

From: [Gateway BLM](#)
To: [Gateway BLM](#)
Subject: FW: Tribal Comments to the GWTL
Date: Friday, June 28, 2013 4:48:35 PM
Attachments: [SPTs Cmnts to GWTL EIS 6 27 13.doc](#)

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

From: **Ted Howard** <thoward4shopai@yahoo.com>
Date: Fri, Jun 28, 2013 at 9:44 AM
Subject: Tribal Comments to the GWTL
To: Walt George <Walt_George@blm.gov>
Cc: Michael Courtney <Michael_Courtney@blm.gov>, Buster Gibson
<gibson.buster@shopai.org>

Walt,

I hope all is well with you. Here are the comments from the Shoshone-Paiute Tribes on the Gateway West Transmission Line EIS. I believe today is the deadline for comments.

Sincerely,

Ted Howard

Shoshone-Paiute Tribes
Cultural Resources Director
P.O. Box 219
Owyhee, Nevada 89832
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June 27, 2013

Shoshone-Paiute Tribes'
Comments to the Gateway Transmission
Line EIS



P. 3.2-1, 3.2 Visual Resources

1. Visual Resources

The BLM grading system for visual resources is completely arbitrary. There are seven characteristics that determine the grade (A, B, or C) that a landscape gets. They are on pages 3.2-4 and 3.2-5: landform, water, vegetation, color, adjacent scenery, scarcity, and cultural modification. This grading system raises several questions. For example, if this was “non-cultural” then it must be made clearer who is identifying these and through what cultural scope they are interpreting them. How much more complicated is the grading process?

Of the ten environmental factors in the BLM’s VRM system (p. 3.2-15), number 7, “Recovery Time” is suspect. There cannot be recovery under these power lines because the vegetation underneath them suffers so badly because of the EMF. There is a risk along the entire ROW of plants under the lines not being able to grow back or growing back at a slower rate. There have been studies that show there is an issue.

2. Scenery Management System (SMS)

The Forest Service SMS (p.3.2-6) is more culturally inclusive in its scope. It includes 1.) Scenic Attractiveness 2.) Landscape Character, and 3.) SIOs. These do address the interpretation of landscapes to the observer through sort of a cultural lens, however, not a tribal cultural lens. An area of concern is under Scenic Attractiveness.

Scenic attractiveness grades landscapes as A) Distinctive B) Common or Typical and C) undistinguished. The question here is: through who’s eyes is the landscape undistinguished? Many of the landscapes identified in *Cultural Landscapes in Southern Wyoming and Idaho: Ethnographic Interviews with Photos and Field Notes* and shared in common with ones in the *Final Environmental Impact Statement of the Gateway West Transmission Line Project* were probably undistinguished under this grading system. This does not factor into the tribal connection to the land that may not be visible to the eye or even felt by the non-tribal observer.

3. EIS Mitigation

In the EIS Mitigation section (p.3.2-14) there is a summary of the overall goal of federal agencies in mitigating landscape intrusion. They refer to it as a general technique called contrast analysis. They say this method is used by federal land managers. The contrast analysis is a factor in the SMS and VMS (Forest Service) and VRM (BLM), which are processes in which each agency calculates the values of landscapes.

It ultimately boils down to the similarity of the project to the landscape; for example, tall trees and power lines mix because they are more similar in size and shape. This seems like a ploy used when permitting large-scale projects like the Gateway West Transmission Line (GTL) to happen.

True mitigation for the Shoshone-Paiute Tribes would require preserving the contemporary meaning, uses, and practices associated with the KOPs and cultural landscapes identified in the FEIS for the GTL.

4. Key Observation Points (KOPs)

The way in which the BLM and USFS classify and grade landscapes and KOPs does not reflect the concerns of the Shoshone-Paiute Tribes. Giving landscapes and KOPs grades in the ways the BLM and the USFS have is dangerous, arbitrary, and irrelevant to the tribes. No tribal concerns are addressed in any of the ways that BLM and USFS have proposed to mitigate the visual impacts of the towers. In fact, there are no tribal concerns addressed in the EIS at all. Using five to fifteen miles as the distance markers does not take into account the fact that people will travel to areas much closer to the transmission line. The idea that the line will most likely not be visible past five miles (p. 3.2-2) is irrelevant to the tribes because these areas are still used, and the tribes would like them protected and preserved for future generations to use. Just because the areas are out of view from one place does not mean that people will never see them. This justification comes mainly from the people that have been identified as concerned parties.

5. Landscapes Identified by the BLM

It is also important to note that of the 35 landscapes the tribes identified for Walker Research Group Ltd. In the recent cultural landscape study of southern Wyoming and Idaho, only 12 overlap with those mentioned in the Gateway EIS report. This is an indication that the BLM failed to find all sites that the line will impact. Sites will be impacted beyond the mere range of the transmission line itself.

The agencies' grading systems and efforts to make them objective has had a counter-productive effect. Classifying something a "low" or a "C" grade quality landscape viewshed downgrades the importance of cumulative impact. Just because there is development and a lot of human-made structures in an area does not make it "less important" to the tribes. In fact, it may be the opposite: the more development an area has should not mean that the consequence of more development is less. It means that the stakes become higher as soon as one starts overdeveloping areas. The more disturbances

in one area, the less and less the spirits, people, animals, plants, medicines can thrive. This is a terrible way to look protecting views and landscapes.

P. 3.3-1, 3.3 Cultural Resources

Historic properties are defined at 36 CFR Part 800.16(1)(1) as “any prehistoric or histories district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places maintained by the Secretary of Interior.”

For the Shoshone-Paiute Tribes the inclusion of our sites on a list with historic buildings and other man made structures that do not have anything in common with Native American sites has always been a concern. The Section 106 criteria is an assessment only from the view point of archaeology. Native American sites have a spiritual component that must be considered.

36 CFR 60.4 (Bulletin 38)

What is “Traditional Cultural Significance?” Traditional in this context refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property; then is derived from the role the property plays in a community’s (tribes’) historical rooted beliefs, customs and practices.

Same page

“This section also presents mitigation measures to be implemented to avoid, minimize, or compensate for impacts.”

In most instances there is no mitigation that would minimize the impact to tribes. When a site is impacted/destroyed by construction or excavated the result is the same, it is gone forever. The only mitigation acceptable to tribes is avoidance, and even then the sites under and in close proximaty to the high voltage power line are destroyed because of the EMF generated by the power line.

Vine Deloria wrote in “God is Red”

A belief in the sacredness of lands, when seen in the Indian context, is an integral part of the experiences of the people, past, present and future. Indians who have never visited certain sacred sites nevertheless know of these places from community knowledge, and they intuit this knowing to be an essential part of their being.

Every identifiable region has sacred places peculiar to its geography. Their sacredness does not depend on human occupancy but on stories that describe the revelation that enabled their people to experience the holiness there.

Sacred places are the foundation of all other beliefs and practices because they represent the presence of the sacred in our lives. They properly inform us that we are not larger than nature and that we have responsibilities to the rest of the natural world that transcend our own desires and wishes

P. 3.3-8 Issues Related to Cultural Resources (third paragraph down)

Determination of Eligibility: “All cultural resources identified during the Class III inventory will be evaluated for NRHP eligibility. Through the Section 106 process, the BLM’s consultation with the SHPO in each state, will determine NRHP eligibility of all cultural resources within the APE.”

We pointed out earlier that only the archaeology of our sites is considered. There is a spiritual element that is not being considered. Another thing that is not mentioned is the contemporary and ongoing uses of the sites and resources.

3.3.2.4 Consultation

First paragraph – “The BLM will consult with Indian Tribes on all cultural resources, not just those eligible for the NRHP.”

When will this consultation take place? The Class III surveys are still underway. The discussion must take place after the all Class III surveys are completed and the information is made available to the tribes for review and comment, and before a decision is made.

P. 3.3-10 second paragraph

“Native American treaty rights such as fishing, hunting large and small game, and gathering natural resources for subsistence, medicinal, and cultural purposes are not anticipated to be impacted by the project.

Consultation with traditional communities/groups undertaken by the BLM for other projects have identified types of properties that are generally considered Native American-sensitive-sites that could be TCPs.”

Federal agencies are mandated to consult on a government-to-government basis with the leadership of federally recognized tribes. Federally recognized tribes are sovereign governments that have a unique standing the US Government (agencies). What are they doing speaking to someone other than the tribes about our sites and resources? The BLM cannot and should not speak to anyone on the side on their own and take that as consultation with the tribe(s). This is totally in appropriate.

Fishing, hunting, gathering often requires ceremonies before the people actually harvest the resources. There are ceremony sites that must be considered and protected. The connection that Indian people have with their environment and the resources are different from mainstream society.

P. 3.3-11 Second paragraph up from the bottom of page (*in italics*).

“Within this cultural landscape Native Americans practiced their ceremonies, interacted with natural/supernatural forces, and maintained their roles as part of the everlasting cycles.”

Tribes are living cultures, they still practice their ceremonies and traditions. The way the paragraph is written gives the impression that this does not take place any longer. That

must be corrected and the contemporary and ongoing uses on our homelands must be considered and provided for.

P. 3.3-19 Class III Cultural Resources Inventory

The Class III Cultural Resources Inventory is still underway. The Class III Inventory Reports that were provided to the Shoshone-Paiute Tribe included no information on what was found, most of the information in the report is a text of bore holes. There is an occasional mention of "prehistoric artifacts." Tribes are not prehistoric, we're still here and the artifacts belonging to our ancestors are still important to contemporary Indian people.

The BLM and USFS must provide a full inventory of what they found. The Shoshone-Paiute Tribes prefer the IMAC forms of all of the sites, this is important for tribes to know, this can lead to additional information that only tribes understand, and cannot be interpreted by an archaeologist. Many of the artifacts may fall under the stipulations of NAGPRA and subject to repatriation. Although some of the artifacts and/or skeletal material being uncovered by archaeologists in the Gateway right-of-way may be on federal, state, or privately owned lands within our homeland, these artifacts belong to our ancestors whom we continue to venerate, and we believe, as their descendants, these artifacts should be returned to their points of discovery. If this proves impractical or unworkable because of construction of the power line, they should be returned to the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation for tribal disposition.

Sincerely,

Ted Howard

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Cultural Resources Director
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From: Gateway BLM
Sent: Friday, June 28, 2013 4:49 PM
To: Gateway BLM
Subject: FW: Gateway West Comments from the State of Idaho
Attachments: Gateway.FEISComments.FINAL.pdf

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

From: **Scott Pugrud** <Scott.Pugrud@oer.idaho.gov>
Date: Fri, Jun 28, 2013 at 9:53 AM
Subject: Gateway West Comments from the State of Idaho
To: "wgeorge@blm.gov" <wgeorge@blm.gov>
Cc: John Chatburn <John.Chatburn@oer.idaho.gov>, Shannon Kelly <Shannon.Kelly@oer.idaho.gov>, "Kiefer, Sharon" <sharon.kiefer@idfg.idaho.gov>, Kurt Houston <KHouston@idl.idaho.gov>, "Dustin T. Miller" <Dustin.Miller@osc.idaho.gov>, Cally Younger <Cally.Younger@osc.idaho.gov>, Sam Eaton <Sam.Eaton@osc.idaho.gov>, Jeff Cook <Jeff.Cook@idpr.idaho.gov>, "Baun, Charles W NFG (US)" <charles.w.baun.nfg@mail.mil>

Walt,

Attached are the Gateway West comments from the State of Idaho. A hard copy was placed in the mail today.

Thank you,

Scott N. Pugrud | Legal Counsel

Office of Energy Resources

Phone (208) 332-1679 | Fax (208) 332-1661 | Web: energy.idaho.gov

C.L. "BUTCH" OTTER
Governor



304 N. 8th Street, Suite 250, P.O. Box 83720
Boise, Idaho 83720-0199

JOHN CHATBURN
Interim Administrator

(208) 332-1660
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June 28, 2013

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

RE: State of Idaho's Comments on the Gateway West Transmission Line Project Final Environmental Impact Statement

Dear Mr. George:

The State of Idaho appreciates the opportunity to comment on the Final Environmental Impact Statement (FEIS) for the Gateway West Transmission Line Project. The Idaho Office of Energy Resources (OER) is the Cooperating Agency for the state, and submits comments on behalf of Idaho and relevant state agencies. Our submission includes general statements, specific comments regarding the impacts to various resource activities, as well as specific comments from state agencies.

At the outset, the State recognizes that the Bureau of Land Management (BLM) only has the authority to select the transmission line routes on federally managed land. However, it is unrealistic to claim that the decision on where and how the lines will be built on private property is not dictated by BLM.¹ The reality is that when BLM grants right-of-ways on public land, its decisions dictate the location of the transmission lines on private property. This is particularly challenging when BLM refuses to cooperate in siting energy infrastructure on federally managed land when it is available and in close proximity, as is the case with BLM's Preferred Alternative in several different areas.

1. BLM should abandon its Preferred Alternative for Segments 8 and 9 because of impacts on future development and sage-grouse

The National Environmental Policy Act (NEPA) requires that "... statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses."² Using this standard, BLM did not do sufficient analysis on the impacts for Preferred Alternatives 8B and 9E. This analysis should include the economic impact that BLM's Preferred Alternative has on the future development of private property, specifically within the City of Kuna's Area of Impact and the City of Melba.

¹ See Section 1.6, Gateway West Final EIS, p. 1-36

² 40 CFR 1500.2(b)

NEPA requires that an EIS “shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned).”³ BLM’s analysis for its Preferred Alternative on Route 8 (Route 8B) fails to address the issues of future development for both the City of Kuna and the City of Melba. If Route 8B is selected, Kuna estimates that it will lose \$76,310,584 in tax revenue from future development because of interference caused by BLM’s Preferred Alternative.⁴ Additionally, the two-mile study corridor for Segment 8B bisects Melba’s current city limits, and is directly in the path of Melba’s natural growth.⁵ The FEIS fails to address either Kuna or Melba’s concerns about future development, and fails to acknowledge either cities’ Comprehensive Plan or Area of Impact.

The FEIS also ignores the financial damages associated with the social and economic impacts that the proposed corridor will cause if Route 8B is selected. This includes developers, and land-owners that relied on Kuna’s Comprehensive Plan to guide decisions to develop land that will be significantly devalued because of Route 8B. Millions of dollars stands to be lost by private property owners in the Kuna and Melba areas if BLM chooses to move forward with its Preferred Alternative.

BLM’s Preferred Alternative for Route 9 encroaches on sage-grouse habitat as identified both in Governor Otter’s proposed sage-grouse management plan⁶, as well as the one issued by BLM in the National Greater Sage-Grouse Management Planning Strategy.⁷ In the FEIS, BLM admits that its Preferred Alternative would result in an increased impact for sage-grouse when compared to Alternatives that were not selected, including Route 9D, the consensus route for this segment which does not contain any sage-grouse habitat.⁸ Importantly, BLM avoided certain routes of the Project because sage-grouse habitat was affected, and for Segment 9E BLM contradicts that reasoning, choosing instead to interfere with sage-grouse habitat.

The solution to the issues discussed above is for BLM to abandon its Preferred Alternative in favor of the consensus routes that travel through the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP-NCA). The State’s position on BLM’s reasoning to avoid the SRBOP-NCA in the FEIS is discussed in detail below.

2. BLM should reconsider its Preferred Alternative on Segments 8 and 9, and BLM’s avoidance of the Morley Nelson Snake River Birds of Prey National Conservation Area

NEPA requires that environmental information is “high quality.” The Purpose of NEPA is to ensure that agencies use “accurate scientific analysis, expert agency comments, and public scrutiny” when analyzing environmental effects.⁹ BLM has completed scientific studies in the past

³ 40 CFR 1506.2(d)

⁴ The City of Kuna letter to Walt George dated Oct. 29, 2012; The City of Kuna’s Comprehensive Plan Map is available for review at:

<http://www.cityofkuna.com/P&Z%20Documents/MAPS/COMP%20PLAN%20RECONSIDERATION.pdf>

⁵ See Appendix A, Figure A-10, Gateway West Final EIS

⁶ The Governor’s Alternative is available for review at: <http://fishandgame.idaho.gov/public/wildlife/?getPage=310>

⁷ BLM’s Preliminary Priority and Preliminary General Sage Grouse Habitat map is available for review at:

http://www.blm.gov/pgdata/etc/medialib/blm/id/wildlife/sensitive_species/sagegrouse_habitat.Par.49278.File.dat/PPH_3Cat_PGH_8x11_508.pdf

⁸ See Section 3.11, Gateway West Final EIS, p. 3.11-167

⁹ 40 CFR 1500.1(b)

on the relationship of raptors with transmission lines, including monitoring raptor responses to transmission lines in the SRBOP-NCA from 1981 through 1989. Reports from those studies found that 500-kV transmission lines *enhanced* opportunities for raptors to perch, nest and roost. Raptors and ravens are attracted to 500-kV lines, and the productivity of hawks and eagles nesting on transmission towers was found to be equal to, or better than those nesting in the canyon.¹⁰ These BLM studies are high-quality, peer reviewed, and provide accurate scientific analysis.

