

**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:** 17433 Fwd: Lincoln County Comments on Gateway West Transmission Line Project FEIS  
**Date:** Thursday, June 27, 2013 10:09:27 AM  
**Attachments:** [Gateway West FEIS BCC Comments\(2\).docx.pdf](#)  
[Proposed ReRoute v2.pdf](#)

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

**From:** **Jonathan Teichert** <[jteichert@lccwy.org](mailto:jteichert@lccwy.org)>  
**Date:** Thu, Jun 27, 2013 at 8:47 AM  
**Subject:** Lincoln County Comments on Gateway West Transmission Line Project FEIS  
**To:** [Gateway\\_West\\_WYMail@blm.gov](mailto:Gateway_West_WYMail@blm.gov)

Please accept the attached comments on behalf of the Board of Lincoln County Commissioners. Thank you!

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Lincoln County Planning & Engineering  
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# Board of Lincoln County Commissioners

**Paul C. Jenkins,**  
**Chairman**  
 Thayne, Wyoming 83127

**T. Deb Wolfley**  
 Fairview, Wyoming 83119

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June 28, 2013

**Submitted Electronically at:**

[http://www.wy.blm.gov/nepa/cfodocs/gateway\\_west/index.html](http://www.wy.blm.gov/nepa/cfodocs/gateway_west/index.html)

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

Re: Comments Submitted by the Board of Lincoln County Commissioners on the Gateway West Transmission Line Project Final Environmental Impact Statement (FEIS)

Dear Sir or Madam:

The Board of Lincoln County Commissioners (the Board) submits the following comments on the Gateway West Transmission Line Project Final Environmental Impact Statement (FEIS). Board members have been cooperating agencies since 2009 and submitted various comments throughout the EIS process. The Board had recently submitted comments during the 30-day land use plan amendment protest period and the Governor's Consistency Review. We will not be duplicating those comments here. The following comments address concerns that the Board has in regards to the Proposed Route and the Alternatives that were not addressed in the DEIS.

**A. Alternatives Affecting Segment 4 Through Lincoln County, Wyoming**

The Board appreciates the support BLM has shown for the Board's prior position of having the Gateway West Transmission Line follow the path of existing lines through Lincoln County, Wyoming. There are still several issues regarding the newly Proposed Route that must be resolved regarding the placement of the lines near residences of Cokeville, Wyoming.

The Proposed Route 4 of the FEIS, formerly Alternative Route 4A of the DEIS, follows existing transmission lines through Lincoln County passing just south of Cokeville. Regardless of whether the line is located on the north side or south side of the existing lines, it will pass over or very near several residences. The issue arises due to the fact that the Gateway West Transmission Line must be located at least 1,500 feet from the existing lines. FEIS 2-47. Because the Gateway West Transmission Line would result in such a wide impact area through Cokeville residential areas, the Board requests BLM to adopt one of the following alternatives: (1) first, require the proponents to bury the Gateway West Transmission Line for approximately 8 miles as it passes south of Cokeville (*See Ex. 1*); (2) if alternative (1) proves to be unobtainable, then alter the route near Cokeville by creating a 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) is possible, the Board supports Alternatives 4B and 4D areas as the preferred route.

## 1. Placement of Line Underground

The FEIS discusses placing the Gateway West Transmission Line underground in Section 2.6.3 based on data provided by the proponents of the project. It appears Section 2.6.3 was written to consider placing the entire line underground and concluded it that was not feasible. *See* FEIS 2.6.3.4. Underground lines may cost up to 12 to 17 times more than overhead lines and take over twice as long to construct. FEIS 2-91, 2-99. However, the Board only proposes placing approximately 8 miles of the line underground near the residential areas south of Cokeville. This is reasonable mitigation due to the impacts on property values, views from the affected homes, and the quality of life.

According to the FEIS, the High Pressure Fluid-Filled Cable (HPFF) and the Self-Contained Fluid Filled Cable (SCFF) are the only two proven and logical technologies for a 500 kV system. The SCFF Cable has proven itself as highly reliable for 500 kV systems for long submarine or subterranean distances. Pumping plants are required to be placed every 7-10 miles and large transition stations are located at each end of the underground portion of the line. FEIS 2-93, 2-98. In addition, access roads, similar to those for the overhead lines, would need to be constructed. FEIS 2-91. This is similar to the routinely buried natural gas and oil pipelines, but with much less environmental risk or harm.

The only environmental concerns are the fact that a trench would need to be constructed for the entire underground portion of the Line and there is potential for fluid leaks and pipe corrosion. The environmental impact to existing habitat caused by the trench would be minimal as this portion of the line runs through residential areas with no special management restrictions for wildlife, particularly the sage-grouse. After the trench is covered, the resulting environmental impacts are no greater than those from construction of overhead lines.

Though leaks may occur, there are fewer outages than with overhead lines. FEIS 2-91. Further, a majority of outages and damage to underground lines is the result of third party interference with the underground cable. National Grid, *Undergrounding High Voltage Electricity Transmission: The Technical Issues*, at 8 (Aug. 2009). The underground portion of the line would cross only two roads and a majority of undeveloped land, so the potential for third party influence to the line would be minimal. Surface marking would also prevent third party influence. Several layers of material cover the insulating fluid surrounding the wire, preventing corrosion damage that would result in leaks. National Grid, at 5.

Burying high voltage power lines is safer, more reliable and efficient, does not visually blight on the landscape, does not devalue property, has fewer environmental impacts, incurs lower maintenance costs, and is actually cheaper than overhead lines over the life of the line. It has also been very successful in Asia, Europe, and Canada.

The Board urges BLM to review the underground alternative to insulate cables with cross linked polyethylene material (XLPE) as well, which provides insulation without fluids, removing this potential cause of system failure or environmental contamination. This possibility was not discussed in the FEIS.

## 2. Re-route Connecting Proposed Route 4 with Alternative Route 4C

If BLM rejects the underground option, then the Board requests BLM consider the proposed re-route as shown on the attached map. (*See* Ex. 1). The re-route was proposed in an effort to avoid residential areas in and near the town of Cokeville and to avoid the proposed Sublette Creek Reservoir. It also avoids additional historic

trail crossings, sage grouse leks, avoids the “BLM -designated Bear River and Rock Creek Ridge SRMAs along US 30/SR89” and visual impacts to Fossil Butte National Monument and Cokeville Meadows NWR. By electing the Board’s re-route over the current Proposed Route 4, the only additional concern is that the Board’s re-route will pass through sage grouse core areas outside of the Wyoming Governor’s designated sage grouse corridor. Wyoming Executive Order 2011-5. However, new transmission lines sited outside established corridors are allowed if it is demonstrated that the activity will not cause a decline in sage grouse populations. *Id.*

Regardless of the route chosen, it appears that each of the alternatives analyzed will pass through sage grouse core area, including the Proposed Route. The project proponents have petitioned to allow the Proposed Route 4 outside of the Wyoming Governor’s designated sage grouse corridor. The request was made so as to avoid the placement of towers in the Fish Creek area where steep, unstable soils and sloughing had necessitated the relocation of the lines. Obviously, if the proposed route can be re-directed to avoid steep hillsides, it can also be re-directed to avoid residential areas.

### **3. Alternative Routes 4B and 4D**

If neither the underground alternative near Cokeville or the Board’s reroute is selected, then the Board supports either Alternative Route 4B or 4D, because neither of these routes directly interferes with human health or residential developments. These routes would provide the lowest anticipated visual impacts compared to the Proposed Route, would avoid more VRM Class II lands than the other alternatives and would impact fewer recreational or culturally sensitive areas than the other routes. *See* FEIS 3.2-122

Either of these two alternatives would require amendments to the Kemmerer RMP similar to those amendments already required if the line is closer than .6 miles of sage grouse leks. *See* FEIS 2-50 - 2-51. Alternative Routes 4B and 4D would be outside the established sage grouse corridors, so a demonstration that construction of the transmission lines will not cause a decline in the sage grouse populations would be required. *See* Wyoming Executive Order 2011-5.

Alternatives 4B/C and 4D/E would be visible from the Fossil Butte National Monument visitor center parking lot. Also visible is County Road 300, a busy US HWY 30, the Union Pacific Railroad - Oregon Shortline, two existing powerlines (tall double-pole H-frame with parallel shorter single pole powerline), the townsite of Fossil, cattle shipping yards, the Williams Gas Compressor Station Site, Williams Northwest Pipeline corridor, telephone lines, electric distribution lines and at least half a dozen fossil quarries. Additional visual impacts would be minimal. Considering the many other land uses and linear corridors nearby, Alternatives 4B and 4D are not creating new land uses negatively impacting the visual resources from the parking lot of the Fossil Butte National Monument. Further, Alternative 4B should not be considered a “greenfield route” near the Monument, because it follows existing linear features. FEIS 2-51, Appx. G.1-6 n.2.

On page 3.2-121 of the FEIS, it states that Alternative Routes 4B and 4D “would cross the south end of the Cokeville Meadows NWR, although not lands managed by the USFWS, [which] would result in moderate to high visual impacts in the refuge due to the impact on pristine refuge land with little human-made elements apparent from most views.” The lands crossed by Alternative Routes 4B and 4D are not part of the Cokeville Meadows NWR lands. The only lands which may be managed as wildlife refuges are public lands withdrawn from other uses, lands donated to the agency, lands purchased by the agency, lands exchanged by the agency, or any lands managed as wildlife refuges pursuant to a cooperative agreement with any state or local government, any federal department or agency, or any other governmental entity. 16 U.S.C. § 668dd(a)(6).

Gateway West Transmission Line FEIS  
Bureau of Land Management  
June 28, 2013  
Page 4

The lands crossed by Alternative Routes 4B and 4D do not qualify for management as a national wildlife refuge under 16 U.S.C. § 668dd(a)(6). Therefore, the FEIS must make clear that these lands are not legally part of the Refuge and cannot be forcibly managed as if they were part of a wildlife refuge.

Further, the Gateway West Transmission Line will not impact the “pristineness” of the portion within the boundaries of the Cokeville Meadows NWR it “allegedly” crosses. Transmission lines currently exist on refuge lands and within the proposed acquisition boundary area. Therefore, the character of these lands will not change from their current condition.

### **B. Alternatives not in Conformance with State of Wyoming Executive Order 2011-5**

The Board supports the Wyoming Executive Order 2011-5 sage grouse core area directive to the extent that it allows a two-mile wide corridor through the Sage and Seedskafee Core Areas. The other Alternative Routes do not conform to this portion of the Wyoming Executive Order. If any of those Routes are chosen for the final decision, then it will have to be shown that construction of the transmission line will not cause a decline in sage grouse populations.

The Board has proposed that Alternative Route 4B or 4D become the preferred Alternative if BLM rejects the other changes to the Proposed Route. The Board recognizes that these alternatives are not within the two mile corridor, but they may still comply with the Wyoming Executive Order. Although the scientific data are not currently available, it is very likely that Alternative Routes 4B and 4D will not harm sage-grouse populations considering the impacts that current development and structures, such as highways and railroads, have already changed the sage-grouse habitat.

The Board supports the designation of a utility corridor for Alternative Routes 4B and 4D. The Board also recommends a one mile utility corridor for all other routes, especially the Proposed Route, taking into consideration the Board’s concerns with the line passing through residences in Cokeville. This would benefit two other transmission lines that have been proposed to shortly follow. An official utility corridor designation would also solve various conformance issues with the RMPs. It would render moot one-time allowances for crossing a NHT, for viewsheds of NHT segments, and for VRM classes.

Thank you for the consideration of the Board’s comments.

Sincerely,

/s/ Paul C. Jenkins, Chairman

Paul C. Jenkins, Chairman  
Board of Lincoln County Commissioners

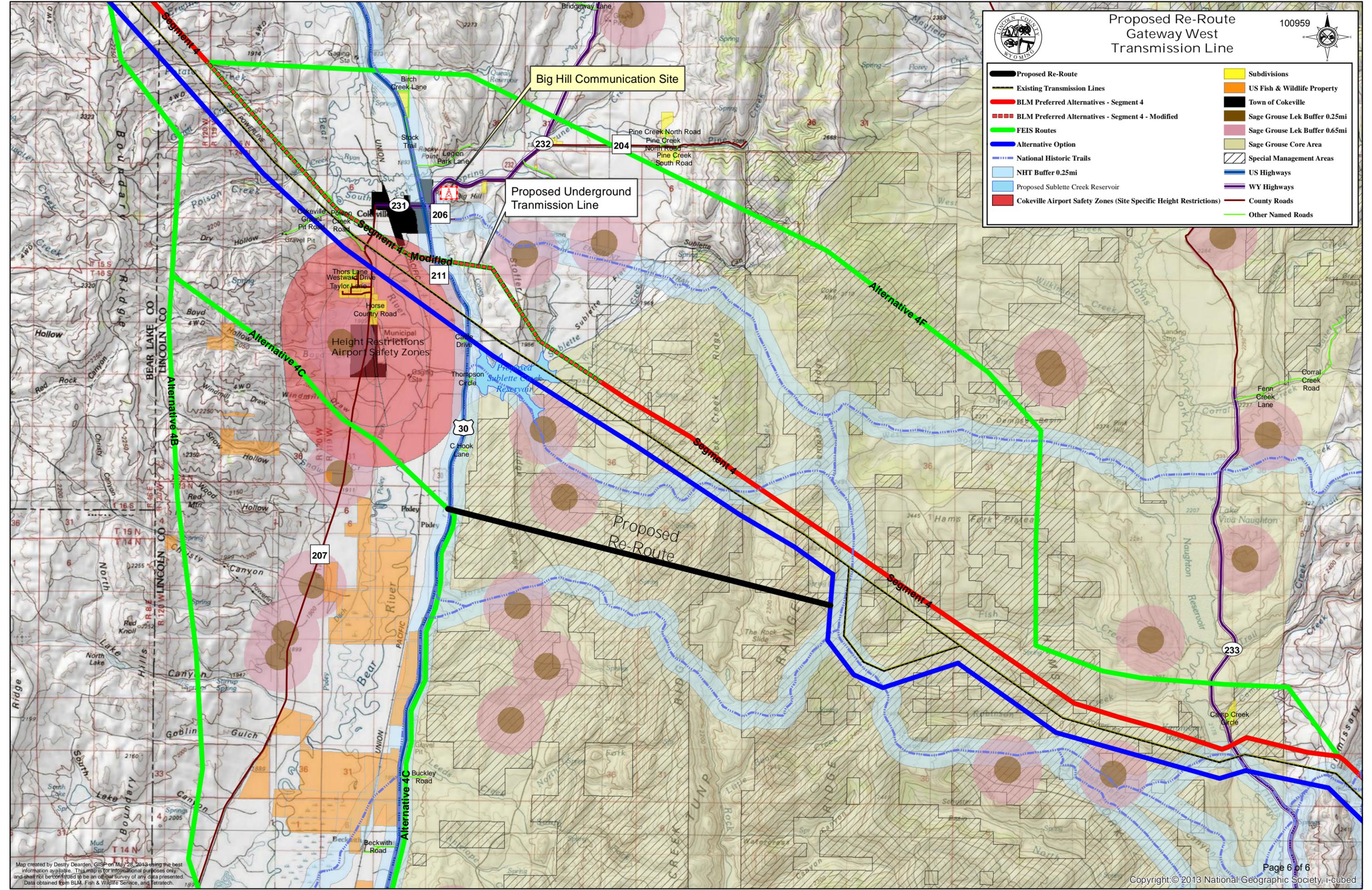


# Proposed Re-Route Gateway West Transmission Line

100959



- Proposed Re-Route
- Existing Transmission Lines
- BLM Preferred Alternatives - Segment 4
- BLM Preferred Alternatives - Segment 4 - Modified
- FEIS Routes
- Alternative Option
- National Historic Trails
- NHT Buffer 0.25mi
- Proposed Sublette Creek Reservoir
- Cokeville Airport Safety Zones (Site Specific Height Restrictions)
- Subdivisions
- US Fish & Wildlife Property
- Town of Cokeville
- Sage Grouse Lek Buffer 0.25mi
- Sage Grouse Lek Buffer 0.65mi
- Sage Grouse Core Area
- Special Management Areas
- US Highways
- WY Highways
- County Roads
- Other Named Roads



Map created by Destry Dearden, GISP on May 26, 2013 using the best information available. This map is for informational purposes only and shall not be construed to be an official survey of any data presented. Data obtained from BLM, Fish & Wildlife Service, and TetraTech.



## Board of Lincoln County Commissioners

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June 6, 2013

Governor Matt Mead  
 State Capitol, 200 West 24<sup>th</sup> Street  
 Cheyenne, WY 82002-0010

RE: Governor's Consistency Review of Gateway West Transmission Line Project - Proposed Land Use Plan Amendments and Final Environmental Impact Statement (FEIS).

Honorable Governor Mead:

The Board of County Commissioners of Lincoln County has determined that the Gateway West Transmission Line Project - Proposed Land Use Plan Amendments and Final Environmental Impact Statement (FEIS) conflicts in several material respects with the county's land use plan and zoning. The Bureau of Land Management (BLM) selected a route through Lincoln County that brings the transmission line within 250 feet of residences and residential lot lines and, possibly within the city limits in Cokeville, Wyoming. Lincoln County recommended to BLM two ways to resolve the conflict: (1) bury the transmission line for about eight miles or (2) revise the proposed route to exclude homes in and near Cokeville. BLM unfortunately did neither, and this left Lincoln County with no choice but to protest the Gateway West FEIS, because the BLM decision will greatly devalue the affected land and homes.

The discussion below documents how the Gateway West line conflicts with Lincoln County land use and zoning and how the rationale given by BLM that this route was necessary to protect the Sublette Cutoff Trail is flawed. Lincoln County urges you to give BLM a determination of inconsistency and aid Lincoln County in persuading BLM to bury the transmission lines for eight miles around Cokeville or reroute the transmission line to avoid the town of Cokeville.

### **Consistency with Local Land Use Plans and Policies**

Wyoming law confers broad authority on the counties to regulate the construction of buildings and facilities on unincorporated land within the county. The Counties have broad authority to protect the public health and welfare of county residents and this includes providing for transportation, land use and zoning, building codes, and assuring a supply of water for agriculture, municipal, and industrial purposes. Wyo. Stat. §§18-5-102, 18-5-105, 18-5-201(zoning commission authority under board of county commissioners). Lincoln County has adopted land use plans and policies addressing various public land uses, including transmission lines and energy development. Ex. 1, Lincoln County, Wyoming, Comprehensive Plan, Public Lands Policy (Lincoln County Plan), Appendix 3 (Nov. 16, 2006).

Lincoln County has jurisdiction over lands in Wyoming impacted by the alternatives analyzed in the Gateway West Transmission Line Project FEIS. The BLM's Preferred Alternative is inconsistent with local government land use plans in violation of the Federal Land Policy and Management Act (FLPMA). BLM failed to resolve the inconsistencies even though the local government plans are not contrary to federal law, and FLPMA

Honorable Matt Mead  
June 6, 2013  
Page 2

requires BLM to make every effort to resolve such inconsistencies. BLM Comment Response Doc. at 35-37, 155; 2012 OSTIS PFEIS at App. M-3 to M-4.

Pursuant to FLPMA, BLM must ensure that “land use plans of the Secretary under this section *shall be consistent* with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.” 43 U.S.C. §1712(c)(9) (emphasis added). Further, FLPMA requires BLM to coordinate with the land use planning and management programs of the States and local governments. *Id.* Because the majority of the land in Lincoln County is federally owned, management of these lands directly impacts the economies, the customs and culture, and the health and safety of the citizens of Lincoln County. Ex.1, Lincoln County Plan at 3-4; Ex. 3.

In order to enhance these values and provide for the general well-being of its citizens as well as respect private property rights, the County favored Alternative 4A, because it followed an existing transmission line corridor and minimized the adverse impacts to private land. Ex. 5, CLG Comments on Potential Alternative Routes at 4 (Sept. 4, 2009). As originally contemplated, this route would reduce surface disturbance and adverse impacts to the environment and private property. Most importantly, the proposed route would also reduce impacts to private land values when feasible routes exist on public lands or existing utility corridors. This loss of property values primarily affects residents, whose homes are their primary asset. The County opposes any proposal that fails to conform to the County planning and zoning criteria and further fails compensate either the county and/or its residents for the lost property taxes and reduced land values. Lincoln County, Wyoming, Comprehensive Plan, Public Lands Policy at Appendices 3-37 (Nov. 16, 2006)

Lincoln County has been a cooperating agency throughout the EIS process. Gateway West FEIS at ES-2. Lincoln County raised all legal and factual arguments submitted in comments internally as a cooperating agency and during the scoping period, on the proposed alternative routes, on the Gateway West Transmission Line Project Draft EIS (DEIS), and on the Administrative FEIS (FEIS). *See* Ex. 5, CLG Comments on Potential Alternative Routes (Sept. 4, 2009), CLG Supplemental Comments on Revised Siting (March 29, 2010); Ex. 6, CLG Comments on DEIS (Oct. 28, 2011); Ex. 7, CLG Comments on FEIS (Nov. 9, 2012). Further, we expressed our concerns regarding the alternative routes and land use plan amendments in submitted comments as a cooperator during the cooperator meetings and before the release of the DEIS.

As soon as it became apparent that the alternative routes selected by BLM for the Gateway West Transmission Line project could impact a significant amount of private land and residential areas, the County objected to the disproportionate impacts to private lands. Lincoln County argued that adverse impacts on private lands should only occur as a last resort compared to impacts on public lands and that BLM must fully disclose any eminent domain or condemnation issues through the EIS process. Ex. 5, CLG Comments on Alternative Routes at 4; *see also* Ex. 7, CLG Comments on FEIS at 1-6 (proposing mitigation methods and alternative routes to minimize impact to private lands and residential areas). Impacts to private land require County approval and landowner consent. *Id.*

The County has consistently requested that BLM minimize its impact on private lands for federal projects. Ex. 5, CLG Comments on Potential Alternative Routes at 4; Ex. 6, CLG Comments on DEIS at 1-3, 9-11; Ex. 7, CLG Comments on FEIS. This protects the health and safety of its citizens, protects property values and the tax base of the county, and minimizes impacts to the environment and wildlife, such as sage grouse. Ex. 1, Lincoln County Plan at 3-4 (objectives of the Lincoln County Public Lands Policy). Further, the County works with BLM to preserve private property rights and values for its citizens and minimize impacts by public land use decisions. *See* Ex. 1, at 3-10, 3-28; Ex. 2, at 2.5, 2.10, 8.1; Ex. 3, at 13; Ex. 4, at 19-23.

## **County Land Use Plan Provisions In Conflict with Route of Gateway West Transmission Line**

### **Public Zone**

The Gateway West Transmission Line Project falls within several different Lincoln County primary and overlay zones. The Public Zone recognizes areas owned/administered by the federal government, the State of Wyoming, and Lincoln County. The purpose of the Public Zone is to provide for land uses consistent with historical uses. (Lincoln County Land Use Regulations, Chapter 1, Page 2). No structure is to be built or used, except in conformity with County regulations setting forth the zones in which the building or structure is located. For this reason, Lincoln County recommended that the proposed route follow as closely as possible existing lines, with structures of similar design and height. Ex. 5, CLG Comments on Potential Alternative Routes at 4.

The BLM Proposed Alternative deviates from existing/historic linear features and create Greenfield routes across miles of coal and gas fields, crucial big game winter range, sage-grouse core areas, proposed ACEC's, raptor nests, historic trails and other constraints. Most of the area traversed by the proposed routes is undeveloped (compared to the area crossed by the existing transmission lines). The impacts to most natural resources are expected to be significantly higher compared to building the transmission line adjacent to existing linear features. The impacts to nearly all natural resources would be higher compared to constructing along the existing transmission lines.

### **Airport Overlay Zone**

The purpose of the Airport Overlay Zone is to ensure the policies of the Federal Aviation Administration are implemented with regard to the height of structures and certain land uses in close proximity to the Afton, Cokeville, and Kemmerer Airports. (Lincoln County Land Use Regulations, Chapter 1, Page 3). Lincoln County recognizes the importance of maintaining the long-term operation of airports within the county by enforcing FAA regulations concerning development around airports. (Lincoln County Comprehensive Plan, IX. Transportation Goal A, Objectives 2) The BLM's Preferred Alternative and Alternative 4C would cross the Cokeville Airport Overlay Zone and would be subject to height restrictions. Since the tower height exceeds the 150 foot horizontal ceiling limit, Lincoln County asked that the transmission line be buried or located elsewhere.

BLM failed to consider either the mitigation measure or the alternative route in violation of both FLPMA and NEPA. BLM only considered and rejected analyzing the technical and economic feasibility of burying the Gateway West Transmission Lines for the entire distance of the project, approximately 990 miles. See Gateway West FEIS, Sec. 2.6.3.5, at 2-138 (admitting that burying lines is justifiable for limited distances, which is exactly what the County proposed but BLM failed to analyze). The County proposed burying the line for eight miles near Cokeville, Wyoming, or less than 1% of the total distance of the Gateway West Project. Ex. 7, at 1-6.

### **Multiple Use Community Overlay Zone**

The Multiple Use Community Overlay Zone is comprised of land mostly owned by the federal government, the state government, and the county. There are some small pockets of private lands. This Community Area contains the Fossil Butte National Monument and Cokeville Meadows National Wildlife Refuge. The public lands of this Community Plan Area are to be used and managed with the multiple use concept, in harmony with the local economies. Any updating of National Forest and Bureau of Land Management Plans in this

Honorable Matt Mead  
 June 6, 2013  
 Page 4

Community Plan Area shall include human uses and human economies within any ecosystem analysis rather than exclude human uses. (Lincoln County Land Use Regulations, Chapter 1, Pages 8 - 9)

The location and lack of mitigation for the preferred alternative analyzed in the Land Use Plan Amendments adversely and directly affect Lincoln County. The preferred alternative will reduce land values and county tax receipts due to the fact that it will be constructed near residences in Cokeville Wyoming. BLM made a choice to sacrifice land values of citizens of Lincoln County for the ostensible reason of not placing the transmission line on public lands due to alleged conflicts with sage grouse core areas and now obliterated segments of the Sublette Cutoff trail.

The revised location of the transmission line directly contradicts the Lincoln County Land Use Plan and also conflicts with local zoning laws, because the proposed transmission line runs through residential subdivisions. Notwithstanding BLM's mandate that it coordinate and resolve such conflicts, BLM has ignored its obligation to reconcile conflicts and conform to local land use planning. BLM instead proceeded to place the transmission line nearly overhead of residential homes, yards, and adjacent barns and other buildings, at a distance of less than 250 feet away, with resulting loss of land value. Depending on the exact final location, the transmission line may even cross through the town limits of Cokeville, Wyoming.

### **Lincoln County Proposals to Avoid Conflicts**

The Lincoln County Land Use Regulations state that no conditional use permit shall be recommended to be granted unless the Commission finds it will not substantially impair the appropriate use of neighboring property; and will serve the public need, convenience and welfare. The use must be designed to be compatible with adjacent land uses and the area of its location. Lincoln County Land Use Regulations, Permit Compliance, Chapter 3, Page 4

The County's objectives and subsequent policies shall be the basis for public land management planning that will further define this policy.

- To ensure management decisions are accomplished with full participation of the County and supported by tested and true scientific data. Decisions shall fully analyze and disclose impacts on the Lincoln County economy, tax base, culture, heritage, and life styles and rights of area residents.
- To mitigate and compensate for impacts to the County and its residents. If action results in a taking, all applicable law must be applied.
- To ensure public and private access and rights-of-way for utilities and transportation of people and products on and across public lands. Access must be provided to merit such needs.

The County recommended that the Gateway West Transmission Line follow the existing 345-kV transmission lines from Jim Bridger Power Plant for most of Segment 4. The County, however, supported a revision in Segment 4 and stated that the route must avoid privately owned lands to the extent possible, whether it be private lands within the checkerboard or residential areas near Cokeville. Instead, BLM deviated from the existing transmission line route near Cokeville with a preferred route that disproportionately affects residential and private lands. The proposed route deviates to the north from the existing transmission line route by a distance much more than the County anticipated. This deviation results in the transmission line running very close to residential areas. The revised route will also have greater surface disturbance and will adversely affect property values. Construction and operation will interfere with the landowners' peace and enjoyment of their homes, which in most cases, represents their most valuable asset.

Honorable Matt Mead  
June 6, 2013  
Page 5

The adverse impacts on private lands are unnecessary, because the route could have been located away from residences. BLM failed to consider any effective mitigation measures proposed by the County, when it ignored recommendations to bury the transmission line for a mere eight miles near Cokeville, Wyoming in order to be consistent with the county plan. Ex. 7, CLG Comments on FEIS at 2-4.

