

**From:** [jmclain@blm.gov](mailto:jmclain@blm.gov) on behalf of [Gateway West Trans Line, BLM WY](#)  
**To:** [blm@gwcomment.com](mailto:blm@gwcomment.com)  
**Subject:** Fwd: Comment on FEIS - Gateway West Transmission Line Project  
**Date:** Tuesday, June 11, 2013 12:58:47 PM

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On Mon, Jun 10, 2013 at 8:57 AM, <[Janell.Barrilleaux@faa.gov](mailto:Janell.Barrilleaux@faa.gov)> wrote:

In the event that there is an aboveground line near an airport, there may be airspace implications. Therefore, the project proponent would need to file an FAA Form 7460, Notice of Proposed Construction or Alteration, for analysis.

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*Janell Barrilleaux*  
*Environmental Program Manager*  
*FAA Northwest Mountain Region Airports Division*  
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# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

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



In Reply Refer To:  
06E13000/WY13CPA0001

**JUN 28 2013**

### Memorandum

To: State Director, Bureau of Land Management, Wyoming State Office, Cheyenne, Wyoming

From: *for* Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office, Cheyenne, Wyoming *[Signature]*

Subject: Final Environmental Impact Statement for the Gateway West Transmission Line Project in Wyoming and Idaho

Thank you for your letter (2800(920George) IDI-35849) of March 19, 2013, regarding the proposed Gateway West Transmission Line Project (Project) Final Environmental Impact Statement (FEIS). The Bureau of Land Management (Bureau) requested comments from the U.S. Fish and Wildlife Service (Service) on the Project pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (ESA; 50 CFR §402.14).

The Service has reviewed the FEIS and is providing comments in accordance with our authorities under ESA as well as the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703), the Bald and Golden Eagle Protection Act (Eagle Act; 16 U.S.C. 668), and the Fish and Wildlife Coordination Act (16 U.S.C. 661). General comments are included below; comments regarding specific portions of the FEIS can be found in the attached comment table.

Previously, the Service has recommended that the proposed environmental protective measures (EPMs) be applied to all lands impacted by the Project: see comments to the Bureau on the Draft Environmental Impact Statement (October 28, 2011; WY11TA0359) and on the Administrative FEIS (November 2, 2012; WY13CPA0001). We are concerned that, despite our previous recommendations, many EPMS presented in the FEIS are not applicable to all lands affected by the Project. We would like to take this final opportunity to urge that EPMS be applied to all lands impacted by the project.

Additionally, the Greater Sage-grouse (*Centrocercus urophasianus*) Conservation Objectives: Final Report (COT Report) was completed in February of 2013. We recommend that the

Bureau's final decision meet and incorporate the objectives and measures identified in the COT Report.

We look forward to continued coordination on this Project as a cooperating agency. We appreciate your efforts to ensure the conservation of endangered, threatened, and candidate species and migratory birds. If you have any questions regarding this memo or your responsibilities under the ESA and other authorities, please contact Julie Reeves of my office at the letterhead address or phone (307) 772-2374, extension 232.

Attachment (1)

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

## Gateway West Transmission Line Project FEIS Comment Form

Comments from the Idaho Fish and Wildlife Office and the Wyoming Ecological Services Office of the U.S. Fish and Wildlife Service. June 28, 2013.

Idaho Fish and Wildlife Office (IFWO): Barbara Chaney, Kathleen Hendricks, Jason Pyron, & Matthew Stuber. Wyoming Ecological Services Office (WYES): Julie Reeves

Page	EIS chapter	Section number	Commenter	Comment	Response
N/A	N/A	N/A	Jason Pyron - IFWO	General Comment: The Greater Sage-grouse ( <i>Centrocercus urophasianus</i> ) Conservation Objectives: Final Report (Report) was completed in February, 2013. Because the Report is a result of collaboration among experts in sage-grouse ecology, we strongly recommend that your final decision meet and incorporate the objectives and measures identified in the Report. The strong science-based nature of the Report will assist the BLM in ensuring that this project does not negatively affect sage-grouse to such a degree that the established objectives cannot be met.	
N/A	N/A	N/A	Kathleen Hendricks - IFWO	The Service's Idaho Fish and Wildlife Office (IFWO) has reviewed the May 30, 2013, draft mitigation plan proposal submitted by Rocky Mountain Power and Idaho Power to offset impacts to Greater Sage-grouse by the Gateway West transmission line project. This proposal has separate mitigation plans for Idaho and Wyoming. We are aware that the Final Environment Impact Statement (FEIS) acknowledges that the project will have both direct and indirect impacts and that such impacts will need to be addressed through avoidance, minimization and mitigation efforts. However, the Habitat Equivalency Analysis model used to develop the mitigation plan and presented in the FEIS only analyzed the direct impacts to sage-grouse and not the indirect impacts. The IFWO strongly recommends that the BLM collaborate with the IFWO and the Idaho Department of Fish and Game (IDFG) ensure that all impacts (i.e., direct and indirect) are mitigated pursuant to the BLM IM 2012-043 which implements the December 21, 2011 National Technical Team Report. Additionally, the IFWO is currently working with the BLM and Idaho state agencies to jointly develop technical comments and suggestions to improve the draft mitigation plan for the Idaho portion of the project that will be submitted to the project proponents as soon as possible. We understand that a completed mitigation plan is not required prior to the record of decision and right-of-way grant approval. Therefore we recommend that a final mitigation plan, jointly approved of by the IFWO, IDFG and BLM, be a condition of the right-of-way grant and that this commitment be stated in the Record of Decision.	