In the FEIS, BLM justifies its decision to avoid the SRBOP-NCA by asserting that the proposed mitigation does not currently meet the enhancement requirements in the enabling legislation. BLM claims that a transmission line through the SRBOP-NCA would have residual impacts after mitigation, especially raptor populations and habitats due to collision, fragmentation and because currently offered mitigation does not offset the impacts of the disturbance and fragmentation of raptor prey base habitat.¹¹ However, BLM does not provide any justification for these conclusions, and it is clear that BLM did not use high quality scientific analysis, including its own studies, in its decision to avoid the SRBOP-NCA.

Moreover, BLM misuses the term “mitigation” in regard to impacts on the SRBOP-NCA in the FEIS. BLM defines mitigation as “. . . Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; [and] Reducing or eliminating an impact over time by preservation and maintenance operations during the life of the action. . .”¹² By context taken from this definition, the term mitigation assumes a negative impact. However, it is clear from BLM’s own scientific studies that a transmission line does not have negative impacts to raptor populations as discussed above.

NEPA also encourages collaboration, and public involvement in decisions which affect the quality of the human environment.¹³ Additionally, BLM touts that collaboration is the touchstone of managing public lands. BLM defines collaboration as “a cooperative process in which interested parties, often with widely varied interests, work together to seek solutions with broad support for Federal, State and county managed public lands.”¹⁴ The authority for use of this collaboration comes from Executive Order 13352, “Facilitation of Cooperative Conservation” (August 26, 2004), which “. . .directs agencies to implement environmental and natural resource laws to promote collaborative activity among Federal, State, local, and Tribal governments, private for-profit and nonprofit institutions, other non-governmental entities and individuals.”¹⁵

Prior to releasing its Preferred Alternative, BLM encouraged interested stakeholders to work together to find the “correct” route for the transmission line in Segments 8 and 9, following its own practice of collaboration. Accordingly, Idaho state agencies, conservation groups, local elected officials, community leaders, interested citizens, state and local BLM offices, and other federal agencies successfully participated in a three year collaborative process that determined consensus routes that traveled through the SRBOP-NCA. Ultimately, the Washington D.C. BLM office acted in contravention to its own goals and directions on collaboration when it ignored these routes in

¹⁰ 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; *see also* 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 (emphasis added)

¹¹ Gateway West Final EIS p. 2-47 and 48

¹² FEIS p. 6-14; *citing* 40 CFR 1508.20

¹³ 40 CFR 1500.2(d)

¹⁴ Bureau of Land Management 2007 Collaboration Desk Guide, p. 1

¹⁵ Bureau of Land Management 2007 Collaboration Desk Guide, p. 3

favor of its Preferred Alternative. The mistrust created by promising collaboration, and working at state and local levels towards a solution that was universally accepted only to have the Washington D.C. office unilaterally reject the solution is substantial. Only time will tell how much the agency's relationship with the State, and its citizens has been damaged.

3. BLM's Record of Decision should include the habitat designations found in the Federal Alternative of Governor C.L. "Butch" Otter for Greater Sage-Grouse Management in Idaho

Governor C.L. "Butch" Otter submitted an alternative to BLM for inclusion in the National Greater Sage-Grouse Management Planning Strategy (Governor's Alternative). The Governor's Alternative was developed utilizing a diverse group of stakeholders, including representatives from agricultural, energy or mineral development, local sage-grouse working groups, environmental organizations, wildlife or sportsmen's groups, State elected officials, county elected officials, and representatives of the public at large.

The sage-grouse task force was assisted by state and federal agencies, including the Idaho Department of Fish and Game, Idaho Office of Species Conservation, Idaho Department of Lands, Idaho Office of Energy Resources, Idaho State Department of Agriculture, Idaho Department of Parks and Recreation, United States Fish and Wildlife Service, Bureau of Land Management, and the National Resources Conservation Service. The sage-grouse task force was formed in response to an invitation from the Secretary of Interior.¹⁶

As you know, the Governor's Alternative is a more accurate description of potential sage-grouse habitat than the alternative offered by BLM and incorporated into the FEIS.¹⁷ The National Environmental Policy Act (NEPA) requires that BLM use "high quality" environmental information, and that "accurate scientific analysis" is used when analyzing environmental effects.¹⁸ BLM's failure to include the habitat designations found in the Governor's Alternative does not meet this standard.

BLM's incorporation of the Greater Sage-Grouse Core Area Protection from the Wyoming Governor's Executive Order 2011-5 (June 2, 2011) highlights the importance of adopting state specific solutions to sage-grouse management.¹⁹ The State of Idaho requests that BLM utilize the habitat designations and map found in the Governor's Alternative when reporting the effects of Gateway West on sage-grouse as it moves forward to the Record of Decision.

4. Whenever practicable, BLM should site the Gateway West Transmission Line on federal land, especially when federal land is in close proximity to the study corridor

BLM's insistence on siting its Preferred Alternative on private land, especially when federally managed land is in close proximity, is problematic. As noted above, we understand but do not accept the premise that BLM siting decisions do not also affect siting of energy infrastructure on private property. When BLM dictates the point of entry and point of exit on public land, it by necessity decides what private land is affected.

¹⁶ Idaho Exec. Order No. 2012-2 (Feb. 2, 2012)

¹⁷ Idaho State Supervisor Brian Kelly, USFWS letter to Governor Otter dated April 10, 2013

¹⁸ 40 C.F.R. § 1500.1(b)

¹⁹ See Appendix J, Gateway West FEIS

As an example, BLM's Preferred Alternative Route 5B parallels the Deep Creek Mountains, but is entirely located on private property.²⁰ BLM cites visual resources near the Deep Creek Mountains as justification for refusing to site its Preferred Alternative on federally managed land.²¹ This is misguided reasoning because micro-siting will reduce the visual impacts of the Project. Moreover, the visual impacts remain virtually the same because the BLM's Preferred Alternative will be sited within the Deep Creek Mountains' view-shed. This is a classic example of an area that it is practicable for BLM to site the transmission line on federal land.

Unless there is a compelling reason, BLM should place the Gateway West Transmission Line Project on federally managed land to the greatest extent possible. This includes areas where the line is placed on private property when federally managed land is in close proximity.

Specific Comments Related to *Lepidium Papilliferum* from Idaho Office of Species Conservation

The Idaho Governor's Office of Species Conservation (OSC) coordinates the state's policies and programs related to the conservation of threatened, endangered and candidate species in Idaho.²² OSC submits the following statement on the current status of slickspot peppergrass:

Lepidium papilliferum, more commonly known as slickspot peppergrass, was removed from the "threatened" list under the Endangered Species Act by court order in August 2012. This decision was vacated because the U.S. Fish and Wildlife Service did not adequately define the term "foreseeable future" for slickspot peppergrass and the decision was not appealed by the Service. At this time there is no requirement to take special precautions in slickspot peppergrass habitat, as it is no longer on the "threatened" list.

Specific Comments Related to Impacts on State Endowment Land

Idaho Department of Lands, at the direction of the Idaho State Board of Land Commissioners, manages Endowment Trust Lands with the State.²³ In December 2007, the Land Board adopted the *State Trusts Lands Asset Management Plan* addressing the overall management of Endowment Lands within Idaho.

State Trust Lands are not managed for the public at large and should not be referred to as "public lands" or "open space," either specifically or in a generic sense. These are working lands producing revenue for the Beneficiary Institutions.

Any routes that cross state endowment land must be located to minimize impact to the remainder of the parcel. A 20-year term easement would be the authorizing instrument issued to allow the project on trust land. Application for use can be obtained from any IDL office.

²⁰ See Appendix A, Figure A-7, Gateway West FEIS

²¹ See Chapter 2.4.6.1, page 2-64, Gateway West FEIS

²² Idaho Code § 67-818

²³ Idaho Code § 58-101

Comments Related to Wildlife Considerations

The Idaho Department of Fish and Game (IDFG), acting under the supervision of the Idaho Fish and Game Commission, is the state agency charged with carrying out the statutory authority to preserve, protect, perpetuate, and manage all fish and wildlife in Idaho.²⁴ IDFG’s specific comments regarding impacts to wildlife are attached.

Comments Related to Orchard Combat Training Center (OTCT)

The Idaho Army National Guard’s (IDARNG) mission is to protect life and property, and preserve peace, order and public safety under the direction of its Commander-in-Chief, the Idaho Governor.²⁵IDARNG’s specific comments regarding the OTCT are attached.

Comments Related to State Parks and Recreation

The Idaho Department of Parks and Recreation (IDPR), acting under the supervision of the Idaho Park and Recreation Board, carries out recreational policies and programs for the protection and maintenance of areas of scenic beauty, recreational utility, historic, archeological or scientific interest for the enjoyment of the people.²⁶ IDPR’s specific comments regarding the Gateway West Transmission Line Project are attached.

Again, the State of Idaho appreciates the opportunity to submit comments on the Gateway West Transmission Line Project FEIS and we stand ready to work with BLM as we bring this process to a successful conclusion.

Sincerely,



John Chatburn, Administrator
Idaho Office of Energy Resources

²⁴ Idaho Code § 36-103(a)

²⁵ Idaho Code § 46-101, et. seq.

²⁶ Idaho Code §§ 67-2402(1) and 67-4222(a)


IDAHO DEPARTMENT OF FISH AND GAME

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

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

Final Environment Impact Statement for the Gateway West Transmission Line Project
 Idaho Department of Fish and Game Comments
 June, 2013

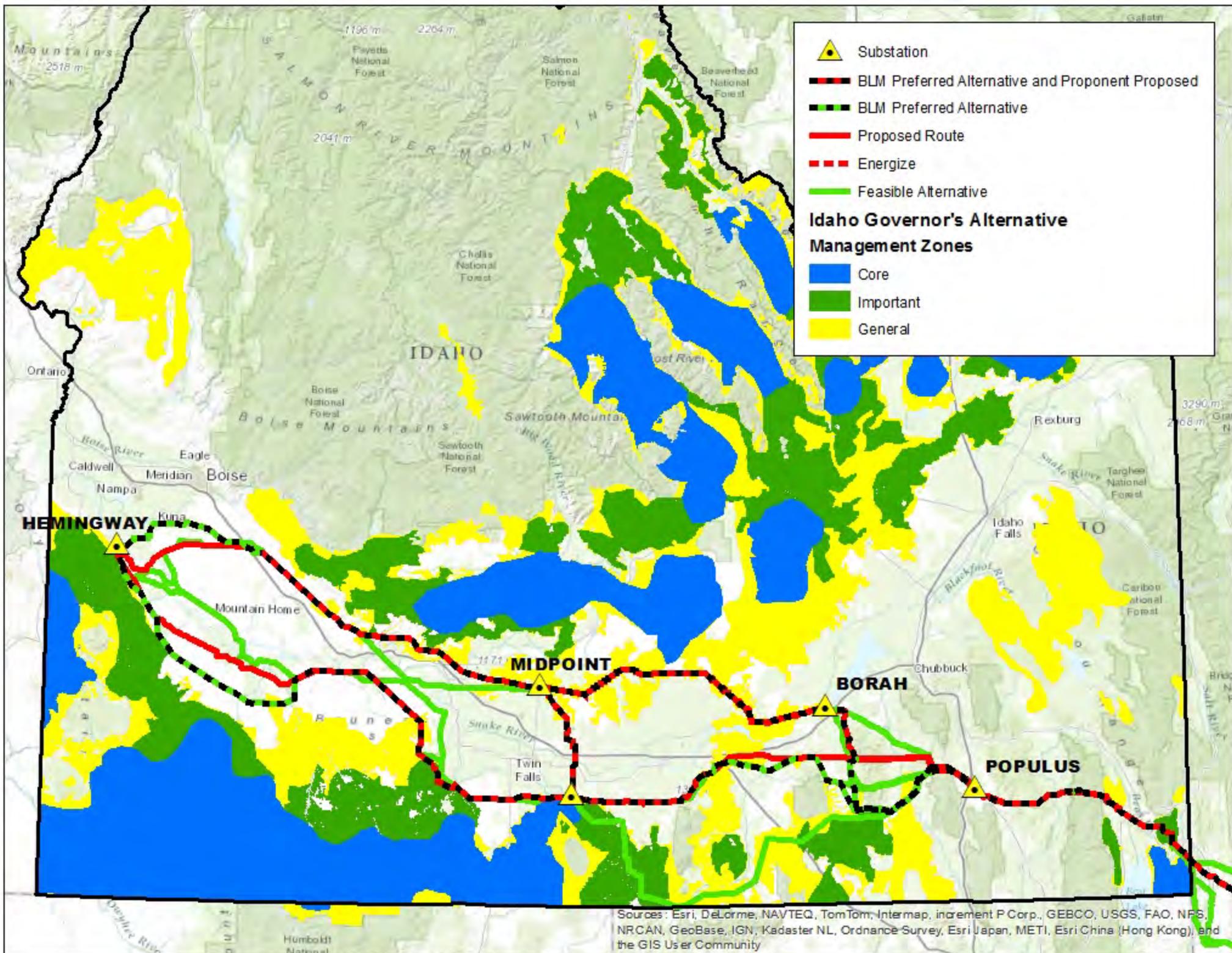
Idaho Department of Fish and Game (IDFG) appreciates the multiple opportunities to offer technical assistance to the BLM and Proponents during the development of the Draft Environmental Impact Statement (DEIS) and the Administrative Final EIS (AFEIS). As previously stated in our DEIS comments, the purpose of our comments is to assist BLM in their decision capacity for this transmission line by providing technical information addressing potential effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. IDFG, directed by policy of the Fish and Game Commission, has statutory responsibility to preserve, protect, perpetuate and manage all fish and wildlife in Idaho as a public trust (Idaho Code 36-103(a)).

IDFG offers general, overarching comments and section-specific comments and recommendations. Also, many of our previous section-specific comments regarding the AFEIS are attached, as they are still relevant and were not addressed in the FEIS. We hope our comments provide opportunity for further consideration for developing the Record of Decision.

General Comments and Recommendations

IDFG reiterates a concern noted in our comments about the AFEIS regarding Segment 9E, the BLM preferred alternative for Owyhee County. We pointed out that Alternative 9E has greater adverse impacts on special status wildlife than Alternative 9D, particularly for sage-grouse. Alternative 9E traverses BLM's Preliminary General Habitat (PPH), and skirts habitat classified as BLM Preliminary Priority Habitat (PPH) and State of Idaho Important Habitat (Governor Otter's Alternative). Additionally, several active sage-grouse leks are located within two miles of the proposed route. Alternative 9D traverses the Morley Nelson Snake River Birds of Prey National Conservation Area (NCA). Raptors and corvids have been shown to utilize transmission lines and associated lattice towers for nesting, roosting, and perching (Engel et al. 1992, Steenhof et al. 1993). For Alternative 9E, this could lead to increased raptor and corvid predation on sage-grouse and sage-grouse eggs. A new transmission line in the NCA (Alternative 9D) is not expected to adversely affect sage-grouse and may provide additional nesting, roosting, and perching substrates for raptors, the focal species for which the NCA was created so the benefits of the preferred Alternative 9E over 9D are unclear and should be stated more clearly to clarify the BLM decision framework.

We note that south of Twin Falls at the base of the South Hills, the proposed line barely skirts Core Habitat west of the proposed Cedar Hill substation and bisects Important Habitat east of the substation (see attached map). We are unaware that any active/occupied leks occur in close



Legend

- Substation
- BLM Preferred Alternative and Proponent Proposed
- BLM Preferred Alternative
- Proposed Route
- Energize
- Feasible Alternative

Idaho Governor's Alternative Management Zones

- Core
- Important
- General

Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NGS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), and the GIS User Community

proximity to the proposed route. An existing 345 kV transmission line does run roughly parallel to the proposed GWW line west of the proposed substation.

We raise this points with the specific request that the FEIS reflect siting and mitigation guidelines found in the Federal Alternative of Governor C.L. "Butch" Otter for Greater Sage-Grouse Management in Idaho, September 5, 2012 (Governor Otter's Alternative).

According to the FEIS, the application of Environmental Protection Measures (EPMs) on State and private lands in Idaho is voluntary (see Table 2.7-1). Recognizing that the BLM lacks authority to impose mitigation measures for these lands, we note that there may be considerable effects of the transmission line to species like sharp-tailed grouse (over half of the occupied habitat in south-central Idaho occurs on private property) and wintering big game (especially mule deer). We strongly encourage the proponent to work with private landowners and the State of Idaho to implement applicable EPMs on private and State lands to mitigate for potential project-related effects. Implementation of EMPs can help ensure state wildlife management objectives are upheld.

IDFG notes that no compensatory mitigation is identified for any species other than sage-grouse. We recognize there will be some overlap between the application of mitigation for sage-grouse and other species that rely on sagebrush habitats, however, there are areas of non- or low quality sage-grouse habitat where mitigation of effects for other state-important species (e.g., wintering big game) are not addressed but could be meaningful. We have repeatedly commented about this issue and have advised broader application of mitigation measures than just sage-grouse relative to the state's wildlife.