BLM justifies the deviation north of the existing transmission lines, which unnecessarily impacts private lands and residential areas, by stating that it provides a better crossing of U.S. Highway 30 and the Bear River and lessens impacts on wetlands. Gateway West FEIS at 2-43. However, BLM does not explain why these issues support contradicting the local government land use plans or diminishing land values so as to affect a partial taking. Nor does BLM address whether or how the project proponent will secure rights-of-way across the private lands. The omission of these issues renders the analysis of the FEIS deficient and also demonstrates that the proposed decision violates FLPMA's mandate that land use plans (and amendments) be consistent with those of local governments to the extent practical and consistent with federal law. 43 U.S.C. §1712(c)(9). No federal law directs that rights-of-way be granted on private lands rather than federal nor are the mitigation measures proposed by Lincoln County impractical. Indeed they are quite practical.

Based on these considerations, the County proposed mitigating the impacts to private lands and residential areas along the proposed route by burying the transmission lines for approximately eight miles or in the alternative, connecting the proposed route with alternative route 4C south of Cokeville to avoid private residential areas. Ex. 7, CLG Comments on FEIS at 1-6. BLM failed to consider or even respond to either of these proposals. Gateway West FEIS at App. L 189-193. Yet, the BLM did consider to proposals made by Fossil Butte National Monument and Cokeville Meadows National Wildlife Refuge to avoid their viewsheds.

Anticipating BLM hostility to the burial option and in consideration of the project proponent potentially rejecting the burying mitigation measure, the County also suggested moving the line to the south of the existing route to again avoid adversely affecting the airport and residential areas. *Id.* This proposed route also would be located south of the proposed Sublette Creek Reservoir site identified during scoping.

BLM failed to consider either the mitigation measure or the alternative route in violation of both FLPMA and NEPA. BLM only considered and rejected analyzing the technical and economic feasibility of burying the Gateway West Transmission Lines for the entire distance of the project, approximately 990 miles. See Gateway West FEIS, Sec. 2.6.3.5, at 2-138 (admitting that burying lines is justifiable for limited distances, which is exactly what the County proposed but BLM failed to analyze). The County proposed burying the line for eight miles near Cokeville, Wyoming, or less than 1% of the total distance of the Gateway West Project. Ex. 7, at 1-6.

The second alternative proposed by the County would direct the Gateway West Transmission Line from the proposed route and connect with route alternative 4C south of Cokeville. Ex. 7, CLG Comments on FEIS at 3-4. However, BLM failed to analyze or even respond to this alternative proposed in the FEIS comments even though the alternative was reasonable, technically and economically feasible, resulted in fewer impacts, and accomplished the intended purpose of the Gateway West Transmission Line Project. See Gateway West FEIS at App. L 189-93 (no response to the suggested route alternative); see also *S. Utah Wilderness Alliance (SUWA)*, 182 IBLA 377, 391 (2012) (stating the standard for considering a proposed alternative). These mitigation measures and alternatives should have been considered and analyzed pursuant to FLPMA and NEPA.

The County provided BLM with a reasonable mitigation measure for the preferred alternative and a reasonable alternative in its comments on the FEIS in order to be consistent with the county land use plan and to avoid harming residences and land values. See Ex. 7, CLG Comments on FEIS at 1-6. The proposal would have

Honorable Matt Mead  
 June 6, 2013  
 Page 6

reduced the environmental, social and economic impacts of the project on affected private lands and residences near Cokeville and was feasible under the proposed land use plan amendments. *Id.*

Regardless of the route selected, BLM must revise the Kemmerer RMP or grant an exception to conform to the current Kemmerer RMP. Because the transmission line is for all practical purposes a permanent structure, and other transmission lines are being proposed, this does not meet the criteria for an exception. Lincoln County recommends designating a corridor for future utility placement since there are two other transmission lines being proposed (TransCanada and Zephyr). Lincoln County has repeatedly asked the BLM to officially designate this route as a corridor. There have been two previous opportunities to do so, during the Kemmerer RMP Revision and during the West-Wide Energy Corridors EIS. Again we request the Kemmerer FO to recognize this as a utility corridor.

### **Water Resources**

In our scoping comments, the Board of County Commissioners asked that the Gateway West Transmission Line be located on the north side of this corridor to reduce conflict with the proposed Sublette Reservoir near Cokeville. In an effort to demonstrate its commitment to ongoing cooperation with BLM, the Operators revised the proposed routing to address concerns raised about the location of the transmission line. None of the revised modifications, however, addressed our concerns.

While the Plan of Development mentions that the "alignment between mile 107.7 and Dempsey Basin (mile 114) was established to avoid historic trail segments and a planned reservoir expansion," Gateway POD at 13, it is impossible to discern from the Segment 4 map whether the location was actually revised to respond to our specific routing request. The BLM, therefore, must clearly state that the proposed route has been modified to avoid the site of the proposed water storage reservoir.

The Lincoln County Public Lands Policy states:

- Agency actions must analyze impacts on facilities such as dams, reservoirs, delivery systems, monitoring facilities, etc., located on or downstream from land covered by any water related proposal.
- All potential reservoir sites and delivery system corridors shall be protected from any federal or state action that would inhibit future use.

Lincoln County, Wyoming, Comprehensive Plan, Public Lands Policy at Appendices 3-37.

The FEIS failed to analyze impacts of the preferred route on the proposed Sublette Creek Reservoir location south and east of Cokeville. The site is currently being considered at a level III study. Depending on location, nearly 5000+/- feet of transmission line may cross the reservoir. In order to be consistent with local land use policy, Lincoln County asked the BLM to consider sitting the transmission lines away from the proposed reservoir location. This has yet to be analyzed in the agency actions.

The FEIS does analyze several Wyoming Waterworks projects, such as the Seedskafee Project and the Rawlins Wood Pipeline. The Bear River has the earliest water rights in the state of Wyoming, many of which precede statehood. The proposed route would cross nearly a dozen canals and ditches with territorial water rights that have not been evaluated for listing but would certainly be assumed NRHP eligible. These include the Forgeon (1885) Collett (1886) Mau (1886) Stoffers (1882) and Stoner (1882) canals, among others. These were not considered in the Summary of Cultural Resource Visual Impact Analysis by Segment and Resource and so fail to meet Lincoln County policy.

## Cultural and Heritage Resources

The National Historic Preservation Act (NHPA) is the basis for cultural and historical preservation and defines federal agency's responsibility for protection and preservation of County Cultural and heritage resources. Lincoln County, Wyoming, Comprehensive Plan, Public Lands Policy at Appendices 3-37. The protective measures adopted in the Kemmerer RMP are based on BLM's authority under the NHPA. The FEIS incorrectly assumes that these resources could be on the National Historic Register without performing the integrity analysis required by the National Park Service (NPS). *How to Apply the National Register Criteria for Evaluation*, National Register Bulletin 51 (1995), p. 44 (NRB #51). Even if a resource has been deemed eligible, unless listed, it fails to meet County land use policies for protection and, as explained below, the trail segments in the disputed area have lost the requisite integrity and no longer meet the criteria for protection.

Lincoln County objects to the FEIS classification of the trail segments as Class 1 or 2. Virtually all of the affected trail segments have lost their physical integrity and, thus, would not meet the NPS for listing on the National Historic Register. The KFO RMP did not apply this level of analysis and thus the FEIS needs to correct the premise that NHPA can be invoked regardless of the lack of physical integrity. Under the NPS guidelines for integrity, these trail segments should not be the basis for additional mitigation measures or any recognized protection.

Lincoln County has provided comments based on actual accounts of the condition of the historic trail segments near Cokeville, Wyoming, including the Sublette Cutoff, that such segments no longer possess the physical integrity necessary to be eligible for designation as National Historic Trails. Ex. 6, CLG Comments on DEIS at 5-11; Ex. 7, CLG Comments on FEIS at 6-10. As such, BLM restrictions may not be used to limit development near trails no longer exhibiting the physical integrity necessary to meet the NPS criteria for the National Historic Register or to be designated National Historic Trails. Lincoln County, Wyoming, Comprehensive Plan, Public Lands Policy at Appendices 3-37 (Nov. 16, 2006). The physical features must "define both why a property is significant and when it was significant." *Id.* p. 46. Moreover, it must retain its essential physical character. *Id.* When it is lost through development or the mere passage of time, NHPA criteria no longer mandate or permit imposition of restrictions to protect what is no longer physically there.

The BLM instead imposed historic trail protections without determining whether the trail features warrant NHPA protection. Sites and trails will be allocated to other resource uses based on their natural and relative preservation value. Such use allocation must be based on cultural resources, ***not areas of land***. Lincoln County, Wyoming, Comprehensive Plan, Public Lands Policy at Appendices 3-37 (emphasis added).

Most of the work in the Gateway West FEIS has been done internally and without regard to the fact that the trail segments cross the Checkerboard or are on private land. These federal protections necessarily push those impacts onto private lands along waterways where the Oregon and California trails were located. The Lincoln County plan does not distinguish between cultural resources on private and federal lands. All management decisions providing for the protection of cultural resources must be based on the quality and significance of that particular resource, not where it is located. Lincoln County, Wyoming, Comprehensive Plan, Public Lands Policy at Appendices 3-37.

Lincoln County policy and the National Historic Trails Act require landowner and local government involvement and cooperation, which has not occurred. Lincoln County, Wyoming, Comprehensive Plan, Public Lands Policy at Appendices 3-37; 16 U.S.C. §1244(b). The FEIS interpretation of the NHPA and the Executive Order circumvent the statutory limits that otherwise apply to historic trail protection. It also creates significant land use conflicts and management issues.

## Visual Resources

The BLM improperly assigned VRM Class II designations without adjusting the VRM Class to the existing land uses, such as existing transmission lines, rather than having the VRM class reflect the permitted land uses. VRM classifications should be narrowly tailored to reflect previous and appropriate land uses. *Southern Utah Wilderness Association*, 144 IBLA 70, 85 (1998) citing DM 8410 V.B. Lincoln County, Wyoming, Comprehensive Plan, Public Lands Policy at Appendices 3-52. These classifications also contradict BLM visual resource management policy. The Kemmerer RMP imposed VRM Class II along historic trail segments to protect cultural resources without determining whether the trail segments had retained their integrity. A blanket VRM Class II cannot be imposed absent documentation of significance and sensitivity. This evaluation does not occur until the project level. The FEIS failed, however, to conduct its own evaluation of significance and sensitivity. As explained above, if the trail segments are now invisible or not physically evident, they are neither significant nor sensitive. Thus the FEIS cannot apply VRM Class II measures to protect an historic trail segment until it has done the site-specific analysis.

This contradiction should also be addressed in the checkerboard lands and other areas where much or most of the land is owned by the State or private individuals. For example, the southern and central VRM Class II areas cover areas which are more than half private land. The County opposes the use of VRM classification that will impair or impede land uses on private and state lands. Lincoln County, Wyoming, Comprehensive Plan, Public Lands Policy at Appendices 3-52 (Nov. 16, 2006). Putting most of the land north of Highway 30 (lumping) also fails to meet the VRM classification criteria. This does not conform to County policy, since it applies a Class II VRM objective to areas without regard to the resource allocation, let alone one consistent with preservation of view scape. Lincoln County, Wyoming, Comprehensive Plan, Public Lands Policy at Appendices 3-52 (Nov. 16, 2006).

## Conclusion and Remedy Requested

Based on the foregoing, Lincoln County requests that the Governor conclude that the BLM's Proposed Land Use Plan Amendments and FEIS for the Gateway West Transmission Line Project is not consistent with the Lincoln County Plan and that BLM must undertake the following changes to meet its consistency obligation:

1. Supplement the FEIS to add the burial of the transmission line as it passes near Cokeville; or in the alternative;
2. Supplement the FEIS to alter the proposed route near Cokeville by adopting the re-route jointly proposed by the Town of Cokeville and Lincoln County that would avoid human core habitats; or in the alternative;
3. Adopt Alternative 4B/4D as the preferred alternative, which will avoid human habitats and residential areas;
4. Adjust the VRM Classifications to reflect the underlying land use resource allocations;
5. Manage NHTs to only protect those segments which currently exhibit physical characteristics of an historic trail and revise the Kemmerer RMP VRM classes as appropriate; and
6. Designate a 1-Mile Utility Corridor on whichever route is chosen to resolve issues of NHTs, NHT Viewsheds, and VRMs for the Gateway West project and other future transmission line projects.

Honorable Matt Mead  
June 6, 2013  
Page 9

Sincerely,

/s/ Paul C. Jenkins, Chairman

Paul C. Jenkins, Chairman  
Board of Lincoln County Commissioners

# NAMPA HIGHWAY DISTRICT NO. 1

Commissioners: Bryce D. Millar, Richard F. Farner, Dick Smith

2013 JUN 17 AM 10:00

June 11, 2013

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

RECEIVED  
DOI-BLM  
CHEYENNE WYOMING



Subject: **Final EIS Comments for Gateway West Transmission Line Project in Southern Idaho**

Dear Bureau of Land Management:

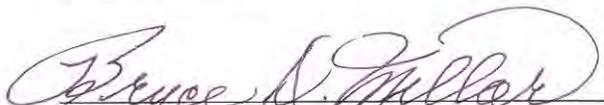
We strongly **oppose** the Alternative 8B route for the proposed Gateway West Transmission Line in southern Idaho.

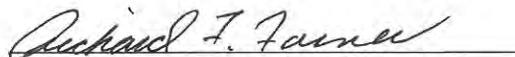
The United States should honor the preferred route that was originally negotiated together by federal, state and local government officials, and local citizens' groups. It runs through remote federal lands, including the Morley Nelson Birds of Prey National Conservation Area. It was subsequently rejected, however, in favor of Alternative 8B in populated, developed, productive and privately owned lands. This is due to a misguided belief that the project would somehow harm birds (contradicted by BLM's own biologists) and be an eyesore.

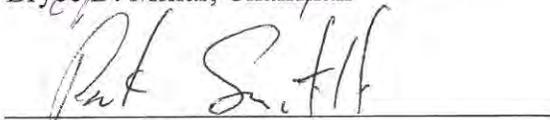
The Gateway West Transmission Line Project is a needed asset to our nation's commerce, defense and standard of living. Locating it through the Morley Nelson Birds of Prey National Conservation Area, as originally negotiated, poses negligible harm to birds, to our environment or to our society. The Alternative 8B route, however, locates it through private lands, which hurts our economy by taking land out of production, and exposes many more people to any potential safety risks.

We insist you stand by the preferred route as originally negotiated!

**NAMPA HIGHWAY DISTRICT NO. 1 BOARD OF COMMISSIONERS**

  
Bryce D. Millar, Chairman

  
Richard F. Farner, Vice Chairman

  
Dick Smith, Treasurer





OWYHEE COUNTY BOARD OF COMMISSIONERS  
 COURTHOUSE P.O. BOX 128 MURPHY, ID 83650-0128  
 TELEPHONE (208) 495-2421

District 1 –Jerry Hoagland-P O Box 128, Murphy, ID 83650 318-8308  
 District 2 –Kelly Aberasturi-P O Box 128, Murphy, ID 83650 249-4405  
 District 3 –Chairman - Joe Merrick-P O Box 128, Murphy ID 83650 250-9005

RECEIVED  
 BLM ISO MR  
 AUG 23 2012  
 9:00 A.M.

August 20, 2012

Mr. Mike Pool  
 Acting Director, Bureau of Land Management  
 BLM Washington Office  
 1849 C Street NW, Rm. 5665  
 Washington DC 20240

Re: Proposed Routing of the Gateway West Transmission Line

Dear Director Pool:

We are writing this letter to your attention, with cc'd copies to the Idaho State Director and Idaho Congressional Delegation, as we are seeking a solution to a problem that is at your level of the BLM and is a matter that you can address and correct.

Our County has been engaged for several years in coordination with local BLM officials as well as with the BLM Project Manager for the Gateway West Transmission Line Project. This project proposes to route a portion of the transmission line through our county. Several of the current routes under consideration have considerable potential for adverse impact to the economic base of our county as well as to natural resources found on the federally managed lands within our county.

Because of the potential for harm, we have been very engaged in seeking solutions in the form of a preferred route that had the least impacts on private lands and yet carefully avoided impacts to species of concern, primarily Sage Grouse, on the federal lands. Owyhee County, though large in total acreage, is comprised of a relatively small portion of total acreage in private ownership in comparison to the 78% of our county which is federally owned and managed.

When we reviewed the initial maps showing the proposed Route 9, which traverses much of our prime agricultural lands along the northern boundary of our county, we organized a citizens group to develop alternative routes. That group developed an alternate route which minimized the impacts to private lands by transiting the Morley Nelson Birds of Prey NCA north of the Snake River. The route we submitted re-entered Owyhee County at the most advantageous crossing, just upstream from Swan Falls Dam. While it did not completely eliminate impacts on private lands, the route was acceptable to those private land owners whose lands were crossed. That route was adopted by the County Commission and submitted to BLM. It was ultimately labeled Route 9D.

A noteworthy member of the citizen's group which developed Route 9D is Ms. Karen Steenhof, a former BLM and USGS biologist who studied the impacts of the 500-kv line that was constructed across a portion of the NCA in 1981. Ms. Steenhof has lost none of her expertise regarding raptors and the purposes of the NCA and she has remained firm in her conviction to remain active in raptor conservation. She was instrumental in helping craft a route that would achieve the county's goals of preserving private property and the county economy, while also achieving conservation goals regarding species of concern. Ms. Steenhof's analysis was that the placement of 9D within the NCA would be beneficial to raptors, rather than adverse to the purposes of the NCA.

In our coordination with local BLM managers and the BLM Project manager, we had been advised to submit two additional routes for consideration. Our citizen's group developed two routes, the one previously addressed and designated 9D and one which was also submitted for consideration by the county and designated by BLM as 9E. While 9E traversed the county on primarily federally owned lands, and was submitted by the county in our letter providing alternate routes, we acknowledged in our submission letter that it was not a viable alternative due to concerns about Sage Grouse impacts. Route segment 9E, with modifications proposed by NLCS, now crosses private lands where those landowners, unlike those impacted by our 9D segment, have not agreed to the line on their property. It also impacts grazing activity on federal lands, which will have significant impact to the operators during the construction phase. We made clear in our letter of submission that 9D was the preferable route and the route with the least adverse impacts to private lands and to sensitive species.

After our submission of routes, we continued to work with local BLM managers and to provide documents to the BLM Project lead and we remained involved as other governmental entities worked in similar fashion to craft routes through their jurisdictions. As this process continued, we were displeased to learn that the Snake River crossing point so carefully selected by our citizens group had been usurped as the crossing for the one of the proposed Route 8 variants.

On February 17, 2012, BLM Boise District Manager Aden Seidlitz provided a letter to the Owyhee County Commission (Enclosure 1). The letter thanked the County for our involvement, indicated that the Boise District would soon be "... expected to provide input to what will be identified as the Preferred Route." and proposed the following:

*"Based on the coordination effort we completed with you in November, we are requesting a confirmation of your acceptance to our recommendation for a route that we believe is viable and would result in achieving the majority of goals identified by both parties. While this route is not a perfect solution to the problems we have addressed together, we recognize that in the absence of an alternative that is fully supportable or preferred, that we must identify a route that is acceptable to both parties based on the conditions and choices that are available.*

*Enclosed with this letter is a map of the route segments that are being considered for recommendation as the preferred route for Segment 8 and Segment 9 of the Gateway West Project. The map has also been copied to CD to allow for more detailed review. Our proposal recognizes the importance of trying to avoid impacts to private property, in Owyhee, Ada and Elmore County; to keep the transmission line on public lands as much as possible; to protect cultural and visual resources; and to minimize impacts to sensitive species."*

The letter requested a letter of confirmation or acceptance on the route we have identified.

The Commission and BLM held a meeting on the letter and proposal on February 27, 2012 and reached agreement on the proposal. The County provided the requested letter of acceptance (Enclosure 2) and hand delivered it on that date.

At this point in the process, we believed we had achieved, through BLM/County coordination under FLPMA, what would normally be referred to as a “win-win” solution. The selected route, minimized the significant adverse impacts to private lands in our county, complied with Section 368 of the

Energy Act of 2005 (which directed such projects be placed on federal lands and directed the amendment of land use plans if necessary for such placement), benefited raptors, and protected Sage Grouse and other species of concern from alternatives such as 9E.

To our great dismay, we learned on April 27, 2012 that officials in DC were in opposition to the route through the NCA on the basis of establishing an adverse precedent for the National Landscape Conservation System.

We immediately placed a call to the BLM State Director. Our call was returned by Associate State Director Peter Ditton who advised us that “these kinds of questions and concerns come up with any project of this size.” He said no decision was made as yet regarding the crossing of the NCA and that the NLCS official in question was visiting on Monday and they were going to go to the site and discuss the impact.

We have just recently learned that the NLCS position is that the line should not follow our agreed 9D route, but should instead follow 9E. Route Segment 9E, as we indicated earlier in this letter is not preferred for reasons of impacts to species.

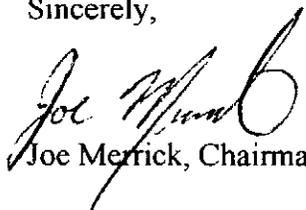
At Enclosure 3 you will find Ms. Karen Steenhof’s August 9, 2012 e-mail to Mr. Carl Rountree, Director, Office of National Landscape Conservation System and Community Programs.

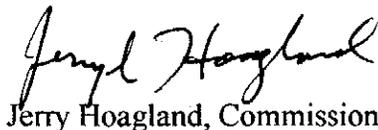
Owyhee County completely agrees with Ms. Steehhof’s analysis of the lack of credible reasons to remove the route from the Birds of Prey NCA and with her analysis of the adverse impacts of proceeding with construction along Route Segment 9E. We adopt Ms. Steenhof’s comment to Mr. Rountree as a portion of our comment on this matter.

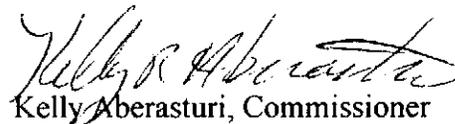
On the basis of the above, we are asking your involvement in correcting what will be a significant error across multiple areas of interest. A decision to replace Route Segment 9D with Route Segment 9E on the basis of NLCS concerns about the Birds of Prey NCA cannot be justified on the basis of credible science or on the basis of the establishing legislation’s purposes for the Birds of Prey NCA. Furthermore, such a decision would be inconsistent with Section 368 of the Energy Act of 2005 which directed such projects to the federal lands, and did not exempt NLCS or other lands from such action.

We ask you to reverse the position that has been taken by your NLCS Director and select 9D as the preferred route.

Sincerely,

  
Joe Merrick, Chairman

  
Jerry Hoagland, Commissioner

  
Kelly Aberasturi, Commissioner

3 Encl:

1. Boise District Letter of February 17, 2012

2. Owyhee County Letter of February 27, 2012

3. Karen Steenhof e-mail to Carl Rountree August 9, 2012

cc:

Steven Ellis, BLM State Director  
Idaho Congressional Delegation



United States Department of the Interior  
 BUREAU OF LAND MANAGEMENT  
 Boise District Office  
 3948 Development Avenue  
 Boise, Idaho 83705



In Reply Refer To:  
 (2800) ID-010

February 17, 2012

Joe Merrick, Chairman  
 Owyhee County Board of Commissioners  
 P.O. Box 128  
 Murphy, ID 83650-0128

Dear Commissioner Merrick:

Thank you for your continued support and coordination efforts concerning the Gateway West Transmission Line Project. The meeting we held on November 21, 2011 provided the BLM with valuable input into resolving resource issues associated with the proposed routes and alternatives. As the project moves forward into the development of the Final Environmental Impact Statement (FEIS) the Boise District will be expected to provide input into what will become identified as the Preferred Route. The complications with the unknown location of Segment 8, and potential conflict with alternatives to Segment 9, make the identification of an acceptable route even more challenging.

Based on the coordination effort we completed with you in November, we are requesting a confirmation of your acceptance to our recommendation for a route that we believe is viable and would result in achieving the majority of goals identified by both parties. While this route is not a perfect solution to the problems we have addressed together, we recognize that in the absence of an alternative that is fully supportable or preferred, that we must identify a route that is acceptable to both parties based on the conditions and choices that are available.

Enclosed with this letter is a map of the route segments that are being considered for recommendation as the preferred route for Segment 8 and Segment 9 of the Gateway West Project. The map has also been copied to CD to allow for more detailed review. Our proposal recognizes the importance of trying to avoid impacts to private property, in Owyhee, Ada and Elmore County; to keep the transmission line on public lands as much as possible; to protect cultural and visual resources; and to minimize impacts to sensitive species.

If our proposed recommendation is acceptable to you then we would appreciate a letter of confirmation or acceptance on the route we have identified. We recognize that the recommendation may not be your preference for these segments but we are hoping that they are acceptable considering the current options. We are currently scheduled to meet on February 27<sup>th</sup> and can discuss any issues you may have with our recommendation, and hopefully come to some consensus on what would be an acceptable route recommendation.

Sincerely,

/s/ Aden L. Seidlitz

Aden L. Seidlitz  
 Boise District Manager

2 Enclosures

- 1 – Map of proposed recommendation
- 2 – Electronic copy (CD) of Enclosure 1

CWERNEN:clw:2/17/12:U:BOC Letter for Acceptance of GW Routes 20120217  
CF RF Gateway West Project File Author



**OWYHEE COUNTY BOARD OF COMMISSIONERS**  
**COURTHOUSE P.O. BOX 128 MURPHY, ID 83650-0128**  
**TELEPHONE (208) 495-2421**

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District 1 –Jerry Hoagland-P O Box 128, Murphy, ID 83650 318-8308  
 District 2 –Kelly Aberasturi-P O Box 128, Murphy, ID 83650 249-4405  
 District 3 –Chairman - Joe Merrick-P O Box 128, Murphy ID 83650 250-9005

February 27, 2012

Mr. Aden Seidlitz  
 Boise District Manager  
 Bureau of Land Management  
 3948 Development Avenue  
 Boise, ID 83705

Re: (2800) ID-010 February 17, 2012 Letter Regarding Recommendation as the Preferred Route For Segments 8 and 9 of the Gateway West Project

Dear Mr. Seidlitz:

We appreciate the considerable work done by you and your staff in order to resolve the potential adverse impacts that we identified in the earlier proposed routing for project segment planned through our county.

We have reviewed the map you provided with your February 17<sup>th</sup> letter and have discussed the proposed recommended preferred route with the citizens committee which assisted us in identifying adverse impacts and drafting alternatives that would minimize those adverse impacts.

As we indicated to you in our February 27, 2012 Coordination Meeting, we support the route as the proposed recommendation for the preferred route as specified in your letter and provided map.

Thank you again for the effort which produced this satisfactory result.

Sincerely,

/s/ Joe Merrick

Joe Merrick, Chairman

**Gateway West and the Morley Nelson Snake River Birds of Prey Area****Date:**

8/9/2012 7:51:19 A.M. Mountain Daylight Time

**From:**[steenhoff@hughes.net](mailto:steenhoff@hughes.net)**To:** [carl\\_roundtree@blm.gov](mailto:carl_roundtree@blm.gov)**CC:** [prollen@blm.gov](mailto:prollen@blm.gov), [wgeorge@blm.gov](mailto:wgeorge@blm.gov), [jrobison@idahoconservation.org](mailto:jrobison@idahoconservation.org), [OCNRCIDIR@aol.com](mailto:OCNRCIDIR@aol.com), [bluewind@me.com](mailto:bluewind@me.com), [shri@juno.com](mailto:shri@juno.com), [febachman@copper.net](mailto:febachman@copper.net), [cbj.whitlock@q.com](mailto:cbj.whitlock@q.com), [Bryan\\_Ricker@crapo.senate.gov](mailto:Bryan_Ricker@crapo.senate.gov), [BLM\\_ID\\_StateOffice@blm.gov](mailto:BLM_ID_StateOffice@blm.gov), [beattle@att.net](mailto:beattle@att.net)

Carl Roundtree

Assistant Director

National Landscape Conservation System &amp; Community Partnerships

1849 C Street

Room 5618

Washington DC 20240

Dear Mr. Roundtree:

I recently learned that officials with the BLM's National Landscape Conservation System (NLCS) are opposing Gateway West Alternative 9D and are throwing their support behind Alternative 9E, an alternative that will adversely affect Greater sage-grouse populations in Owyhee County. Supposedly, the rationale for this position is that allowing a new transmission line within the Morley Nelson Snake River Birds of Prey National Conservation Area (MNSRBOPNCA) would set a bad precedent for other NCAs. In fact, disallowing a properly designed transmission line within the MNSRBOPNCA would set an even more dangerous precedent: making a decision that is inconsistent with peer-reviewed science and specifically data collected about transmission line impacts within the NCA in question. According to the NLCS website, "Science plays an important role in how the the [sic] National Landscape Conservation System lands are managed." It is unclear how science played a role in this particular decision by NLCS. The prohibition of all new transmission lines within the MNSRBOPNCA is inconsistent with scientific evidence gathered by the BLM's own biologists.