## Gateway West Transmission Line Project FEIS Comment Form

2-143	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # OM-4: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds, sensitive and/or listed species will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-147	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # OM-22: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts sensitive and/or listed plant species will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project</p>	

## Gateway West Transmission Line Project FEIS Comment Form

				proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.	
2-148	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # OM-25: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to sensitive and/or listed plant species will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-148	2	Table 2.7-1	Matthew Stuber - IFWO	New EPM # OM-26: project proponent should implement this EPM regardless of land ownership. No reason not to...	
2-157	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # VEG-2: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds, sensitive and/or listed species will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West</p>	

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2-160	2	Table 2.7-1	Matthew Stuber - IFWO	NEW EPM # WEED-1: determining appropriate seed mix for an area and preventing the establishment of noxious weeds / invasive species is a good practice. Recommend project proponent implement this practice on all lands, regardless of ownership.	
2-160	2	Table 2.7-1	Matthew Stuber - IFWO	New EPM # WEED-3: appropriate management of soil stockpiles to prevent the spread of invasive species is recommended regardless of land ownership.	
2-162	2	Table 2.7-1	Julie Reeves, WYES	WILD-1 states "Requests for exceptions from closure periods and areas will be submitted by the Proponents to the appropriate BLM Field Office.... Factors considered in granting the exception include animal conditions, climate and weather conditions, habitat conditions and availability, spatial considerations (e.g., travel routes and landscape connectivity), breeding activity levels, incubation or nestling stage, and timing, intensity, and duration of the Proposed action." Please note that the BLM has authority over wildlife habitat, but the Service and the applicable state wildlife agency have authority over wildlife. Requests for exceptions for work that may impact a federally listed species or migratory bird should be brought to the Service and/or the state wildlife agency.	
2-162	2	Table 2.7-1	Matthew Stuber - IFWO	New EPM # WILD-2: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds, sensitive and/or listed species will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project	

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				<p>proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-163	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # WILD-6: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-164	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # WILD-10: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA,</p>	

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				<p>ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-164	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # TESWL-1: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds, particularly sage and sharp-tailed grouse will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-165	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # TESWL-4: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to sensitive and/or listed species will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have</p>	

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				<p>authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-165	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # TESWL-7: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to the yellow-billed cuckoo will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-166	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # TESWL-8, TESWL-9, TESWL-10, and TESWL-11: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts sage grouse will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high</p>	

## Gateway West Transmission Line Project FEIS Comment Form

				<p>levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-167	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # TESWO-15: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to prairie dogs will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-200	2	Table 2.8-6	Matthew Stuber -	<p>Table should include a comparison feature for sensitive plants (i.e. LEPA)</p>	

## Gateway West Transmission Line Project FEIS Comment Form

			IFWO		
3.7-19	3.7	3.7.2	Julie Reeves, WYES	Morley Nelson Snake River Birds of Prey Special Status Species Standard 6 calls for avoidance within 0.5 miles of occupied sensitive plant habitat, and so the EIS states that this plan may need to be revised to accommodate the Project through the SRBOP. However, the Preferred alternative avoids crossing through the SRBOP, and the Service supports the alternative that avoids and minimizes impacts to slickspot peppergrass while additionally avoiding and minimizing impacts to this important bird area.	
3.7-20	3.7	3.7.2.2	Julie Reeves, WYES	Regarding federally listed plant species, the EIS states that “Maintenance of vegetation in the ROW, including cutting of trees and taller shrubs, is not expected to affect any of the ESA-listed or candidate plant species because all of these species occur in habitats dominated by low-growing vegetation or in habitats where other protection measures would apply that would minimize impacts.” The Service appreciates that EPMs would avoid and minimize impacts to federally listed plant species within the vicinity of the Project. However, some listed plants occur near taller vegetation such as willows, Russian olives, and cottonwoods, and so removing or trimming taller vegetation may indirectly impact listed plants through crushing or by altering the microclimate of the habitat where the plants occur. Additionally, herbicide application within the ROW may indirectly affect listed plants.	
3.7-23	3.7	3.7.2.2	Julie Reeves, WYES	TESPL-7 states “Ute Ladies’-tresses – Qualified botanists shall conduct pre-construction surveys during a season when target species are readily identifiable for special status or globally rare species. Where feasible, micro-siting of project facilities shall avoid direct impacts to identified populations. Survey reports documenting the surveys, their results, and recommendations must be provided to land management agency for approval prior to construction. Agency botanists may evaluate individual sites based on site-specific conditions. Documentation of the evaluation of avoidance of impacts to sensitive and globally rare plants must be provided to the Agencies prior to construction.” The Service recommends that the project avoid all suitable habitat, not just identified populations of this species, especially given discussion on page 3.7-23 regarding the difficulty in finding these plants.	
3.7-26	3.7 and	3.7.2.2	Julie	The Service appreciates the discussion regarding decommissioning of the	