More specifically, we raise the possibility that some of the routes proposed in southeast Idaho (generally from the state line to Borah Substation) may intersect with private lands that have been enhanced for sharptail grouse using a portion of the Conservation Reserve Program called "State Acres for Wildlife Enhancement," (SAFE) in Power, Cassia, Bannock, Oneida, and Caribou counties. A map illustrating icons located on the centroids of each SAFE contract is attached. We request that BLM and the Proponents work with IDFG and the Natural Resources Conservation Service to further assess if routes do intersect any of the SAFE acreage. Because financial resources have been used to enhance these private lands for wildlife, primarily sharptail grouse, we request additional mitigation or compensation discussion if SAFE acres are affected.

The Idaho Sage-Grouse Task Force recommendations and Governor Otter's Alternative are discussed but not analyzed in the FEIS. IDFG offered to provide the habitat layers (core, important, and general) during our review of the AFEIS but we do not see evidence that the State's policy guidance for sage-grouse conservation was evaluated in the assessment of effects or mitigation recommendations. Please see the attached map for reference. A specific point to consider relative to evaluation of effects relative to the Idaho policy guidance of Governor Otter's alternative is that any loss of sage-grouse nesting or wintering habitat in core-designated habitat, regardless of ownership, is counted against the baseline for the habitat trigger.

The FEIS continues to state that IDFG, as a member of the interagency technical group, recommends the Habitat Equivalency Analysis (HEA) (page 3.11-25) as the analytical tool for

mitigation. To date, the Department has not offered a policy recommendation regarding the HEA or any other mitigation tool or mitigation strategy for this project. Our role has been to offer our technical expertise and advice to BLM and the Proponents to help them develop a HEA and its outcomes, including mitigation proposals, that are technically grounded.

No monitoring or mitigation is proposed for indirect effects to sage-grouse or any other wildlife. IDFG recognizes that the indirect effects of tall structures and potential increased predation and depredation by raptors and ravens (for example) are not fully understood and we understand that is why indirect effects were not addressed in the HEA (also see Appendix D within Appendix C, IPC's 2008 letter to the USFWS concerning indirect effects). However, the lack of knowledge or understanding is not the same as the lack of effect. We continue to strongly suggest that an indirect effects monitoring component, potentially under an adaptive framework with the potential for compensatory mitigation, should be a requirement of the Record of Decision for this project. The issue of indirect effects as they pertain to sage-grouse was vetted by the HEA team on a couple of different occasions (see HEA team meeting minutes from December 2011 and March 2012). It is our recollection that BLM committed to work with the proponents to address the issue; however, we are unaware that any progress has been made.

The proponents propose that sage-grouse habitat mitigation will be conducted using a fixed, in-lieu fee approach (Appendix C-3). The proponents did add a monitoring component but it is unclear what happens when monitoring determines mitigation isn't effective and the mitigation dollars are depleted. Because the HEA will provide a dollar figure estimate of cost to replace habitat services lost at a one-to-one mitigation ratio, it appears the benchmark (or currency) becomes dollars spent, not the actual acres of lost/impacted habitat mitigated or service restored. We reiterate that mitigation needs to include an effectiveness component. We are also concerned that the time lag between lost and restored services, particularly for habitat restoration projects, has not been adequately accommodated in mitigation discussion.

We are ambiguous about the respective proportions assigned by the proponents to regain lost services and the resulting adequacy/relevancy of projects (Appendix C-3): fence marking/removal (25%), sagebrush restoration (5%), seeding grasses and forbs (5%), juniper control (30%), and conservation easements (35%). We have previously commented to BLM and the Proponents about our perspective that conservation easements do not "regain" lost environmental services of habitat unless there is imminent threat to the habitat slated for conservation easement (i.e., if you are only protecting what is already there, you are not regaining something that was lost). We suggest the bulk of the mitigation effort should focus on strategically restoring and reconnecting sagebrush habitat (sagebrush restoration, seeding grasses and forbs, and juniper control) with an option for conservation easement on existing habitat imminently threatened by development or other land use.

Literature Cited

- 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.
- Idaho, State of. 2012. Federal alternative of Governor C.L. "Butch" Otter for greater sage-grouse management in Idaho.

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.

Section-Specific Comments:

Gateway West Transmission Line Project FEIS Idaho Department of Fish and Game		
Commenter Initials	Document Section	Comment
IDFG	Table 2.7-1 and elsewhere	TESWL-4 indicates sensitive species nests, burrows, colonies, etc. will be flagged. This is not a currently acceptable means of marking or identifying a biological location.
IDFG	Table 2.7-1 and elsewhere	According to the table, EPMs TESWL-4 through TESWL 11 will not apply to State and private lands in Idaho. This could be problematic for species like Columbian sharp-tailed grouse given over half of the occupied habitat in southern Idaho occurs on private property. Failure to apply spatial and temporal EPMs on private and State lands could exacerbate project-related effects on sharp-tailed grouse and other species of conservation concern.
IDFG	3.10-8 and Table 3.10-1	Please clarify which definition of winter range, and subsequent big game winter range data set, was used in the analysis. Text on page 3.10-8 states "General winter range has certain year-long stipulations related to it that restrict certain types of development. Crucial winter range is closed to physical access during winter, though an exception process exists for certain activities. Designated general and crucial winter range (Wyoming) and winter range (Idaho) will be referred to collectively in this document as "winter range." We are unclear whether access to winter range in Idaho is subject to stipulations or physical closure. Further, footnote 2 on page 3.10-3 defines winter range as " <u>a portion of winter range</u> ...during the heaviest snow cover." It is unclear whether a subset of winter range data was used in the analysis based on this definition.
IDFG	3.10-45	The grassland fragmentation discussion is poorly worded and based on assumptions not supported by the analysis or literature.
IDFG	3.10-49	The analysis states "ROW maintenance would remove thermal and hiding cover...This habitat loss is not likely to have a substantial impact on big game populations, as this is a minor loss relative to

Gateway West Transmission Line Project FEIS Idaho Department of Fish and Game		
Commenter Initials	Document Section	Comment
		<p>the amount of home range that big game species typically range over (usually hundreds of acres up to ten thousand acres). In addition, transmission line structures and access roads are not expected to affect the movement or distribution of big game species through fragmentation; big game will readily cross a double-track road or pass under a transmission line. Approximately 36 percent of the line is collocated with existing developments, which minimizes new disturbances by collocating the line in areas where existing lines already occur, thereby decreasing the potential impact of the Project on big game migratory movements.”</p> <p>This reasoning is problematic because it assumes 1) no impact occurred to big game movements when the existing developments were built, which in many (most) cases cannot be confirmed and 2) there’s no threshold of development at which continued big game movement is disrupted/ceases. In the absence of site-specific data or studies, the only way these statements can be substantiated is through pre- and post-construction monitoring.</p> <p>The analysis also states that a loss of habitat is minor relative to the amount of habitat available, implying that big game would likely shift use to other areas. This statement assumes suitable, unoccupied, and accessible habitat exists in close proximity. We are unaware these conditions occur.</p>
IDFG	3.11-27	<p>The essence of the USFWS’s current listing decision was that Factor A (habitat fragmentation-fire) and Factor D (regulatory mechanisms) were significant threats to sage-grouse, resulting in the determination that listing was warranted. As such, it is unclear to us why the discussion of the listing decision is not more focused on Factors A and D, rather than mentioning habitat loss in the same context as non-significant factors like hunting (Factor B).</p>
IDFG	3.11-27	<p>We are troubled by the inference of the statement “Although there is concern regarding this species’ current status, hunting of this upland game-bird is still permitted by many states, including Idaho and Wyoming.” <u>We suggest removing the statement</u> because it has no bearing on the analysis of the environmental effects of a transmission line. The USFWS concluded that Factors A (habitat) and D (regulatory mechanisms) were significant threats to sage-grouse, resulting in their finding that listing was warranted. Hunting falls</p>

Gateway West Transmission Line Project FEIS Idaho Department of Fish and Game		
Commenter Initials	Document Section	Comment
		<p>within Factor B (use). In regards to hunting as it relates to Factor B, the USFWS concluded: "The present level of hunting mortality shows no signs of being a significant threat to the species. However, in light of present and threatened habitat loss (Factor A) and other considerations (e.g., West Nile virus outbreaks in local populations), States and tribes will need to continue to carefully manage hunting mortality, including adjusting seasons and harvest levels, and imposing emergency closures if needed." IDFG has adjusted or closed its sage-grouse hunting season as needed throughout the years. In 1996 IDFG began to consistently make hunting seasons more conservative. In 2000, IDFG instituted a permit system to hunt sage-grouse and sharp-tailed grouse to allow us to better track and estimate harvest numbers. About the same time, we implemented "Sage-grouse Reporting Zones" which were defined based on known sage-grouse ecology and movements, topographical barriers, and administrative boundaries in some areas. In 2008, IDFG began to formally follow the hunting season and bag-limit guidelines in the Conservation Plan for the Greater Sage-grouse in Idaho (Idaho Sage-grouse Advisory Committee 2006). This process allows for annual evaluations at the local level that considers circumstances that can change annually.</p>
IDFG	3.11 - 123	<p>Please provide scientific rationale for determination that vegetation clearing is not expected to negatively affect bighorn sheep "due to the small amount of habitat affected compared to the large home ranges of this species, and the stimulation of forage growth that vegetation clearing could induce (i.e., clearing of shrubs can increase herbaceous species growth by increasing light penetration to ground surfaces)." This assertion assumes 1) soil disturbance associated with vegetation clearing will not create an environment for invasive annuals or other unwanted vegetation, 2) the affected habitat is not limiting so its loss will have little effect, and 3) suitable unoccupied habitat exists elsewhere. None of these assumptions can be supported.</p>



**IDAHO NATIONAL GUARD
JOINT FORCE HEADQUARTERS
ENVIRONMENTAL MANAGEMENT OFFICE
4715 S. BYRD ST., BLDG 518
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24 June, 2013

MEMORANDUM FOR RECORD

SUBJECT: Gateway West Final EIS Comments.

These comments are in addition to those identified in the 11 April, 2011 comment letter from COL Kelly, the 2 June, 2011 BLM/IDARNG meeting, and the 13 January 2012 draft EIS comments. As identified previously, the Idaho Army National Guard (IDARNG) has a federal mission to provide trained units available for active duty in time of war or national emergency. The IDARNG state mission is to protect life and property, and preserve peace, order and public safety when ordered by the Governor.

Based on these mission statements it is imperative that IDARNG continue to provide the best available training for US soldiers at the Orchard Combat Training Center (OCTC), previously referred to as the Orchard Training Area (OTA). As such, we feel that the Preferred Alternative for Route 8 would not adversely affect the IDARNG's ability to meet our training and readiness requirements. The comments below (Table 1) include past comments (highlighted) that have still not been addressed, as well as current comments for the Final EIS.

Table 1. Gateway West-Unaddressed Comments from Draft EIS.

Section-Page	Comments
Land Use 3.17-21 (Figure 3.17-3)	The OCTC is not identified, nor is the associated Airspace Restriction. This has still not been corrected.
2.1.1 Structure Lighting) Page. 2-11	The current power line poses a safety issue and reduces the overall area for training because they are not lighted. As such, The IDANG strongly recommends that the lighting standards be included in all alternatives as they relate to the area between Gowen Field and the OCTC (MP 90-108 roughly).
3.17-20 (Land Use and Recreation)	IDARNG training is only restricted in areas of 10% or greater canopy density in shrub communities per the 2008 RMP.

If you have any questions, or need additional information, please contact me at 208-272-4180 or Charles.w.baun.nfg@mail.mil.

Sincerely,

Charlie Baun
Conservation Branch Manager
Idaho Army National Guard



June 12, 2013

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governor

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director

Tamara Humiston
deputy director

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

RE: Gateway West Transmission Line Project FEIS

Dear Planning Team:

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

The IDPR is a duly-established executive department of the State of Idaho. Idaho Code §§ 67 2402(1) and 67 4222(a). The IDPR, acting under the supervision of the Idaho Park and Recreation Board, carries out recreational policies and programs of the State of Idaho. Idaho Code §§ 67 4221 and 67 4222. The IDPR is authorized by state statute to prepare and keep current a "Statewide Comprehensive Outdoor Recreation and Tourism Plan" referred to as "SCORTP," for the protection and maintenance of areas of scenic beauty, recreational utility, historic, archeological, or scientific interest for the enjoyment of the people. Idaho Code §§ 67 4219 and 67 4223(h). Consistent with these authorities, the Department participates in BLM land project planning to further the public interest in recreational, scenic, and historical/archeological values.

Our staff provided comments during the scoping period in 2008. We also provided comment during the DEIS Comment period in June 2011.

The FEIS is a huge improvement over the DEIS. We appreciate the additional visual analysis done for Bruneau Dunes State Park. Bruneau Dunes State Park is a special place. The park boasts the tallest single-structured sand dune in North America with a peak rising 470 feet above the surrounding desert floor. Visitors are able to explore the dunes in hiking boots or on skis or snow board; fish for bluegill in the lakes; unlock the mystery of the desert with a breathtaking hike or horseback ride; plan a group picnic or visit the Bruneau Dunes Observatory and gaze at the night sky through the Observatory's collection of telescopes. Visual Quality is a high visitor value for the park.

The proposed power line will impact the visual quality of the park. How much of an impact it will have depends on where the power line will be constructed.

Alternative 9E (BLM Preferred) only passes by the park on the southern boundary. Alternative 9D (Owyhee County Preferred) passes by the park on the southern boundary and the eastern boundary. Alternative 9D has a greater visual impact on Bruneau Dunes State Park than Alternative E. The power line will have to be micro sited to lessen the visual impacts to Bruneau Dunes State Park and other recreation facilities along Alternative D's route. It also appears that Alternative 9D would impact more private property owners in Elmore and Ada Counties.

Another issue that will have to be addressed is the lighting to the power line towers for the U.S. Air Force Aircraft traveling to the Saylor Creek Range. Lighting of the towers can potentially impact Dunes night sky viewing opportunities. We are confident by working with the U.S. Air Force and Idaho Power; we can find a solution that minimizes the impacts to Bruneau Dunes telescopes and night viewing opportunities.

The Idaho Department of Parks and Recreation prefers a route (Alternative 9E) that minimizes impacts to Bruneau Dunes State Park. Our staff appreciates the efforts BLM and Idaho Power have made addressing our concerns throughout this planning process.

If the planning team has any questions about our comments, please contact Jeff Cook, Outdoor Recreation Analyst at (208) 514-2483.

Sincerely,

A handwritten signature in cursive script that reads "Nancy C. Merrill".

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

OFFICE OF ENERGY RESOURCES



C.L. "BUTCH" OTTER
Governor



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June 28, 2013

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

RE: State of Idaho's Comments on the Gateway West Transmission Line Project Final Environmental Impact Statement

Dear Mr. George:

The State of Idaho appreciates the opportunity to comment on the Final Environmental Impact Statement (FEIS) for the Gateway West Transmission Line Project. The Idaho Office of Energy Resources (OER) is the Cooperating Agency for the state, and submits comments on behalf of Idaho and relevant state agencies. Our submission includes general statements, specific comments regarding the impacts to various resource activities, as well as specific comments from state agencies.

At the outset, the State recognizes that the Bureau of Land Management (BLM) only has the authority to select the transmission line routes on federally managed land. However, it is unrealistic to claim that the decision on where and how the lines will be built on private property is not dictated by BLM.¹ The reality is that when BLM grants right-of-ways on public land, its decisions dictate the location of the transmission lines on private property. This is particularly challenging when BLM refuses to cooperate in siting energy infrastructure on federally managed land when it is available and in close proximity, as is the case with BLM's Preferred Alternative in several different areas.

1. BLM should abandon its Preferred Alternative for Segments 8 and 9 because of impacts on future development and sage-grouse

The National Environmental Policy Act (NEPA) requires that "... statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses."² Using this standard, BLM did not do sufficient analysis on the impacts for Preferred Alternatives 8B and 9E. This analysis should include the economic impact that BLM's Preferred Alternative has on the future development of private property, specifically within the City of Kuna's Area of Impact and the City of Melba.

¹ See Section 1.6, Gateway West Final EIS, p. 1-36

² 40 CFR 1500.2(b)

NEPA requires that an EIS “shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned).”³ BLM’s analysis for its Preferred Alternative on Route 8 (Route 8B) fails to address the issues of future development for both the City of Kuna and the City of Melba. If Route 8B is selected, Kuna estimates that it will lose \$76,310,584 in tax revenue from future development because of interference caused by BLM’s Preferred Alternative.⁴ Additionally, the two-mile study corridor for Segment 8B bisects Melba’s current city limits, and is directly in the path of Melba’s natural growth.⁵ The FEIS fails to address either Kuna or Melba’s concerns about future development, and fails to acknowledge either cities’ Comprehensive Plan or Area of Impact.