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.

A new transmission line in Owyhee County (9E) would attract raptors and ravens and could lead to increased predation on declining Greater sage-grouse populations. Golden Eagles prey on adult Sage Grouse, and Common Ravens are a major predator of Sage Grouse eggs. Recently, Idaho State University (ISU) biologists have noted a dramatic increase in the predation of Sage Grouse by ravens. Where there are more ravens, nesting female Sage Grouse stay on their nests much longer, leaving less often. Less time foraging may cause “substantial physiological distress” on the Sage Grouse. It would be better to attract raptors and ravens to cheatgrass areas in the MNSRBOPNCA where they feed on ground squirrels than to shrubsteppe areas inhabited by sage-grouse in Owyhee County.

As a conservationist and one of the biologists who studied the effects of the PP&L (now Pacificorp) 500-kV line, I urge the NLCS to change its position on this issue. The Morley Nelson Snake River Birds of Prey NCA was never intended to be a wilderness area. Legislation that established the MNSRBOPNCA identified its purposes to be “conservation, protection and enhancement of raptor populations and habitat.” The legislation further recognized that BLM management of the area should allow “for diverse appropriate uses of lands in the area to the extent consistent with the maintenance and enhancement of raptor populations and habitats.” A new transmission line, carefully routed within the NCA, could be completely consistent with these goals. Morley Nelson’s life work was dedicated to demonstrating that protecting raptors could be compatible with electrical lines. Proposed route 8E, which would require a new road through shrub habitat, is likely incompatible with maintaining raptor foraging habitat. However, all evidence indicates that Route 9D, as originally proposed by the Owyhee Task Force with a crossing just upstream from Swan Falls, would be compatible with raptors. In the spirit of the legislation that established the MNSRBOPNCA, and in the spirit of Morley Nelson, I urge NLCS officials to re-evaluate their position and to endorse a route that affords protection to both raptors and grouse.

Thank you for considering my viewpoint, and please feel free to contact me if you wish to discuss this further.

Sincerely,

Karen Steenhof  
18109 Briar Creek Road  
Murphy, Idaho 83650

208-495-2364  
[steenhof@hughes.net](mailto:steenhof@hughes.net)

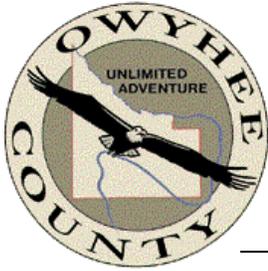
References:

Nelson, M.W. 1982. Human impacts on golden eagles: a positive outlook for the 1980's and 1990's. *Raptor Research* 16:97-103.

Nelson, M.W., and P. Nelson. 1976. Power lines and birds of prey. *Idaho Wildlife Review* 28:3-7.

Engel, K.A., L.S. Young, K. Steenhof, J.A. Roppe and M.N. Kochert. 1992. Communal roosting of common ravens in southwestern Idaho. *Wilson Bulletin* 104: 105-121.

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**OWYHEE COUNTY BOARD OF COMMISSIONERS**  
**COURTHOUSE P.O. BOX 128 MURPHY, ID 83650-0128**  
**TELEPHONE (208) 495-2421**

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District 1 –Jerry Hoagland-P O Box 128, Murphy, ID 83650 318-8308  
 District 2 –Kelly Aberasturi-P O Box 128, Murphy, ID 83650 249-4405  
 District 3 –Chairman - Joe Merrick-P O Box 128, Murphy ID 83650 250-9005

June 24, 2013

Mr. Walt George  
 BLM, Gateway West Project  
 P.O. Box 20879, Cheyenne, WY 82003

Re: Owyhee County, Idaho Comment on Final environmental impact statement (FEIS) for the Gateway West Transmission Line in Wyoming and Idaho

This document will be mailed to the address above and sent electronically to [Gateway\\_West\\_WYMail@blm.gov](mailto:Gateway_West_WYMail@blm.gov)

Dear Mr. George:

This document provides the Owyhee County Idaho Comment on the FEIS for the Gateway West Transmission Line.

**GENERAL AND BACKGROUND INFORMATION:**

On February 17, 2012 Boise District Manager Aden Seidlitz provided a letter to this Board (Enclosure 1) which indicated BLM had proposed a few changes to the route previously submitted by the board and which requested:

“... a confirmation of your acceptance to our recommendation for a route that we believe is viable and would result in achieving the majority of goals identified by both parties.”

That letter was the end product of considerable involvement between the County and BLM in an attempt to find a viable route through our county that met the needs of the the BLM and Idaho Power while minimizing adverse impacts to Owyhee County and its citizens.

On February 27, 2012, the Board signed and delivered the confirming letter to Mr. Seidlitz (See Enclosure 2).

The agreement reached on that date was the result of extensive involvement by the County and BLM through the coordination process required under the Federal Land Policy and Management Act of 1976 (FLPMA). Owyhee County has been engaged in such coordination with BLM for nearly twenty years and has operated under the provisions of a signed "Protocol for Coordination Between BLM and Owyhee County" since July of 2002.

In numerous meetings over the span of multiple years, we have pointed out to BLM the adverse impacts which would occur if the initial proposed location (along highway 78 and crossing large areas of private property) was not altered.

We worked in good faith, under the provisions of our Protocol, to reach an agreeable solution which would achieve the needs of the transmission line without causing such significant impact to our county and to our citizens.

The solution we agreed to in February 2012 is workable, consistent with County Plans and consistent with Section 368 of the Energy Act of 2005 which was signed into law by President George W. Bush.

### **SPECIFIC INCONSISTENCIES WITH FEDERAL LAW AND COUNTY PLANS:**

#### 1. Section 368 of the Energy Act of 2005:

The Act required the establishment within two years of energy corridors in the eleven western states. Specifically, the law required the following:

*(a) Western States- Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Secretary of the Interior (in this section referred to collectively as `the Secretaries'), in consultation with the Federal Energy Regulatory Commission, States, tribal or local units of governments as appropriate, affected utility industries, and other interested persons, shall consult with each other and shall--*

*(1) designate, under their respective authorities, corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o));*

*(2) perform any environmental reviews that may be required to complete the designation of such corridors; and*

*(3) incorporate the designated corridors into the relevant agency land use and resource management plans or equivalent plans.*

You will note that the act does not exempt federal lands in the National Landscape Conservation System (NLCS) from the requirements to incorporate the corridors in various land use plans.

At the time the locations of the corridors were been considered, the Boise District Office was developing Resource Management Plans for the Bruneau Field Office and the Birds of Prey NCA.

Owyhee County had agreed to be a Cooperating Agency on those two planning efforts and had staff members participating as members of the BLM's Interdisciplinary Team who were creating the plans.

Prior to its completion, the Bruneau RMP was suspended.

In the drafts which came out of the NCA planning effort, the West Wide Energy Corridors were included in an alternative which was noted as the preferred alternative. However, when NCA Manager John Sullivan appeared before the Owyhee County Commission to present the final draft and preferred alternative, the Corridors and associated transmission line plans had been removed from the NCA and the Corridors pushed out of the NCA.

We were told by Mr. Sullivan that the decision had been made on the basis that while the transmission lines were compatible with raptor preservation, the pipelines which could be associated with the corridor projects was ground disturbing and, therefore not compatible.

We were not aware of the specific language of Section 368 at the time of that presentation and ultimate signing of the Record of Decision on the NCA Plan. Had we been aware, we would have protested the proposed decision on that basis.

We only became aware of the provisions of Section 368 in the course of research related to the specific route locations for the Gateway West Project and have made numerous references to the inconsistency in letters to you as Project Lead and to Acting BLM Director Mike Pool.

We have yet to received any BLM response as to how the Agency can simply ignore the requirements to place these projects on federal lands and, if necessary amend federal plans in order to do so.

Therefore, our first noted inconsistency is with Section 368 of the Energy Act of 2005.

## 2. The Owyhee County Natural Resources Plan (NRC Plan):

Because Owyhee County is predominantly comprised of federal (76%) and state (7%) owned lands, we recognized early that the effects of federal and state management had significant impacts on the 17% of land in the county which is in private ownership.

We have had a version of the NRC Plan in existence and known to Federal Land managers since 1994. The latest version was revised and adopted in 2009 and has been provided to Federal Land Managers.

From the earliest version to the present, the plans call for preservation of private property, preservation of agricultural lands and the custom, culture and economy of the county. Because of our awareness of the impact of the federal and state land management on the private property we have watched carefully and engaged often in various plans and actions by the federal and state land management agencies.

The specific areas of inconsistency with the NRC Plan are:

From the NRC Plan

*Chapter I Page 2*

*The custom and culture of Owyhee County has never altered from its historic beginnings. Mining, ranching, and farming activities provide the heritage of the County's residents, and they continue those activities today.*

*Page 3*

*Private property rights and interests are important to the residents of Owyhee County. Private ownership and the incentives provided by that ownership is a driving force behind the innovativeness which has allowed the continuation of the custom, culture and lifestyle of the County.*

*As a result of the importance of property rights to its citizens, Owyhee County's government was one of the first in the state act under the Local Planning Act of 1975. Owyhee County's people had commenced their planning process designed to continue the lifestyle, which assures quiet enjoyment of property rights and interests and the highest possible degree of protection of those rights.*

*The history of Owyhee County land use planning began with formation of the Owyhee County Planning Commission in 1945, the first organized Planning Commission in the state. That history is set forth at length in the Interim Comprehensive Land Use and Management Plan issued by the Board of Commissioners in July, 1993.*

*Page 4*

*During most of the fifty years of the planning activities in Owyhee County, attention was placed on development of private lands. But, as federal policies began to change toward a direction of reducing livestock grazing, reducing recreation use, seizing ownership of private property, water rights and rights-of-way, it became clear that Owyhee County would have to extend its planning efforts to an area of concern for the federal lands.*

*The Board of Commissioners appointed the Land Use Planning Committee in 1992 and the Committee assisted the Board in developing the Interim Plan which was issued in July, 1993. After the creation of the Owyhee County Planning and Zoning Commission the Land Use Planning Committee was renamed the Owyhee County Natural Resources Committee to avoid confusion on the roles of the two entities.*

*The economy of the County has always been, and is today, still largely dependent upon ranching and agricultural operations.*

*Page 5*

*Privately owned land is intermingled with the federal and state lands.*

*Management decisions for the federal and state lands directly impact use of, and the economic value of, private land.*

*Page 6*

*The limited amount of private property greatly restricts the tax revenue of the County.*

*In such a slightly populated County as Owyhee, all sources of economic support must be maintained at their highest possible level. In order to sustain the economic stability of the County, the Board of Commissioners and the Natural Resources Committee have dedicated themselves to a coordinated land use planning effort which can hold the federal management agencies to standards set by Congress regarding continuation of multiple use of the federal lands.*

*Page 7*

*It is therefore the policy of Owyhee County that the Natural Resources Committee and the Board work constantly to assure that federal and state agencies shall inform the Board of all pending or proposed actions affecting land use, local communities and County citizens and coordinate with the Board in the planning and implementation of those actions. (See Appendix I, Federal Land Policy and Management Act)*

*Such coordination of planning is mandated by federal laws. The Federal Land Policy and Management Act, 43 U.S. § 1701, declared the National Policy to be that "the national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other federal and state planning efforts." (See 43 USC § 1701 (a) (2)).*

*43 U.S.C. § 1712 (c) sets forth the "criteria for development and revision of land use plans." Section 1712 (c) (9) refers to the coordinate status of a county which is engaging in land use planning, and requires that the "Secretary [of Interior] shall" "coordinate the land use inventory, planning, and management activities... with the land use planning and management programs of other federal departments and agencies and of the State and local governments within which the lands are located." This provision gives preference to those counties which are engaging in a land use planning program over the general public, special interest groups of citizens, and even counties not engaging in a land use planning program.*

*Section 1712 also provides that the "Secretary shall" "assist in resolving, to the extent practical, inconsistencies between federal and nonfederal government plans." This provision also gives preference to those counties which are engaging in the planning process over the general public, special interest groups of citizens, and even counties not engaging in a land use planning program.*

Page 8

*In view of the requirement that the Secretary [of Interior] "coordinate" land use inventory, planning and management activities with local governments, it is reasonable to read the requirement of assisting in resolving inconsistencies to mean that the resolution process takes place during the planning cycle instead of at the end of the planning cycle when a draft federal plan is released for public review.*

*The section further requires that the "Secretary [of Interior] shall" "provide for meaningful public involvement of state and local government officials... in the development of land use programs, land use regulations, and land use decisions for public lands." When read in light of the "coordinate" requirement of the section, it is reasonable to read "meaningful involvement" as referring to ongoing consultations and involvement throughout the planning cycle not merely at the end of the planning cycle. This latter provision of the statute also distinguishes local government officials from members of the general public or special interest groups of citizens.*

*Section 1712 (c) (9) further provides that the Secretary of Interior must assure that the BLM's land use plan be "consistent with State and local plans" to the maximum extent possible under federal law and the purposes of the Federal Land Policy and Management Act. It is reasonable to read this statutory provision in association with the requirement of coordinated involvement in the planning process.*

*The coordination requirements of Section 1712 (c) (9) set apart for public involvement those government officials who are engaged in the land use planning process as is Owyhee County. The statutory language distinguishing the County because it is engaged in the land use planning process makes sense because of the Board's obligation to plan for future land uses which will serve the welfare of all the people of the County and promote continued operation of the government in the best interests of the people of Owyhee County.*

Page 9

*The National Environmental Policy Act requires that all federal agencies consider the impacts of their actions on the environment and on the preservation of the culture, heritage and custom of local government. In 16 U.S.C. § 4331 (a) (4) the law provides as follows:*

*"It is the continuing responsibility of the federal government to use all practicable means, consistent with other essential considerations of national policy, to: (4) Preserve important historic, culture, and natural aspects of our national heritage."*

*The term "culture" is defined as "customary beliefs, social forms, and material traits of a group; the integrated pattern of human behavior passed to succeeding generations." See Webster's New Collegiate Dictionary at 277 (1975).*

*Thus, by definition, the National Environmental Policy Act requires federal agencies to consider the impact of their actions on the custom of the people as shown by their beliefs, social forms, and "material traits."*

*It is reasonable to read this provision of the National Environmental Protection Act as requiring that federal agencies consider the impact of their actions on rural, range-oriented, agricultural counties such as Owyhee County where, for generations, families have depended upon the "material traits" of ranching, farming, mining, timber production, wood products, and other agricultural lines of work for their economic livelihoods.*

*Page 10*

*The Natural Resources Committee and the Board now call upon the federal and state management agencies to coordinate in advance with the Board any proposed actions which will impact either the federally and state managed lands in Owyhee County, the private property rights and private property interests including investment backed expectations of citizens of the County, the economic stability and historically developed custom and culture of the County, or provisions of this Land Use Plan. Such management agencies are requested to so coordinate their actions by providing to the Board in a timely manner, prior to taking official action, a report on the proposed action, the purposes, objectives and estimated environmental, social, cultural and economic impacts of such action.*

*In other words, the Natural Resources Committee and the Board request no more from the federal management agencies than what is required by the federal laws governing their management processes as well as Executive Order 12630 issued by former President Reagan on March 15, 1988 and implemented by guidelines prepared for all federal agencies by the Attorney General of the United States.*

*The Natural Resources Committee and the Board request no more from the state management agencies than what was clearly intended by the Idaho Legislature through enactment of the Local Planning Act of 1975.*

*In exchange for compliance with federal law by the federal management agencies, the Natural Resources Committee and the Board commit to a positive planning process through which the County will maintain its commitment to true multiple use of the federally managed lands. In exchange for participation by the state management agencies, the Natural Resources Committee and the Board commit to a positive planning process through which the County will equitably consider the best interest of all the people of the state of Idaho in the use of the state managed lands. The County commits to an effort to develop and maintain Memoranda of Understanding with these agencies through which coordinated planning can be better implemented.*

*Chapter II Page 1*

*The federal lands which form the bulk of the land mass in Owyhee County are under management direction from the Congress of the United States. Article IV, Section 3(2) of the United States Constitution provides that “The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States...”*

*Page 1 and 2*

*The Congress has passed many statutes in exercise of this Constitutional power and authority. Most of those statutes authorize the Secretary who heads an executive management agency to issue rules and regulations to implement the statutes. But the management power and authority never leaves the Congress. The management agencies simply manage the land for the Congress. Their regulations must be consistent with the statutes and must not exceed the authority granted by the statutes.*

*Page 2*

*Through coordinated planning, the federal lands can be managed so as to sustain productivity for this and future generations, to maintain the quality of the resources, to protect and preserve private property rights and interests, to maintain full multiple use, and to preserve and maintain the custom, culture and economic stability of the County.*

*Page 4*

*The Natural Resources Committee and the Board will carefully evaluate all federal or state actions relating to private property and private property interests including investment backed expectations in light of the mandate of the Fifth Amendment to the United States Constitution. In so evaluating federal and state actions the Natural Resources Committee and the Board will apply also the principle established by former President Ronald Reagan in issuing Executive Order 12630 which required any and all federal agencies to prepare a Takings Implication Assessment prior to taking any action, issuing any rule, or making any decision which would constitute a taking of private property or private property interest including investment backed expectation.*

**Appendix H Owyhee County Wildland Urban Interface Fire Plan**

*The plan contains numerous references to the low to moderate danger of fire starts from power transmission lines throughout the county.*

*Page 7 of the Fire Plan Appendices contains a High Fire Prone area map which shows the area proposed for the preferred alternative to be in a high risk area.*

From the Index of Appendices:

*Appendix A-1*

*Regional Economic Impact Model of Owyhee County, Idaho and the Four County Area Including Ada, Canyon, Elmore, and Owyhee Counties. Tim D. Darden, Neil R. Rimbey, and J.D. Wulforth: Agricultural Economics Extension Series No. 03-06, June 2003*

*Appendix A-2*

*Social and Community Impacts of Public Land Grazing Policy Alternatives in the Bruneau Resource Area of Owyhee County, Idaho: J.D. WULFHORST, NEIL R. RIMBEY, AND TIM D. DARDEN, Agricultural Economics Extension Series No. 03-07, September 2003*

*Appendix A-3*

*Ranch Level Economic Impacts of Public Land Grazing Policy Alternatives in the Bruneau Resource Area of Owyhee County, Idaho. Neil R. Rimbey, Tim D. Darden L. Allen Torell, John A. Tanaka, Larry W. Van Tassell and J.D. Wulforth: Agricultural Economics Extension Series No. 03-05 June 2003*

As you will note from the cited sections of the NRC plan, Owyhee county's intent, which is consistent across multiple county plans, is the preservation of the limited private property in the county and the continuation of the economic activity which occurs on those lands that would be harmed by the placement of the line as proposed.

The placement of the line as agreed between Boise District BLM and the County in February of 2012 would avoid inconsistency with the elements of the NRC Plan.

The NRC Plan points out that it is the Congress, through legislation signed into law by the President, that establishes how the federal lands will be managed. While the Secretary is granted the authority to create regulations for the implementation of the law, the Secretary does not have the authority to create new law in those regulations or to ignore elements of law in carrying out the management of the federal lands.

The FEIS blatantly ignores Section 368 of the Energy Act of 2005, which constitutes action by the Secretary which is not lawful or permitted.

3. The "Sage Grouse Management Plan for Owyhee County, Idaho" (SG Plan) which was initially adopted in June 2002, amended and updated in 2004 and 2013.

The following inconsistencies exist between the BLM's proposed preferred alternative and the SG Plan:

*p.13*

***SAGE-GROUSE THREATS AND EXISTING CONDITIONS THAT AFFECT OR MAY AFFECT SAGE-GROUSE AND THEIR HABITAT IN OWYHEE COUNTY:***

*The placement of energy development and associated infrastructure in and around sage-grouse habitat also may affect sage-grouse populations.*

*p.15*

#### **HABITAT FRAGMENTATION AND PERENNIAL GRASSLANDS**

*Habitat fragmentation can result from reduced sagebrush cover due to wildfire and from subdivision and development in rural areas.*

*p. 16*

#### **INFRASTRUCTURE/ENERGY DEVELOPMENT**

*Energy development is rapidly encroaching in the western United States and has emerged as a major issue in conservation of Greater Sage-Grouse and their habitats (Naugle et al. 2011). Sage-grouse populations in Wyoming, Montana, and Alberta have declined following the development of natural gas wells and associated roads and power lines. Currently, natural gas development is not a concern in Owyhee County. However, two major 500-kV transmission lines are proposed to run through a large swath of intact sage-grouse habitat from Wyoming through southern Idaho to Hemmingway Butte (Gateway West) and from Hemmingway Butte to Oregon (Boardman/Hemmingway). The BLM's preferred alternative route for one of the transmission lines, runs through prime sage-grouse habitat south of State Highway 78 in Owyhee County. Twenty-two wind-energy proposals have arisen during recent years throughout Owyhee County (Idaho Division of Building Safety 2011).*

*Sage-grouse avoid infrastructure developments in Wyoming (Doherty et al. 2008), and both Lesser (Tympanuchus pallidicinctus) and Greater Prairie Chickens (T. cupido) avoided power lines and highways by at least 100 m in Kansas and Oklahoma (Pruett et al. 2009). Blickley et al. (2012) found that increased noise associated with vehicular traffic near oil and natural gas fields had a detrimental effect on breeding sage-grouse. In a broad-scale study assessing influences of environmental and anthropogenic features on Greater Sage-Grouse, Johnson et al. (2011) found that lek trends increased with distance to nearest communication tower and analogously decreased as the number of towers increased.*

*New transmission line and wind energy development should be placed outside core sage-grouse areas where possible. Sage-grouse require large, intact sagebrush habitats to maintain populations. The addition of power lines and wind towers and their associated infrastructure development will be detrimental to sage-grouse populations in Owyhee County. Transmission line towers provide both new and alternative nesting substrate for raptors and ravens (Steenhof et al. 1993). Raven numbers on transmission lines will increase over time, as offspring of productive pairs colonize transmission towers (see Table 1 and Figure 3 in Steenhof et al. 1993). Increases will be associated not only with an increase in potential perch sites but also an increase in nesting and roosting opportunities. Radio telemetry studies in southwestern Idaho (Engel and Young 1992) revealed that ravens moved an average of 7 km (about 4.5 miles) and as far as 65 km (about 40 miles) from transmission line roosts in each day. Given that ravens forage several miles from their nests and roosts, sage-grouse nests within 15 miles of new transmission lines will be vulnerable to ravens that roost on transmission lines.*

*p.19*

## MITIGATION

*New infrastructure, construction, urban development, and agricultural expansion should be sited to avoid important sage-grouse habitat whenever possible. These types of projects should include best management practices to minimize sage-grouse impacts and restore affected areas, such as timing construction to minimize disturbance and re-vegetating of disturbed lands.*

*Measures to mitigate impacts at off-site locations also should be employed to offset unavoidable alteration and losses of sage-grouse habitat caused by these projects. Off-site mitigation should focus on acquiring, restoring, or improving habitat within or adjacent to occupied habitats and ideally should be designed to complement local sage-grouse conservation priorities.*

*p. 24*

*K. Habitat Fragmentation – The LWG, in cooperation with Federal, State, and Private partners, will attempt to minimize and/or mitigate habitat fragmentation associated with infrastructure developments (roads, fences, etc.).*

*p.27*

*H. Investigate the impacts of energy and infrastructure development on sage-grouse in Owyhee County.*

*a. Accomplishments*

*i. BLM and IDFG have increased efforts to identify all active leks within the proposed transmission line corridor.*

Routing the line through the NCA, as agreed to between Boise District BLM and Owyhee County in February 2012 will avoid all the above inconsistencies and will be consistent with the Energy Act of 2005.

#### 4. The Owyhee County Energy Plan:

The BLM Proposed Preferred Route is inconsistent with the following elements of the County Energy Plan:

*Preservation of existing natural resources*

*Preservation of prime agricultural cropland,*

*The County will establish an Energy and Environment Department. The purpose of the department is to develop methods to encourage and monitor development of environmentally sound alternative energy developments.*

*The department will develop, coordinate, and recommend ordinances or legislative changes to further this energy plan and environmental issues affecting the county and its residents.*

#### 5. The Owyhee County Comprehensive Plan:

The BLM Proposed Preferred Route is inconsistent with the following elements of the Owyhee County Comprehensive Plan (**Some elements have been emphasized by Bold and Underline**):

*It is the intent of the people of Owyhee County to preserve and protect the historic customs, traditions, and way of life unique to Owyhee County in so far as this is consistent with a reasonable and orderly rate of growth and development and with the protection of private property rights.*

*It is also the intent of the people of Owyhee County to use this plan as a guide and framework which will provide for reasonable and sound land development, a safe and healthy living environment, and a successful economic climate while at the same time conserving the best of the historic ranching and farming tradition and way of life.*

*Decisions of the Planning and Zoning Commission and the Board of County Commissioners regarding land use must be consistent with this Plan and the ordinances which are enacted to implement the Plan.*

*Within the time frames established by state law, on a regular basis the Planning and Zoning Commission and the Board of County Commissioners will review the plan and update it as necessary to meet the changing needs of the County.*

*This Comprehensive Plan which is directly applicable to planning for the private lands in the County has been developed for consistency with the Natural Resource Plan for the federally and State Managed Lands. **The nature of the checkerboard location of private lands, state lands and federal lands makes it imperative that the Planning and Zoning Commission always keep in mind the impact management actions on the federal lands and state lands will have on private land, and that the Commission insist on compliance with this Plan by federal and state land management agencies where the law allows it to insist on such compliance.** The Plans must be implemented in coordinated fashion, and should complement each other in planning for the future of Owyhee County.*

*The Planning and Zoning Commission will coordinate its activities with the Owyhee County Natural Resources Committee to ensure proper planning for the entire County and the **protection of private property rights which are critical to the custom, culture, and economic stability of Owyhee County.***

**To protect, enhance and insure private property values and rights within the national, state, and local laws.**

*To recognize the value of all land uses and protect the right to those uses, in recognition of health, safety and welfare standards and in compliance with the Comprehensive Plan.*

*To recognize that surrounding property owners also have the right for protection of their property rights and values.*

*To protect existing agricultural uses and rights, as allowed under State law.*

*The federal and state governments control 82.7% of the land situated within Owyhee County.*

*As the Comprehensive Plan is updated, new or modified zones may be created. As part of this process, consideration of existing commercial and industrial uses and platted residential subdivisions will be taken into account and zoned according to their use at the time of the adoption of the zoning map if such use is reasonable and appropriate to that area and does not constitute a substantial incompatibility to adjacent property.*

*The purpose of the agricultural zone is to preserve and protect the decreasing supply of agricultural land, and to control the infiltration of urban development into agricultural areas which will adversely impact agricultural operations and will result in an adverse impact on the county's tax base and economy.*

*To conserve and encourage the best of the County's historic ranching and farming tradition and way of life.*

*To anticipate and provide for a variety of uses in Owyhee County to meet the needs of the citizens while recognizing the importance of maintaining and enhancing agricultural opportunities.*

*To protect and maintain soil, water, air, wildlife and other natural environmental **and scenic** so that they may be utilized now and in the future.*

*protect private property rights of all persons within the county.*

*To respect the uses already existing within the county.*

**To discourage, through the Zoning Ordinance, the mixing of incompatible uses that may be detrimental to surrounding properties or uses.**

*To conserve and encourage the best of the County's historic ranching and farming tradition and way of life.*

*To discourage development in areas of the County that are remote from County services and public facilities.*

#### *Natural Resources Goals*

*To protect and preserve the natural resources of the County by managing development and the use of those natural resources as necessary components of agricultural, commercial and recreational activities.*

**Avoid unsuitable remote rural development by maintaining open space** and access to natural resources through coordination of this Plan with the Owyhee County Land Use and Management Plan for Federal and State Land.

#### *Natural Resources Objectives:*

*Promote and encourage good stewardship of the natural resources.*

*Promote and encourage cooperation of various entities desiring to use the natural resources in different ways.*

*Protect the historical and customary rights of use, development, and enhancement of natural resources. As much as possible, do not take existing natural resources use from one user for the use of another.*

*Develop standards to minimize conflicts between development and irrigation systems.*

**Any state, federal, or governmental actions shall follow the requirements of law and regulation regarding notification, coordination, and consistency with county policies and plans. Agencies shall contact and coordinate with the County in these areas.**

Carefully weigh the effect on natural resources from pollution or detrimental impacts before approving development or changes of historic use.

