BY GRANTEE:**

I Astrid Martinez (name), State Conservationist (title), being the duly authorized representative of the United States Department of Agriculture, Natural Resources Conservation Service, do hereby accept this Conservation Easement Deed with respect to the rights and duties of the United States of America, Grantee.

Dated this 10th day of December, 2012.

  
J.M. Binette  
Notary Public  
State of Wyoming

  
Signature

State Conservationist  
Title

This instrument was drafted by the Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250-1400.

**NONDISCRIMINATION STATEMENT**

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (1202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 705-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

**PRIVACY ACT STATEMENT**

The above statements are made in accordance with the Privacy Act of 1974 (U.S.C. 522a). Furnishing this information is voluntary; however, failure to furnish correct, complete information will result in the withholding or withdrawal of such technical or financial assistance. The information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other State or Federal Law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal.

This information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title II, Subtitle J – Miscellaneous Conservation Provisions).

**TO HAVE AND TO HOLD**, this Warranty Easement Deed is granted to the United States of America and its assigns. The Landowner covenants that he, she, or they are vested with good title to the easement area and will warrant and defend the same on behalf of the United States against all claims and demands. The Landowner covenants to comply with the terms and conditions enumerated in this document for the use of the easement area and adjacent lands for access, and to refrain from any activity not specifically allowed or that is inconsistent with the purposes of this easement deed.

Dated this 21 day of December, 2012

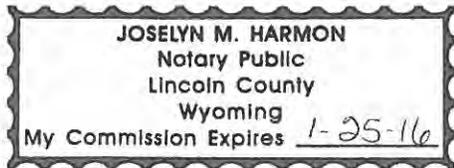
Landowner(s): Matthew Teichert  
Janette Teichert

**ACKNOWLEDGMENT**

STATE OF Wyoming  
COUNTY OF Lincoln

On this 21 day of Dec, 2012, before me, the undersigned, a Notary Public in and for said State personally appeared Timothy and Matthew Teichert known or proved to me to be the person(s) described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Notary Public for the State of Wyoming  
Residing at 110 Canyon  
My Commission Expires 1-25-16

*Joselyn M Harmon*