The FEIS also ignores the financial damages associated with the social and economic impacts that the proposed corridor will cause if Route 8B is selected. This includes developers, and land-owners that relied on Kuna’s Comprehensive Plan to guide decisions to develop land that will be significantly devalued because of Route 8B. Millions of dollars stands to be lost by private property owners in the Kuna and Melba areas if BLM chooses to move forward with its Preferred Alternative.

BLM’s Preferred Alternative for Route 9 encroaches on sage-grouse habitat as identified both in Governor Otter’s proposed sage-grouse management plan⁶, as well as the one issued by BLM in the National Greater Sage-Grouse Management Planning Strategy.⁷ In the FEIS, BLM admits that its Preferred Alternative would result in an increased impact for sage-grouse when compared to Alternatives that were not selected, including Route 9D, the consensus route for this segment which does not contain any sage-grouse habitat.⁸ Importantly, BLM avoided certain routes of the Project because sage-grouse habitat was affected, and for Segment 9E BLM contradicts that reasoning, choosing instead to interfere with sage-grouse habitat.

The solution to the issues discussed above is for BLM to abandon its Preferred Alternative in favor of the consensus routes that travel through the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP-NCA). The State’s position on BLM’s reasoning to avoid the SRBOP-NCA in the FEIS is discussed in detail below.

2. BLM should reconsider its Preferred Alternative on Segments 8 and 9, and BLM’s avoidance of the Morley Nelson Snake River Birds of Prey National Conservation Area

NEPA requires that environmental information is “high quality.” The Purpose of NEPA is to ensure that agencies use “accurate scientific analysis, expert agency comments, and public scrutiny” when analyzing environmental effects.⁹ BLM has completed scientific studies in the past

³ 40 CFR 1506.2(d)

⁴ The City of Kuna letter to Walt George dated Oct. 29, 2012; The City of Kuna’s Comprehensive Plan Map is available for review at:

<http://www.cityofkuna.com/P&Z%20Documents/MAPS/COMP%20PLAN%20RECONSIDERATION.pdf>

⁵ See Appendix A, Figure A-10, Gateway West Final EIS

⁶ The Governor’s Alternative is available for review at: <http://fishandgame.idaho.gov/public/wildlife/?getPage=310>

⁷ BLM’s Preliminary Priority and Preliminary General Sage Grouse Habitat map is available for review at:

http://www.blm.gov/pgdata/etc/medialib/blm/id/wildlife/sensitive_species/sagegrouse_habitat.Par.49278.File.dat/PPH3Cat_PGH_8x11_508.pdf

⁸ See Section 3.11, Gateway West Final EIS, p. 3.11-167

⁹ 40 CFR 1500.1(b)

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on the relationship of raptors with transmission lines, including monitoring raptor responses to transmission lines in the SRBOP-NCA from 1981 through 1989. Reports from those studies found that 500-kV transmission lines *enhanced* opportunities for raptors to perch, nest and roost. Raptors and ravens are attracted to 500-kV lines, and the productivity of hawks and eagles nesting on transmission towers was found to be equal to, or better than those nesting in the canyon.¹⁰ These BLM studies are high-quality, peer reviewed, and provide accurate scientific analysis.

In the FEIS, BLM justifies its decision to avoid the SRBOP-NCA by asserting that the proposed mitigation does not currently meet the enhancement requirements in the enabling legislation. BLM claims that a transmission line through the SRBOP-NCA would have residual impacts after mitigation, especially raptor populations and habitats due to collision, fragmentation and because currently offered mitigation does not offset the impacts of the disturbance and fragmentation of raptor prey base habitat.¹¹ However, BLM does not provide any justification for these conclusions, and it is clear that BLM did not use high quality scientific analysis, including its own studies, in its decision to avoid the SRBOP-NCA.

Moreover, BLM misuses the term “mitigation” in regard to impacts on the SRBOP-NCA in the FEIS. BLM defines mitigation as “. . . Rectifying an impact by repairing, rehabilitating, or restoring the affected environment; [and] Reducing or eliminating an impact over time by preservation and maintenance operations during the life of the action. . . .”¹² By context taken from this definition, the term mitigation assumes a negative impact. However, it is clear from BLM’s own scientific studies that a transmission line does not have negative impacts to raptor populations as discussed above.

NEPA also encourages collaboration, and public involvement in decisions which affect the quality of the human environment.¹³ Additionally, BLM touts that collaboration is the touchstone of managing public lands. BLM defines collaboration as “a cooperative process in which interested parties, often with widely varied interests, work together to seek solutions with broad support for Federal, State and county managed public lands.”¹⁴ The authority for use of this collaboration comes from Executive Order 13352, “Facilitation of Cooperative Conservation” (August 26, 2004), which “. . .directs agencies to implement environmental and natural resource laws to promote collaborative activity among Federal, State, local, and Tribal governments, private for-profit and nonprofit institutions, other non-governmental entities and individuals.”¹⁵

Prior to releasing its Preferred Alternative, BLM encouraged interested stakeholders to work together to find the “correct” route for the transmission line in Segments 8 and 9, following its own practice of collaboration. Accordingly, Idaho state agencies, conservation groups, local elected officials, community leaders, interested citizens, state and local BLM offices, and other federal agencies successfully participated in a three year collaborative process that determined consensus routes that traveled through the SRBOP-NCA. Ultimately, the Washington D.C. BLM office acted in contravention to its own goals and directions on collaboration when it ignored these routes in

¹⁰ 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; *see also* 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 (emphasis added)

¹¹ Gateway West Final EIS p. 2-47 and 48

¹² FEIS p. 6-14; *citing* 40 CFR 1508.20

¹³ 40 CFR 1500.2(d)

¹⁴ Bureau of Land Management 2007 Collaboration Desk Guide, p. 1

¹⁵ Bureau of Land Management 2007 Collaboration Desk Guide, p. 3

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favor of its Preferred Alternative. The mistrust created by promising collaboration, and working at state and local levels towards a solution that was universally accepted only to have the Washington D.C. office unilaterally reject the solution is substantial. Only time will tell how much the agency's relationship with the State, and its citizens has been damaged.



3. BLM's Record of Decision should include the habitat designations found in the Federal Alternative of Governor C.L. "Butch" Otter for Greater Sage-Grouse Management in Idaho

Governor C.L. "Butch" Otter submitted an alternative to BLM for inclusion in the National Greater Sage-Grouse Management Planning Strategy (Governor's Alternative). The Governor's Alternative was developed utilizing a diverse group of stakeholders, including representatives from agricultural, energy or mineral development, local sage-grouse working groups, environmental organizations, wildlife or sportsmen's groups, State elected officials, county elected officials, and representatives of the public at large.

The sage-grouse task force was assisted by state and federal agencies, including the Idaho Department of Fish and Game, Idaho Office of Species Conservation, Idaho Department of Lands, Idaho Office of Energy Resources, Idaho State Department of Agriculture, Idaho Department of Parks and Recreation, United States Fish and Wildlife Service, Bureau of Land Management, and the National Resources Conservation Service. The sage-grouse task force was formed in response to an invitation from the Secretary of Interior.¹⁶

As you know, the Governor's Alternative is a more accurate description of potential sage-grouse habitat than the alternative offered by BLM and incorporated into the FEIS.¹⁷ The National Environmental Policy Act (NEPA) requires that BLM use "high quality" environmental information, and that "accurate scientific analysis" is used when analyzing environmental effects.¹⁸ BLM's failure to include the habitat designations found in the Governor's Alternative does not meet this standard.

BLM's incorporation of the Greater Sage-Grouse Core Area Protection from the Wyoming Governor's Executive Order 2011-5 (June 2, 2011) highlights the importance of adopting state specific solutions to sage-grouse management.¹⁹ The State of Idaho requests that BLM utilize the habitat designations and map found in the Governor's Alternative when reporting the effects of Gateway West on sage-grouse as it moves forward to the Record of Decision.

4. Whenever practicable, BLM should site the Gateway West Transmission Line on federal land, especially when federal land is in close proximity to the study corridor

BLM's insistence on siting its Preferred Alternative on private land, especially when federally managed land is in close proximity, is problematic. As noted above, we understand but do not accept the premise that BLM siting decisions do not also affect siting of energy infrastructure on private property. When BLM dictates the point of entry and point of exit on public land, it by necessity decides what private land is affected.

¹⁶ Idaho Exec. Order No. 2012-2 (Feb. 2, 2012)

¹⁷ Idaho State Supervisor Brian Kelly, USFWS letter to Governor Otter dated April 10, 2013

¹⁸ 40 C.F.R. § 1500.1(b)

¹⁹ See Appendix J, Gateway West FEIS

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As an example, BLM's Preferred Alternative Route 5B parallels the Deep Creek Mountains, but is entirely located on private property.²⁰ BLM cites visual resources near the Deep Creek Mountains as justification for refusing to site its Preferred Alternative on federally managed land.²¹ This is misguided reasoning because micro-siting will reduce the visual impacts of the Project. Moreover, the visual impacts remain virtually the same because the BLM's Preferred Alternative will be sited within the Deep Creek Mountains' view-shed. This is a classic example of an area that it is practicable for BLM to site the transmission line on federal land.

Unless there is a compelling reason, BLM should place the Gateway West Transmission Line Project on federally managed land to the greatest extent possible. This includes areas where the line is placed on private property when federally managed land is in close proximity.

Specific Comments Related to *Lepidium Papilliferum* from Idaho Office of Species Conservation

The Idaho Governor's Office of Species Conservation (OSC) coordinates the state's policies and programs related to the conservation of threatened, endangered and candidate species in Idaho.²² OSC submits the following statement on the current status of slickspot peppergrass:

Lepidium papilliferum, more commonly known as slickspot peppergrass, was removed from the "threatened" list under the Endangered Species Act by court order in August 2012. This decision was vacated because the U.S. Fish and Wildlife Service did not adequately define the term "foreseeable future" for slickspot peppergrass and the decision was not appealed by the Service. At this time there is no requirement to take special precautions in slickspot peppergrass habitat, as it is no longer on the "threatened" list.

Specific Comments Related to Impacts on State Endowment Land

Idaho Department of Lands, at the direction of the Idaho State Board of Land Commissioners, manages Endowment Trust Lands with the State.²³ In December 2007, the Land Board adopted the State Trusts Lands Asset Management Plan addressing the overall management of Endowment Lands within Idaho.

State Trust Lands are not managed for the public at large and should not be referred to as "public lands" or "open space," either specifically or in a generic sense. These are working lands producing revenue for the Beneficiary Institutions.

Any routes that cross state endowment land must be located to minimize impact to the remainder of the parcel. A 20-year term easement would be the authorizing instrument issued to allow the project on trust land. Application for use can be obtained from any IDL office.

²⁰ See Appendix A, Figure A-7, Gateway West FEIS
²¹ See Chapter 2.4.6.1, page 2-64, Gateway West FEIS
²² Idaho Code § 67-818
²³ Idaho Code § 58-101

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Comments Related to Wildlife Considerations

The Idaho Department of Fish and Game (IDFG), acting under the supervision of the Idaho Fish and Game Commission, is the state agency charged with carrying out the statutory authority to preserve, protect, perpetuate, and manage all fish and wildlife in Idaho.²⁴ IDFG's specific comments regarding impacts to wildlife are attached.

Comments Related to Orchard Combat Training Center (OTCT)

The Idaho Army National Guard's (IDARNG) mission is to protect life and property, and preserve peace, order and public safety under the direction of its Commander-in-Chief, the Idaho Governor.²⁵ IDARNG's specific comments regarding the OTCT are attached.

Comments Related to State Parks and Recreation

The Idaho Department of Parks and Recreation (IDPR), acting under the supervision of the Idaho Park and Recreation Board, carries out recreational policies and programs for the protection and maintenance of areas of scenic beauty, recreational utility, historic, archeological or scientific interest for the enjoyment of the people.²⁶ IDPR's specific comments regarding the Gateway West Transmission Line Project are attached.

Again, the State of Idaho appreciates the opportunity to submit comments on the Gateway West Transmission Line Project FEIS and we stand ready to work with BLM as we bring this process to a successful conclusion.

Sincerely,



John Chatburn, Administrator
Idaho Office of Energy Resources

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CHEYENNE WYOMING

²⁴ Idaho Code § 36-103(a)
²⁵ Idaho Code § 46-101, et. seq.
²⁶ Idaho Code §§ 67-2402(1) and 67-4222(a)

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IDAHO DEPARTMENT OF FISH AND GAME

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

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

Final Environment Impact Statement for the Gateway West Transmission Line Project
 Idaho Department of Fish and Game Comments
 June, 2013

Idaho Department of Fish and Game (IDFG) appreciates the multiple opportunities to offer technical assistance to the BLM and Proponents during the development of the Draft Environmental Impact Statement (DEIS) and the Administrative Final EIS (AFEIS). As previously stated in our DEIS comments, the purpose of our comments is to assist BLM in their decision capacity for this transmission line by providing technical information addressing potential effects to wildlife and wildlife habitat and how any adverse effects might be mitigated. IDFG, directed by policy of the Fish and Game Commission, has statutory responsibility to preserve, protect, perpetuate and manage all fish and wildlife in Idaho as a public trust (Idaho Code 36-103(a)).

IDFG offers general, overarching comments and section-specific comments and recommendations. Also, many of our previous section-specific comments regarding the AFEIS are attached, as they are still relevant and were not addressed in the FEIS. We hope our comments provide opportunity for further consideration for developing the Record of Decision.

General Comments and Recommendations

IDFG reiterates a concern noted in our comments about the AFEIS regarding Segment 9E, the BLM preferred alternative for Owyhee County. We pointed out that Alternative 9E has greater adverse impacts on special status wildlife than Alternative 9D, particularly for sage-grouse. Alternative 9E traverses BLM's Preliminary General Habitat (PPH), and skirts habitat classified as BLM Preliminary Priority Habitat (PPH) and State of Idaho Important Habitat (Governor Otter's Alternative). Additionally, several active sage-grouse leks are located within two miles of the proposed route. Alternative 9D traverses the Morley Nelson Snake River Birds of Prey National Conservation Area (NCA). Raptors and corvids have been shown to utilize transmission lines and associated lattice towers for nesting, roosting, and perching (Engel et al. 1992, Steenhof et al. 1993). For Alternative 9E, this could lead to increased raptor and corvid predation on sage-grouse and sage-grouse eggs. A new transmission line in the NCA (Alternative 9D) is not expected to adversely affect sage-grouse and may provide additional nesting, roosting, and perching substrates for raptors, the focal species for which the NCA was created so the benefits of the preferred Alternative 9E over 9D are unclear and should be stated more clearly to clarify the BLM decision framework.

We note that south of Twin Falls at the base of the South Hills, the proposed line barely skirts Core Habitat west of the proposed Cedar Hill substation and bisects Important Habitat east of the substation (see attached map). We are unaware that any active/occupied leks occur in close

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proximity to the proposed route. An existing 345 kV transmission line does run roughly parallel to the proposed GWW line west of the proposed substation.

We raise this points with the specific request that the FEIS reflect siting and mitigation guidelines found in the Federal Alternative of Governor C.L. "Butch" Otter for Greater Sage-Grouse Management in Idaho, September 5, 2012 (Governor Otter's Alternative).

According to the FEIS, the application of Environmental Protection Measures (EPMs) on State and private lands in Idaho is voluntary (see Table 2.7-1). Recognizing that the BLM lacks authority to impose mitigation measures for these lands, we note that there may be considerable effects of the transmission line to species like sharp-tailed grouse (over half of the occupied habitat in south-central Idaho occurs on private property) and wintering big game (especially mule deer). We strongly encourage the proponent to work with private landowners and the State of Idaho to implement applicable EPMs on private and State lands to mitigate for potential project-related effects. Implementation of EMPs can help ensure state wildlife management objectives are upheld.

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IDFG notes that no compensatory mitigation is identified for any species other than sage-grouse. We recognize there will be some overlap between the application of mitigation for sage-grouse and other species that rely on sagebrush habitats, however, there are areas of non- or low quality sage-grouse habitat where mitigation of effects for other state-important species (e.g., wintering big game) are not addressed but could be meaningful. We have repeatedly commented about this issue and have advised broader application of mitigation measures than just sage-grouse relative to the state's wildlife.

More specifically, we raise the possibility that some of the routes proposed in southeast Idaho (generally from the state line to Borah Substation) may intersect with private lands that have been enhanced for sharptail grouse using a portion of the Conservation Reserve Program called "State Acres for Wildlife Enhancement," (SAFE) in Power, Cassia, Bannock, Oneida, and Caribou counties. A map illustrating icons located on the centroids of each SAFE contract is attached. We request that BLM and the Proponents work with IDFG and the Natural Resources Conservation Service to further assess if routes do intersect any of the SAFE acreage. Because financial resources have been used to enhance these private lands for wildlife, primarily sharptail grouse, we request additional mitigation or compensation discussion if SAFE acres are affected.