Explore alternative uses for natural resources that “add value”

**Community design is established by the combined physical elements which contribute to the overall visual character of a place. The natural landscape, the form and arrangement of structures on the landscape, and the aesthetic continuity of neighboring parcels of land are the most common design considerations. Development will be encouraged to incorporate a reasonable measure of rural atmosphere, country life style and open space. The natural beauty of unincorporated Owyhee County is its existing landscape dominated by vast expanses of open rangeland, and undeveloped state and federal lands.**

*Community Design Goals:*

*Encourage development within appropriate zones.*

*Encourage preservation of cultural resources.*

*Encourage preservation of open rangeland.*

*Encourage preservation of recreation lands.*

*Encourage preservation of open spaces.*

*Coordination of land management objectives with federal agencies.*

*Encourage new development to incorporate a reasonable measure of rural atmosphere, county life style and open space.*

*Encourage compatible new development.*

**Community Design Objectives:**

**Encourage public utilities and utility corridors to be located on public lands**

**Utility and Energy Goals:**

**Protect the property rights of Owyhee County citizens and not allow the infiltration of public utilities and energy corridors to negatively impact those citizens or their private property.**

*The Plan, and the process of implementation of the Plan is to: Protect property rights and enhance property values; ensure adequate public facilities and services at a reasonable cost; protect and enhance the economy of the county; ensure protection of important environmental features, protect prime agricultural lands and mineral resources, encourage urban development within and near cities; ensure development consistent with the land’s physical character, protect fish, wildlife and recreational resources’ and to avoid water and air pollution.*

6. Owyhee County has commenced an effort to designate specific zones for power transmission lines. This effort is being conducted by the Owyhee County Planning and Zoning Commission. Public Notices have been published for the initial hearings.

This action is pertinent as follows:

The Consistency Review process provides for an additional check on consistency not only with Documented State or local plans, but also with “policies” or “programs” and can give a Governor an opportunity to influence the final RMP even after most other forms of public involvement are no

longer available. The Council on Environmental Quality has interpreted the term “policies” (In its “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations,” which has been found to be persuasive authority for interpretation of NEPA by the U.S. Court of Appeals for the Tenth Circuit. *Davis v. Mineta*, 302 F.3d 1104, 1125 (10<sup>th</sup> Cir. 2002) to include:

formally adopted statements of land use policy as embodied in laws or regulations;

proposals for action, such as the initiation of a planning process; and

formally adopted policy statements of a local, regional or State executive branch, even if they have not yet been formally adopted by the local, regional or State legislative body.”

### **SUMMARY:**

This is a project that is beneficial to the general good and belongs on the federal lands as determined by the Congressional passage and Presidential signature of The Energy Act of 2005. As noted in sections provided from the NRC Plan, the federal agencies manage the federal lands for the Congress. While the agencies may write regulations intended to implement the laws passed by the Congress, it must remain within the dictates of the law.

Numerous studies show that the placement of a transmission line within the NCA will be beneficial to the enhancement of raptor populations. Furthermore, the area proposed already contains existing power transmission lines and a road which was recently significantly improved under the ARRA Stimulus Act. Photographs found in enclosure 3 provide documenting examples.

BLM’s arbitrary action to prevent the line from transiting the NCA is a prime example of an agency crafting regulations that are outside the law they are intended to implement. In this case, the agency (and by the BLM’s action, the Secretary of Interior) willfully ignored the law as evidenced by the failure to include the transmission line and the West Wide Energy Corridor in the NCA RMP which was under development after the passage of the Energy Act.

If the FEIS is not amended to place the line in the NCA, that will indicate the Agency’s, and the Secretary of Interior’s, continued willful violation of federal law.

Owyhee County does support delaying a final decision on segments 8 and 9 for a period of a minimum of 180 days for the following purposes.

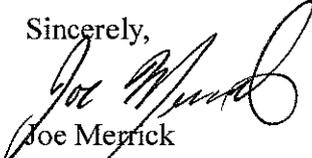
To work cooperatively with state, county, and city governments on routes through the NCA.

To complete the required NEPA analysis which properly analyzes the beneficial impacts of transmission lines in the NCA and which properly analyzes adverse impacts of the proposed routing.

The agreement between BLM and Owyhee County (documented in Enclosures 1 and 2) for the 9D route segment was mutually agreed upon and was consistent with all laws and regulations. Any deviation from the 9D route agreed to in Enclosures 1 and 2 will be vigorously fought and contested by the citizens of Owyhee County and by the Board of Owyhee County Commissioners.

BLM shall be held to the law.

Sincerely,



Joe Merrick  
Chairman



Jerry L. Hoagland  
Commissioner



Kelly Aberasturi  
Commissioner

Enclosures:

1. February 17, 2012 Letter from Aden Seidlitz
2. February 27, 2012 Letter from Owyhee County to Aden Seidlitz
3. Various Photographs
4. October 27, 2011 Comment letter to Walt George Re Gateway West DEIS
5. August 21, 2012 Letter to Acting BLM Director Pool
6. November 5, 2012 Letter Regarding Admin Final DEIS



United States Department of the Interior  
 BUREAU OF LAND MANAGEMENT  
 Boise District Office  
 3948 Development Avenue  
 Boise, Idaho 83705



In Reply Refer To:  
 (2800) ID-010

February 17, 2012

Joe Merrick, Chairman  
 Owyhee County Board of Commissioners  
 P.O. Box 128  
 Murphy, ID 83650-0128

Dear Commissioner Merrick:

Thank you for your continued support and coordination efforts concerning the Gateway West Transmission Line Project. The meeting we held on November 21, 2011 provided the BLM with valuable input into resolving resource issues associated with the proposed routes and alternatives. As the project moves forward into the development of the Final Environmental Impact Statement (FEIS) the Boise District will be expected to provide input into what will become identified as the Preferred Route. The complications with the unknown location of Segment 8, and potential conflict with alternatives to Segment 9, make the identification of an acceptable route even more challenging.

Based on the coordination effort we completed with you in November, we are requesting a confirmation of your acceptance to our recommendation for a route that we believe is viable and would result in achieving the majority of goals identified by both parties. While this route is not a perfect solution to the problems we have addressed together, we recognize that in the absence of an alternative that is fully supportable or preferred, that we must identify a route that is acceptable to both parties based on the conditions and choices that are available.

Enclosed with this letter is a map of the route segments that are being considered for recommendation as the preferred route for Segment 8 and Segment 9 of the Gateway West Project. The map has also been copied to CD to allow for more detailed review. Our proposal recognizes the importance of trying to avoid impacts to private property, in Owyhee, Ada and Elmore County; to keep the transmission line on public lands as much as possible; to protect cultural and visual resources; and to minimize impacts to sensitive species.

If our proposed recommendation is acceptable to you then we would appreciate a letter of confirmation or acceptance on the route we have identified. We recognize that the recommendation may not be your preference for these segments but we are hoping that they are acceptable considering the current options. We are currently scheduled to meet on February 27<sup>th</sup> and can discuss any issues you may have with our recommendation, and hopefully come to some consensus on what would be an acceptable route recommendation.

Sincerely,

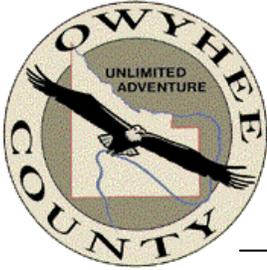
/s/ Aden L. Seidlitz

Aden L. Seidlitz  
 Boise District Manager

2 Enclosures

- 1 – Map of proposed recommendation
- 2 – Electronic copy (CD) of Enclosure 1

CWERNEN:clw:2/17/12:U:BOC Letter for Acceptance of GW Routes 20120217  
CF RF Gateway West Project File Author



OWYHEE COUNTY BOARD OF COMMISSIONERS  
 COURTHOUSE P.O. BOX 128 MURPHY, ID 83650-0128  
 TELEPHONE (208) 495-2421

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District 1 –Jerry Hoagland-P O Box 128, Murphy, ID 83650 318-8308  
 District 2 –Kelly Aberasturi-P O Box 128, Murphy, ID 83650 249-4405  
 District 3 –Chairman - Joe Merrick-P O Box 128, Murphy ID 83650 250-9005

February 27, 2012

Mr. Aden Seidlitz  
 Boise District Manager  
 Bureau of Land Management  
 3948 Development Avenue  
 Boise, ID 83705

Re: (2800) ID-010 February 17, 2012 Letter Regarding Recommendation as the Preferred Route For Segments 8 and 9 of the Gateway West Project

Dear Mr. Seidlitz:

We appreciate the considerable work done by you and your staff in order to resolve the potential adverse impacts that we identified in the earlier proposed routing for project segment planned through our county.

We have reviewed the map you provided with your February 17<sup>th</sup> letter and have discussed the proposed recommended preferred route with the citizens committee which assisted us in identifying adverse impacts and drafting alternatives that would minimize those adverse impacts.

As we indicated to you in our February 27, 2012 Coordination Meeting, we support the route as the proposed recommendation for the preferred route as specified in your letter and provided map.

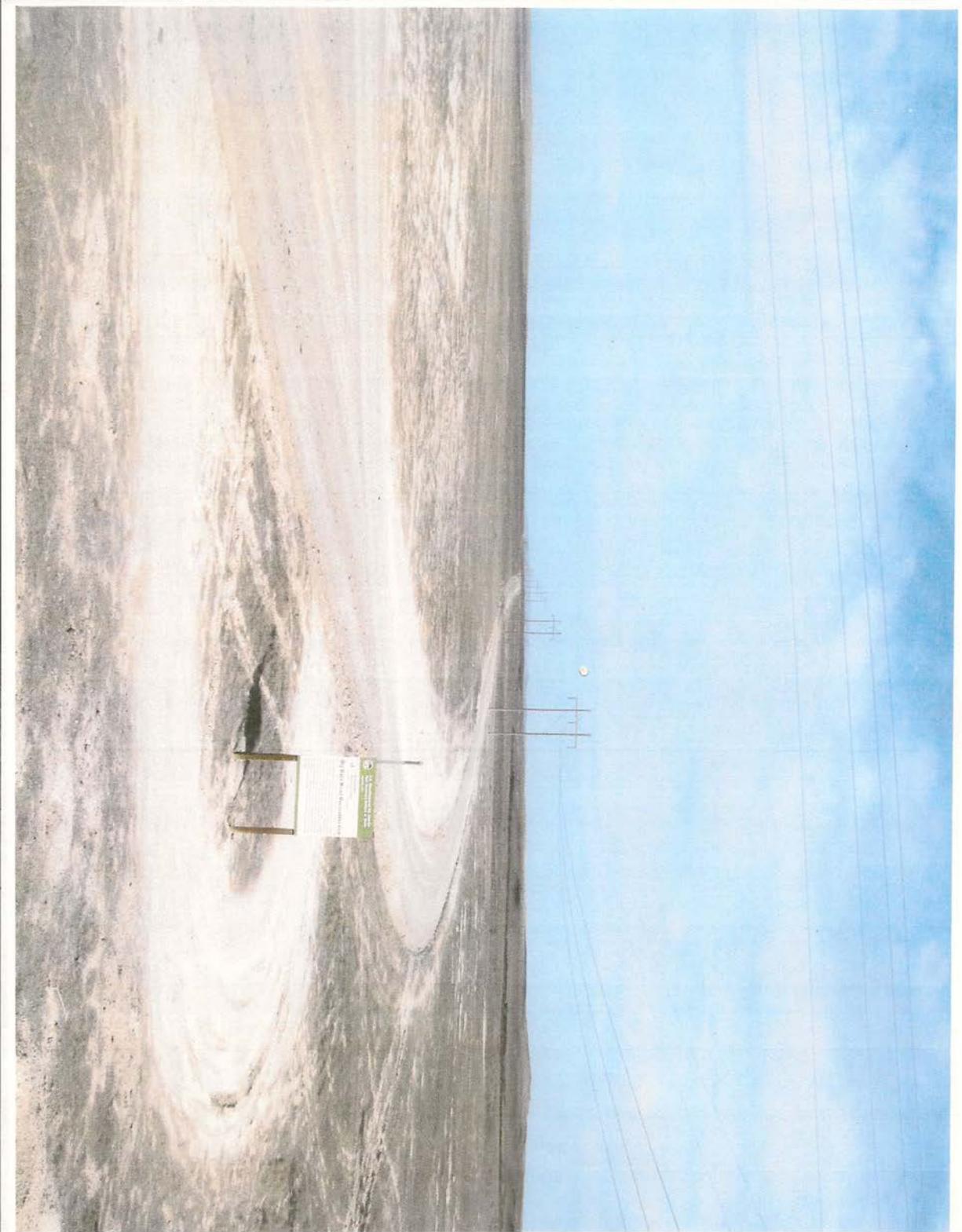
Thank you again for the effort which produced this satisfactory result.

Sincerely,

/s/ Joe Merrick

Joe Merrick, Chairman







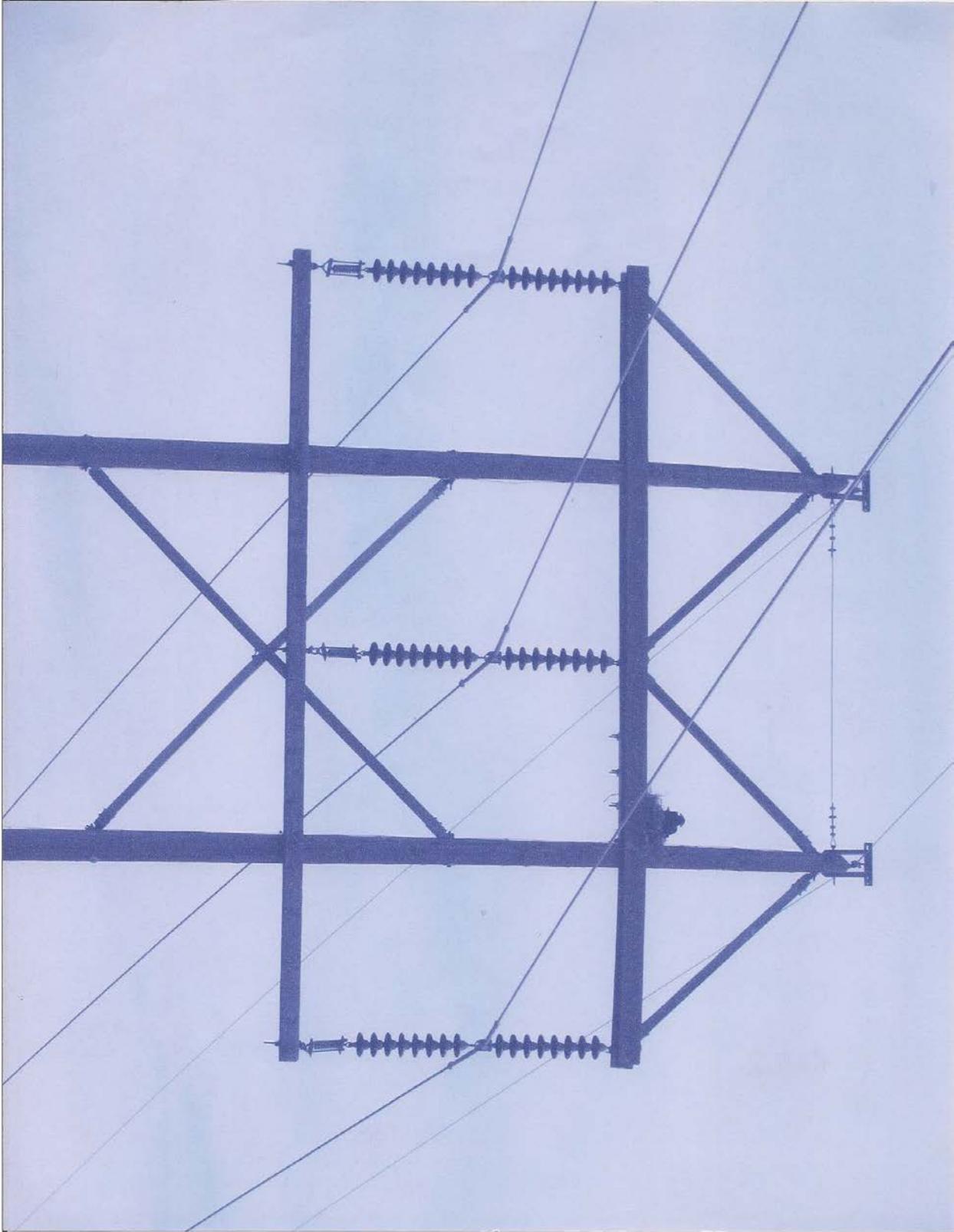
**U.S. Department of the Interior**  
**Your Recovery Dollars at Work**  
 RECOVERY.GOV



**Big Baja Road**  
**Boise District, Idaho**  
 Recovery Act Program | Bureau of Land Management

## **Big Baja Road Reconstruction**

The Big Baja Road connects the Swan Falls Dam Road south of Boise with Highway 67 near Grandview and crosses the Morley Nelson Snake River Birds of Prey National Conservation Area. Eighteen miles of the road has degraded to the point that it is nearly impassable during certain times of the year. The project consists of reconstructing the road profile, installing culverts, leadoff ditches, and other minor drainage structures; placing, shaping, and compacting gravel surfacing. Reshaping and resurfacing the road will create a hardened area for vehicle travel and allow rehabilitation of disturbed areas along the road.











OWYHEE COUNTY BOARD OF COMMISSIONERS  
 COURTHOUSE P.O. BOX 128 MURPHY, ID 83650-0128  
 TELEPHONE (208) 495-2421

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District 1 –Chairman-Jerry Hoagland-P O Box 128, Murphy, ID 83650 318-8308

District 2 –Kelly Aberasturi-P O Box 128, Murphy, ID 83650 249-4405

District 3 –Joe Merrick-P O Box 128, Murphy ID 83650 250-9005

October 27, 2011

Re: 2800 (920George) WYW-174598 IDI-35849, NVN-089270, Owyhee County Comment on Gateway West Transmission Line DEIS

This document will be delivered as an electronic submission to Mr. Walt George via [gateway\\_west\\_wymail@blm.gov](mailto:gateway_west_wymail@blm.gov) and by Hand-Delivery to Boise District BLM Manager Aden Seidlitz. Note: The electronic copy will contain two enclosures (scans of portions of large format maps), the hand-delivered copy will contain 5 enclosures (the two electronic copy enclosures and three large format map products).

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

Dear Mr. George:

Owyhee County, Idaho submits the following comment on the Draft Gateway West Transmission Line EIS.

This comment is submitted as part of an ongoing Federal Land Policy and Management Act (FLPMA) Coordination effort as provided for under Sec. 202. [43 U.S.C. 1712] C.(9) of the act.

**I. COORDINATION AND COMMENT BACKGROUND:**

When the potential impact of this project on private property in our county became known, Owyhee County began this coordination as part of our regularly scheduled monthly coordination meetings with elements of the Idaho BLM. During the time that Owyhee County has participated in this coordination effort, we have provided numerous comments during coordination meetings and have submitted several written comments. Owyhee County engaged in this coordination effort and provided comments and documents in an attempt to ensure that BLM met their statutory requirement for its planning and decision actions to be consistent with county plans.

Due to the significant impact that the Gateway West Transmission Line Project potentially<sup>100993</sup> imposes on private lands, private enterprise, county economy, and future development of private lands under the provisions of the Owyhee County Comprehensive Plan and its associated Zoning Ordinances, Owyhee County devoted considerable time and effort to this matter.

On September 1, 2009, Owyhee County delivered correspondence, including detailed maps with routes clearly marked, to BLM and Idaho Power containing two proposed alternatives developed by a group of Owyhee County citizens and adopted by Owyhee County as county-proposed alternative routes. In the letter which transmitted the two county-proposed alternatives, the county made clear that the southernmost of the two proposed alternate routes was marginal at best and had been presented as the result of indications by BLM that the county must present more than one alternative.

The southernmost of the county-proposed alternatives was ultimately labeled as alternative 9E in the Draft EIS.

On or about September 8, 2010, Owyhee County forwarded for BLM's and Idaho Power's consideration a review which had been prepared by the Owyhee County Sage Grouse Local Working Group on two of the proposed alternatives. The working group prepared its review comments on alternatives 9D and 9E after careful consideration of the proposed routes and potential impacts on sage grouse populations. Owyhee County adopted the recommendation of the Owyhee County Sage Grouse LWG as its own and submitted it to BLM and Idaho power for consideration during development of alternatives and analysis of impacts.

Upon release of the Draft EIS, Owyhee County immediately realized that the transcription of the county-proposed routes had not been correctly transcribed from the county provided maps to documents used by BLM in the Draft EIS. Maps and other descriptions within the Draft EIS did not accurately reflect the preferred county alternate route, labeled 9D in the Draft EIS. The errors of transcription were significant and the county immediately made them known to BLM during a coordination meeting with BLM Boise District. In addition, the errors were made known to State Director Steve Ellis and BLM Project Manager Walt George by letter dated September 6, 2011.

In the September 6, 2011 Letter to Idaho BLM Director Ellis and BLM Project Manager George, the County also requested a 60 day extension of the comment period due to the errors of transcription and the complexity of the DEIS.

In subsequent meetings with various BLM managers and staff as well as with members of Idaho Power, the County has attempted to resolve the harm done by the errors of transcription. In this comment, we provide a remedy that would be satisfactory to Owyhee County if adopted as the proposed action when the EIS and Decision Record are entered. Such action would also ensure that BLM's planning and decision actions are consistent with county plans and policies.

Since the inception of the county's involvement in coordination over the route development process for the Gateway West Transmission line project, we have maintained that this public benefit project should be located on the public lands.

Owyhee County's primary economic activities are farming, ranching, and use of the federal lands within our county for resource based industries such as logging and mining. Nearly 80 percent of the land within Owyhee County is in federal ownership.

The remaining lands which are in private ownership are primarily used for farm and ranching operations. The owners of those farm and ranch lands have reasonable expectation, under the Idaho

Local Land Use Planning Act as well as the County Comprehensive Land Use Plan and Zoning<sup>100993</sup> Ordinances, that they may make full use of the bundle of rights which are associated with the ownership of land. Those rights expectations include the continued use of those lands in their current use, such as farming and ranching operations, or the conversion of use at some future date to some other use which may at that time be a higher and better use of the lands, such commercial or residential development.

Several of the alternative routes proposed in the Draft EIS, which place much of the proposed line on private property in Owyhee County, are unacceptable to the county in that they will adversely impact the current agricultural uses of the lands, diminish current and future land value, and will severely impact future highest and best use of those lands. This potential adverse impact is unacceptable to Owyhee County and unnecessary in achieving the desired intent of electric power delivery as envisioned under the Gateway West Project.

## **II. GENERAL COMMENTS:**

1. The scoping process for both the West Wide Energy Corridors and for this specific project was inadequate and flawed in eliciting early public involvement and meaningful participation.

A. Early public scoping notices and public Hearings related to the development of the West Wide Energy Corridors failed to impart to the public the true nature of the impact of the placement of the proposed corridors.

B. Participants in the Energy Corridor Hearings were predominantly representatives of energy development or transmission concerns whose interests were far different from that of the local landowners who would find their private lands, businesses and other interests significantly impacted by the placement of the corridors.

C. Those private landowners who did attend the Energy Corridor meetings were often told that this stage of the process was simply to lay out general corridors and that before any specific project could take place within the corridor, all requirements of NEPA's public involvement must be satisfied and the project justified prior to any approval.

D. That assurance proved to be worthless in dealing with Gateway West in that Idaho Power and Local BLM Officials all adhered to a position that they were constrained to place the line in the West Wide Energy Corridor.

E. The 2005 Energy Act signed into law by President Bush provided for the development of the West Wide Energy Corridors. Section 368 of that Act required that the corridors were to be incorporated into federal plans.

F. The Birds of Prey NCA was in development during the period when the West Wide Energy Corridor was developed in southwest Idaho. Contrary to the mandates of the 2005 Energy Act, BLM removed the corridor from the NCA plan rather than incorporating it.

G. This defiance of the requirements of the Energy Act occurred late in the development of the plan, and occurred after an earlier draft incorporated the corridor in the vicinity of the existing 138 KW transmission line. That transmission line had been shown to be consistent with the needs of raptors and therefore consistent with the purposes of the NCA.

H. In early notices of scoping on Gateway West, public notices failed to provide sufficient notice to the landowning public in Owyhee County as to the potential impact of the project. Attendance at initial meetings was sparse as the result of the failed notices. When information as to the real impact began to be known, citizens' groups developed in multiple counties to protest the early routes as developed by BLM and Idaho Power.

I. This lack of initial proper notice prevented proper county involvement at the earliest planning stages, as is required by FLPMA.

2. Impact to Cultural and Historically significant areas:

A. The draft EIS focuses on specific cultural sites for avoidance and/or protection yet ignores significant areas of significant cultural value.

B. Routes segments proposed under the Draft would interfere with multi-generational ranching operations, some dating to the mid to late 1800's, as well as sites of historical significance in the vicinity of Oreana, Bruneau, Little Valley, and Murphy.

C. Changes made by BLM and/or contractor Tetra Tech changed the routing of a county proposed alternative from an area of little cultural significance to the junction of Sinker Creek and the Snake River--an area of significance for multiple reasons.

3. Impacts to Private Property and to Health of Property Owners:

A. Locating this project on private lands will alter the use of those lands for the considerable lifetime of this transmission line.

B. Idaho Power officials meeting with Owyhee County admitted early in the planning process that no structures can be built beneath the span of the transmission lines. Such limitations affect current farming/ranching operations and significantly limit future highest and best use of the lands crossed by this line.

C. Health impacts to adjacent residents are of concern as addressed in the comment submitted by Robyn Thompson of 16990 Short Cut Road, Oreana, Idaho. With her comment Ms. Thompson submitted copies of articles indicating health risks associated with large electrical transmission lines. Owyhee County incorporates "A New View of ELF-EMFs" published in Environmental Health Perspectives, Volume 108, Number 10, October 2000 and "Childhood Leukemia and Magnetic Fields in Japan: A case control study of childhood leukemia and residential power-frequency magnetic fields in Japan" authored by Michineri Kabuto, et al, "Residential Exposure to Electromagnetic Fields and Childhood Leukaemia: a meta-analysis" by I.F. Angelillo and P. Villari, "Magnetic Fields and Cancer: Animal and Cellular Evidence--an Overview" by Bo Holmberg, "Exposure to electromagnetic fields (non-ionizing radiation) and its relationship with childhood leukemia: A systematic review: by M.F. Rernandez ,et al, "Increased exposure to pollutant aerosols under high voltage power lines: by A.P. Fewes, et al, and "Risk of hematological malignancies associated with magnetic fields exposure from power lines: a case control study in two municipalities of northern Italy" by Carlotta Malagoll, et al, into this comment. The articles in their entirety are contained within the Thompson comment.

D. Analysis of impact to homes in Owyhee County has not been correctly addressed in the DEIS.

(1.) If the line is routed as indicated in the variants of Alternate 9 (excepting <sup>100993</sup> 9D) there will be significant impact to current land value, future land value, and to current uses including agriculture. Location of the proposed line on private agricultural property will prevent future conversion of irrigation systems, as well as placement of future buildings and structures (both farm and residential).

(2.) The impact analysis found in the DEIS (table 2.2.8 on page 2.202) regarding homes in proximity to the proposed route is grossly incorrect. Enclosure 5 to the hand-delivered copy of this comment contains data provided by the Owyhee County Assessor. The map plots existing homes shown in proximity to the West Wide Energy Corridor.

E. Routing the line as proposed in the Alternative 9D, with modifications addressed later in this document, essentially eliminates these impacts to private property and public health. The proposed modifications to 9D have been discussed with Idaho Power Staff and were determined to be workable options.

4. Placing the line in Owyhee County is largely unnecessary:

A. The proposed routes labeled as variants of Route 9 are justified by Idaho Power and BLM as necessary for separation of parallel routes for redundant power needs. Various Idaho Power officials and staff have stated that the required minimum separation is a span width--1,500 feet.

B. Stated reasons for the required redundancy are to prevent loss of the line during natural events such as fire or weather.

C. The Murphy Complex Fire of 2007, burned more than 650,000 acres--an area that would have made the proposed span-width minimum separation distance moot.

D. Weather events such as ice storms are often cited by Idaho Power as reasons to have the separation and redundancy. In reality, however, even the separation provided by proposed segments 8 and segments 9 would be insufficient to avoid the impacts of such storms in this region.

E. The redundancy argument should be abandoned.

F. The segment 9 line should be located through the NCA to parallel the existing 138KW line, with minimum separation as required to avoid line-to-line interference.