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and 3.11- 135	3.11	and 3.11.2.2	Reeves, WYES	project and that consultation under section 7 of the ESA will be initiated for the potential impacts that decommissioning will have on federally listed species.	
3.10- 17	3.10	“Birds” heading	Matthew Stuber - IFWO	Should mention if IBAs are present in the analysis area. If so, what measures are being implemented related to these areas? Avoidance? Seasonal restrictions? Limited vegetation clearing?	
3.10- 34	3.10	WILD-6	Matthew Stuber - IFWO	If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.	
3.11- 18	3.11	3.11.1.4	Julie Reeves, WYES	The EIS states “Preconstruction survey results would be provided to the applicable land-management agency.” The Service requests that all survey information regarding federally listed species or migratory birds be provided to the Service as well as the applicable land-management agency.	
3.11- 18	3.11	3.11.1.4	Julie Reeves, WYES	TESWL-2 states “In the event that an ESA-listed species not covered by the Project’s BO is discovered during surveys, construction will cease, the USFWS will be notified, and Section 7 consultation will be initiated. In addition, the transmission line or structures will be relocated to minimize direct impacts to newly discovered ESA species, to the extent practical.” The Service appreciates that construction will cease and that we will be contacted should a federally listed species be identified during pre-	

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				construction surveys. The phrase “to the extent practical” with regards to minimizing impacts to a listed species is not well defined and does not allow the BLM or the Service to make an informed decision about the severity of impacts.	
3.11-62	3.11		Matthew Stuber - IFWO	Please explain any sage-grouse related restrictions proposed in PPH or PGH habitats in Idaho. Same as listed here? Different?	
3.11-73	3.11	3.11.2.2	Julie Reeves, WYES	The Service does not support the use of guy wires in areas with high avian use due to the increased collision risk of these wires. However, we appreciate that EPM Wild-6 calls for the installation of flight diverters on all guy wires on Federal lands and on some state and private lands.	
4-66	4.0	4.4.11.3	Julie Reeves, WYES	You state that buffers for nesting migratory birds would be “ranging from 10 meters for shrub-nesting species to up to a mile for sensitive raptor species.” The Service supports placing appropriate buffers around nesting birds, and request clarification about the range of distances mentioned here.	
4-66	4.0	4.4.11.3	Julie Reeves, WYES	The EIS states “Though no known monitoring at either wind farms or at transmission line locations is being conducted...” The Service is aware of on-going monitoring efforts at Wyoming wind facilities.	
4-67	4.0	4.4.11.3	Julie Reeves, WYES	The Service appreciates that the EIS acknowledges that “Gateway West would not have a measurable adverse effect on non-special status migratory bird populations or significant bird conservation sites but would impact individuals and have an adverse effect on migratory bird habitats and ecological conditions through vegetation removal, fragmentation of native habitats, and possible increases in predation pressure due to adding perching substrate for avian predators and adding service roads sometimes used by canid predators.” The Service appreciates that Rocky Mountain Power has submitted a draft migratory bird conservation plan that will address how Gateway West will be sited to avoid and minimize impacts to migratory birds and their habitats, and that compensatory mitigation for habitat lost is being proposed. We recommend that the migratory bird conservation plan be referenced as an appendix to the EIS or will be included in the ROD.	
4-76	4	Table 4.4-2	Matthew Stuber - IFWO	Header of 4 <sup>th</sup> column was changed according to our previous suggestion to include PPH/PGH in the analysis. However, this column heading was not changed in the pages that follow.	