The Idaho Sage-Grouse Task Force recommendations and Governor Otter's Alternative are discussed but not analyzed in the FEIS. IDFG offered to provide the habitat layers (core, important, and general) during our review of the AFEIS but we do not see evidence that the State's policy guidance for sage-grouse conservation was evaluated in the assessment of effects or mitigation recommendations. Please see the attached map for reference. A specific point to consider relative to evaluation of effects relative to the Idaho policy guidance of Governor Otter's alternative is that any loss of sage-grouse nesting or wintering habitat in core-designated habitat, regardless of ownership, is counted against the baseline for the habitat trigger.

The FEIS continues to state that IDFG, as a member of the interagency technical group, recommends the Habitat Equivalency Analysis (HEA) (page 3.11-25) as the analytical tool for

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mitigation. To date, the Department has not offered a policy recommendation regarding the HEA or any other mitigation tool or mitigation strategy for this project. Our role has been to offer our technical expertise and advice to BLM and the Proponents to help them develop a HEA and its outcomes, including mitigation proposals, that are technically grounded.

No monitoring or mitigation is proposed for indirect effects to sage-grouse or any other wildlife. IDFG recognizes that the indirect effects of tall structures and potential increased predation and depredation by raptors and ravens (for example) are not fully understood and we understand that is why indirect effects were not addressed in the HEA (also see Appendix D within Appendix C, IPC's 2008 letter to the USFWS concerning indirect effects). However, the lack of knowledge or understanding is not the same as the lack of effect. We continue to strongly suggest that an indirect effects monitoring component, potentially under an adaptive framework with the potential for compensatory mitigation, should be a requirement of the Record of Decision for this project. The issue of indirect effects as they pertain to sage-grouse was vetted by the HEA team on a couple of different occasions (see HEA team meeting minutes from December 2011 and March 2012). It is our recollection that BLM committed to work with the proponents to address the issue; however, we are unaware that any progress has been made.

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The proponents propose that sage-grouse habitat mitigation will be conducted using a fixed, in-lieu fee approach (Appendix C-3). The proponents did add a monitoring component but it is unclear what happens when monitoring determines mitigation isn't effective and the mitigation dollars are depleted. Because the HEA will provide a dollar figure estimate of cost to replace habitat services lost at a one-to-one mitigation ratio, it appears the benchmark (or currency) becomes dollars spent, not the actual acres of lost/impacted habitat mitigated or service restored. We reiterate that mitigation needs to include an effectiveness component. We are also concerned that the time lag between lost and restored services, particularly for habitat restoration projects, has not been adequately accommodated in mitigation discussion.

We are ambiguous about the respective proportions assigned by the proponents to regain lost services and the resulting adequacy/relevancy of projects (Appendix C-3): fence marking/removal (25%), sagebrush restoration (5%), seeding grasses and forbs (5%), juniper control (30%), and conservation easements (35%). We have previously commented to BLM and the Proponents about our perspective that conservation easements do not "regain" lost environmental services of habitat unless there is imminent threat to the habitat slated for conservation easement (i.e., if you are only protecting what is already there, you are not regaining something that was lost). We suggest the bulk of the mitigation effort should focus on strategically restoring and reconnecting sagebrush habitat (sagebrush restoration, seeding grasses and forbs, and juniper control) with an option for conservation easement on existing habitat imminently threatened by development or other land use.

Literature Cited

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.

Idaho, State of. 2012. Federal alternative of Governor C.L. "Butch" Otter for greater sage-grouse management in Idaho.

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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.

Section-Specific Comments:

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Gateway West Transmission Line Project FEIS Idaho Department of Fish and Game		
Commenter Initials	Document Section	Comment
IDFG	Table 2.7-1 and elsewhere	TESWL-4 indicates sensitive species nests, burrows, colonies, etc. will be flagged. This is not a currently acceptable means of marking or identifying a biological location.
IDFG	Table 2.7-1 and elsewhere	According to the table, EPMs TESWL-4 through TESWL 11 will not apply to State and private lands in Idaho. This could be problematic for species like Columbian sharp-tailed grouse given over half of the occupied habitat in southern Idaho occurs on private property. Failure to apply spatial and temporal EPMs on private and State lands could exacerbate project-related effects on sharp-tailed grouse and other species of conservation concern.
IDFG	3.10-8 and Table 3.10-1	Please clarify which definition of winter range, and subsequent big game winter range data set, was used in the analysis. Text on page 3.10-8 states "General winter range has certain year-long stipulations related to it that restrict certain types of development. Crucial winter range is closed to physical access during winter, though an exception process exists for certain activities. Designated general and crucial winter range (Wyoming) and winter range (Idaho) will be referred to collectively in this document as "winter range." We are unclear whether access to winter range in Idaho is subject to stipulations or physical closure. Further, footnote 2 on page 3.10-3 defines winter range as " <u>a portion of winter range...during the heaviest snow cover.</u> " It is unclear whether a subset of winter range data was used in the analysis based on this definition.
IDFG	3.10-45	The grassland fragmentation discussion is poorly worded and based on assumptions not supported by the analysis or literature.
IDFG	3.10-49	The analysis states "ROW maintenance would remove thermal and hiding cover...This habitat loss is not likely to have a substantial impact on big game populations, as this is a minor loss relative to

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Gateway West Transmission Line Project FEIS
Idaho Department of Fish and Game

Committer Initials	Document Section	Comment
<p>2013 JUL -2 AM 10:00 RECEIVED DOI-BLM CHEYENNE WYOMING</p>		<p>the amount of home range that big game species typically range over (usually hundreds of acres up to ten thousand acres). In addition, transmission line structures and access roads are not expected to affect the movement or distribution of big game species through fragmentation; big game will readily cross a double-track road or pass under a transmission line. Approximately 36 percent of the line is collocated with existing developments, which minimizes new disturbances by collocating the line in areas where existing lines already occur, thereby decreasing the potential impact of the Project on big game migratory movements.”</p> <p>This reasoning is problematic because it assumes 1) no impact occurred to big game movements when the existing developments were built, which in many (most) cases cannot be confirmed and 2) there’s no threshold of development at which continued big game movement is disrupted/ceases. In the absence of site-specific data or studies, the only way these statements can be substantiated is through pre- and post-construction monitoring.</p> <p>The analysis also states that a loss of habitat is minor relative to the amount of habitat available, implying that big game would likely shift use to other areas. This statement assumes suitable, unoccupied, and accessible habitat exists in close proximity. We are unaware these conditions occur.</p>
IDFG	3.11-27	The essence of the USFWS’s current listing decision was that Factor A (habitat fragmentation-fire) and Factor D (regulatory mechanisms) were significant threats to sage-grouse, resulting in the determination that listing was warranted. As such, it is unclear to us why the discussion of the listing decision is not more focused on Factors A and D, rather than mentioning habitat loss in the same context as non-significant factors like hunting (Factor B).
IDFG	3.11-27	We are troubled by the inference of the statement “Although there is concern regarding this species’ current status, hunting of this upland game-bird is still permitted by many states, including Idaho and Wyoming.” <u>We suggest removing the statement</u> because it has no bearing on the analysis of the environmental effects of a transmission line. The USFWS concluded that Factors A (habitat) and D (regulatory mechanisms) were significant threats to sage-grouse, resulting in their finding that listing was warranted. Hunting falls

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**Gateway West Transmission Line Project FEIS
Idaho Department of Fish and Game**

Committer Initials	Document Section	Comment
<p align="center">2013 JUL -2 AM 10:00 RECEIVED DOUGLAS CHEYENNE WYOMING</p>		<p>within Factor B (use). In regards to hunting as it relates to Factor B, the USFWS concluded: "The present level of hunting mortality shows no signs of being a significant threat to the species. However, in light of present and threatened habitat loss (Factor A) and other considerations (e.g., West Nile virus outbreaks in local populations), States and tribes will need to continue to carefully manage hunting mortality, including adjusting seasons and harvest levels, and imposing emergency closures if needed." IDFG has adjusted or closed its sage-grouse hunting season as needed throughout the years. In 1996 IDFG began to consistently make hunting seasons more conservative. In 2000, IDFG instituted a permit system to hunt sage-grouse and sharp-tailed grouse to allow us to better track and estimate harvest numbers. About the same time, we implemented "Sage-grouse Reporting Zones" which were defined based on known sage-grouse ecology and movements, topographical barriers, and administrative boundaries in some areas. In 2008, IDFG began to formally follow the hunting season and bag-limit guidelines in the Conservation Plan for the Greater Sage-grouse in Idaho (Idaho Sage-grouse Advisory Committee 2006). This process allows for annual evaluations at the local level that considers circumstances that can change annually.</p>
<p>IDFG</p>	<p>3.11 - 123</p>	<p>Please provide scientific rationale for determination that vegetation clearing is not expected to negatively affect bighorn sheep "due to the small amount of habitat affected compared to the large home ranges of this species, and the stimulation of forage growth that vegetation clearing could induce (i.e., clearing of shrubs can increase herbaceous species growth by increasing light penetration to ground surfaces)." This assertion assumes 1) soil disturbance associated with vegetation clearing will not create an environment for invasive annuals or other unwanted vegetation, 2) the affected habitat is not limiting so its loss will have little effect, and 3) suitable unoccupied habitat exists elsewhere. None of these assumptions can be supported.</p>

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**IDAHO NATIONAL GUARD
JOINT FORCE HEADQUARTERS
ENVIRONMENTAL MANAGEMENT OFFICE
4715 S. BYRD ST., BLDG 518
BOISE, IDAHO 83705-8095**



24 June, 2013

MEMORANDUM FOR RECORD

SUBJECT: **Gateway West Final EIS Comments.**

These comments are in addition to those identified in the 11 April, 2011 comment letter from COL Kelly, the 2 June, 2011 BLM/IDARNG meeting, and the 13 January 2012 draft EIS comments. As identified previously, the Idaho Army National Guard (IDARNG) has a federal mission to provide trained units available for active duty in time of war or national emergency. The IDARNG state mission is to protect life and property, and preserve peace, order and public safety when ordered by the Governor.

Based on these mission statements it is imperative that IDARNG continue to provide the best available training for US soldiers at the Orchard Combat Training Center (OCTC), previously referred to as the Orchard Training Area (OTA). As such, we feel that the Preferred Alternative for Route 8 would not adversely affect the IDARNG's ability to meet our training and readiness requirements. The comments below (Table 1) include past comments (highlighted) that have still not been addressed, as well as current comments for the Final EIS.

Table 1. Gateway West-Unaddressed Comments from Draft EIS.

Section-Page	Comments
Land Use 3.17-21 (Figure 3.17-3)	The OCTC is not identified, nor is the associated Airspace Restriction. This has still not been corrected.
2.1.1 Structure Lighting) Page. 2-11	The current power line poses a safety issue and reduces the overall area for training because they are not lighted. As such, The IDANG strongly recommends that the lighting standards be included in all alternatives as they relate to the area between Gowen Field and the OCTC (MP 90-108 roughly).
3.17-20 (Land Use and Recreation)	IDARNG training is only restricted in areas of 10% or greater canopy density in shrub communities per the 2008 RMP.

If you have any questions, or need additional information, please contact me at 208-272-4180 or Charles.w.baun.nfg@mail.mil.

Sincerely,

Charlie Baun
Conservation Branch Manager
Idaho Army National Guard

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C. L. "Butch" Otter
governor

Nancy C. Merrill
director

Tamara Humiston
deputy director

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IDAHO PARK AND RECREATION BOARD
.....

Tom Crimmins
region one

Randy Doman
region two

Susan Buxton
region three

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street address
5657 Warm Springs Avenue

www.parksandrecreation.idaho.gov

June 12, 2013

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

RE: Gateway West Transmission Line Project FEIS

Dear Planning Team:

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

The IDPR is a duly-established executive department of the State of Idaho. Idaho Code §§ 67 2402(1) and 67 4222(a). The IDPR, acting under the supervision of the Idaho Park and Recreation Board, carries out recreational policies and programs of the State of Idaho. Idaho Code §§ 67 4221 and 67 4222. The IDPR is authorized by state statute to prepare and keep current a "Statewide Comprehensive Outdoor Recreation and Tourism Plan" referred to as "SCORTP," for the protection and maintenance of areas of scenic beauty, recreational utility, historic, archeological, or scientific interest for the enjoyment of the people. Idaho Code §§ 67 4219 and 67 4223(h). Consistent with these authorities, the Department participates in BLM land project planning to further the public interest in recreational, scenic, and historical/archeological values.

Our staff provided comments during the scoping period in 2008. We also provided comment during the DEIS Comment period in June 2011.

The FEIS is a huge improvement over the DEIS. We appreciate the additional visual analysis done for Bruneau Dunes State Park. Bruneau Dunes State Park is a special place. The park boasts the tallest single-structured sand dune in North America with a peak rising 470 feet above the surrounding desert floor. Visitors are able to explore the dunes in hiking boots or on skis or snow board; fish for bluegill in the lakes; unlock the mystery of the desert with a breathtaking hike or horseback ride; plan a group picnic or visit the Bruneau Dunes Observatory and gaze at the night sky through the Observatory's collection of telescopes. Visual Quality is a high visitor value for the park.

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The proposed power line will impact the visual quality of the park. How much of an impact it will have depends on where the power line will be constructed.

Alternative 9E (BLM Preferred) only passes by the park on the southern boundary. Alternative 9D (Owyhee County Preferred) passes by the park on the southern boundary and the eastern boundary. Alternative 9D has a greater visual impact on Bruneau Dunes State Park than Alternative E. The power line will have to be micro sited to lessen the visual impacts to Bruneau Dunes State Park and other recreation facilities along Alternative D's route. It also appears that Alternative 9D would impact more private property owners in Elmore and Ada Counties.

Another issue that will have to be addressed is the lighting to the power line towers for the U.S. Air Force Aircraft traveling to the Saylor Creek Range. Lighting of the towers can potentially impact Dunes night sky viewing opportunities. We are confident by working with the U.S. Air Force and Idaho Power; we can find a solution that minimizes the impacts to Bruneau Dunes telescopes and night viewing opportunities.

The Idaho Department of Parks and Recreation prefers a route (Alternative 9E) that minimizes impacts to Bruneau Dunes State Park. Our staff appreciates the efforts BLM and Idaho Power have made addressing our concerns throughout this planning process.

If the planning team has any questions about our comments, please contact Jeff Cook, Outdoor Recreation Analyst at (208) 514-2483.

Sincerely,



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

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Office of Energy Resources
P.O. Box 83720
Boise, ID 83720-0199

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

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From: Gateway BLM
Sent: Tuesday, July 02, 2013 12:07 PM
To: Gateway BLM
Subject: FW: FW: Gateway West Transmission Final EIS
Attachments: Gateway comments 2013.docx

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

From: **John Chatburn** <John.Chatburn@oer.idaho.gov>
Date: Mon, Jul 1, 2013 at 8:58 AM
Subject: FW: Gateway West Transmission Final EIS
To: "walt_george@blm.gov" <walt_george@blm.gov>
Cc: "Gayle Batt (gbatt@house.idaho.gov)" <gbatt@house.idaho.gov>, Scott Pugrud <Scott.Pugrud@oer.idaho.gov>

Walt, here are some comments from Representative Batt.

From: Representative Gayle Batt [mailto:gbatt@house.idaho.gov]
Sent: Monday, July 01, 2013 7:22 AM
To: John Chatburn
Subject: Gateway West Transmission Final EIS



Idaho House of Representatives

Legislature.Idaho.Gov

John,

Please find attached comments for the Gateway West Transmission Final EIS.

Thanks.

Gayle L. Batt

Representative, District 11

Idaho State Legislature

June 28, 2013

Walt George, Project Manager

Gateway West Transmission Line Project

Bureau of Land Management

P.O. Box 20879

Cheyenne, WY 82003

RE: Gateway West Transmission Line Project Final EIS

Thank you for the opportunity to comment on the Final Environmental Impact Statement (FEIS) for the Gateway West Transmission Line Project. Constituents in my Legislative District include those in the Melba, Idaho community, that are very concerned about the proposed alternative route for the transmission line.

Residents of Melba and its surrounding community have been actively engaged in the public comment and collaborative processes and continue to educate themselves on the proposed plans. Please understand that there is great frustration with BLM not choosing to site the transmission line on Federal land. If not sited on federal land, the transmission line poses the threat of dividing up productive farmland, land that produces the economic foundation for this community. The Melba area offers global and local seed companies considerably large tracts of farmable acres suitable specifically for the production of seed crops. The essential growing traits for seed crops present in this area include fertile soil, a reliable source of affordable irrigation water, open airspace ideal for aerial applicators, level fertile soil, proper climate and length of growing season and very necessary pollination isolation from other crops. The combination of growing conditions unique to this growing region needs to be taken into consideration.

Page 2

I do believe the greatest slap in the face to my constituents and those around the negotiating table, was to have BLM in Washington, D.C., choose NOT to implement the consensus routes that resulted from collaboration of diverse stakeholders. Working in the natural resource policy arena, I learned firsthand the rarity of consensus on resource issues. These collaborative processes take significant, time, energy and financial resources, and rarely end in success. What a shame for BLM, one who encourages such collaboration, to infer these stakeholders and their on the ground input do not matter.