G. In that the proposed transmission line project is not in the Idaho Power Ten Year Plan, there is a valid question as to its necessity.

5. The proposed route through Owyhee County violates the intent of the Environmental Justice legislation passed by the Congress:

A. 17.4% of residents in Owyhee County are below poverty level while only 11.8% of Ada county residents are below poverty level.

B. 25.8% of Owyhee County residents are Hispanic and 4.3% are American Indian. Ada County figures in that regard are 7.1% and .7% respectively.

C. The proposed transmission line project is projected to provide power to the populated areas of Ada, and Canyon counties to a significantly greater degree than to the rural population and small towns of Owyhee County. <sup>190993</sup>

D. Impacts to the workforce on the private lands of Owyhee County, which are limited in that approximately 80% of the lands in Owyhee County are federally owned, will be significantly greater than to the workforce of Ada County, which will be the beneficiary of the power provided.

6. Placing the line segment in the Birds of Prey NCA is consistent with the purposes of the NCA:

A. Studies completed by Karen Steenhof and others in the NCA, after construction of the existing 138 KV transmission line in the NCA, have shown benefits to raptor populations.

B. The proposed line should parallel the existing 138 KV line.

C. A major road improvement has been recently completed by BLM in the NCA using American Recovery and Reinvestment Act funds. The road project would provide much of the road access needed for line construction and negates a previous position by NCA management that a transmission line project in the NCA was harmful due to the need for road construction.

7. Adverse Impact to Murphy Airport operations and farming and ranching operations may be possible as the result of the installation of the proposed Gateway West Transmission line.

A. Helicopter activity during construction may have adverse impacts on other general aviation activity in the vicinity of the airport.

B. Helicopter use during construction may have adverse impact on domestic livestock operators.

8. Alternative 9E is unacceptable and 9D is acceptable and consistent with resource issues:

A. As noted above, Owyhee County submitted two routes: one route was eventually designated as 9D and the other as 9E in the DEIS.

B. Even in the letter transmitting the routes, the County noted the inadequacies of the route eventually designated as 9E.

C. The Owyhee County Sage Grouse Local Working Group noted the following in their review of 9E:

*The alternative route for Segment 9 that runs south of Highway 78 will impact important sage-grouse habitat in Owyhee County. This proposed route runs near dozens of known leks that are currently occupied by sage-grouse in the Owyhee Foothills. The Local Working Group feels that this is the least desirable alternative because the transmission line will attract avian predators, especially Common Ravens. Raptors and ravens use transmission lines for nesting, perching and roosting. Studies have shown that ravens are important nest predators of sage-grouse and that ravens move an average of 7 km and as far as 60 km from transmission line roosts each day. In addition, new roads required for this alternative would create extensive shrub loss and habitat fragmentation in previously undisturbed areas.*

D. The Owyhee County Sage Grouse Local Working Group noted the following in their<sup>100993</sup> review of Alternative 9D:

*The alternative (9D) that runs through the Morley Nelson Snake River Birds of Prey National Conservation Area (NCA) is a much better alternative. It would not affect Greater Sage-grouse because sage-grouse do not occur within the NCA. It would be compatible with maintaining raptor populations and the goals of the NCA. Research has demonstrated that properly designed transmission lines can be compatible with raptors. During the 1980s, a new 500-kV transmission line in the NCA enhanced opportunities for raptor perching, nesting, and roosting. Raptors and ravens were attracted to the towers, and productivity of hawks and eagles nesting on transmission towers was as good as and sometimes better than that of those nesting on canyon cliffs. Electrocuting of raptors is not an issue because wires on transmission lines are spaced too far apart to electrocute raptors. Alternative 9D will follow an existing 138-kV transmission line in habitat that has already been disturbed by fire. This alternative represents an opportunity to avert adverse effects of transmission lines on sage-grouse in Owyhee County.*

E. We concurred with that review, adopted it as a county position, and forwarded it to BLM in our September 8, 2010 letter.

9. Impact of Alternative Route 9D to BLM non-motorized area in the vicinity of Cove Recreation Site:

A. BLM analysis of 9D indicates that the route would not be acceptable due to impacts to a non-motorized area in the vicinity of Cove Recreation area.

B. This non-motorized area was designated in the September 2008 NCA RMP, but mentioned only briefly in the RMP and there is little specific data as to the need and justification for the designation.

C. In the specific comments provided later in this document, to proposed route changes to 9D are submitted as alternatives to minimize impact to the non-motorized area in the vicinity of Cove Recreation area.

10. Subsequent to the county submission of the September 1, 2009 letter and maps containing the two alternative routes proposed by Owyhee County, BLM and contractor made alterations to the northwest end of the County's route 9D.

A. These changes were apparently made as the result of requested changes on route 8 in the vicinity of Kuna, Idaho.

B. The changes moved the county's route 9D crossing of the Snake River from a viable and preferred crossing point to one with greater potential impacts.

C. In addition to the changes made to the river crossing, the transcription of the route maps by either BLM or contractor staff did not accurately transfer the route as proposed by the county in the vicinity of Eagle View subdivision.

D. The transposing also did not show the continuation of the route 9D to the Hemingway substation.

E. Specific comments provided later in the document will address changes to the route 9D as shown in the DEIS in order to correct the above errors or changes. <sup>100993</sup>

### **III. SPECIFIC COMMENTS:**

1. Raptor impact analysis cited in the DEIS is flawed by the use of outdated or incorrect data.
2. The Sage Grouse and Raven impact analysis is flawed due to missing critical reference material.
3. Alternative Route 9E is unacceptable for reasons as stated above.
4. Alternative Route 9 is unacceptable due to impacts on private property and other reasons as previously stated.
5. The changes made to Alternative Route 9D by transcription errors and/or by action of BLM Staff and contractor are not acceptable to the county and should not have been referenced in the document as a route supported by Owyhee County.
6. With the exception of the two areas of changes to Alternative Route 9D (vicinity of Cove Rec and Vicinity of Murphy and Snake River Crossing), Owyhee County Supports Alternative Route 9D as the proposed action.
7. Regarding BLM's changes to Route 9D in the vicinity of Murphy and the Snake River Crossing, we propose two alternatives to amend the route. They are shown graphically as marked green lines on Enclosure 1 to this document which is an electronic copy of a portion of a larger map product prepared by Idaho Power (Note: in the copy of this document delivered electronically to the Project Manager, the electronic file attachments will be incorporated as Encl's 1 and 2. In the paper copy delivered to the Boise District Manager, we will include both electronic Encl's 1 and 2, as well as three full sized map products):

A. Our preferred option to correct the transcription error or changes made by staff to the Northwest end of Alternate Route 9D is shown on Encl 1 and described as follows:

(1.) Use the routing submitted on our maps delivered on September 1, 2009.

(2.) For reference on the routes and maps provided in the DEIS, this would be described as "Our original Route 9D to mile point (mp) 18.5, then west on Route 8 to mp 124, then straight west on section line to a point between mp 155 and mp 156 on route 9.

B. Our second option for this section of our Route 9D is shown on Encl 1 and described as follows:

Route 9D to mp 58, at mp 58 go southwest approximately one mile and then northwest approximately two miles then north to the point at which our preferred correction line joins Route 9 at approximate mp 155.5.

8. Regarding BLM's concerns related to the non-motorized area in the vicinity of Cove Recreation Area, the county provides two alternate routing options which are shown as marked green lines on Encl 2 to the electronic copy sent to the project manager and on both Encl 2 and the full sized map sheet delivered to the Boise District Manager.

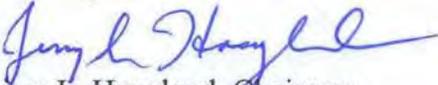
A. Route 9D to a point at approximately mp 11.8 then proceed south to cross the Bruneau Narrows, continue south and then southwest skirting the edge of the Cove NMA until south of State Highway 78. Proceed northwest to Simplot property at Cove then continue on Simplot property to get back on 9D at approximately mp 14.25.

B. Route 9D to mp 12, then proceed northwest north of the Bruneau Narrows until meeting the line of the two-track road which runs southwest through the Cove NMA, follow the line of the two track road to a point south of State Highway 78 then follow the route described above to approximate mp 14.25 on 9D.

**IV. CONTINUED COORDINATION ON THIS PROJECT:**

Owyhee County looks forward to continued regular coordination on the development of this project with BLM's Project Manager and with Local BLM Managers and staff.

Sincerely,

  
Jerry L. Hoagland, Chairman

cc: Boise District BLM Manager Aden Seidlitz

Enclosures to the Electronically-filed version:

- Encl 1: Scan of Murphy Area portion of Idaho Power Map Product.
- Encl 2: Scan of Cove Rec NMA portion of Idaho Power Map Product

Enclosures to the Copy Hand-Delivered to the Boise District Office:

- Encl 1: Scan of Murphy Area portion of Idaho Power Map Product
- Encl 2: Scan of Cove Rec Area Portion of Idaho Power Map Product
- Encl 3: Full size Idaho Power Map Product containing Murphy Area
- Encl 4: Full size Idaho Power Map Product containing Cove Rec NMA
- Encl 5: Full size map product showing locations of homes relative to West Wide Energy Corridor.

ENCL 4

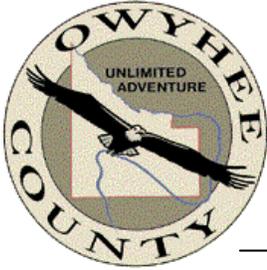


# MOUNTAIN HOME AFB CLASS D AIRSPACE (RESTRICTED)

5S 4E

Encl 2





OWYHEE COUNTY BOARD OF COMMISSIONERS  
 COURTHOUSE P.O. BOX 128 MURPHY, ID 83650-0128  
 TELEPHONE (208) 495-2421

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District 1 –Jerry Hoagland-P O Box 128, Murphy, ID 83650 318-8308  
 District 2 –Kelly Aberasturi-P O Box 128, Murphy, ID 83650 249-4405  
 District 3 –Chairman - Joe Merrick-P O Box 128, Murphy ID 83650 250-9005

August 21, 2012

Mr. Mike Pool  
 Acting Director, Bureau of Land Management  
 BLM Washington Office  
 1849 C Street NW, Rm. 5665  
 Washington DC 20240

Re: Proposed Routing of the Gateway West Transmission Line

Dear Director Pool:

We are writing this letter to your attention, with cc'd copies to the Idaho State Director and Idaho Congressional Delegation, as we are seeking a solution to a problem that is at your level of the BLM and is a matter that you can address and correct.

Our County has been engaged for several years in coordination with local BLM officials as well as with the BLM Project Manager for the Gateway West Transmission Line Project. This project proposes to route a portion of the transmission line through our county. Several of the current routes under consideration have considerable potential for adverse impact to the economic base of our county as well as to natural resources found on the federally managed lands within our county.

Because of the potential for harm, we have been very engaged in seeking solutions in the form of a preferred route that had the least impacts on private lands and yet carefully avoided impacts to species of concern, primarily Sage Grouse, on the federal lands. Owyhee County, though large in total acreage, is comprised of a relatively small portion of total acreage in private ownership in comparison to the 78% of our county which is federally owned and managed.

When we reviewed the initial maps showing the proposed Route 9, which traverses much of our prime agricultural lands along the northern boundary of our county, we organized a citizens group to develop alternative routes. That group developed an alternate route which minimized the impacts to private lands by transiting the Morley Nelson Birds of Prey NCA north of the Snake River. The route we submitted re-entered Owyhee County at the most advantageous crossing, just upstream from Swan Falls Dam. While it did not completely eliminate impacts on private lands, the route was acceptable to those private land owners whose lands were crossed. That route was adopted by the County Commission and submitted to BLM. It was ultimately labeled Route 9D.

A noteworthy member of the citizen's group which developed Route 9D is Ms. Karen Steenhof, a former BLM and USGS biologist who studied the impacts of the 500-kv line that was constructed across a portion of the NCA in 1981. Ms. Steenhof has lost none of her expertise regarding raptors and the purposes of the NCA and she has remained firm in her conviction to remain active in raptor conservation. She was instrumental in helping craft a route that would achieve the county's goals of preserving private property and the county economy, while also achieving conservation goals regarding species of concern. Ms. Steenhof's analysis was that the placement of 9D within the NCA would be beneficial to raptors, rather than adverse to the purposes of the NCA.

In our coordination with local BLM managers and the BLM Project manager, we had been advised to submit two additional routes for consideration. Our citizen's group developed two routes, the one previously addressed and designated 9D and one which was also submitted for consideration by the county and designated by BLM as 9E. While 9E traversed the county on primarily federally owned lands, and was submitted by the county in our letter providing alternate routes, we acknowledged in our submission letter that it was not a viable alternative due to concerns about Sage Grouse impacts. We made clear in our letter of submission that 9D was the preferable route and the route with the least adverse impacts to private lands and to sensitive species.

After our submission of routes, we continued to work with local BLM managers and to provide documents to the BLM Project lead and we remained involved as other governmental entities worked in similar fashion to craft routes through their jurisdictions. As this process continued, we were displeased to learn that the Snake River crossing point so carefully selected by our citizens group had been usurped as the crossing for the one of the proposed Route 8 variants.

On February 17, 2012, BLM Boise District Manager Aden Seidlitz provided a letter to the Owyhee County Commission (Enclosure 1). The letter thanked the County for our involvement, indicated that the Boise District would soon be "...expected to provide input to what will be identified as the Preferred Route." and proposed the following:

*"Based on the coordination effort we completed with you in November, we are requesting a confirmation of your acceptance to our recommendation for a route that we believe is viable and would result in achieving the majority of goals identified by both parties. While this route is not a perfect solution to the problems we have addressed together, we recognize that in the absence of an alternative that is fully supportable or preferred, that we must identify a route that is acceptable to both parties based on the conditions and choices that are available.*

*Enclosed with this letter is a map of the route segments that are being considered for recommendation as the preferred route for Segment 8 and Segment 9 of the Gateway West Project. The map has also been copied to CD to allow for more detailed review. Our proposal recognizes the importance of trying to avoid impacts to private property, in Owyhee, Ada and Elmore County; to keep the transmission line on public lands as much as possible; to protect cultural and visual resources; and to minimize impacts to sensitive species."*

The letter requested a letter of confirmation or acceptance on the route we have identified.

The Commission and BLM held a meeting on the letter and proposal on February 27, 2012 and reached agreement on the proposal. The County provided the requested letter of acceptance (Enclosure 2) and hand delivered it on that date.

At this point in the process, we believed we had achieved, through BLM/County coordination under FLPMA, what would normally be referred to as a "win-win" solution. The selected route, minimized the significant adverse impacts to private lands in our county, complied with Section 368 of the

Energy Act of 2005 (which directed such projects be placed on federal lands and directed the amendment of land use plans if necessary for such placement), benefited raptors, and protected Sage Grouse and other species of concern from alternatives such as 9E.

To our great dismay, we learned on April 27, 2012 that officials in DC were in opposition to the route through the NCA on the basis of establishing an adverse precedent for the National Landscape Conservation System.

We immediately placed a call to the BLM State Director. Our call was returned by Associate State Director Peter Ditton who advised us that “these kinds of questions and concerns come up with any project of this size.” He said no decision was made as yet regarding the crossing of the NCA and that the NLCS official in question was visiting on Monday and they were going to go to the site and discuss the impact.

We have just recently learned that the NLCS position is that the line should not follow our agreed 9D route, but should instead follow 9E. Route Segment 9E, as we indicated earlier in this letter is not preferred for reasons of impacts to species.

At Enclosure 3 you will find Ms. Karen Steenhof’s August 9, 2012 e-mail to Mr. Carl Rountree, Director, Office of National Landscape Conservation System and Community Programs.

Owyhee County completely agrees with Ms. Steehhof’s analysis of the lack of credible reasons to remove the route from the Birds of Prey NCA and with her analysis of the adverse impacts of proceeding with construction along Route Segment 9E. We adopt Ms. Steenhof’s comment to Mr. Rountree as a portion of our comment on this matter.

On the basis of the above, we are asking your involvement in correcting what will be a significant error across multiple areas of interest. A decision to replace Route Segment 9D with Route Segment 9E on the basis of NLCS concerns about the Birds of Prey NCA cannot be justified on the basis of credible science or on the basis of the establishing legislation’s purposes for the Birds of Prey NCA. Furthermore, such a decision would be inconsistent with Section 368 of the Energy Act of 2005 which directed such projects to the federal lands, and did not exempt NLCS or other lands from such action.

We ask you to reverse the position that has been taken by your NLCS Director and select 9D as the preferred route.

Sincerely,

Joe Merrick, Chairman      Jerry Hoagland, Commissioner      Kelly Aberasturi, Commissioner

3 Encl:

1. Boise District Letter of February 17, 2012
2. Owyhee County Letter of February 27, 2012
3. Karen Steenhof e-mail to Carl Rountree August 9, 2012

cc:

100993

Steven Ellis, BLM State Director  
Idaho Congressional Delegation



United States Department of the Interior  
 BUREAU OF LAND MANAGEMENT  
 Boise District Office  
 3948 Development Avenue  
 Boise, Idaho 83705



In Reply Refer To:  
 (2800) ID-010

February 17, 2012

Joe Merrick, Chairman  
 Owyhee County Board of Commissioners  
 P.O. Box 128  
 Murphy, ID 83650-0128

Dear Commissioner Merrick:

Thank you for your continued support and coordination efforts concerning the Gateway West Transmission Line Project. The meeting we held on November 21, 2011 provided the BLM with valuable input into resolving resource issues associated with the proposed routes and alternatives. As the project moves forward into the development of the Final Environmental Impact Statement (FEIS) the Boise District will be expected to provide input into what will become identified as the Preferred Route. The complications with the unknown location of Segment 8, and potential conflict with alternatives to Segment 9, make the identification of an acceptable route even more challenging.

Based on the coordination effort we completed with you in November, we are requesting a confirmation of your acceptance to our recommendation for a route that we believe is viable and would result in achieving the majority of goals identified by both parties. While this route is not a perfect solution to the problems we have addressed together, we recognize that in the absence of an alternative that is fully supportable or preferred, that we must identify a route that is acceptable to both parties based on the conditions and choices that are available.

Enclosed with this letter is a map of the route segments that are being considered for recommendation as the preferred route for Segment 8 and Segment 9 of the Gateway West Project. The map has also been copied to CD to allow for more detailed review. Our proposal recognizes the importance of trying to avoid impacts to private property, in Owyhee, Ada and Elmore County; to keep the transmission line on public lands as much as possible; to protect cultural and visual resources; and to minimize impacts to sensitive species.

If our proposed recommendation is acceptable to you then we would appreciate a letter of confirmation or acceptance on the route we have identified. We recognize that the recommendation may not be your preference for these segments but we are hoping that they are acceptable considering the current options. We are currently scheduled to meet on February 27<sup>th</sup> and can discuss any issues you may have with our recommendation, and hopefully come to some consensus on what would be an acceptable route recommendation.

Sincerely,

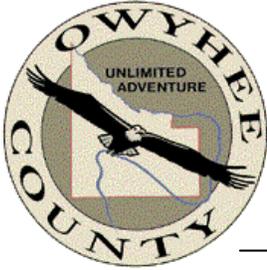
/s/ Aden L. Seidlitz

Aden L. Seidlitz  
 Boise District Manager

2 Enclosures

- 1 – Map of proposed recommendation
- 2 – Electronic copy (CD) of Enclosure 1

CWERNEN:clw:2/17/12:U:BOC Letter for Acceptance of GW Routes 20120217  
CF RF Gateway West Project File Author



OWYHEE COUNTY BOARD OF COMMISSIONERS  
 COURTHOUSE P.O. BOX 128 MURPHY, ID 83650-0128  
 TELEPHONE (208) 495-2421

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District 1 –Jerry Hoagland-P O Box 128, Murphy, ID 83650 318-8308  
 District 2 –Kelly Aberasturi-P O Box 128, Murphy, ID 83650 249-4405  
 District 3 –Chairman - Joe Merrick-P O Box 128, Murphy ID 83650 250-9005

February 27, 2012

Mr. Aden Seidlitz  
 Boise District Manager  
 Bureau of Land Management  
 3948 Development Avenue  
 Boise, ID 83705

Re: (2800) ID-010 February 17, 2012 Letter Regarding Recommendation as the Preferred Route For Segments 8 and 9 of the Gateway West Project

Dear Mr. Seidlitz:

We appreciate the considerable work done by you and your staff in order to resolve the potential adverse impacts that we identified in the earlier proposed routing for project segment planned through our county.

We have reviewed the map you provided with your February 17<sup>th</sup> letter and have discussed the proposed recommended preferred route with the citizens committee which assisted us in identifying adverse impacts and drafting alternatives that would minimize those adverse impacts.

As we indicated to you in our February 27, 2012 Coordination Meeting, we support the route as the proposed recommendation for the preferred route as specified in your letter and provided map.

Thank you again for the effort which produced this satisfactory result.

Sincerely,

/s/ Joe Merrick

Joe Merrick, Chairman

Gateway West and the Morley Nelson Snake River Birds of Prey Area

Date:

8/9/2012 7:51:19 A.M. Mountain Daylight Time

From:

[steenhof@hughes.net](mailto:steenhof@hughes.net)

To: [carl\\_roundtree@blm.gov](mailto:carl_roundtree@blm.gov)

CC: [proller@blm.gov](mailto:proller@blm.gov), [wgeorge@blm.gov](mailto:wgeorge@blm.gov), [jrobison@idahoconservation.org](mailto:jrobison@idahoconservation.org), [OCNRCDIR@aol.com](mailto:OCNRCDIR@aol.com), [bluewind@me.com](mailto:bluewind@me.com), [shri@juno.com](mailto:shri@juno.com), [fbachman@copper.net](mailto:fbachman@copper.net), [cbj.whitlock@q.com](mailto:cbj.whitlock@q.com), [Bryan\\_Ricker@crapo.senate.gov](mailto:Bryan_Ricker@crapo.senate.gov), [BLM\\_ID\\_StateOffice@blm.gov](mailto:BLM_ID_StateOffice@blm.gov), [bcattle@att.net](mailto:bcattle@att.net)

Carl Roundtree  
 Assistant Director  
 National Landscape Conservation System & Community Partnerships  
 1849 C Street  
 Room 5618  
 Washington DC 20240

Dear Mr. Roundtree:

I recently learned that officials with the BLM's National Landscape Conservation System (NLCS) are opposing Gateway West Alternative 9D and are throwing their support behind Alternative 9E, an alternative that will adversely affect Greater sage-grouse populations in Owyhee County. Supposedly, the rationale for this position is that allowing a new transmission line within the Morley Nelson Snake River Birds of Prey National Conservation Area (MNSRBOPNCA) would set a bad precedent for other NCAs. In fact, disallowing a properly designed transmission line within the MNSRBOPNCA would set an even more dangerous precedent: making a decision that is inconsistent with peer-reviewed science and specifically data collected about transmission line impacts within the NCA in question. According to the NLCS website, "Science plays an important role in how the the [sic] National Landscape Conservation System lands are managed." It is unclear how science played a role in this particular decision by NLCS. The prohibition of all new transmission lines within the MNSRBOPNCA is inconsistent with scientific evidence gathered by the BLM's own biologists.

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.

A new transmission line in Owyhee County (9E) would attract raptors and ravens and could lead to increased predation on declining Greater sage-grouse populations. Golden Eagles prey on adult Sage Grouse, and Common Ravens are a major predator of Sage Grouse eggs. Recently, Idaho State University (ISU) biologists have noted a dramatic increase in the predation of Sage Grouse by ravens. Where there are more ravens, nesting female Sage Grouse stay on their nests much longer, leaving less often. Less time foraging may cause “substantial physiological distress” on the Sage Grouse. It would be better to attract raptors and ravens to cheatgrass areas in the MNSRBOPNCA where they feed on ground squirrels than to shrubsteppe areas inhabited by sage-grouse in Owyhee County.

As a conservationist and one of the biologists who studied the effects of the PP&L (now Pacificorp) 500-kV line, I urge the NLCS to change its position on this issue. The Morley Nelson Snake River Birds of Prey NCA was never intended to be a wilderness area. Legislation that established the MNSRBOPNCA identified its purposes to be “conservation, protection and enhancement of raptor populations and habitat.” The legislation further recognized that BLM management of the area should allow “for diverse appropriate uses of lands in the area to the extent consistent with the maintenance and enhancement of raptor populations and habitats.” A new transmission line, carefully routed within the NCA, could be completely consistent with these goals. Morley Nelson’s life work was dedicated to demonstrating that protecting raptors could be compatible with electrical lines. Proposed route 8E, which would require a new road through shrub habitat, is likely incompatible with maintaining raptor foraging habitat. However, all evidence indicates that Route 9D, as originally proposed by the Owyhee Task Force with a crossing just upstream from Swan Falls, would be compatible with raptors. In the spirit of the legislation that established the MNSRBOPNCA, and in the spirit of Morley Nelson, I urge NLCS officials to re-evaluate their position and to endorse a route that affords protection to both raptors and grouse.

Thank you for considering my viewpoint, and please feel free to contact me if you wish to discuss this further.

Sincerely,

Karen Steenhof  
18109 Briar Creek Road  
Murphy, Idaho 83650

208-495-2364  
[steenhof@hughes.net](mailto:steenhof@hughes.net)

References:

Nelson, M.W. 1982. Human impacts on golden eagles: a positive outlook for the 1980's and 1990's. *Raptor Research* 16:97-103.

Nelson, M.W., and P. Nelson. 1976. Power lines and birds of prey. *Idaho Wildlife Review* 28:3-7.

Engel, K.A., L.S. Young, K. Steenhof, J.A. Roppe and M.N. Kochert. 1992. Communal roosting of common ravens in southwestern Idaho. *Wilson Bulletin* 104: 105-121.

Steenhof, K., M.N. Kochert and J.A. Roppe. 1993. Nesting by raptors and common ravens on electrical transmission line towers. *Journal of Wildlife Management* 57: 271-281.



OWYHEE COUNTY BOARD OF COMMISSIONERS  
 COURTHOUSE P.O. BOX 128 MURPHY, ID 83650-0128  
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 District 2 –Kelly Aberasturi-P O Box 128, Murphy, ID 83650 249-4405  
 District 3 –Chairman - Joe Merrick-P O Box 128, Murphy ID 83650 250-9005

November 5, 2012

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

RE: Comment on Administrative Draft Final Gateway West EIS

Dear Mr. George:

We are aware that the Administrative Draft of the Gateway West has been made available to various state and local governmental entities in order for them to review the draft and provide comment.

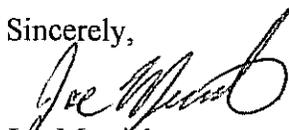
We are also aware that the comment period has been extended for two weeks from the previous closing date of November 2, 2012.

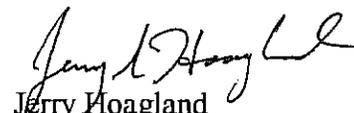
We have not been provided a copy of the draft EIS despite the fact that the route has significant potential impact on our county and despite our long period of involvement with BLM under the Coordination Provisions of FLPA.

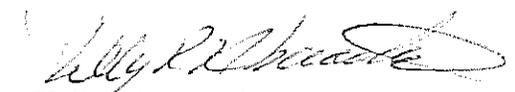
We have made clear that we have County plans that must be considered by BLM in this planning process and have made clear that we expect to be effectively involved with BLM under the provisions of FLPMA which require BLM to engage local governments to ensure that the BLM's action is consistent with local plans. FLPMA provides the venue for that involvement in the form of coordination.

Please immediately provide us with a copy of the Administrative Draft EIS so that we may review it and provide county comment. If it is your contention that the Draft document is not releasable to us under the coordination provisions of FLPMA, then please provide the specific citation of federal law that prevents you from providing the document.

Sincerely,

  
 Joe Merrick  
 Chairman

  
 Jerry Hoagland  
 Commissioner

  
 Kelly Aberasturi  
 Commissioner

ENTERED  
106-993



OWYHEE COUNTY BOARD OF COMMISSIONERS  
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District 3 –Chairman - Joe Merrick-P O Box 128, Murphy ID 83650 250-9005

June 24, 2013

Mr. Walt George  
BLM, Gateway West Project  
P.O. Box 20879, Cheyenne, WY 82003

Re: Owyhee County, Idaho Comment on Final environmental impact statement (FEIS) for the Gateway West Transmission Line in Wyoming and Idaho

This document will be mailed to the address above and sent electronically to [Gateway\\_West\\_WYMail@blm.gov](mailto:Gateway_West_WYMail@blm.gov)

Dear Mr. George:

This document provides the Owyhee County Idaho Comment on the FEIS for the Gateway West Transmission Line.

**GENERAL AND BACKGROUND INFORMATION:**

On February 17, 2012 Boise District Manager Aden Seidlitz provided a letter to this Board (Enclosure 1) which indicated BLM had proposed a few changes to the route previously submitted by the board and which requested:

“... a confirmation of your acceptance to our recommendation for a route that we believe is viable and would result in achieving the majority of goals identified by both parties.”

That letter was the end product of considerable involvement between the County and BLM in an attempt to find a viable route through our county that met the needs of the the BLM and Idaho Power while minimizing adverse impacts to Owyhee County and its citizens.

On February 27, 2012, the Board signed and delivered the confirming letter to Mr. Seidlitz (See Enclosure 2).

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The agreement reached on that date was the result of extensive involvement by the County and BLM through the coordination process required under the Federal Land Policy and Management Act of 1976 (FLPMA). Owyhee County has been engaged in such coordination with BLM for nearly twenty years and has operated under the provisions of a signed "Protocol for Coordination Between BLM and Owyhee County" since July of 2002.

In numerous meetings over the span of multiple years, we have pointed out to BLM the adverse impacts which would occur if the initial proposed location (along highway 78 and crossing large areas of private property) was not altered.

We worked in good faith, under the provisions of our Protocol, to reach an agreeable solution which would achieve the needs of the transmission line without causing such significant impact to our county and to our citizens.

The solution we agreed to in February 2012 is workable, consistent with County Plans and consistent with Section 368 of the Energy Act of 2005 which was signed into law by President George W. Bush.

#### **SPECIFIC INCONSISTENCIES WITH FEDERAL LAW AND COUNTY PLANS:**

##### **1. Section 368 of the Energy Act of 2005:**

The Act required the establishment within two years of energy corridors in the eleven western states. Specifically, the law required the following:

*(a) Western States- Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Secretary of the Interior (in this section referred to collectively as 'the Secretaries'), in consultation with the Federal Energy Regulatory Commission, States, tribal or local units of governments as appropriate, affected utility industries, and other interested persons, shall consult with each other and shall--*

*(1) designate, under their respective authorities, corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o));*

*(2) perform any environmental reviews that may be required to complete the designation of such corridors; and*

*(3) incorporate the designated corridors into the relevant agency land use and resource management plans or equivalent plans.*

You will note that the act does not exempt federal lands in the National Landscape Conservation System (NLCS) from the requirements to incorporate the corridors in various land use plans.

At the time the locations of the corridors were been considered, the Boise District Office was developing Resource Management Plans for the Bruneau Field Office and the Birds of Prey NCA.

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Owyhee County had agreed to be a Cooperating Agency on those two planning efforts and had staff members participating as members of the BLM's Interdisciplinary Team who were creating the plans.

Prior to its completion, the Bruneau RMP was suspended.

In the drafts which came out of the NCA planning effort, the West Wide Energy Corridors were included in an alternative which was noted as the preferred alternative. However, when NCA Manager John Sullivan appeared before the Owyhee County Commission to present the final draft and preferred alternative, the Corridors and associated transmission line plans had been removed from the NCA and the Corridors pushed out of the NCA.

We were told by Mr. Sullivan that the decision had been made on the basis that while the transmission lines were compatible with raptor preservation, the pipelines which could be associated with the corridor projects was ground disturbing and, therefore not compatible.

We were not aware of the specific language of Section 368 at the time of that presentation and ultimate signing of the Record of Decision on the NCA Plan. Had we been aware, we would have protested the proposed decision on that basis.

We only became aware of the provisions of Section 368 in the course of research related to the specific route locations for the Gateway West Project and have made numerous references to the inconsistency in letters to you as Project Lead and to Acting BLM Director Mike Pool.

We have yet to received any BLM response as to how the Agency can simply ignore the requirements to place these projects on federal lands and, if necessary amend federal plans in order to do so.

Therefore, our first noted inconsistency is with Section 368 of the Energy Act of 2005.

## 2. The Owyhee County Natural Resources Plan (NRC Plan):

Because Owyhee County is predominantly comprised of federal (76%) and state (7%) owned lands, we recognized early that the effects of federal and state management had significant impacts on the 17% of land in the county which is in private ownership.

We have had a version of the NRC Plan in existence and known to Federal Land managers since 1994. The latest version was revised and adopted in 2009 and has been provided to Federal Land Managers.

From the earliest version to the present, the plans call for preservation of private property, preservation of agricultural lands and the custom, culture and economy of the county. Because of our awareness of the impact of the federal and state land management on the private property we have watched carefully and engaged often in various plans and actions by the federal and state land management agencies.

The specific areas of inconsistency with the NRC Plan are:

From the NRC Plan

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Chapter I Page 2

*The custom and culture of Owyhee County has never altered from its historic beginnings. Mining, ranching, and farming activities provide the heritage of the County's residents, and they continue those activities today.*

Page 3

*Private property rights and interests are important to the residents of Owyhee County. Private ownership and the incentives provided by that ownership is a driving force behind the innovativeness which has allowed the continuation of the custom, culture and lifestyle of the County.*

*As a result of the importance of property rights to its citizens, Owyhee County's government was one of the first in the state act under the Local Planning Act of 1975. Owyhee County's people had commenced their planning process designed to continue the lifestyle, which assures quiet enjoyment of property rights and interests and the highest possible degree of protection of those rights.*

*The history of Owyhee County land use planning began with formation of the Owyhee County Planning Commission in 1945, the first organized Planning Commission in the state. That history is set forth at length in the Interim Comprehensive Land Use and Management Plan issued by the Board of Commissioners in July, 1993.*

Page 4

*During most of the fifty years of the planning activities in Owyhee County, attention was placed on development of private lands. But, as federal policies began to change toward a direction of reducing livestock grazing, reducing recreation use, seizing ownership of private property, water rights and rights-of-way, it became clear that Owyhee County would have to extend its planning efforts to an area of concern for the federal lands.*

*The Board of Commissioners appointed the Land Use Planning Committee in 1992 and the Committee assisted the Board in developing the Interim Plan which was issued in July, 1993. After the creation of the Owyhee County Planning and Zoning Commission the Land Use Planning Committee was renamed the Owyhee County Natural Resources Committee to avoid confusion on the roles of the two entities.*

*The economy of the County has always been, and is today, still largely dependent upon ranching and agricultural operations.*

Page 5

*Privately owned land is intermingled with the federal and state lands.*

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CHEYENNE WYOMING

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*Management decisions for the federal and state lands directly impact use of, and the economic value of, private land.*

Page 6

*The limited amount of private property greatly restricts the tax revenue of the County.*

*In such a slightly populated County as Owyhee, all sources of economic support must be maintained at their highest possible level. In order to sustain the economic stability of the County, the Board of Commissioners and the Natural Resources Committee have dedicated themselves to a coordinated land use planning effort which can hold the federal management agencies to standards set by Congress regarding continuation of multiple use of the federal lands.*

Page 7

*It is therefore the policy of Owyhee County that the Natural Resources Committee and the Board work constantly to assure that federal and state agencies shall inform the Board of all pending or proposed actions affecting land use, local communities and County citizens and coordinate with the Board in the planning and implementation of those actions. (See Appendix I, Federal Land Policy and Management Act)*

*Such coordination of planning is mandated by federal laws. The Federal Land Policy and Management Act, 43 U.S. § 1701, declared the National Policy to be that "the national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other federal and state planning efforts." (See 43 USC § 1701 (a) (2)).*

*43 U.S.C. § 1712 (c) sets forth the "criteria for development and revision of land use plans." Section 1712 (c) (9) refers to the coordinate status of a county which is engaging in land use planning, and requires that the "Secretary [of Interior] shall" "coordinate the land use inventory, planning, and management activities... with the land use planning and management programs of other federal departments and agencies and of the State and local governments within which the lands are located." This provision gives preference to those counties which are engaging in a land use planning program over the general public, special interest groups of citizens, and even counties not engaging in a land use planning program.*

*Section 1712 also provides that the "Secretary shall" "assist in resolving, to the extent practical, inconsistencies between federal and nonfederal government plans." This provision also gives preference to those counties which are engaging in the planning process over the general public, special interest groups of citizens, and even counties not engaging in a land use planning program.*

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Page 8

*In view of the requirement that the Secretary [of Interior] "coordinate" land use inventory, planning and management activities with local governments, it is reasonable to read the requirement of assisting in resolving inconsistencies to mean that the resolution process takes place during the planning cycle instead of at the end of the planning cycle when a draft federal plan is released for public review.*

*The section further requires that the "Secretary [of Interior] shall" "provide for meaningful public involvement of state and local government officials... in the development of land use programs, land use regulations, and land use decisions for public lands." When read in light of the "coordinate" requirement of the section, it is reasonable to read "meaningful involvement" as referring to ongoing consultations and involvement throughout the planning cycle not merely at the end of the planning cycle. This latter provision of the statute also distinguishes local government officials from members of the general public or special interest groups of citizens.*

*Section 1712 (c) (9) further provides that the Secretary of Interior must assure that the BLM's land use plan be "consistent with State and local plans" to the maximum extent possible under federal law and the purposes of the Federal Land Policy and Management Act. It is reasonable to read this statutory provision in association with the requirement of coordinated involvement in the planning process.*

*The coordination requirements of Section 1712 (c) (9) set apart for public involvement those government officials who are engaged in the land use planning process as is Owyhee County. The statutory language distinguishing the County because it is engaged in the land use planning process makes sense because of the Board's obligation to plan for future land uses which will serve the welfare of all the people of the County and promote continued operation of the government in the best interests of the people of Owyhee County.*

Page 9

*The National Environmental Policy Act requires that all federal agencies consider the impacts of their actions on the environment and on the preservation of the culture, heritage and custom of local government. In 16 U.S.C. § 4331 (a) (4) the law provides as follows:*

*"It is the continuing responsibility of the federal government to use all practicable means, consistent with other essential considerations of national policy, to: (4) Preserve important historic, culture, and natural aspects of our national heritage."*

*The term "culture" is defined as "customary beliefs, social forms, and material traits of a group; the integrated pattern of human behavior passed to succeeding generations." See Webster's New Collegiate Dictionary at 277 (1975).*

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*Thus, by definition, the National Environmental Policy Act requires federal agencies to consider the impact of their actions on the custom of the people as shown by their beliefs, social forms, and "material traits."*

*It is reasonable to read this provision of the National Environmental Protection Act as requiring that federal agencies consider the impact of their actions on rural, range-oriented, agricultural counties such as Owyhee County where, for generations, families have depended upon the "material traits" of ranching, farming, mining, timber production, wood products, and other agricultural lines of work for their economic livelihoods.*

Page 10

*The Natural Resources Committee and the Board now call upon the federal and state management agencies to coordinate in advance with the Board any proposed actions which will impact either the federally and state managed lands in Owyhee County, the private property rights and private property interests including investment backed expectations of citizens of the County, the economic stability and historically developed custom and culture of the County, or provisions of this Land Use Plan. Such management agencies are requested to so coordinate their actions by providing to the Board in a timely manner, prior to taking official action, a report on the proposed action, the purposes, objectives and estimated environmental, social, cultural and economic impacts of such action.*

*In other words, the Natural Resources Committee and the Board request no more from the federal management agencies than what is required by the federal laws governing their management processes as well as Executive Order 12630 issued by former President Reagan on March 15, 1988 and implemented by guidelines prepared for all federal agencies by the Attorney General of the United States.*

*The Natural Resources Committee and the Board request no more from the state management agencies than what was clearly intended by the Idaho Legislature through enactment of the Local Planning Act of 1975.*

*In exchange for compliance with federal law by the federal management agencies, the Natural Resources Committee and the Board commit to a positive planning process through which the County will maintain its commitment to true multiple use of the federally managed lands. In exchange for participation by the state management agencies, the Natural Resources Committee and the Board commit to a positive planning process through which the County will equitably consider the best interest of all the people of the state of Idaho in the use of the state managed lands. The County commits to an effort to develop and maintain Memoranda of Understanding with these agencies through which coordinated planning can be better implemented.*

Chapter II Page 1

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*The federal lands which form the bulk of the land mass in Owyhee County are under management direction from the Congress of the United States. Article IV, Section 3(2) of the United States Constitution provides that "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States..."*

*Page 1 and 2*

*The Congress has passed many statutes in exercise of this Constitutional power and authority. Most of those statutes authorize the Secretary who heads an executive management agency to issue rules and regulations to implement the statutes. But the management power and authority never leaves the Congress. The management agencies simply manage the land for the Congress. Their regulations must be consistent with the statutes and must not exceed the authority granted by the statutes.*

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*Page 2*

*Through coordinated planning, the federal lands can be managed so as to sustain productivity for this and future generations, to maintain the quality of the resources, to protect and preserve private property rights and interests, to maintain full multiple use, and to preserve and maintain the custom, culture and economic stability of the County.*

*Page 4*

*The Natural Resources Committee and the Board will carefully evaluate all federal or state actions relating to private property and private property interests including investment backed expectations in light of the mandate of the Fifth Amendment to the United States Constitution. In so evaluating federal and state actions the Natural Resources Committee and the Board will apply also the principle established by former President Ronald Reagan in issuing Executive Order 12630 which required any and all federal agencies to prepare a Takings Implication Assessment prior to taking any action, issuing any rule, or making any decision which would constitute a taking of private property or private property interest including investment backed expectation.*

#### **Appendix H Owyhee County Wildland Urban Interface Fire Plan**

*The plan contains numerous references to the low to moderate danger of fire starts from power transmission lines throughout the county.*

*Page 7 of the Fire Plan Appendices contains a High Fire Prone area map which shows the area proposed for the preferred alternative to be in a high risk area.*

**From the Index of Appendices:**

8/48



*Appendix A-1*

*Regional Economic Impact Model of Owyhee County, Idaho and the Four County Area Including Ada, Canyon, Elmore, and Owyhee Counties. Tim D. Darden, Neil R. Rimbey, and J.D. Wulforth: Agricultural Economics Extension Series No. 03-06, June 2003*

*Appendix A-2*

*Social and Community Impacts of Public Land Grazing Policy Alternatives in the Bruneau Resource Area of Owyhee County, Idaho: J.D. WULFHORST, NEIL R. RIMBEY, AND TIM D. DARDEN, Agricultural Economics Extension Series No. 03-07, September 2003*

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*Appendix A-3*

*Ranch Level Economic Impacts of Public Land Grazing Policy Alternatives in the Bruneau Resource Area of Owyhee County, Idaho. Neil R. Rimbey, Tim D. Darden L. Allen Torell, John A. Tanaka, Larry W. Van Tassell and J.D. Wulforth: Agricultural Economics Extension Series No. 03-05 June 2003*

As you will note from the cited sections of the NRC plan, Owyhee county's intent, which is consistent across multiple county plans, is the preservation of the limited private property in the county and the continuation of the economic activity which occurs on those lands that would be harmed by the placement of the line as proposed.

The placement of the line as agreed between Boise District BLM and the County in February of 2012 would avoid inconsistency with the elements of the NRC Plan.

The NRC Plan points out that it is the Congress, through legislation signed into law by the President, that establishes how the federal lands will be managed. While the Secretary is granted the authority to create regulations for the implementation of the law, the Secretary does not have the authority to create new law in those regulations or to ignore elements of law in carrying out the management of the federal lands.

The FEIS blatantly ignores Section 368 of the Energy Act of 2005, which constitutes action by the Secretary which is not lawful or permitted.

3. The "Sage Grouse Management Plan for Owyhee County, Idaho" (SG Plan) which was initially adopted in June 2002, amended and updated in 2004 and 2013.

The following inconsistencies exist between the BLM's proposed preferred alternative and the SG Plan:

*p.13*

*SAGE-GROUSE THREATS AND EXISTING CONDITIONS THAT AFFECT OR MAY AFFECT SAGE-GROUSE AND THEIR HABITAT IN OWYHEE COUNTY:*



*The placement of energy development and associated infrastructure in and around sage-grouse habitat also may affect sage-grouse populations.*

p.15

#### *HABITAT FRAGMENTATION AND PERENNIAL GRASSLANDS*

*Habitat fragmentation can result from reduced sagebrush cover due to wildfire and from subdivision and development in rural areas.*

p. 16

#### *INFRASTRUCTURE/ENERGY DEVELOPMENT*

*Energy development is rapidly encroaching in the western United States and has emerged as a major issue in conservation of Greater Sage-Grouse and their habitats (Naugle et al. 2011). Sage-grouse populations in Wyoming, Montana, and Alberta have declined following the development of natural gas wells and associated roads and power lines. Currently, natural gas development is not a concern in Owyhee County. However, two major 500-kV transmission lines are proposed to run through a large swath of intact sage-grouse habitat from Wyoming through southern Idaho to Hemmingway Butte (Gateway West) and from Hemmingway Butte to Oregon (Boardman/Hemmingway). The BLM's preferred alternative route for one of the transmission lines, runs through prime sage-grouse habitat south of State Highway 78 in Owyhee County. Twenty-two wind-energy proposals have arisen during recent years throughout Owyhee County (Idaho Division of Building Safety 2011).*

*Sage-grouse avoid infrastructure developments in Wyoming (Doherty et al. 2008), and both Lesser (Tympanuchus pallidicinctus) and Greater Prairie Chickens (T. cupido) avoided power lines and highways by at least 100 m in Kansas and Oklahoma (Pruett et al. 2009). Blickley et al. (2012) found that increased noise associated with vehicular traffic near oil and natural gas fields had a detrimental effect on breeding sage-grouse. In a broad-scale study assessing influences of environmental and anthropogenic features on Greater Sage-Grouse, Johnson et al. (2011) found that lek trends increased with distance to nearest communication tower and analogously decreased as the number of towers increased.*

*New transmission line and wind energy development should be placed outside core sage-grouse areas where possible. Sage-grouse require large, intact sagebrush habitats to maintain populations. The addition of power lines and wind towers and their associated infrastructure development will be detrimental to sage-grouse populations in Owyhee County. Transmission line towers provide both new and alternative nesting substrate for raptors and ravens (Steenhof et al. 1993). Raven numbers on transmission lines will increase over time, as offspring of productive pairs colonize transmission towers (see Table 1 and Figure 3 in Steenhof et al. 1993). Increases will be associated not only with an increase in potential perch sites but also an increase in nesting and roosting opportunities. Radio telemetry studies in southwestern Idaho (Engel and Young 1992) revealed that ravens moved an average of 7 km (about 4.5 miles) and as far as 65 km (about 40 miles) from transmission line roosts in each day. Given that ravens forage several miles from their nests and roosts, sage-grouse nests within 15 miles of new transmission lines will be vulnerable to ravens that roost on transmission lines.*

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*MITIGATION*

*New infrastructure, construction, urban development, and agricultural expansion should be sited to avoid important sage-grouse habitat whenever possible. These types of projects should include best management practices to minimize sage-grouse impacts and restore affected areas, such as timing construction to minimize disturbance and re-vegetating of disturbed lands.*

*Measures to mitigate impacts at off-site locations also should be employed to offset unavoidable alteration and losses of sage-grouse habitat caused by these projects. Off-site mitigation should focus on acquiring, restoring, or improving habitat within or adjacent to occupied habitats and ideally should be designed to complement local sage-grouse conservation priorities.*

*p. 24*

*K. Habitat Fragmentation – The LWG, in cooperation with Federal, State, and Private partners, will attempt to minimize and/or mitigate habitat fragmentation associated with infrastructure developments (roads, fences, etc.).*

*p.27*

*H. Investigate the impacts of energy and infrastructure development on sage-grouse in Owyhee County.*

*a. Accomplishments*

*i. BLM and IDFG have increased efforts to identify all active leks within the proposed transmission line corridor.*

*Routing the line through the NCA, as agreed to between Boise District BLM and Owyhee County in February 2012 will avoid all the above inconsistencies and will be consistent with the Energy Act of 2005.*

*4. The Owyhee County Energy Plan:*

*The BLM Proposed Preferred Route is inconsistent with the following elements of the County Energy Plan:*

*Preservation of existing natural resources*

*Preservation of prime agricultural cropland,*

*The County will establish an Energy and Environment Department. The purpose of the department is to develop methods to encourage and monitor development of environmentally sound alternative energy developments.*

*The department will develop, coordinate, and recommend ordinances or legislative changes to further this energy plan and environmental issues affecting the county and its residents.*

*5. The Owyhee County Comprehensive Plan:*

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The BLM Proposed Preferred Route is inconsistent with the following elements of the Owyhee County Comprehensive Plan (Some elements have been emphasized by Bold and Underline):

*It is the intent of the people of Owyhee County to preserve and protect the historic customs, traditions, and way of life unique to Owyhee County in so far as this is consistent with a reasonable and orderly rate of growth and development and with the protection of private property rights.*

*It is also the intent of the people of Owyhee County to use this plan as a guide and framework which will provide for reasonable and sound land development, a safe and healthy living environment, and a successful economic climate while at the same time conserving the best of the historic ranching and farming tradition and way of life.*

*Decisions of the Planning and Zoning Commission and the Board of County Commissioners regarding land use must be consistent with this Plan and the ordinances which are enacted to implement the Plan.*

*Within the time frames established by state law, on a regular basis the Planning and Zoning Commission and the Board of County Commissioners will review the plan and update it as necessary to meet the changing needs of the County.*

*This Comprehensive Plan which is directly applicable to planning for the private lands in the County has been developed for consistency with the Natural Resource Plan for the federally and State Managed Lands. The nature of the checkerboard location of private lands, state lands and federal lands makes it imperative that the Planning and Zoning Commission always keep in mind the impact management actions on the federal lands and state lands will have on private land, and that the Commission insist on compliance with this Plan by federal and state land management agencies where the law allows it to insist on such compliance. The Plans must be implemented in coordinated fashion, and should complement each other in planning for the future of Owyhee County.*

*The Planning and Zoning Commission will coordinate its activities with the Owyhee County Natural Resources Committee to ensure proper planning for the entire County and the protection of private property rights which are critical to the custom, culture, and economic stability of Owyhee County.*

*To protect, enhance and insure private property values and rights within the national, state, and local laws.*

*To recognize the value of all land uses and protect the right to those uses, in recognition of health, safety and welfare standards and in compliance with the Comprehensive Plan.*

*To recognize that surrounding property owners also have the right for protection of their property rights and values.*

*To protect existing agricultural uses and rights, as allowed under State law.*

*The federal and state governments control 82.7% of the land situated within Owyhee County.*

*As the Comprehensive Plan is updated, new or modified zones may be created. As part of this process, consideration of existing commercial and industrial uses and platted residential subdivisions will be taken into account and zoned according to their use at the time of the adoption of the zoning map if such use is reasonable and appropriate to that area and does not constitute a substantial incompatibility to adjacent property.*

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*The purpose of the agricultural zone is to preserve and protect the decreasing supply of agricultural land, and to control the infiltration of urban development into agricultural areas which will adversely impact agricultural operations and will result in an adverse impact on the county's tax base and economy.*

*To conserve and encourage the best of the County's historic ranching and farming tradition and way of life.*

*To anticipate and provide for a variety of uses in Owyhee County to meet the needs of the citizens while recognizing the importance of maintaining and enhancing agricultural opportunities.*

*To protect and maintain soil, water, air, wildlife and other natural environmental **and scenic** so that they may be utilized now and in the future.*

*protect private property rights of all persons within the county.*

*To respect the uses already existing within the county.*

**To discourage, through the Zoning Ordinance, the mixing of incompatible uses that may be detrimental to surrounding properties or uses.**

*To conserve and encourage the best of the County's historic ranching and farming tradition and way of life.*

*To discourage development in areas of the County that are remote from County services and public facilities.*

#### *Natural Resources Goals*

*To protect and preserve the natural resources of the County by managing development and the use of those natural resources as necessary components of agricultural, commercial and recreational activities.*

**Avoid unsuitable remote rural development by maintaining open space and access to natural resources through coordination of this Plan with the Owyhee County Land Use and Management Plan for Federal and State Land.**

#### *Natural Resources Objectives:*

*Promote and encourage good stewardship of the natural resources.*

*Promote and encourage cooperation of various entities desiring to use the natural resources in different ways.*

*Protect the historical and customary rights of use, development, and enhancement of natural resources. As much as possible, do not take existing natural resources use from one user for the use of another.*

*Develop standards to minimize conflicts between development and irrigation systems.*

**Any state, federal, or governmental actions shall follow the requirements of law and regulation regarding notification, coordination, and consistency with county policies and plans. Agencies shall contact and coordinate with the County in these areas.**

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Carefully weigh the effect on natural resources from pollution or detrimental impacts before approving development or changes of historic use.  
Explore alternative uses for natural resources that “add value”

**Community design is established by the combined physical elements which contribute to the overall visual character of a place. The natural landscape, the form and arrangement of structures on the landscape, and the aesthetic continuity of neighboring parcels of land are the most common design considerations. Development will be encouraged to incorporate a reasonable measure of rural atmosphere, country life style and open space. The natural beauty of unincorporated Owyhee County is its existing landscape dominated by vast expanses of open rangeland, and undeveloped state and federal lands.**

**Community Design Goals:**

- Encourage development within appropriate zones.
- Encourage preservation of cultural resources.
- Encourage preservation of open rangeland.
- Encourage preservation of recreation lands.
- Encourage preservation of open spaces.
- Coordination of land management objectives with federal agencies.
- Encourage new development to incorporate a reasonable measure of rural atmosphere, county life style and open space.
- Encourage compatible new development.

**Community Design Objectives:**

**Encourage public utilities and utility corridors to be located on public lands**

**Utility and Energy Goals:**

**Protect the property rights of Owyhee County citizens and not allow the infiltration of public utilities and energy corridors to negatively impact those citizens or their private property.**

The Plan, and the process of implementation of the Plan is to: Protect property rights and enhance property values; ensure adequate public facilities and services at a reasonable cost; protect and enhance the economy of the county; ensure protection of important environmental features, protect prime agricultural lands and mineral resources, encourage urban development within and near cities; ensure development consistent with the land’s physical character, protect fish, wildlife and recreational resources’ and to avoid water and air pollution.

6. Owyhee County has commenced an effort to designate specific zones for power transmission lines. This effort is being conducted by the Owyhee County Planning and Zoning Commission. Public Notices have been published for the initial hearings.

This action is pertinent as follows:

The Consistency Review process provides for an additional check on consistency not only with Documented State or local plans, but also with “policies” or “programs” and can give a Governor an opportunity to influence the final RMP even after most other forms of public involvement are no

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longer available. The Council on Environmental Quality has interpreted the term “policies” (In its “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations,” which has been found to be persuasive authority for interpretation of NEPA by the U.S. Court of Appeals for the Tenth Circuit. *Davis v. Mineta*, 302 F.3d 1104, 1125 (10<sup>th</sup> Cir. 2002) to include:

formally adopted statements of land use policy as embodied in laws or regulations;

proposals for action, such as the initiation of a planning process; and

formally adopted policy statements of a local, regional or State executive branch, even if they have not yet been formally adopted by the local, regional or State legislative body.”

**SUMMARY:**

This is a project that is beneficial to the general good and belongs on the federal lands as determined by the Congressional passage and Presidential signature of The Energy Act of 2005. As noted in sections provided from the NRC Plan, the federal agencies manage the federal lands for the Congress. While the agencies may write regulations intended to implement the laws passed by the Congress, it must remain within the dictates of the law.

Numerous studies show that the placement of a transmission line within the NCA will be beneficial to the enhancement of raptor populations. Furthermore, the area proposed already contains existing power transmission lines and a road which was recently significantly improved under the ARRA Stimulus Act. Photographs found in enclosure 3 provide documenting examples.

BLM’s arbitrary action to prevent the line from transiting the NCA is a prime example of an agency crafting regulations that are outside the law they are intended to implement. In this case, the agency (and by the BLM’s action, the Secretary of Interior) willfully ignored the law as evidenced by the failure to include the transmission line and the West Wide Energy Corridor in the NCA RMP which was under development after the passage of the Energy Act.

If the FEIS is not amended to place the line in the NCA, that will indicate the Agency’s, and the Secretary of Interior’s, continued willful violation of federal law.

Owyhee County does support delaying a final decision on segments 8 and 9 for a period of a minimum of 180 days for the following purposes.

To work cooperatively with state, county, and city governments on routes through the NCA.

To complete the required NEPA analysis which properly analyzes the beneficial impacts of transmission lines in the NCA and which properly analyzes adverse impacts of the proposed routing.

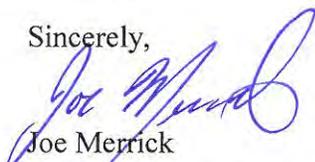
The agreement between BLM and Owyhee County (documented in Enclosures 1 and 2) for the 9D route segment was mutually agreed upon and was consistent with all laws and regulations. Any deviation from the 9D route agreed to in Enclosures 1 and 2 will be vigorously fought and contested by the citizens of Owyhee County and by the Board of Owyhee County Commissioners.