On a final note, it appears that no good deed goes unpunished. I do believe that choosing not to site on the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP-NCA) will send a loud message to the power companies and others, who may in the future have the opportunity to provide enhancements on federal land, to say, “No thanks.” Without Idaho Power’s commitment to better this state through endowments and enhancements such as the SRBOP-NCA, the conservation area would not exist. Their dedication to the habitat for these creatures is now biting them in the behind, and potentially costing them, the ratepayers and the private landowners dearly.

I have appreciated the forums in our communities and the multiple opportunities to provide comments. In the end, if on the ground information and collaborative processes are not taken into serious consideration, then the efforts of your agency and staff and the intent of the NEPA comment process will be for not.

Respectfully submitted,

Gayle L. Batt

State Representative District 11A, Idaho Legislature



House of Representatives State of Idaho

June 28, 2013

Walt George, Project Manager

Gateway West Transmission Line Project

Bureau of Land Management

P.O. Box 20879

Cheyenne, WY 82003

RE: Comments on the Gateway West Transmission Line Project Final Environmental Impact Statement

Dear Mr. George:

Thank you for the opportunity to review and comment on the Final EIS of the Gateway West Transmission Line Project. The size and complexity of this project makes it difficult to digest.

However, I have reviewed the FEIS, discussed the documents with several of the stakeholders in person and at some of the public meetings, as well as reviewed several drafts of proposed comments from interested parties.

There appears to be a common theme supported by the individual citizens, the cities, the counties and the State of Idaho, particularly as it relates to the small segment impacting my local area of interest: retaining the originally agreed upon alignment of Segment 8 is in the best interests of the community impacted here.

I am also aware that you have received detailed comments from the various entities impacted including individual citizens, cities, counties and the State of Idaho and will not attempt to restate that data. Please do give careful consideration to those details as you make this very important decision.

It does seem imperative that BLM not ignore the input of property owners, individual citizens, indeed the numerous stakeholders who have dedicated years in a collaborative effort. If this were to occur, it would potentially damage the scenic values of our land, unnecessarily impact agricultural operations, impose additional costs on the private citizens, disrupt on-going city plans, as well as negatively

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influence the finances of agencies of government at several levels.

Utilizing existing alignment of the transmission lines seems financially and operationally prudent. Also, although the report is extensive, it does not seem to have given adequate consideration to the extensive BLM and State of Idaho work regarding Sage Grouse.

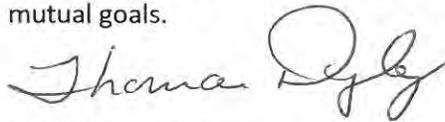
Even though your decision can only be made regarding the use of public lands, your decision will have a dramatic and direct impact on how private land can and will ultimately be used. For example, it appears the FEIS does not adequately consider how the decisions will fiscally and physically impact the cities of Kuna and Melba.

It is my understanding that the federal public lands were set aside for general public use. In the land-use mix, private, local and state entities in Idaho have very limited land. It seems to me that when large tracts of federal public land are available, as is the case with the decision under consideration, every care should be given to using those lands for this sort of important public purposes. BLM indirect or direct restriction of the several necessary uses of the very limited private and state lands seems to violate the spirit if not the essence of why the federal government originally dedicated those lands to state and private use.

I would respectfully request that this, and every federal agency, when considering the use of their 63% of the State of Idaho, give due deference to private and state land by allowing the remaining limited land to be effectively managed as designed: a trust for the education of our children, to protect fish and wildlife for our quality of life, to preserve our scenic areas, and to expand the private economic base in order to maintain an adequate standard of living for our citizens.

In short, the BLM should use federal land for the Gateway Project to the maximum extent possible thus limiting the negative impact on the remaining very small tracts of state and private land.

Again, thank you for the opportunity to give these comments on the Gateway West Transmission Line Project Final Environmental Impact Statement. I look forward to working with you to accomplish our mutual goals.



Idaho State Representative Thomas Dayley

District 21 B

2013 JUL -1 AM 10:00
RECEIVED
DOI-BLM
CHEYENNE WYOMING



THOMAS E. DAYLEY
HOUSE OF REPRESENTATIVES
STATE OF IDAHO

4892 S. WILLANDRA WAY
BOISE, IDAHO 83709



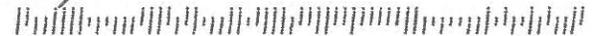
BOISE ID 837

27 JUN 2013 PM 1 L



WALT GEORGE, PROJECT MANAGER
GATEWAY WEST TRANSMISSION LINE PROJECT
BUREAU OF LAND MANAGEMENT
P. O. Box 20879
CHEYENNE, WY 82003

82009+7016



3/3

From: jmclain@blm.gov on behalf of [Gateway West Trans Line, BLM WY](#)
To: blm@gwcomment.com
Subject: Fwd: Gateway West Transmission Line Project
Date: Monday, July 01, 2013 10:18:20 AM

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

From: **milton nielsen** <catcher1956@yahoo.com>
Date: Fri, Jun 28, 2013 at 4:12 PM
Subject: Gateway West Transmission Line Project
To: "Gateway_West_WYMail@blm.gov" <Gateway_West_WYMail@blm.gov>

Dear Sir, I'm Representative Pete Nielsen District 23B of The Idaho House of Representatives sending in my comments on the Gateway West Transmission Line Project. I'm in support of the GWTLTP as stated in the letter dated March 28, 2013 by the Owyhee County Task Force under the signature of Frank Bachman, chairman. And in addition I would like to enter the following comments. Under Snake River Birds of Prey National Conservation Area in the State of Idaho Public Law 103-64 Sec. 3 (a) 2 states " The purposes for which the conservation area is establish, and shall be managed, are to provide for the conservation, protection. and enhancement of raptor populations and habitats and the natural and enviromental resources and values associated therewith,and of the scientific, cultural, and educational resourses and values of the public lands in the conservation area. The GWTLTP will actually fit very nicely into this area when looked at through the eyes of the birds of prey. What better place could they have in making their nests and rasing their young from man and natural predators than the tops of the electrical towers without any danger of electrical shock in their goings and comings. These towers are constructed so that any birds of prey in this area will not be killed by electrical shock. From these towers the birds of prey have excellent access to their food supplies whether on close by irrigated farms or the desert itself. This certainly will be an enhancement through the eyes of the birds of prey and to us humans because there will be many more birds for viewing and enjoying. Nothing has been done to create harm to their habitats. In fact the birds will take advantage of these towers and include them quite naturally into their habitats and the same goes for the natural and enviromental resources by the birds having a better access and use of this area. The food supply will remain intact in the local area and in the close by farming area the supply there will not grow smaller because of farm ground being take out of production by the GWTLTP. The birds will actually benefit a great deal and really isn't that why this area was created in the first place. The scientific, cultural, and educational resources and values of the public lands in the conservation area are also enhanced when viewed and taught how man and animals can live very nicely together enhancing the whole namely the Birds of Prey and the GWTLTP.

Respectfully,
Pete Nielsen 22B Representative

Final EIS Comment Form

Gateway West Transmission Line Project

Final EIS comment period: April 26, 2013 - June 28, 2013

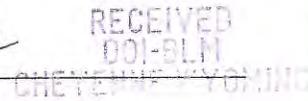


2013 JUN 24 AM 10:00

Date: June 21, 2013

First Name: Bert

Last Name: Bradlett



Organization or Office Name: Idaho State Senator

Mailing Address: 48331 Three Cn Highway

City: Rogerson State: Id Zip: 83302

Daytime Phone: 208-857-2217

Email: bbradlett@senate.idaho.gov

Please check here if you wish for your personal information to remain confidential*

*If you wish for your contact information to remain confidential, BLM will protect the personal information that you submit to the extent allowed by law. However, the information may be subject to the Freedom of Information Act (U.S.C. etc.). See privacy note on reverse.

Please submit your comments by **June 28, 2013**. Information submitted on this form is being voluntarily provided solely for the purpose of commenting on the Gateway West Transmission Line Project.

Comment:

See attached letter

To mail this comment form please send to:

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

Comments may also be submitted via email to: Gateway_West_WYMail@blm.gov or online at www.wy.blm.gov/nepa/cfdocs/gateway_west

continued on back



BLM

1/2



Idaho State Senate 2013 JUN 24 AM 10:00

SENATOR BERT BRACKETT

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I am very disappointed that the BLM chose a route for Segment 9 that generally avoids crossing the Birds of Prey NCA. Instead they propose to go through irrigated private land and on sage grouse habitat. By co-locating along the existing transmission line through the Birds of Prey, the proposed line could avoid both the majority of private land and sage grouse habitat. This was the consensus route developed by the local resident and local and state BLM officials.

When the Birds of Prey NCA was created it was contemplated that transmission lines could cross the area and that it would be compatible with the Birds of Prey designation. The creation of the Birds of Prey NCA was generally supported by the local residents so it is now very disingenuous to put it off limits to uses that were contemplated when it was created.

If the line is placed on either of the other alternatives, it will have a negative cultural and economic impact on the private land or will have a negative impact on sage grouse.

The governor's sage grouse task force recommends co-locating with existing transmission lines and avoiding sage grouse habitat, so it is disappointing the BLM would ignore the recommendations of the task force even after the Fish and Wildlife Service has written a concurrence letter on the plan.

I do support the proposal to do a phased decision approach on segments of the line. That would give more time to overcome objections to co-locating the line through the Birds of Prey and also more time to survey a crossing on the Snake River.

If you are sincere about considering input from the locals, you must sincerely consider the consensus proposal through the Birds of Prey.

Thank you for the opportunity to comment and I trust you will do the right thing by Owyhee County.

Sincerely,


Senator Bert Brackett



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DO-HEALTH
CHEYENNE WY 82003

C.L. "BUTCH" OTTER
GOVERNOR

June 27, 2013

Walt George, Project Manager
Bureau of Land Management
Wyoming State Office
P.O. Box 1828
Cheyenne, WY 82003

RE: Governor's Consistency Review: Final Environmental Impact Statement for the Gateway West Transmission Line Project in Idaho and Wyoming

Dear Walt,

The State of Idaho has reviewed the *Final Environmental Impact Statement (EIS) for the Gateway West Transmission Line Project* and proposed land use plan amendments for several Bureau of Land Management (BLM) planning areas and U.S. Forest Service (USFS) National Forest units, published on April 26, 2013 and submitted to the State for a 60-day Governor's Consistency Review.¹

The enclosed response identifies several points of inconsistency between the BLM's Preferred Alternative for the proposed project and State laws, plans, policies and programs. This response is specific to the Preferred Alternative as it relates to Idaho and its political subdivisions, and contains recommendations designed to achieve consistency.

The Governor's Consistency Review is an important part of the process for the creation, revision and amendment of BLM National Environmental Policy Act reviewed plans, as it represents the final opportunity to achieve a real planning and plan implementation partnership between the state and the BLM. Pursuant to the Federal Land Policy and Management Act (FLPMA), and BLM regulations, BLM is required to accept the recommendations if they "provide for a reasonable balance between the national interest and the state's interest."² Idaho and the BLM, through hard work and unbiased review of the facts, have been able to achieve consistency on many planning issues in the past.

Sage-Grouse

I submitted an alternative to BLM for inclusion in the National Greater Sage-Grouse Planning Strategy (Governor's Alternative). The Governor's Alternative was developed utilizing a diverse

¹ 43 C.F.R. Section 1610.3-2.
² 43 C.F.R. Section 1610.3-2(e)



group of stakeholders including individuals representing agricultural interests, energy or mineral development interests, local sage-grouse working groups, recognized environmental organizations, recognized wildlife or sportsmen's groups, State elected officials, county elected officials, or representatives of the public at large (collectively the sage-grouse task force). The sage-grouse task force was assisted by State and federal agencies, including the Idaho Department of Fish and Game, Idaho Office of Species Conservation, Idaho Department of Lands, Idaho Office of Energy Resources, Idaho State Department of Agriculture, Idaho Department of Parks and Recreation, United States Fish and Wildlife Service, the Bureau of Land Management and the Natural Resources Conservation Services. The sage-grouse task force was formed in response to an invitation from the Secretary of Interior.³

As you know, the Governor's Alternative has important differentiations for sage-grouse management and is a more accurate description of potential sage-grouse habitat than the alternative offered by BLM and incorporated into the Gateway West Final EIS.⁴ BLM's failure to recognize the Governor's Alternative is highlighted by its willingness to recognize and adhere to the Greater Sage-Grouse Core Area Protection from Wyoming's gubernatorial Executive Order 2011-5.⁵ BLM's failure to incorporate the Governor's Alternative into the Gateway West Final EIS is problematic and inconsistent with Idaho's laws, plans, policies and programs.

Any action by BLM that contradicts the Governor's Alternative is inconsistent with Idaho Code. Specifically, the State asserts primacy over the management of its fish and wildlife.⁶ The State requests that BLM recognize and adhere to the Governor's Alternative and incorporate it into any decisions regarding the Gateway West Transmission Line Project. This includes, but is not limited to, recognition of habitat designations and management practices for building infrastructure in sage-grouse habitat.

Local Land Use Planning Act (LLUPA)

LLUPA was passed in by the Idaho State Legislature in 1975 and is codified in Title 67, Chapter 65 of Idaho Code. LLUPA allocates responsibility for zoning and planning to local governments by requiring the development of a comprehensive plan. According to code, "the plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, desirable goals and objectives or desirable future situations for each planning component."⁷

BLM, in the Final EIS, acknowledges that LLUPA requires every city and county to establish local planning procedures and land use regulations.⁸ Cassia County, Owyhee County and Power County have either a special use permitting process or Electrical Transmission Corridors that were enacted by ordinance pursuant to LLUPA. These ordinances affect the siting of

³ E.O. 2012-2

⁴ The Governor's Alternative is available for review at: <http://fishandgame.idaho.gov/public/wildlife/?getPage=310>.

⁵ See Appendix J, Gateway West Final EIS

⁶ 67-818(5) Idaho Code

⁷ 67-6508 Idaho Code

⁸ See 3.17-12, Gateway West Final EIS



transmission lines in those jurisdictions. However, BLM failed to acknowledge or incorporate any specific information that would recognize these ordinances in the Final EIS. By ignoring them, BLM acted in contravention of State and local policies and authorities granted under LLUPA.

The Final EIS states that BLM's Preferred Alternative for Route 8 is 8B, which affects both the City of Kuna and the City of Melba and is inconsistent with their comprehensive plans. If this route is carried forward to the Record of Decision, Kuna will suffer significant harm in attempting to build and develop real estate within its Area of Impact.⁹ Idaho law allows for Areas of City Impact in order to plan for future development.¹⁰ Moreover, BLM's Preferred Alternative conflicts with Melba's Comprehensive Plan because the city's natural growth will be directly in the path of proposed transmission lines if Route 8B is constructed where it is currently proposed. In fact, Segment 8B's study corridor bisects Melba's current city limits.¹¹

Comprehensive land use planning and growth management is central to Idaho's social and economic stability. While the State recognizes the importance of energy infrastructure development, it is important that BLM recognizes the need to balance that development with other elements unique to local jurisdictions by placing such infrastructure on federal land to the greatest extent practicable. Idaho requests that BLM reconsider its decision to place such significant portions of its Preferred Alternative in areas that severely affect the local economy.

Private Property

It is a long-established policy in Idaho to protect the private property rights of the citizens in our state.¹² BLM's Preferred Alternative for the Gateway West Transmission Line project significantly infringes on private property in Ada, Canyon, Cassia, Owyhee and Power counties. This interference includes harm to high-quality agricultural lands and future development. Idaho's laws, policies and plans are intended to protect private property from unjust and unnecessary interference.

While BLM only has authority to route transmission lines on federal land, it is unrealistic to claim that those decisions do not directly affect where transmission lines will be built on private property.¹³ The reality is that when BLM and USFS grant rights-of-way on public land, their decisions dictate the location of the transmission line on private property. This is particularly challenging when BLM and USFS refuse to cooperate in siting energy infrastructure on federal land, as is the case with BLM's Preferred Alternative in several different areas. It is the policy of Idaho to encourage the protection of prime agricultural, forestry and mining lands and land uses

⁹ The City of Kuna's Comprehensive Plan Map is available for review at <http://www.cityofkuna.com/P&Z%20Documents/MAPS/COMP%20PLAN%20RECONSIDERATION.pdf>

¹⁰ See 67-6526 Idaho Code

¹¹ See Appendix A, Figure A-10, Gateway West Final EIS

¹² 67-6502(a) Idaho Code

¹³ See Section 1.6, Gateway West Final EIS, p. 1-36.

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Gateway West Consistency Review
June 27, 2013
Page 4

for production of food, fiber and minerals, as well as the economic benefits they provide to the community.¹⁴

There is a simple way for BLM to resolve issues surrounding the inconsistencies with Idaho's laws, plans, policies and programs – it must reconsider its Preferred Alternative and place energy infrastructure on federal land to the greatest extent practicable. At a minimum, the State supports BLM reevaluating its Preferred Alternatives for Segments 8 and 9 to assess the decision to ignore the consensus routes through the Snake River Birds of Prey Area.