BLM shall be held to the law.

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Sincerely,

  
Joe Merrick  
Chairman

  
Jerry L. Hoagland  
Commissioner

  
Kelly Aberasturi  
Commissioner

Enclosures:

1. February 17, 2012 Letter from Aden Seidlitz
2. February 27, 2012 Letter from Owyhee County to Aden Seidlitz
3. Various Photographs
4. October 27, 2011 Comment letter to Walt George Re Gateway West DEIS
5. August 21, 2012 Letter to Acting BLM Director Pool
6. November 5, 2012 Letter Regarding Admin Final DEIS

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United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Boise District Office  
3948 Development Avenue  
Boise, Idaho 83705



In Reply Refer To:  
(2800) ID-010

February 17, 2012

Joe Merrick, Chairman  
Owyhee County Board of Commissioners  
P.O. Box 128  
Murphy, ID 83650-0128

Dear Commissioner Merrick:

Thank you for your continued support and coordination efforts concerning the Gateway West Transmission Line Project. The meeting we held on November 21, 2011 provided the BLM with valuable input into resolving resource issues associated with the proposed routes and alternatives. As the project moves forward into the development of the Final Environmental Impact Statement (FEIS) the Boise District will be expected to provide input into what will become identified as the Preferred Route. The complications with the unknown location of Segment 8, and potential conflict with alternatives to Segment 9, make the identification of an acceptable route even more challenging.

Based on the coordination effort we completed with you in November, we are requesting a confirmation of your acceptance to our recommendation for a route that we believe is viable and would result in achieving the majority of goals identified by both parties. While this route is not a perfect solution to the problems we have addressed together, we recognize that in the absence of an alternative that is fully supportable or preferred, that we must identify a route that is acceptable to both parties based on the conditions and choices that are available.

Enclosed with this letter is a map of the route segments that are being considered for recommendation as the preferred route for Segment 8 and Segment 9 of the Gateway West Project. The map has also been copied to CD to allow for more detailed review. Our proposal recognizes the importance of trying to avoid impacts to private property, in Owyhee, Ada and Elmore County; to keep the transmission line on public lands as much as possible; to protect cultural and visual resources; and to minimize impacts to sensitive species.

If our proposed recommendation is acceptable to you then we would appreciate a letter of confirmation or acceptance on the route we have identified. We recognize that the recommendation may not be your preference for these segments but we are hoping that they are acceptable considering the current options. We are currently scheduled to meet on February 27<sup>th</sup> and can discuss any issues you may have with our recommendation, and hopefully come to some consensus on what would be an acceptable route recommendation.

Sincerely,

/s/ Aden L. Seidlitz

Aden L. Seidlitz  
Boise District Manager

2 Enclosures

- 1 – Map of proposed recommendation
- 2 – Electronic copy (CD) of Enclosure 1

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OWYHEE COUNTY BOARD OF COMMISSIONERS  
COURTHOUSE P.O. BOX 128 MURPHY, ID 83650-0128  
TELEPHONE (208) 495-2421

District 1 –Jerry Hoagland-P O Box 128, Murphy, ID 83650 318-8308  
District 2 –Kelly Aberasturi-P O Box 128, Murphy, ID 83650 249-4405  
District 3 –Chairman - Joe Merrick-P O Box 128, Murphy ID 83650 250-9005

February 27, 2012

Mr. Aden Seidlitz  
Boise District Manager  
Bureau of Land Management  
3948 Development Avenue  
Boise, ID 83705

Re: (2800) ID-010 February 17, 2012 Letter Regarding Recommendation as the Preferred Route For Segments 8 and 9 of the Gateway West Project

Dear Mr. Seidlitz:

We appreciate the considerable work done by you and your staff in order to resolve the potential adverse impacts that we identified in the earlier proposed routing for project segment planned through our county.

We have reviewed the map you provided with your February 17<sup>th</sup> letter and have discussed the proposed recommended preferred route with the citizens committee which assisted us in identifying adverse impacts and drafting alternatives that would minimize those adverse impacts.

As we indicated to you in our February 27, 2012 Coordination Meeting, we support the route as the proposed recommendation for the preferred route as specified in your letter and provided map.

Thank you again for the effort which produced this satisfactory result.

Sincerely,

/s/ Joe Merrick

Joe Merrick, Chairman

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Big Baja Road  
Boise District, Idaho

Recovery To Program - Bureau of Land Management



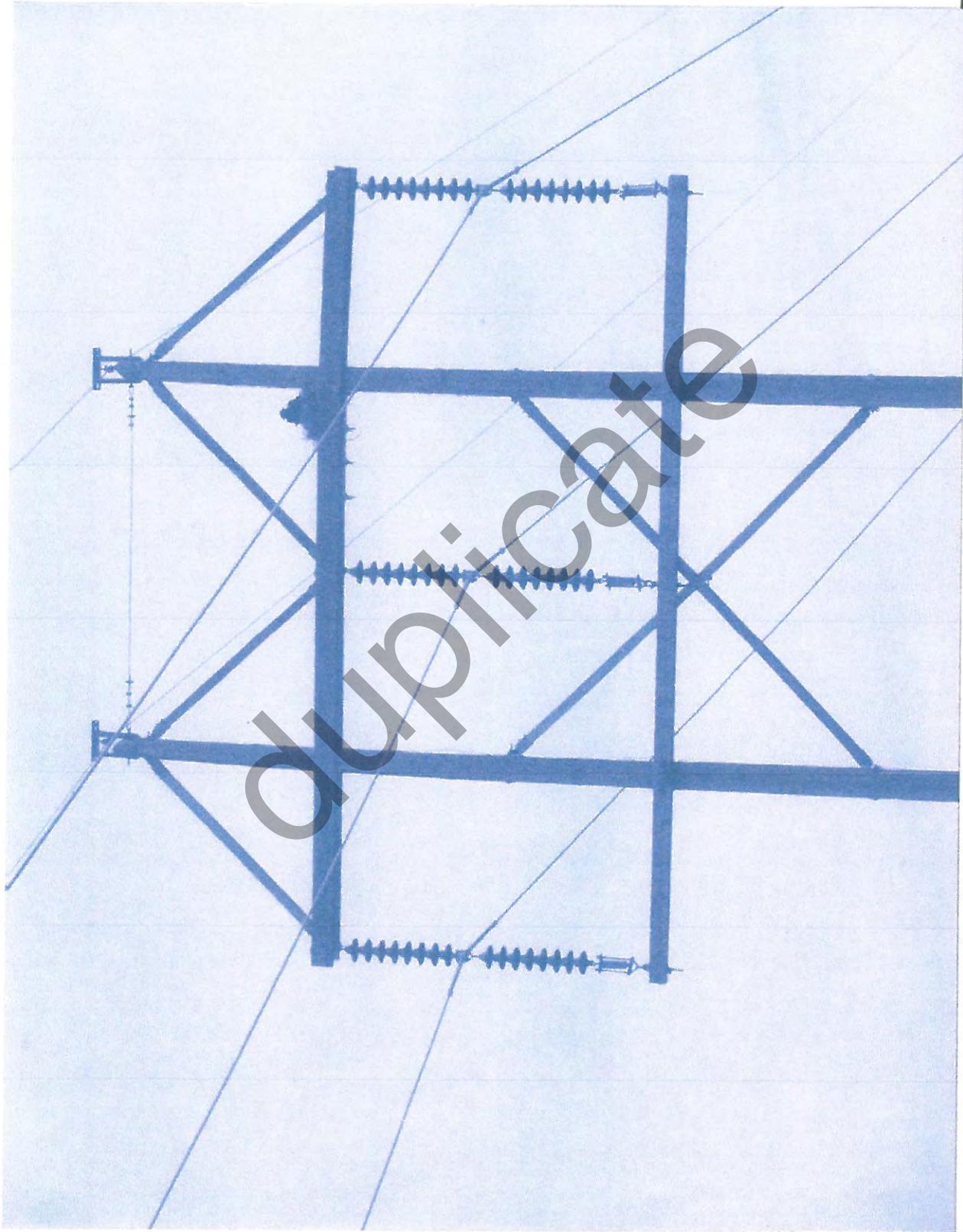
## Big Baja Road Reconstruction

The Big Baja Road connects the Swan Falls Dam Road south of Boise with Highway 67 near Grandview and crosses the Morley Nelson Snake River Birds of Prey National Conservation Area. Eighteen miles of the road has degraded to the point that it is nearly impassable during certain times of the year. The project consists of reconstructing the road profile, installing culverts, leadoff ditches, and other minor drainage structures; placing, shaping, and compacting gravel surfacing. Reshaping and resurfacing the road will create a hardened area for vehicle travel and allow rehabilitation of disturbed areas along the road.

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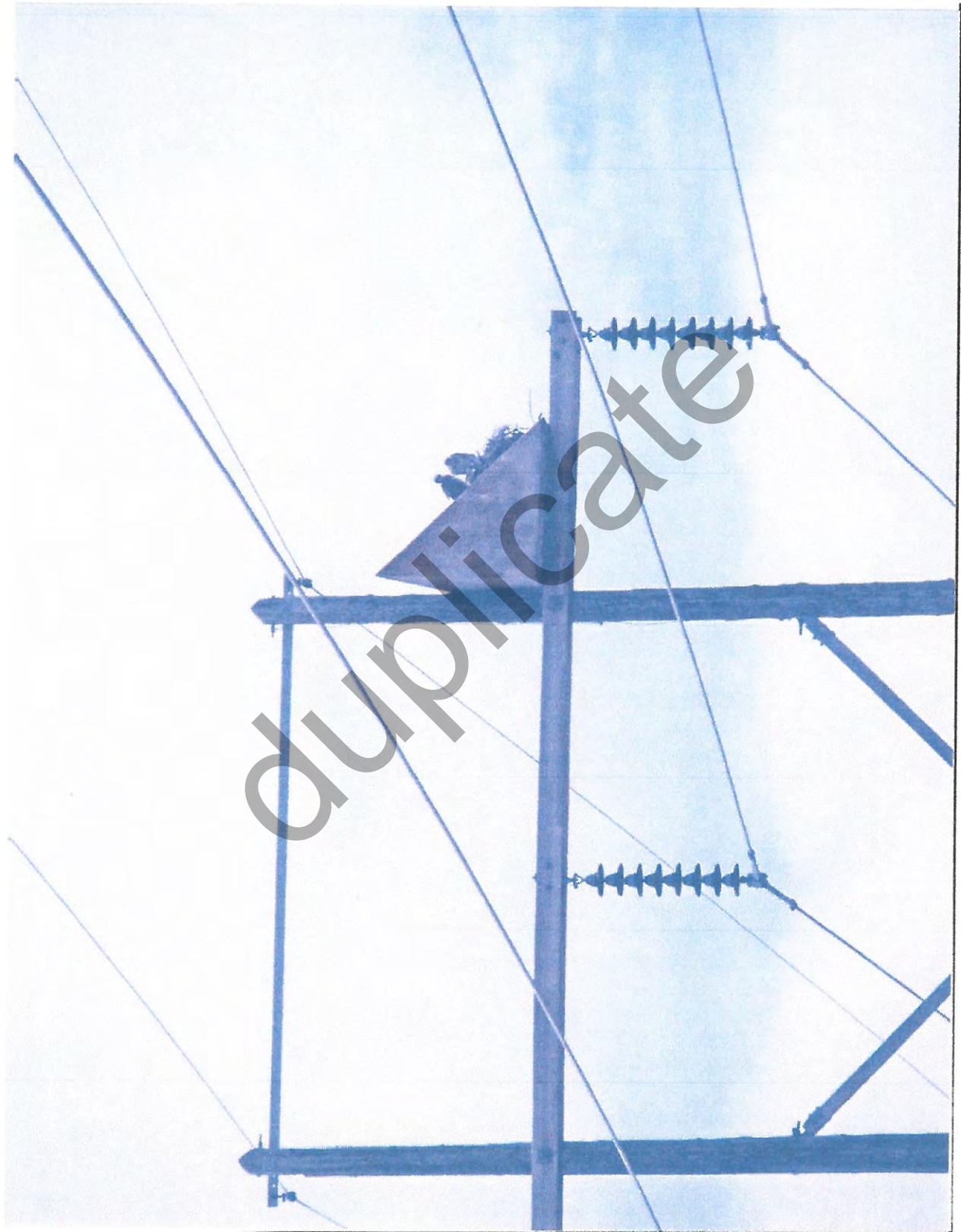
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OWYHEE COUNTY BOARD OF COMMISSIONERS  
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TELEPHONE (208) 495-2421

District 1 –Chairman-Jerry Hoagland-P O Box 128, Murphy, ID 83650 318-8308  
District 2 –Kelly Aberasturi-P O Box 128, Murphy, ID 83650 249-4405  
District 3 –Joe Merrick-P O Box 128, Murphy ID 83650 250-9005

October 27, 2011

Re: 2800 (920George) WYW-174598 IDI-35849, NVN-089270, Owyhee County Comment on Gateway West Transmission Line DEIS

This document will be delivered as an electronic submission to Mr. Walt George via [gateway\\_west\\_wymail@blm.gov](mailto:gateway_west_wymail@blm.gov) and by Hand-Delivery to Boise District BLM Manager Aden Seidlitz. Note: The electronic copy will contain two enclosures (scans of portions of large format maps), the hand-delivered copy will contain 5 enclosures (the two electronic copy enclosures and three large format map products).

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

Dear Mr. George:

Owyhee County, Idaho submits the following comment on the Draft Gateway West Transmission Line EIS.

This comment is submitted as part of an ongoing Federal Land Policy and Management Act (FLPMA) Coordination effort as provided for under Sec. 202. [43 U.S.C. 1712] C.(9) of the act.

**I. COORDINATION AND COMMENT BACKGROUND:**

When the potential impact of this project on private property in our county became known, Owyhee County began this coordination as part of our regularly scheduled monthly coordination meetings with elements of the Idaho BLM. During the time that Owyhee County has participated in this coordination effort, we have provided numerous comments during coordination meetings and have submitted several written comments. Owyhee County engaged in this coordination effort and provided comments and documents in an attempt to ensure that BLM met their statutory requirement for its planning and decision actions to be consistent with county plans.

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Due to the significant impact that the Gateway West Transmission Line Project potentially imposes on private lands, private enterprise, county economy, and future development of private lands under the provisions of the Owyhee County Comprehensive Plan and its associated Zoning Ordinances, Owyhee County devoted considerable time and effort to this matter.

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On September 1, 2009, Owyhee County delivered correspondence, including detailed maps with routes clearly marked, to BLM and Idaho Power containing two proposed alternatives developed by a group of Owyhee County citizens and adopted by Owyhee County as county-proposed alternative routes. In the letter which transmitted the two county-proposed alternatives, the county made clear that the southernmost of the two proposed alternate routes was marginal at best and had been presented as the result of indications by BLM that the county must present more than one alternative.

The southernmost of the county-proposed alternatives was ultimately labeled as alternative 9E in the Draft EIS.

On or about September 8, 2010, Owyhee County forwarded for BLM's and Idaho Power's consideration a review which had been prepared by the Owyhee County Sage Grouse Local Working Group on two of the proposed alternatives. The working group prepared its review comments on alternatives 9D and 9E after careful consideration of the proposed routes and potential impacts on sage grouse populations. Owyhee County adopted the recommendation of the Owyhee County Sage Grouse LWG as its own and submitted it to BLM and Idaho power for consideration during development of alternatives and analysis of impacts.

Upon release of the Draft EIS, Owyhee County immediately realized that the transcription of the county-proposed routes had not been correctly transcribed from the county provided maps to documents used by BLM in the Draft EIS. Maps and other descriptions within the Draft EIS did not accurately reflect the preferred county alternate route, labeled 9D in the Draft EIS. The errors of transcription were significant and the county immediately made them known to BLM during a coordination meeting with BLM Boise District. In addition, the errors were made known to State Director Steve Ellis and BLM Project Manager Walt George by letter dated September 6, 2011.

In the September 6, 2011 Letter to Idaho BLM Director Ellis and BLM Project Manager George, the County also requested a 60 day extension of the comment period due to the errors of transcription and the complexity of the DEIS.

In subsequent meetings with various BLM managers and staff as well as with members of Idaho Power, the County has attempted to resolve the harm done by the errors of transcription. In this comment, we provide a remedy that would be satisfactory to Owyhee County if adopted as the proposed action when the EIS and Decision Record are entered. Such action would also ensure that BLM's planning and decision actions are consistent with county plans and policies.

Since the inception of the county's involvement in coordination over the route development process for the Gateway West Transmission line project, we have maintained that this public benefit project should be located on the public lands.

Owyhee County's primary economic activities are farming, ranching, and use of the federal lands within our county for resource based industries such as logging and mining. Nearly 80 percent of the land within Owyhee County is in federal ownership.

The remaining lands which are in private ownership are primarily used for farm and ranching operations. The owners of those farm and ranch lands have reasonable expectation, under the Idaho

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Local Land Use Planning Act as well as the County Comprehensive Land Use Plan and Zoning Ordinances, that they may make full use of the bundle of rights which are associated with the ownership of land. Those rights expectations include the continued use of those lands in their current use, such as farming and ranching operations, or the conversion of use at some future date to some other use which may at that time be a higher and better use of the lands, such commercial or residential development.

Several of the alternative routes proposed in the Draft EIS, which place much of the proposed line on private property in Owyhee County, are unacceptable to the county in that they will adversely impact the current agricultural uses of the lands, diminish current and future land value, and will severely impact future highest and best use of those lands. This potential adverse impact is unacceptable to Owyhee County and unnecessary in achieving the desired intent of electric power delivery as envisioned under the Gateway West Project.

**II. GENERAL COMMENTS:**

1. The scoping process for both the West Wide Energy Corridors and for this specific project was inadequate and flawed in eliciting early public involvement and meaningful participation.

A. Early public scoping notices and public Hearings related to the development of the West Wide Energy Corridors failed to impart to the public the true nature of the impact of the placement of the proposed corridors.

B. Participants in the Energy Corridor Hearings were predominantly representatives of energy development or transmission concerns whose interests were far different from that of the local landowners who would find their private lands, businesses and other interests significantly impacted by the placement of the corridors.

C. Those private landowners who did attend the Energy Corridor meetings were often told that this stage of the process was simply to lay out general corridors and that before any specific project could take place within the corridor, all requirements of NEPA's public involvement must be satisfied and the project justified prior to any approval.

D. That assurance proved to be worthless in dealing with Gateway West in that Idaho Power and Local BLM Officials all adhered to a position that they were constrained to place the line in the West Wide Energy Corridor.

E. The 2005 Energy Act signed into law by President Bush provided for the development of the West Wide Energy Corridors. Section 368 of that Act required that the corridors were to be incorporated into federal plans.

F. The Birds of Prey NCA was in development during the period when the West Wide Energy Corridor was developed in southwest Idaho. Contrary to the mandates of the 2005 Energy Act, BLM removed the corridor from the NCA plan rather than incorporating it.

G. This defiance of the requirements of the Energy Act occurred late in the development of the plan, and occurred after an earlier draft incorporated the corridor in the vicinity of the existing 138 KW transmission line. That transmission line had been shown to be consistent with the needs of raptors and therefore consistent with the purposes of the NCA.

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H. In early notices of scoping on Gateway West, public notices failed to provide sufficient notice to the landowning public in Owyhee County as to the potential impact of the project. Attendance at initial meetings was sparse as the result of the failed notices. When information as to the real impact began to be known, citizens' groups developed in multiple counties to protest the early routes as developed by BLM and Idaho Power.

I. This lack of initial proper notice prevented proper county involvement at the earliest planning stages, as is required by FLPMA.

2. Impact to Cultural and Historically significant areas:

A. The draft EIS focuses on specific cultural sites for avoidance and/or protection yet ignores significant areas of significant cultural value.

B. Routes segments proposed under the Draft would interfere with multi-generational ranching operations, some dating to the mid to late 1800's, as well as sites of historical significance in the vicinity of Oreana, Bruneau, Little Valley, and Murphy.

C. Changes made by BLM and/or contractor Tetra Tech changed the routing of a county proposed alternative from an area of little cultural significance to the junction of Sinker Creek and the Snake River--an area of significance for multiple reasons.

3. Impacts to Private Property and to Health of Property Owners:

A. Locating this project on private lands will alter the use of those lands for the considerable lifetime of this transmission line.

B. Idaho Power officials meeting with Owyhee County admitted early in the planning process that no structures can be built beneath the span of the transmission lines. Such limitations affect current farming/ranching operations and significantly limit future highest and best use of the lands crossed by this line.

C. Health impacts to adjacent residents are of concern as addressed in the comment submitted by Robyn Thompson of 16990 Short Cut Road, Oreana, Idaho. With her comment Ms. Thompson submitted copies of articles indicating health risks associated with large electrical transmission lines. Owyhee County incorporates "A New View of ELF-EMFs" published in Environmental Health Perspectives, Volume 108, Number 10, October 2000 and "Childhood Leukemia and Magnetic Fields in Japan: A case control study of childhood leukemia and residential power-frequency magnetic fields in Japan" authored by Michineri Kabuto, et al, "Residential Exposure to Electromagnetic Fields and Childhood Leukaemia: a meta-analysis" by I.F. Angelillo and P. Villari, "Magnetic Fields and Cancer: Animal and Cellular Evidence--an Overview" by Bo Holmberg, "Exposure to electromagnetic fields (non-ionizing radiation) and its relationship with childhood leukemia: A systematic review: by M.F. Rernandez ,et al, "Increased exposure to pollutant aerosols under high voltage power lines: by A.P. Fewes, et al, and "Risk of hematological malignancies associated with magnetic fields exposure from power lines: a case control study in two municipalities of northern Italy" by Carlotta Malagoll, et al, into this comment. The articles in their entirety are contained within the Thompson comment.

D. Analysis of impact to homes in Owyhee County has not been correctly addressed in the DEIS.

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(1.) If the line is routed as indicated in the variants of Alternate 9 (excepting 9D) there will be significant impact to current land value, future land value, and to current uses including agriculture. Location of the proposed line on private agricultural property will prevent future conversion of irrigation systems, as well as placement of future buildings and structures (both farm and residential).

(2.) The impact analysis found in the DEIS (table 2.2.8 on page 2.202) regarding homes in proximity to the proposed route is grossly incorrect. Enclosure 5 to the hand-delivered copy of this comment contains data provided by the Owyhee County Assessor. The map plots existing homes shown in proximity to the West Wide Energy Corridor.

E. Routing the line as proposed in the Alternative 9D, with modifications addressed later in this document, essentially eliminates these impacts to private property and public health. The proposed modifications to 9D have been discussed with Idaho Power Staff and were determined to be workable options.

4. Placing the line in Owyhee County is largely unnecessary:

A. The proposed routes labeled as variants of Route 9 are justified by Idaho Power and BLM as necessary for separation of parallel routes for redundant power needs. Various Idaho Power officials and staff have stated that the required minimum separation is a span width--1,500 feet.

B. Stated reasons for the required redundancy are to prevent loss of the line during natural events such as fire or weather.

C. The Murphy Complex Fire of 2007, burned more than 650,000 acres--an area that would have made the proposed span-width minimum separation distance moot.

D. Weather events such as ice storms are often cited by Idaho Power as reasons to have the separation and redundancy. In reality, however, even the separation provided by proposed segments 8 and segments 9 would be insufficient to avoid the impacts of such storms in this region.

E. The redundancy argument should be abandoned.

F. The segment 9 line should be located through the NCA to parallel the existing 138KW line, with minimum separation as required to avoid line-to-line interference.

G. In that the proposed transmission line project is not in the Idaho Power Ten Year Plan, there is a valid question as to its necessity.

5. The proposed route through Owyhee County violates the intent of the Environmental Justice legislation passed by the Congress:

A. 17.4% of residents in Owyhee County are below poverty level while only 11.8% of Ada county residents are below poverty level.

B. 25.8% of Owyhee County residents are Hispanic and 4.3% are American Indian. Ada County figures in that regard are 7.1% and .7% respectively.

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C. The proposed transmission line project is projected to provide power to the populated areas of Ada, and Canyon counties to a significantly greater degree than to the rural population and small towns of Owyhee County.

D. Impacts to the workforce on the private lands of Owyhee County, which are limited in that approximately 80% of the lands in Owyhee County are federally owned, will be significantly greater than to the workforce of Ada County, which will be the beneficiary of the power provided.

6. Placing the line segment in the Birds of Prey NCA is consistent with the purposes of the NCA:

A. Studies completed by Karen Steenhof and others in the NCA, after construction of the existing 138 KV transmission line in the NCA, have shown benefits to raptor populations.

B. The proposed line should parallel the existing 138 KV line.

C. A major road improvement has been recently completed by BLM in the NCA using American Recovery and Reinvestment Act funds. The road project would provide much of the road access needed for line construction and negates a previous position by NCA management that a transmission line project in the NCA was harmful due to the need for road construction.

7. Adverse Impact to Murphy Airport operations and farming and ranching operations may be possible as the result of the installation of the proposed Gateway West Transmission line.

A. Helicopter activity during construction may have adverse impacts on other general aviation activity in the vicinity of the airport.

B. Helicopter use during construction may have adverse impact on domestic livestock operators.

8. Alternative 9E is unacceptable and 9D is acceptable and consistent with resource issues:

A. As noted above, Owyhee County submitted two routes: one route was eventually designated as 9D and the other as 9E in the DEIS.

B. Even in the letter transmitting the routes, the County noted the inadequacies of the route eventually designated as 9E.

C. The Owyhee County Sage Grouse Local Working Group noted the following in their review of 9E:

*The alternative route for Segment 9 that runs south of Highway 78 will impact important sage-grouse habitat in Owyhee County. This proposed route runs near dozens of known leks that are currently occupied by sage-grouse in the Owyhee Foothills. The Local Working Group feels that this is the least desirable alternative because the transmission line will attract avian predators, especially Common Ravens. Raptors and ravens use transmission lines for nesting, perching and roosting. Studies have shown that ravens are important nest predators of sage-grouse and that ravens move an average of 7 km and as far as 60 km from transmission line roosts each day. In addition, new roads required for this alternative would create extensive shrub loss and habitat fragmentation in previously undisturbed areas.*

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D. The Owyhee County Sage Grouse Local Working Group noted the following in their review of Alternative 9D:

*The alternative (9D) that runs through the Morley Nelson Snake River Birds of Prey National Conservation Area (NCA) is a much better alternative. It would not affect Greater Sage-grouse because sage-grouse do not occur within the NCA. It would be compatible with maintaining raptor populations and the goals of the NCA. Research has demonstrated that properly designed transmission lines can be compatible with raptors. During the 1980s, a new 500-kV transmission line in the NCA enhanced opportunities for raptor perching, nesting, and roosting. Raptors and ravens were attracted to the towers, and productivity of hawks and eagles nesting on transmission towers was as good as and sometimes better than that of those nesting on canyon cliffs. Electrocution of raptors is not an issue because wires on transmission lines are spaced too far apart to electrocute raptors. Alternative 9D will follow an existing 138-kV transmission line in habitat that has already been disturbed by fire. This alternative represents an opportunity to avert adverse effects of transmission lines on sage-grouse in Owyhee County.*

E. We concurred with that review, adopted it as a county position, and forwarded it to BLM in our September 8, 2010 letter.

9. Impact of Alternative Route 9D to BLM non-motorized area in the vicinity of Cove Recreation Site:

A. BLM analysis of 9D indicates that the route would not be acceptable due to impacts to a non-motorized area in the vicinity of Cove Recreation area.

B. This non-motorized area was designated in the September 2008 NCA RMP, but mentioned only briefly in the RMP and there is little specific data as to the need and justification for the designation.

C. In the specific comments provided later in this document, to proposed route changes to 9D are submitted as alternatives to minimize impact to the non-motorized area in the vicinity of Cove Recreation area.

10. Subsequent to the county submission of the September 1, 2009 letter and maps containing the two alternative routes proposed by Owyhee County, BLM and contractor made alterations to the northwest end of the County's route 9D.

A. These changes were apparently made as the result of requested changes on route 8 in the vicinity of Kuna, Idaho.

B. The changes moved the county's route 9D crossing of the Snake River from a viable and preferred crossing point to one with greater potential impacts.

C. In addition to the changes made to the river crossing, the transcription of the route maps by either BLM or contractor staff did not accurately transfer the route as proposed by the county in the vicinity of Eagle View subdivision.

D. The transposing also did not show the continuation of the route 9D to the Hemingway substation.

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E. Specific comments provided later in the document will address changes to the route 9D as shown in the DEIS in order to correct the above errors or changes.