The State of Idaho appreciates the opportunity to submit this consistency review. The State is fully prepared to resolve the identified inconsistencies with the BLM, as required by federal law and regulation. Please contact John Chatburn, Administrator, Idaho Office of Energy Resources, at (208)332-1660 or john.chatburn@oer.idaho.gov with any questions or concerns.

As Always – Idaho, “Esto Perpetua”



C.L. “Butch” Otter
Governor of Idaho

Cc: Idaho Congressional Delegation

¹⁴ 67-6502(e) Idaho Code

2013 JUL -2 AM 10:00
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STATE CAPITOL
BOISE, IDAHO 83720

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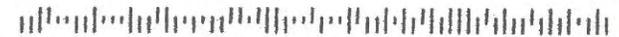


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Walt George, Project Manager
Bureau of Land Management
Wyoming State Office
P.O. Box 1828
Cheyenne, WY 82003

EUP-888 82003



5/5

From: jmclain@blm.gov on behalf of Gateway_West_Trans_Line, BLM_WY
[blm_wy_gateway_west_trans_line@blm.gov]
Sent: Thursday, February 14, 2013 12:49 PM
To: blm@gwcomment.com
Subject: Fwd: Governor's Letter re: Gateway West Transmission Line
Attachments: 20121010161347299.pdf

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

From: **Gateway_West_Trans_Line, BLM_WY** <blm_wy_gateway_west_trans_line@blm.gov>
Date: Thu, Feb 14, 2013 at 1:48 PM
Subject: Fwd: Governor's Letter re: Gateway West Transmission Line
To: blm@gwcomment.com

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

From: **Stephen Goodson** <Stephen.Goodson@gov.idaho.gov>
Date: Wed, Oct 17, 2012 at 11:23 AM
Subject: Governor's Letter re: Gateway West Transmission Line
To: stephen.goodson@gov.idaho.gov

I apologize if you are receiving this email for a second time.

Stephen Goodson

Special Assistant for Energy and Natural Resources

Office of Governor C.L. "Butch" Otter

208.334.2100

stephen.goodson@gov.idaho.gov



Sign up to receive [regular updates](#) from Governor Otter



C.L. "BUTCH" OTTER

Governor

October 10, 2012

The Honorable Ken Salazar
Secretary of Interior
Department of Interior
1849 C St. NW
Washington, DC 20240

Re: Gateway West Transmission Line

Dear Secretary Salazar,

I am requesting that you direct Acting Bureau of Land Management (BLM) Director Mike Pool, BLM's National Landscape Conservation System (NLCS) Director Carl Rountree, and other relevant decision makers from the BLM headquarters to travel to Idaho to review the BLM's preferred alternative for the Gateway West Transmission Line Project with state and local officials as soon as possible, but no later than mid-November.

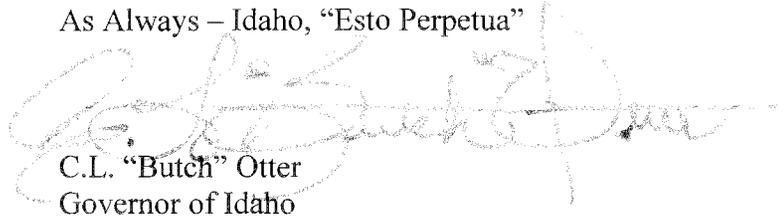
Mr. Secretary, I understand the need to move expeditiously for the sake of a necessary transmission project. However, the state, local officials and citizens of Idaho have a substantial interest in the placement of this transmission line and it is imperative that BLM decision makers receive additional input as soon as possible. In particular, it is important to discuss the preferred alternative routes for segments 8 and 9, which significantly infringe on private property in Idaho.

The BLM did not include a designated preferred alternative in the draft Gateway West Environmental Impact Statement (EIS). Instead, it directed interested stakeholders to work together in determining the "correct" route. Despite the state's objection to the absence of a preferred alternative in the draft EIS, state agencies, local governments, citizens of Idaho, state and local BLM staff, and staff from the Morley Nelson Birds of Prey National Conservation Area participated in a successful, collaborative effort to identify and propose a consensus route. Ultimately, BLM headquarters chose to disregard these collaborative efforts and selected preferred alternative routes that do not have the support of the state, local communities, or state and local BLM staff. In so doing, BLM headquarters ignored two years of collaborative effort and its own justification for not including a designated preferred alternative in the draft EIS.

Honorable Ken Salazar
October 10, 2012
Page 2

Thank you for your immediate attention and consideration of this matter. Please direct the relevant parties at BLM headquarters to contact my office at their earliest convenience. I look forward to meeting with Acting Director Pool, Director Rountree and other relevant decision makers before mid-November.

As Always – Idaho, “Esto Perpetua”



C.L. “Butch” Otter
Governor of Idaho

- Cc: Idaho Congressional Delegation
- Ada County
- Canyon County
- Owyhee County
- City of Kuna
- City of Melba
- Acting Director Mike Pool
- Director Carl Rountree
- Deputy Secretary David Hayes
- Counselor to the Secretary, Steve Black
- BLM State Director Steve Ellis
- Walt George, Gateway West Project Manager

You - I've enclosed a Birds of Prey ticket for you. Hope you get a chance to see it.
Butch

Encounter live birds of prey
Explore the world of raptors
through interactive displays
and multi-media shows
Browse the gift shop
Voted one of "Brace's Best
Attractions"



WORLD CENTER
FOR BIRDS OF PREY

ADMIT ONE FREE

From: info@gatewaywesteis.com
To: [Gateway BLM](#)
Subject: A final EIS comment from gatewaywesteis.com
Date: Wednesday, May 08, 2013 7:48:59 AM

A final EIS comment from gatewaywesteis.com.

Name:

Robert McKim

Organization:

Wyoming, State of

Mailing Address:

State Capitol

Mailing Address 2:

Transportation, Highways and Military Affairs

City:

Cheyenne

State:

WY

Zip:

82002

Daytime Phone:

3077777852

E-mail:

robert.mckim@wyoleg.gov

Confidential:

False

EIS Chapter:

Section Number:

Page Number:

Comment:

I wish to express my objection to the proposed path in the Southwestern, western part of the line near Cokeville, Wy. The transmission lines are being placed near the small community residences while alternate land has been made to run the line at a distance from the town. I do not feel this is in the best interest of the people of Cokeville, Wy. and request you consider working with the land owners on their proposal.

MATTHEW H. MEAD
GOVERNOR



STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

June 28, 2013

Donald A. Simpson, State Director
Bureau of Land Management
Wyoming State Office
P.O. Box 1828
Cheyenne, WY 82003-1828

RE: Governor's Consistency Review: Final Environmental Impact Statement for the Gateway West Transmission Line Project

Dear State Director Simpson,

I appreciate the opportunity to make Consistency Review comments on the Final Environmental Impact Statement for the Gateway West Transmission Line Project (FEIS).

The EIS has been under environmental review for a number of years. No inconsistencies between the FEIS and state plans or policies were identified. This alternative meets the needs of Rocky Mountain Power while protecting the interests of Wyoming. I appreciate the work of the Bureau of Land Management and cooperators in coming to this result.

As part of my review, my office sought comments from affected counties and conservation districts. I received comments from Lincoln and Sweetwater counties. I have included those comments as part of this review (Attachments 1 and 2).

Sincerely,



Matthew H. Mead
Governor

MHM:md

Encls. Attachment 1: Lincoln County Consistency Review Comments
Attachment 2: Sweetwater County Consistency Review Comments

cc: Walt George, BLM Project Manager



Board of Lincoln County Commissioners

Paul C. Jenkins,
Chairman
 Thayne, Wyoming 83127

T. Deb Wolfley
 Fairview, Wyoming 83119

Kent Connelly
 Kemmerer, Wyoming 83101

925 Sage Avenue, Suite 302, Kemmerer, WY 83101 Phone: 307-877-2004 Fax: 307-877-4237
 Email: commission@lccwy.org

June 6, 2013

Governor Matt Mead
 State Capitol, 200 West 24th 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

BOARD OF COUNTY COMMISSIONERS

SWEETWATER¹⁰¹⁰¹⁸
C·O·U·N·T·Y **R**

- o **WALLY J. JOHNSON, CHAIRMAN**
- o **JOHN K. KOLB, COMMISSIONER**
- o **GARY BAILIFF, COMMISSIONER**
- o **REID O. WEST, COMMISSIONER**
- o **DON VAN MATRE, COMMISSIONER**

80 WEST FLAMING GORGE WAY, SUITE 109
GREEN RIVER, WY 82935
PHONE: (307) 872-3890
FAX: (307) 872-3992

Tuesday, June 4, 2013

Governor Matthew Mead
Wyoming State Capitol
Cheyenne, WY 82002

RE: Sweetwater County's Comprehensive Plan Consistency Review of the Gateway West Transmission Line Project Final Environmental Impact Statement (FEIS).

Dear Governor Mead:

Thank you for the opportunity to provide your office comments regarding the Gateway West Transmission Line Project FEIS. As a result of Sweetwater County's review of this FEIS, the County supports the Bureau of Land Management's (BLM) Preferred Alternative Route across Sweetwater County. To ensure that the selected route addresses the County's socio-economic, permitting and land use concerns, Sweetwater County welcomes the opportunity to work with the BLM, the State of Wyoming and Rocky Mountain Power through the required Wyoming Industrial Siting Council and the Sweetwater County Development Code permitting processes.

Since Sweetwater County is a neighbor to Lincoln County and both counties are members of the Coalition of Local Governments, Sweetwater supports the Coalition of Local Government's "PROTEST OF THE PROPOSED LAND USE PLAN AMENDMENTS REGARDING THE GATEWAY WEST TRANSMISSION LINE PROJECT" and strongly encourages the BLM to select a route through Lincoln County that is approved by the Lincoln County Board of County Commissioners. This position is backed by many Sweetwater County residents who work, recreate and own property in Lincoln County.

If you have any questions concerning this letter, please contact me at 307-872-3897.

Sincerely,



Wally J. Johnson, Chairman
Sweetwater County Board of County Commissioners

- cc Jerimiah Rieman, Natural Resource Policy Advisor, Governor's Office
Colin McKee, Energy Policy Analyst, Governor's Office
Don Simpson, Director, BLM Wyoming State Office
Mark Storzer, District Manager, BLM High Desert District
Dennis Carpenter, Area Manager, BLM Rawlins Field Office
Lance Porter, Area Manager, BLM Rock Springs Office
Jeromy Caldwell, Area Manager, BLM Kemmerer Office
Sweetwater County Board of County Commissioners

Paul Jenkins, Lincoln County Board of County Commissioners
Temple Stoellinger, Natural Resource Attorney, WCCA
Kent Connelly, President, Coalition of Local Governments
Connie Brooks, Attorney, Coalition of Local Governments
Mary Thoman, President, Sweetwater County Conservation District
Eric Bingham, Director, Sweetwater County Land Use Department

From: jmclain@blm.gov on behalf of [Gateway West Trans Line, BLM WY](#)
To: blm@gwcomment.com
Subject: Fwd: Gateway West FEIS Comments from Sweetwater County WY
Date: Tuesday, May 21, 2013 3:27:27 PM
Attachments: [Gateway West Final EIS Comments Sweetwater County WY 5-16-2013.pdf](#)

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

From: **Mark Kot - Planning and Zoning** <kotm@sweet.wy.us>
Date: Thu, May 16, 2013 at 3:39 PM
Subject: Gateway West FEIS Comments from Sweetwater County WY
To: "[Gateway West WYMail@blm.gov](mailto:Gateway_West_WYMail@blm.gov)" <[Gateway West WYMail@blm.gov](mailto:Gateway_West_WYMail@blm.gov)>, "Walt George (wgeorge@blm.gov)" <wgeorge@blm.gov>
Cc: "jerimiah.rieman@wyo.gov" <jerimiah.rieman@wyo.gov>, "colin.mckee@wyo.gov" <colin.mckee@wyo.gov>, "dsimpson@blm.gov" <dsimpson@blm.gov>, "Mark Storzer (mstorzer@blm.gov)" <mstorzer@blm.gov>, "Dennis Christensen (hchris@wyoming.com)" <hchris@wyoming.com>, "jeromy_caldwell@blm.gov" <jeromy_caldwell@blm.gov>, Lance Porter <l50porte@blm.gov>, Sally Shoemaker <shoemakers@sweet.wy.us>, "Paul Jenkins (pjenkins@lcwy.org)" <pjenkins@lcwy.org>, "Temple Stoellinger (tstoellinger@wyo-wcca.org)" <tstoellinger@wyo-wcca.org>, "Kent Connelly (kconnelly@lcwy.org)" <kconnelly@lcwy.org>, "Constance E. Brooks (connie@cebrooms.com)" <connie@cebrooms.com>, Mary Thoman <m_thoman@hughes.net>, Eric Bingham - Planning and Zoning <binghame@sweet.wy.us>

Thursday, May 16, 2013

Dear Walt:

Attached for your review are Sweetwater County's comments regarding the Final EIS for the Gateway West Transmission Line.

If you have any questions, please contact Wally J. Johnson, Chairman, Sweetwater County Board of County Commissioners at 307-872-3897.

Sincerely,

/s/

Mark Kot

Sweetwater County Public Lands Planner

80 West Flaming Gorge Way

Green River, WY 82935

Telephone: 307-872-3917

Fax: 307-872-3991

email: kotm@sweet.wy.us

- **WALLY J. JOHNSON, CHAIRMAN**
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- **GARY BAILIFF, COMMISSIONER**
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GREEN RIVER, WY 82935
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Thursday, May 16, 2013

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

RE: Sweetwater County’s comments on the FEIS for the Gateway West Transmission Line Project.

Dear Mr. George:

As a result of its review of the Final Environmental Impact Statement (FEIS) for the Gateway West Transmission Line Project, Sweetwater County supports the Bureau of Land Management’s (BLM) Preferred Alternative Route across Sweetwater County. In order to ensure that the selected route addresses the County’s socio-economic, permitting and land use concerns, Sweetwater County welcomes the opportunity to work with the BLM, the State of Wyoming and Rocky Mountain Power through the required Wyoming Industrial Siting Council and the Sweetwater County Development Code permitting processes.

Since Sweetwater County is a neighbor to Lincoln County and both counties are members of the Coalition of Local Governments, Sweetwater strongly encourages the BLM to select a route through Lincoln County that is approved by the Lincoln County Board of County Commissioners. This position is backed by many Sweetwater County residents who work, recreate and own property in Lincoln County. Sweetwater County will strongly support the Lincoln Board of County Commissioners preferred route for the Gateway West Transmission Line through Lincoln County.

Since the Coalition of Local Governments (CLG) represents both Lincoln and Sweetwater Counties and the Conservation Districts affected by the Gateway West Transmission Line, Sweetwater County endorses and joins in comments submitted by the CLG regarding this FEIS.

Sweetwater County is very appreciative of the professionalism and the willingness of the BLM, the Consultants and the Proponents to work with the Cooperators and the County throughout this NEPA process.

If you have any questions concerning this letter of support, please contact me at 307-872-3897.

Sincerely,



Wally J. Johnson, Chairman
Sweetwater County Board of County Commissioners

cc Jerimiah Rieman, Natural Resource Policy Advisor, Governor's Office
Colin McKee, Energy Policy Analyst, Governor's Office
Don Simpson, Director, Wyoming State Office
Mark Storzer, District Manager, BLM High Desert District
Dennis Carpenter, Area Manager, BLM Rawlins Field Office
Lance Porter, Area Manager, BLM Rock Springs Office
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Kent Connelly, President, Coalition of Local Governments
Connie Brooks, Attorney, Coalition of Local Governments
Mary Thoman, President, Sweetwater County Conservation District
Eric Bingham, Director, Sweetwater County Land Use Department



Town of Cokeville
State of Wyoming

Telephone 307-279-3227
110 Pine Street
Cokeville, Wyoming 83114



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Council
Mayor - Stanley Thompson, Jr.
Clerk - Jody Harmon
Police Chief Mark Vierig

Kelly Hoffman
Charles Dayton
Stephanie Weston
Wade Fiscus

GENERAL DESCRIPTION AND ISSUES

The Town of Cokeville (Town) submits the following comments on the Gateway West Transmission Project Environmental Impact Statement (EIS). Lincoln County has submitted separate comments and the Town supports those comments as well. The following comments focus primarily on the Bureau of Land Management (BLM) alternatives prepared for Segment 4 near Cokeville.

Alternatives Affecting the Town

The EIS presents several variations for segment 4 that were proposed to limit adverse impacts on sage grouse, historic trails, viewshed, and a special management area. The EIS analyzes five additional routes for segment 4, all of which were proposed by BLM. These alternatives sacrifice human core habitat to protect historic trail values, view shed, sage grouse and big game ranges. None of the analyzed routes address impacts to private residences in the Cokeville vicinity. The human environment should always take precedence.

The Proposed Route follows existing transmission lines just south of Cokeville. Regardless of whether the Gateway West line is located on the north or south side of the existing lines, it will pass over or very near 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. Because the Gateway West Transmission Line would result in such a



wide impact area through Cokeville residential areas, the Town 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) are possible, the Town supports Alternatives 4B and 4D to avoid impacts to residential areas.

1. Placement of Line Underground

The EIS considers placing the Gateway West Transmission Line underground and concluded that it was not feasible. Underground lines may cost more than overhead lines and take longer to construct. However, the Town only proposes placing approximately 8 miles of the line underground near the residential area of Cokeville, not the entire length as the EIS proposed. This is reasonable mitigation due to the impacts on property values. This is similar to the many buried natural gas pipelines near Cokeville, 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.

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.

2. Reroute Connecting Proposed Route 4 with Alternative Route 4C

If BLM rejects the underground option, then the Town would ask consideration of the Proposed Reroute shown on the attached map. (See Ex. 1). Under the Proposed

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Route 4, the Kemmerer RMP would already need to be amended to allow "site-disturbing activity within closer distance of a National Historic Trail (NHT), to permit the Project in a VRM II area, and to permit a one-time allowance for the Project where it would otherwise conflict with historic preservation management." FEIS 2-49-2-50, Appx. F 1-12-1-14. By selecting the Town's Reroute over the current Proposed Route 4, the only additional concern is that the reroute passes through sage grouse core areas outside of the Wyoming Governor's designated sage grouse corridor. Wyoming Executive Order 2011-5. 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.*

After connecting with Alternative Route 4C approximately six miles south of Cokeville along US 30, the line crosses to the north of current managed NWR lands. It avoids the BLM -designated Bear River and Rock Creek Ridge SRMAs along US 30/SR89 and the impacts to Fossil Butte National Monument.

3. Alternative Routes 4B and 4D

If neither the underground alternative near Cokeville nor the proposed reroute is selected, then the Town supports Alternative Route 4B/4D, because neither of these routes directly interferes with human health or residential developments.

Under both Alternative Routes 4B and 4D, the Kemmerer RMP would have to be amended to address structures in sage-grouse habitat and impacts to visual resource management areas. Alternative Routes 4B and 4D cross the Bear River valley south of the Cokeville Meadows NWR.

Either of these two alternatives would require amendments to the Kemmerer RMP similar to those amendments already required to the Green River RMP 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.

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The Town proposes that Alternative Route 4B or 4D become the preferred Alternative if BLM rejects the other changes to the Proposed Route. We recognize 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.

Fossil Butte National Monument

Alternatives 4B/C and 4D/E would be visible from the Fossil Butte National Monument visitor center parking lot. However, County Road 300, US HWY 30, the Union Pacific Railroad-Oregon Shortline, two existing large power lines, a Williams Gas Compressor Station Site, the Williams Northwest Pipeline corridor, and at least a half dozen fossil quarries are currently visible from the parking lot. The proposed transmission line would have a minimal impact on visible resources. With all of these 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 corridors.

Cokeville National Wildlife Refuge

The EIS 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.” See also FEIS 2-50-2-51. 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). The lands crossed by Alternative Routes 4B and 4D do not qualify for

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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 a wildlife refuge.

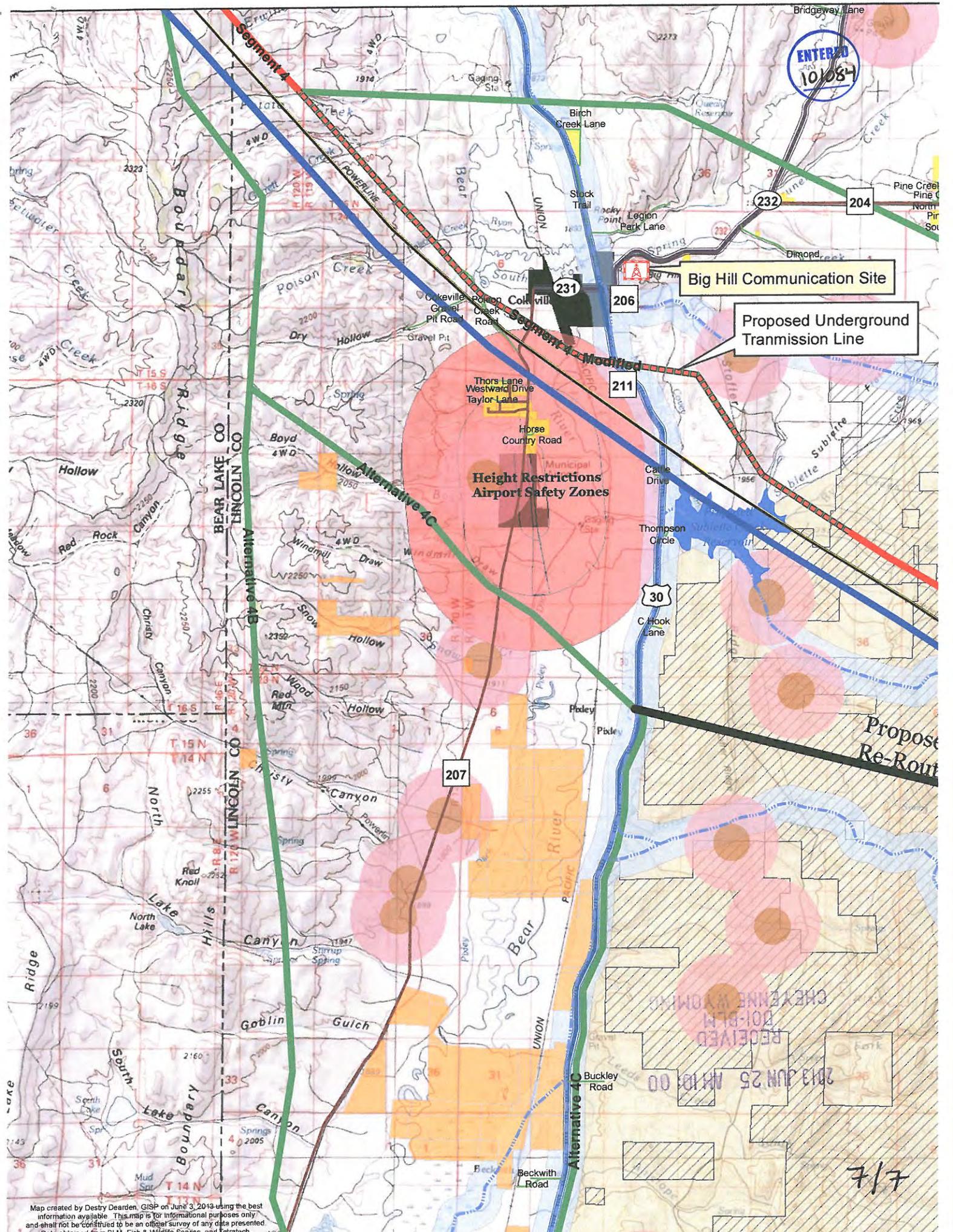
Further, the Gateway West Transmission Line will not impact the “pristineness” of the portion within the boundaries of the Cokeville Meadows NWR it crosses. Transmission lines currently exist in the same areas that the proposed Alternative Routes 4B and 4D will cross. Therefore, the character of these lands will not change from their current condition.

Socio/economic Mitigation Measures

The Town encourages the location of associated worker housing within existing communities where services can be provided. The proponents, contractors and subcontractors should contract with local motels and hotels for temporary accommodation during construction of the Project site. The Proponents must provide transportation to the Project site in the form of buses or vans, depending on workforce numbers, to ensure workers arrive at the Project site safely and to lessen the impacts to existing roads.

*Thank you
Town of Cokeville
Marty Thomas Jr
Mayor*

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ENTERED JUN 10 2014

Big Hill Communication Site

Proposed Underground Transmission Line

Height Restrictions Airport Safety Zones

Proposed Re-Route

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7/7

Map created by Destry Dearden, GISP on June 3, 2014 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.

From: [Gateway BLM](#)
To: [Gateway BLM](#)
Subject: FW: USAF Letter
Date: Wednesday, July 03, 2013 9:08:43 AM
Attachments: [DoD Siting Clearinghouse Informal Review of Gateway West Transmisison Li...pdf](#)

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

From: SCHMIDT, BYRON L GS-11 USAF ACC 366 OSS/OSOA [<mailto:byron.schmidt@us.af.mil>]
Sent: Wednesday, July 03, 2013 8:09 AM
To: Vering, Walt
Cc: BEHRINGER, RYAN M Maj USAF ACC 366 OSS/OSOR
Subject: RE: USAF Letter

Walt,

Please see the attached letter from the DoD Clearinghouse. Unless there are changes that require another consultation, we are in agreement with the Preferred Alternative in the EIS. Please call if there are questions for us. Thanks.

Byron L. Schmidt
Chief, Airspace Management
Mountain Home AFB, ID
COM: 208-828-4722
FAX: 208-828-4735

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

From: Vering, Walt [<mailto:Walt.Vering@tetrattech.com>]
Sent: Monday, July 01, 2013 4:10 PM
To: SCHMIDT, BYRON L GS-11 USAF ACC 366 OSS/OSOA
Cc: Anderson, Pam; Nickerson, Jim
Subject: USAF Letter

Hi Byron,

Back in April, you and Pam Anderson exchanged emails regarding an Approval Letter from the Operations Group Commander on the Gateway Project. In early May you and I spoke and you indicated that the letter had been signed locally and had been sent to the DOD Clearinghouse in Washington DC for final signature and approval.

Have you heard anything back from DC on the status of this approval letter? We are trying to get all the necessary permits and approvals in order for the project.

Thanks

Walt

Walt Vering | Boise Office Manager, Senior Biologist

Main: 208.389.1030 | Cell: 208.859.2032 | Fax: 208.389.1183 Walt.Vering@tetrattech.com

<<mailto:Walt.Vering@tetrattech.com>>

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<<http://www.tetrattech.com/>> PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system.



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3400 DEFENSE PENTAGON
WASHINGTON, DC 20301-3400

May 16, 2013

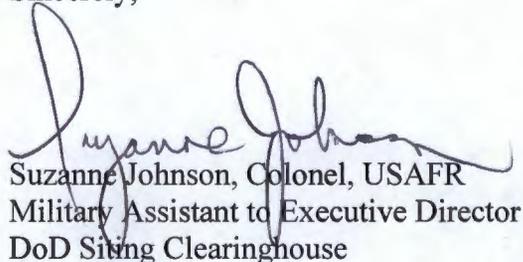
Timothy K. Bridges, SES
Department of the Air Force (SAF/IEI)
1665 Air Force Pentagon
Washington, D.C. 20330-1665
timothy.bridges@pentagon.af.mil

Dear Mr. Bridges:

At the request of the Chief, Airspace Management, Mountain Home Air Force Base, Idaho, the Department of Defense (DoD) Siting Clearinghouse coordinated a review of the proposed routing for Segment Nine, Gateway West Transmission Line Project, between Cedar Hill and Hemingway, Idaho. This review included consideration of the mitigation discussions conducted between the project proponents and representatives from Mountain Home Air Force Base concerning potential impacts to the Mountain Home Range Complex. The results of this review by DoD Components indicate that the Segment Nine route, as proposed, will have minimal impact to military operations, training and testing conducted in this area. It is requested that designated U.S. Air Force representatives continue coordination with the project developer during the planning phase to ensure any changes to routing or structure locations can be addressed.

Note that this informal review does not constitute an action under 49 United States Code § 44718 and that neither the DoD nor the Secretary of Transportation are bound by the determination made under this informal review. Please call me at (571) 372-6745 with any questions, and feel free to share this letter with any of your investors or community partners.

Sincerely,



Suzanne Johnson, Colonel, USAFR
Military Assistant to Executive Director
DoD Siting Clearinghouse



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JUN 26 2013

Ref: EPR/N

Mr. Donald A. Simpson
State Director, Wyoming
U.S. Bureau of Land Management
P.O. Box 1828
Cheyenne, WY 82003-1828

Re: Gateway West Transmission Line
Project Final Environmental Impact
Statement
CEQ # 20130102

Dear Mr. Simpson:

The U.S. Environmental Protection Agency (EPA) Regions 8 and 10 have reviewed the Gateway West Transmission Line Project Final Environmental Impact Statement (EIS) prepared by the U.S. Bureau of Land Management (BLM). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S.C. Section 7609.

PROJECT DESCRIPTION

Rocky Mountain Power and Idaho Power (proponents) are proposing to construct and operate approximately 990 miles of new 230-kilovolt (kV), 345-kV, and 500-kV electric transmission lines between Windstar Substation at Glenrock, Wyoming and the Hemingway Substation near Boise, Idaho. The proposed project is broken up into ten segments. The proponents are requesting right-of-way grants from the BLM and special use permits from the U.S. Forest Service.

The project includes three new substations and expansions or modifications at nine existing substations. Other project components include: communication systems, optical fiber regeneration stations, substation distribution supply lines and access roads. The proposed transmission lines would increase capacity and improve reliability in the existing transmission grid, allowing for the delivery of up to 1,500 megawatts of additional energy for the proponents' service areas in Utah and Idaho and to other interconnected systems.

EPA COMMENTS

The EPA commends the BLM for their extensive coordination with cooperating agencies, stakeholders and the general public that occurred throughout the entire NEPA process for this project and their

responsiveness to our comments on the Draft EIS. The Final EIS includes improved resource protection measures. For example, the proponents and agencies made project modifications to avoid impacts to greater sage-grouse and developed a mitigation strategy with a commitment to replace the habitat services lost for unavoidable impacts to sage-grouse habitat. As the project moves to the implementation and operation phases, we encourage the BLM and the proponents to continue to seek means to avoid impacts within the selected right-of-way and we offer the following specific suggestions.

Aquatic Resources

Overall, the Final EIS addresses the majority of our aquatic resource comments on the Draft EIS. We particularly appreciate that the proponents and the BLM have agreed to additional protections to non-federal lands and aquatic resources, such as WET-2. We also appreciate that the Final EIS recognizes that functions and values “will be used to assist in determining the extent of mitigation for unavoidable impacts to wetlands.” Also, the additional wetlands geospatial information improved the reader’s ability to understand the potential for the project to impact these important resources.

The mitigation framework in Appendix C-2 discusses use of an In-Lieu Fee (ILF) to address mitigation needs. It was not clear whether the proponent or a third party would incorporate and manage the ILF. The Final EIS also did not discuss whether an ILF would be the appropriate mechanism for mitigation under the 2008 Mitigation Regulations. Please consider adding clarification of these points in the final mitigation plan.

As the project moves to construction, we recommend utilizing existing lodging facilities for housing construction workers whenever possible. If man camps are utilized for some segments, it is important they be sited and designed with waste handling practices that assure protection of surface and ground waters.

Siting Constraints

The new EIS section 1.3.5, “Existing Transmission System Reliability Constraints,” is responsive to EPA’s request for additional information regarding the project-wide application of a 1,500-foot minimum separation distance. We note that the Final EIS discussion includes information from a study commissioned by the Wyoming Infrastructure Authority, “Framework for Analyzing Separation Distances between Transmission Lines in Wyoming” by ICF International (ICF Study) that supports flexibility in setting separation distances. We recommend that the BLM consider the feasibility of allowing for site-specific reductions when there are opportunities to reduce impacts to particularly sensitive or rare resources.

Consistent Application of Environmental Protection Measures

Our review found that overall the Final EIS contained a robust package of environmental protection measures (EPMs). We note that some EPMs applied to federal lands and are not used on non-federal lands. The EPA recommends that the proponents consider adopting use of the EPMs on non-federal lands, particularly WET-1, TESWL-14 (formerly TEWSL-1) and VEG-12 (formerly VEG 8).

Thank you for the opportunity to provide comments on the Gateway West Transmission Line Project Final EIS. If you have any questions or would like to discuss our comments, please contact me at 303-312-6925 or the lead reviewer of this project, Carol Anderson, at 303-312-6058. Erik Peterson of EPA Region 10 also provided comments and can be reached at 206-553-6382.

Sincerely,



for

Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

cc: Walt George, BLM Project Manager



Thank you for the opportunity to provide comments on the Gateway West Transmission Line Project. If you have any questions or would like to discuss our comments, please contact me at 303-752-6625 or the lead reviewer of this project, Carol Johnson at 303-752-6625. The location of EIR is shown in the provided comments and can be reached at 303-752-6625.

Sincerely,



Suzanne J. Moran

Director, NEPA Compliance and Review Section
Office of Systems Protection and Remediation

Westwood Hill Road, Denver



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
http://www.epa.gov/region08



JUN 26 2013

Ref: EPR/N

Mr. Donald A. Simpson
State Director, Wyoming
U.S. Bureau of Land Management
P.O. Box 1828
Cheyenne, WY 82003-1828

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EEO	CF
LAW	LEAD Resp.

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2013 JUL -2 AM 10:00

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Project Final Environmental Impact
Statement
CEQ # 20130102

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Suzanne J. Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

cc: Walt George, BLM Project Manager

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