### III. SPECIFIC COMMENTS:

1. Raptor impact analysis cited in the DEIS is flawed by the use of outdated or incorrect data.
2. The Sage Grouse and Raven impact analysis is flawed due to missing critical reference material.
3. Alternative Route 9E is unacceptable for reasons as stated above.
4. Alternative Route 9 is unacceptable due to impacts on private property and other reasons as previously stated.
5. The changes made to Alternative Route 9D by transcription errors and/or by action of BLM Staff and contractor are not acceptable to the county and should not have been referenced in the document as a route supported by Owyhee County.
6. With the exception of the two areas of changes to Alternative Route 9D (vicinity of Cove Rec and Vicinity of Murphy and Snake River Crossing), Owyhee County Supports Alternative Route 9D as the proposed action.
7. Regarding BLM's changes to Route 9D in the vicinity of Murphy and the Snake River Crossing, we propose two alternatives to amend the route. They are shown graphically as marked green lines on Enclosure 1 to this document which is an electronic copy of a portion of a larger map product prepared by Idaho Power (Note: in the copy of this document delivered electronically to the Project Manager, the electronic file attachments will be incorporated as Encl's 1 and 2. In the paper copy delivered to the Boise District Manager, we will include both electronic Encl's 1 and 2, as well as three full sized map products):

A. Our preferred option to correct the transcription error or changes made by staff to the Northwest end of Alternate Route 9D is shown on Encl 1 and described as follows:

- (1.) Use the routing submitted on our maps delivered on September 1, 2009.
- (2.) For reference on the routes and maps provided in the DEIS, this would be described as "Our original Route 9D to mile point (mp) 18.5, then west on Route 8 to mp 124, then straight west on section line to a point between mp 155 and mp 156 on route 9.

B. Our second option for this section of our Route 9D is shown on Encl 1 and described as follows:

Route 9D to mp 58, at mp 58 go southwest approximately one mile and then northwest approximately two miles then north to the point at which our preferred correction line joins Route 9 at approximate mp 155.5.

8. Regarding BLM's concerns related to the non-motorized area in the vicinity of Cove Recreation Area, the county provides two alternate routing options which are shown as marked green lines on Encl 2 to the electronic copy sent to the project manager and on both Encl 2 and the full sized map sheet delivered to the Boise District Manager.

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A. Route 9D to a point at approximately mp 11.8 then proceed south to cross the Bruneau Narrows, continue south and then southwest skirting the edge of the Cove NMA until south of State Highway 78. Proceed northwest to Simplot property at Cove then continue on Simplot property to get back on 9D at approximately mp 14.25.

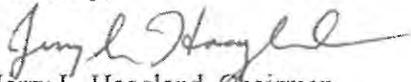


B. Route 9D to mp 12, then proceed northwest north of the Bruneau Narrows until meeting the line of the two-track road which runs southwest through the Cove NMA, follow the line of the two track road to a point south of State Highway 78 then follow the route described above to approximate mp 14.25 on 9D.

**IV. CONTINUED COORDINATION ON THIS PROJECT:**

Owyhee County looks forward to continued regular coordination on the development of this project with BLM's Project Manager and with Local BLM Managers and staff.

Sincerely,

  
Jerry L. Hoagland, Chairman

cc: Boise District BLM Manager Aden Seidlitz

Enclosures to the Electronically-filed version:

- Encl 1: Scan of Murphy Area portion of Idaho Power Map Product
- Encl 2: Scan of Cove Rec NMA portion of Idaho Power Map Product

Enclosures to the Copy Hand-Delivered to the Boise District Office:

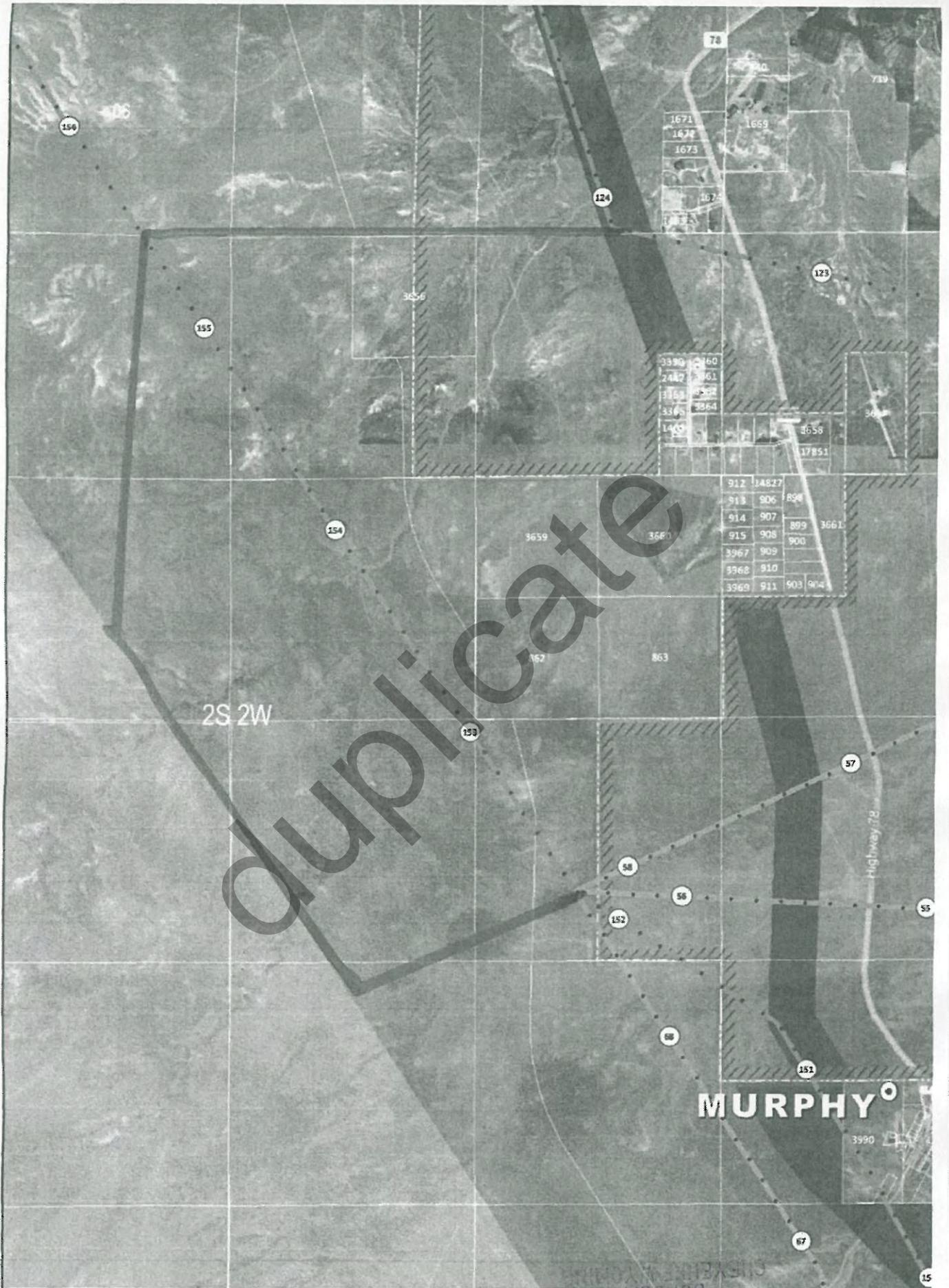
- Encl 1: Scan of Murphy Area portion of Idaho Power Map Product
- Encl 2: Scan of Cove Rec Area Portion of Idaho Power Map Product
- Encl 3: Full size Idaho Power Map Product containing Murphy Area
- Encl 4: Full size Idaho Power Map Product containing Cove Rec NMA
- Encl 5: Full size map product showing locations of homes relative to West Wide Energy Corridor.

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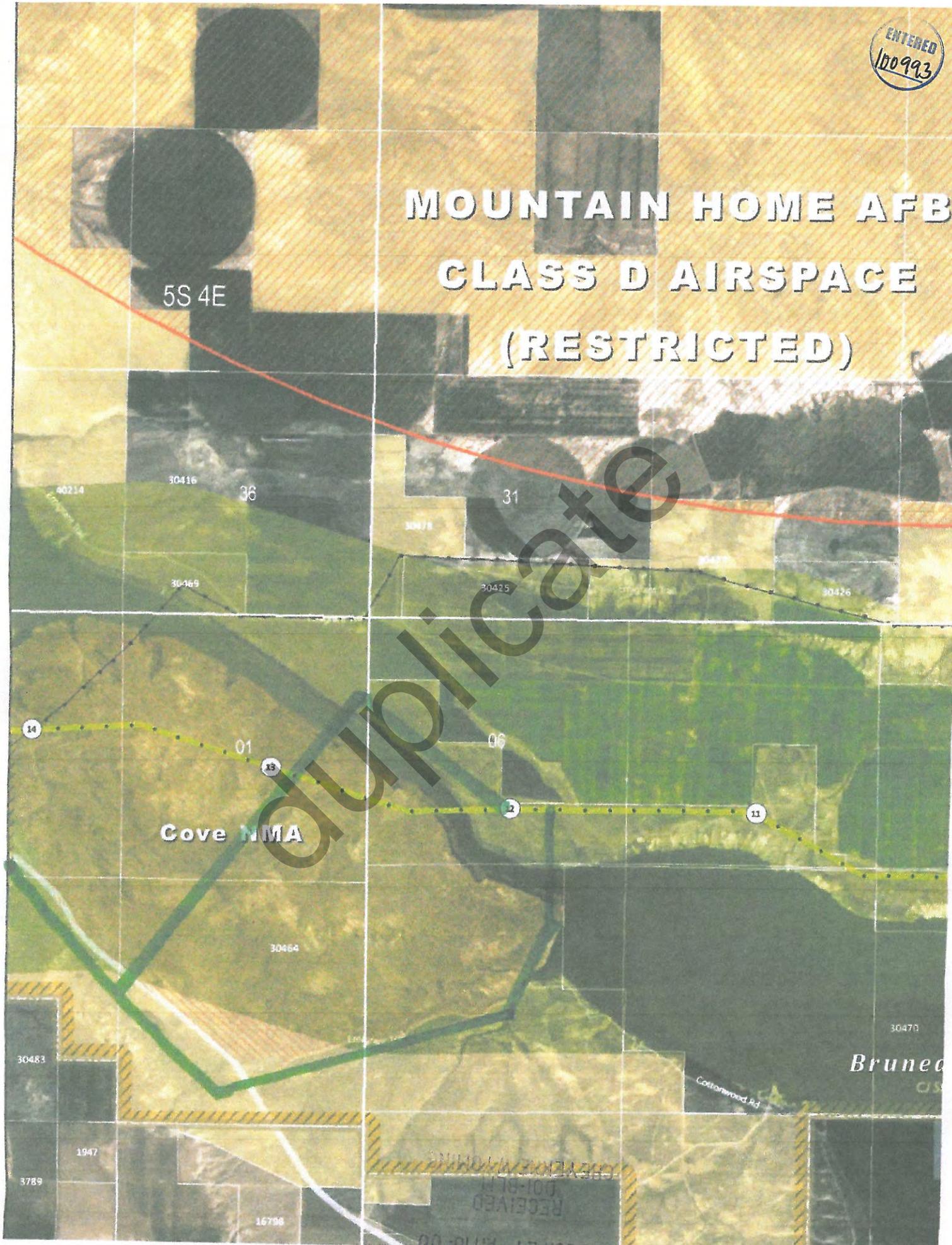
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OWYHEE COUNTY BOARD OF COMMISSIONERS  
COURTHOUSE P.O. BOX 128 MURPHY, ID 83650-0128  
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District 2 –Kelly Aberasturi-P O Box 128, Murphy, ID 83650 249-4405  
District 3 –Chairman - Joe Merrick-P O Box 128, Murphy ID 83650 250-9005

August 21, 2012

Mr. Mike Pool  
Acting Director, Bureau of Land Management  
BLM Washington Office  
1849 C Street NW, Rm. 5665  
Washington DC 20240

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Re: Proposed Routing of the Gateway West Transmission Line

Dear Director Pool:

We are writing this letter to your attention, with cc'd copies to the Idaho State Director and Idaho Congressional Delegation, as we are seeking a solution to a problem that is at your level of the BLM and is a matter that you can address and correct.

Our County has been engaged for several years in coordination with local BLM officials as well as with the BLM Project Manager for the Gateway West Transmission Line Project. This project proposes to route a portion of the transmission line through our county. Several of the current routes under consideration have considerable potential for adverse impact to the economic base of our county as well as to natural resources found on the federally managed lands within our county.

Because of the potential for harm, we have been very engaged in seeking solutions in the form of a preferred route that had the least impacts on private lands and yet carefully avoided impacts to species of concern, primarily Sage Grouse, on the federal lands. Owyhee County, though large in total acreage, is comprised of a relatively small portion of total acreage in private ownership in comparison to the 78% of our county which is federally owned and managed.

When we reviewed the initial maps showing the proposed Route 9, which traverses much of our prime agricultural lands along the northern boundary of our county, we organized a citizens group to develop alternative routes. That group developed an alternate route which minimized the impacts to private lands by transiting the Morley Nelson Birds of Prey NCA north of the Snake River. The route we submitted re-entered Owyhee County at the most advantageous crossing, just upstream from Swan Falls Dam. While it did not completely eliminate impacts on private lands, the route was acceptable to those private land owners whose lands were crossed. That route was adopted by the County Commission and submitted to BLM. It was ultimately labeled Route 9D.

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A noteworthy member of the citizen's group which developed Route 9D is Ms. Karen Steenhof, a former BLM and USGS biologist who studied the impacts of the 500-kv line that was constructed across a portion of the NCA in 1981. Ms. Steenhof has lost none of her expertise regarding raptors and the purposes of the NCA and she has remained firm in her conviction to remain active in raptor conservation. She was instrumental in helping craft a route that would achieve the county's goals of preserving private property and the county economy, while also achieving conservation goals regarding species of concern. Ms. Steenhof's analysis was that the placement of 9D within the NCA would be beneficial to raptors, rather than adverse to the purposes of the NCA.

In our coordination with local BLM managers and the BLM Project manager, we had been advised to submit two additional routes for consideration. Our citizen's group developed two routes, the one previously addressed and designated 9D and one which was also submitted for consideration by the county and designated by BLM as 9E. While 9E traversed the county on primarily federally owned lands, and was submitted by the county in our letter providing alternate routes, we acknowledged in our submission letter that it was not a viable alternative due to concerns about Sage Grouse impacts. We made clear in our letter of submission that 9D was the preferable route and the route with the least adverse impacts to private lands and to sensitive species.

After our submission of routes, we continued to work with local BLM managers and to provide documents to the BLM Project lead and we remained involved as other governmental entities worked in similar fashion to craft routes through their jurisdictions. As this process continued, we were displeased to learn that the Snake River crossing point so carefully selected by our citizens group had been usurped as the crossing for the one of the proposed Route 8 variants.

On February 17, 2012, BLM Boise District Manager Aden Seidlitz provided a letter to the Owyhee County Commission (Enclosure 1). The letter thanked the County for our involvement, indicated that the Boise District would soon be "...expected to provide input to what will be identified as the Preferred Route." and proposed the following:

*"Based on the coordination effort we completed with you in November, we are requesting a confirmation of your acceptance to our recommendation for a route that we believe is viable and would result in achieving the majority of goals identified by both parties. While this route is not a perfect solution to the problems we have addressed together, we recognize that in the absence of an alternative that is fully supportable or preferred, that we must identify a route that is acceptable to both parties based on the conditions and choices that are available.*

*Enclosed with this letter is a map of the route segments that are being considered for recommendation as the preferred route for Segment 8 and Segment 9 of the Gateway West Project. The map has also been copied to CD to allow for more detailed review. Our proposal recognizes the importance of trying to avoid impacts to private property, in Owyhee, Ada and Elmore County; to keep the transmission line on public lands as much as possible; to protect cultural and visual resources; and to minimize impacts to sensitive species."*

The letter requested a letter of confirmation or acceptance on the route we have identified.

The Commission and BLM held a meeting on the letter and proposal on February 27, 2012 and reached agreement on the proposal. The County provided the requested letter of acceptance (Enclosure 2) and hand delivered it on that date.

At this point in the process, we believed we had achieved, through BLM/County coordination under FLPMA, what would normally be referred to as a "win-win" solution. The selected route, minimized the significant adverse impacts to private lands in our county, complied with Section 368 of the

Energy Act of 2005 (which directed such projects be placed on federal lands and directed the amendment of land use plans if necessary for such placement), benefited raptors, and protected Sage Grouse and other species of concern from alternatives such as 9E.

To our great dismay, we learned on April 27, 2012 that officials in DC were in opposition to the route through the NCA on the basis of establishing an adverse precedent for the National Landscape Conservation System.

We immediately placed a call to the BLM State Director. Our call was returned by Associate State Director Peter Ditton who advised us that "these kinds of questions and concerns come up with any project of this size." He said no decision was made as yet regarding the crossing of the NCA and that the NLCS official in question was visiting on Monday and they were going to go to the site and discuss the impact.

We have just recently learned that the NLCS position is that the line should not follow our agreed 9D route, but should instead follow 9E. Route Segment 9E, as we indicated earlier in this letter is not preferred for reasons of impacts to species.

At Enclosure 3 you will find Ms. Karen Steenhof's August 9, 2012 e-mail to Mr. Carl Rountree, Director, Office of National Landscape Conservation System and Community Programs.

Owyhee County completely agrees with Ms. Steenhof's analysis of the lack of credible reasons to remove the route from the Birds of Prey NCA and with her analysis of the adverse impacts of proceeding with construction along Route Segment 9E. We adopt Ms. Steenhof's comment to Mr. Rountree as a portion of our comment on this matter.

On the basis of the above, we are asking your involvement in correcting what will be a significant error across multiple areas of interest. A decision to replace Route Segment 9D with Route Segment 9E on the basis of NLCS concerns about the Birds of Prey NCA cannot be justified on the basis of credible science or on the basis of the establishing legislation's purposes for the Birds of Prey NCA. Furthermore, such a decision would be inconsistent with Section 368 of the Energy Act of 2005 which directed such projects to the federal lands, and did not exempt NLCS or other lands from such action.

We ask you to reverse the position that has been taken by your NLCS Director and select 9D as the preferred route.

Sincerely,

Joe Merrick, Chairman

Jerry Hoagland, Commissioner

Kelly Aberasturi, Commissioner

3 Encl:

1. Boise District Letter of February 17, 2012
2. Owyhee County Letter of February 27, 2012
3. Karen Steenhof e-mail to Carl Rountree August 9, 2012

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CHRYSTINE WATKINS

2013 JUN 27 AM 10:00

cc:

Steven Ellis, BLM State Director  
Idaho Congressional Delegation



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United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Boise District Office  
3948 Development Avenue  
Boise, Idaho 83705



ENTERED  
100993

In Reply Refer To:  
(2800) ID-010

February 17, 2012

Joe Merrick, Chairman  
Owyhee County Board of Commissioners  
P.O. Box 128  
Murphy, ID 83650-0128

Dear Commissioner Merrick:

Thank you for your continued support and coordination efforts concerning the Gateway West Transmission Line Project. The meeting we held on November 21, 2011 provided the BLM with valuable input into resolving resource issues associated with the proposed routes and alternatives. As the project moves forward into the development of the Final Environmental Impact Statement (FEIS) the Boise District will be expected to provide input into what will become identified as the Preferred Route. The complications with the unknown location of Segment 8, and potential conflict with alternatives to Segment 9, make the identification of an acceptable route even more challenging.

Based on the coordination effort we completed with you in November, we are requesting a confirmation of your acceptance to our recommendation for a route that we believe is viable and would result in achieving the majority of goals identified by both parties. While this route is not a perfect solution to the problems we have addressed together, we recognize that in the absence of an alternative that is fully supportable or preferred, that we must identify a route that is acceptable to both parties based on the conditions and choices that are available.

Enclosed with this letter is a map of the route segments that are being considered for recommendation as the preferred route for Segment 8 and Segment 9 of the Gateway West Project. The map has also been copied to CD to allow for more detailed review. Our proposal recognizes the importance of trying to avoid impacts to private property, in Owyhee, Ada and Elmore County; to keep the transmission line on public lands as much as possible; to protect cultural and visual resources; and to minimize impacts to sensitive species.

If our proposed recommendation is acceptable to you then we would appreciate a letter of confirmation or acceptance on the route we have identified. We recognize that the recommendation may not be your preference for these segments but we are hoping that they are acceptable considering the current options. We are currently scheduled to meet on February 27<sup>th</sup> and can discuss any issues you may have with our recommendation, and hopefully come to some consensus on what would be an acceptable route recommendation.

Sincerely,

/s/ Aden L. Seidlitz

Aden L. Seidlitz  
Boise District Manager

2 Enclosures

- 1 – Map of proposed recommendation
- 2 – Electronic copy (CD) of Enclosure 1

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CWERNEN:clw:2/17/12:U:BOC Letter for Acceptance of GW Routes 20120217  
CF RF Gateway West Project File Author

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OWYHEE COUNTY BOARD OF COMMISSIONERS  
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District 2 –Kelly Aberasturi-P O Box 128, Murphy, ID 83650 249-4405  
District 3 –Chairman - Joe Merrick-P O Box 128, Murphy ID 83650 250-9005

February 27, 2012

Mr. Aden Seidlitz  
Boise District Manager  
Bureau of Land Management  
3948 Development Avenue  
Boise, ID 83705

Re: (2800) ID-010 February 17, 2012 Letter Regarding Recommendation as the Preferred Route For Segments 8 and 9 of the Gateway West Project

Dear Mr. Seidlitz:

We appreciate the considerable work done by you and your staff in order to resolve the potential adverse impacts that we identified in the earlier proposed routing for project segment planned through our county.

We have reviewed the map you provided with your February 17<sup>th</sup> letter and have discussed the proposed recommended preferred route with the citizens committee which assisted us in identifying adverse impacts and drafting alternatives that would minimize those adverse impacts.

As we indicated to you in our February 27, 2012 Coordination Meeting, we support the route as the proposed recommendation for the preferred route as specified in your letter and provided map.

Thank you again for the effort which produced this satisfactory result.

Sincerely,

/s/ Joe Merrick

Joe Merrick, Chairman

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Gateway West and the Morley Nelson Snake River Birds of Prey Area

Date:

8/9/2012 7:51:19 A.M. Mountain Daylight Time

From:

steenhof@hughes.net

To: [carl\\_roundtree@blm.gov](mailto:carl_roundtree@blm.gov)

CC: [proller@blm.gov](mailto:proller@blm.gov), [wgeorge@blm.gov](mailto:wgeorge@blm.gov), [jrobison@idahoconservation.org](mailto:jrobison@idahoconservation.org), [OCNRCDIR@aol.com](mailto:OCNRCDIR@aol.com), [bluewind@me.com](mailto:bluewind@me.com), [shrj@juno.com](mailto:shrj@juno.com), [fcbachman@copper.net](mailto:fcbachman@copper.net), [cbj.whitlock@q.com](mailto:cbj.whitlock@q.com), [Bryan\\_Ricker@crapo.senate.gov](mailto:Bryan_Ricker@crapo.senate.gov), [BLM\\_ID\\_StateOffice@blm.gov](mailto:BLM_ID_StateOffice@blm.gov), [bcattle@att.net](mailto:bcattle@att.net)

Carl Roundtree  
Assistant Director  
National Landscape Conservation System & Community Partnerships  
1849 C Street  
Room 5618  
Washington DC 20240

2013 JUN 27 AM 10:00  
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Dear Mr. Roundtree:

I recently learned that officials with the BLM's National Landscape Conservation System (NLCS) are opposing Gateway West Alternative 9D and are throwing their support behind Alternative 9E, an alternative that will adversely affect Greater sage-grouse populations in Owyhee County. Supposedly, the rationale for this position is that allowing a new transmission line within the Morley Nelson Snake River Birds of Prey National Conservation Area (MNSRBOPNCA) would set a bad precedent for other NCAs. In fact, disallowing a properly designed transmission line within the MNSRBOPNCA would set an even more dangerous precedent: making a decision that is inconsistent with peer-reviewed science and specifically data collected about transmission line impacts within the NCA in question. According to the NLCS website, "Science plays an important role in how the the [sic] National Landscape Conservation System lands are managed." It is unclear how science played a role in this particular decision by NLCS. The prohibition of all new transmission lines within the MNSRBOPNCA is inconsistent with scientific evidence gathered by the BLM's own biologists.

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.

A new transmission line in Owyhee County (9E) would attract raptors and ravens and could lead to increased predation on declining Greater sage-grouse populations. Golden Eagles prey on adult Sage Grouse, and Common Ravens are a major predator of Sage Grouse eggs. Recently, Idaho State University (ISU) biologists have noted a dramatic increase in the predation of Sage Grouse by ravens. Where there are more ravens, nesting female Sage Grouse stay on their nests much longer, leaving less often. Less time foraging may cause "substantial physiological distress" on the Sage Grouse. It would be better to attract raptors and ravens to cheatgrass areas in the MNSRBOPNCA where they feed on ground squirrels than to shrubsteppe areas inhabited by sage-grouse in Owyhee County.

As a conservationist and one of the biologists who studied the effects of the PP&L (now Pacificorp) 500-kV line, I urge the NLCS to change its position on this issue. The Morley Nelson Snake River Birds of Prey NCA was never intended to be a wilderness area. Legislation that established the MNSRBOPNCA identified its purposes to be "conservation, protection and enhancement of raptor populations and habitat." The legislation further recognized that BLM management of the area should allow "for diverse appropriate uses of lands in the area to the extent consistent with the maintenance and enhancement of raptor populations and habitats." A new transmission line, carefully routed within the NCA, could be completely consistent with these goals. Morley Nelson's life work was dedicated to demonstrating that protecting raptors could be compatible with electrical lines. Proposed route 8E, which would require a new road through shrub habitat, is likely incompatible with maintaining raptor foraging habitat. However, all evidence indicates that Route 9D, as originally proposed by the Owyhee Task Force with a crossing just upstream from Swan Falls, would be compatible with raptors. In the spirit of the legislation that established the MNSRBOPNCA, and in the spirit of Morley Nelson, I urge NLCS officials to re-evaluate their position and to endorse a route that affords protection to both raptors and grouse.

Thank you for considering my viewpoint, and please feel free to contact me if you wish to discuss this further.

Sincerely,

Karen Steenhof  
18109 Briar Creek Road  
Murphy, Idaho 83650

208-495-2364  
[steenhof@hughes.net](mailto:steenhof@hughes.net)

References:

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Nelson, M.W. 1982. Human impacts on golden eagles: a positive outlook for the 1980's and 1990's. Raptor Research 16:97-103.

Nelson, M.W., and P. Nelson. 1976. Power lines and birds of prey. Idaho Wildlife Review 28:3-7.

Engel, K.A., L.S. Young, K. Steenhof, J.A. Roppe and M.N. Kochert. 1992. Communal roosting of common ravens in southwestern Idaho. Wilson Bulletin 104: 105-121.

Steenhof, K., M.N. Kochert and J.A. Roppe. 1993. Nesting by raptors and common ravens on electrical transmission line towers. Journal of Wildlife Management 57: 271-281.

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November 5, 2012

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

2013 JUN 27 AM 10:00  
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RE: Comment on Administrative Draft Final Gateway West EIS

Dear Mr. George:

We are aware that the Administrative Draft of the Gateway West has been made available to various state and local governmental entities in order for them to review the draft and provide comment.

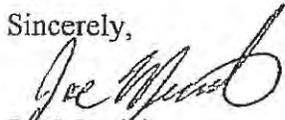
We are also aware that the comment period has been extended for two weeks from the previous closing date of November 2, 2012.

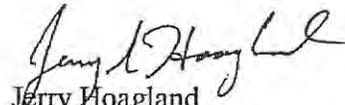
We have not been provided a copy of the draft EIS despite the fact that the route has significant potential impact on our county and despite our long period of involvement with BLM under the Coordination Provisions of FLPMA.

We have made clear that we have County plans that must be considered by BLM in this planning process and have made clear that we expect to be effectively involved with BLM under the provisions of FLPMA which require BLM to engage local governments to ensure that the BLM's action is consistent with local plans. FLPMA provides the venue for that involvement in the form of coordination.

Please immediately provide us with a copy of the Administrative Draft EIS so that we may review it and provide county comment. If it is your contention that the Draft document is not releasable to us under the coordination provisions of FLPMA, then please provide the specific citation of federal law that prevents you from providing the document.

Sincerely,

  
Joe Merrick  
Chairman

  
Jerry Hoagland  
Commissioner

  
Kelly Aberasturi  
Commissioner