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2-8 to 2-9	POD	2.7	Julie Reeves – WYES	<p>In the Rocky Mountain Power’s and Idaho Power’s section on Existing Transmission System Reliability Constraints, the Plan of Development states that the companies would not build an alternative that includes siting the line within 250 feet of existing transmission in one or more corridors because it would not meet minimum standards for reliability. The Service understands that, after the initial siting study for Gateway West, WECC revised its reliability criterion concerning corridors within 250 feet of an existing line. Where sensitive wildlife and plant populations or habitats could be negatively impacted by the siting of Gateway West 1,500 feet from an existing line, the Service recommends that the distance between the existing and proposed line be decreased to avoid or minimize those impacts in that area.</p>	
App. M - All	Appendix M	All	Barbara Chaney – IFWO and Julie Reeves - WYES	<p>The Service appreciates the inclusion of the BA as Appendix M to the FEIS. However, we acknowledge that the BA included in Appendix M is not the BA that the Service accepted as appropriate and does not contain the errata and subsequent additions to the BA. The Service is responding to the complete BA with a BO on or before September 12, 2013.</p>	



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

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



In Reply Refer To:  
06E13000/WY13CPA0001



JUN 28 2013

### Memorandum

To: State Director, Bureau of Land Management, Wyoming State Office, Cheyenne, Wyoming

From: *for* Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office, Cheyenne, Wyoming *[Signature]*

Subject: Final Environmental Impact Statement for the Gateway West Transmission Line Project in Wyoming and Idaho

Thank you for your letter (2800(920George) IDI-35849) of March 19, 2013, regarding the proposed Gateway West Transmission Line Project (Project) Final Environmental Impact Statement (FEIS). The Bureau of Land Management (Bureau) requested comments from the U.S. Fish and Wildlife Service (Service) on the Project pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (ESA; 50 CFR §402.14).

The Service has reviewed the FEIS and is providing comments in accordance with our authorities under ESA as well as the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703), the Bald and Golden Eagle Protection Act (Eagle Act; 16 U.S.C. 668), and the Fish and Wildlife Coordination Act (16 U.S.C. 661). General comments are included below; comments regarding specific portions of the FEIS can be found in the attached comment table.

Previously, the Service has recommended that the proposed environmental protective measures (EPMs) be applied to all lands impacted by the Project: see comments to the Bureau on the Draft Environmental Impact Statement (October 28, 2011; WY11TA0359) and on the Administrative FEIS (November 2, 2012; WY13CPA0001). We are concerned that, despite our previous recommendations, many EPMs presented in the FEIS are not applicable to all lands affected by the Project. We would like to take this final opportunity to urge that EPMs be applied to all lands impacted by the project.

Additionally, the Greater Sage-grouse (*Centrocercus urophasianus*) Conservation Objectives: Final Report (COT Report) was completed in February of 2013. We recommend that the



Bureau's final decision meet and incorporate the objectives and measures identified in the COT Report.

We look forward to continued coordination on this Project as a cooperating agency. We appreciate your efforts to ensure the conservation of endangered, threatened, and candidate species and migratory birds. If you have any questions regarding this memo or your responsibilities under the ESA and other authorities, please contact Julie Reeves of my office at the letterhead address or phone (307) 772-2374, extension 232.

Attachment (1)

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

duplicate



# Gateway West Transmission Line Project FEIS Comment Form

Comments from the Idaho Fish and Wildlife Office and the Wyoming Ecological Services Office of the U.S. Fish and Wildlife Service. June 28, 2013.

Idaho Fish and Wildlife Office (IFWO): Barbara Chaney, Kathleen Hendricks, Jason Pyron, & Matthew Stuber. Wyoming Ecological Services Office (WYES): Julie Reeves

Page	EIS chapter	Section number	Commenter	Comment	Response
N/A	N/A	N/A	Jason Pyron - IFWO	General Comment: The Greater Sage-grouse ( <i>Centrocercus urophasianus</i> ) Conservation Objectives: Final Report (Report) was completed in February, 2013. Because the Report is a result of collaboration among experts in sage-grouse ecology, we strongly recommend that your final decision meet and incorporate the objectives and measures identified in the Report. The strong science-based nature of the Report will assist the BLM in ensuring that this project does not negatively affect sage-grouse to such a degree that the established objectives cannot be met.	
N/A	N/A	N/A	Kathleen Hendricks - IFWO	The Service's Idaho Fish and Wildlife Office (IFWO) has reviewed the May 30, 2013, draft mitigation plan proposal submitted by Rocky Mountain Power and Idaho Power to offset impacts to Greater Sage-grouse by the Gateway West transmission line project. This proposal has separate mitigation plans for Idaho and Wyoming. We are aware that the Final Environment Impact Statement (FEIS) acknowledges that the project will have both direct and indirect impacts and that such impacts will need to be addressed through avoidance, minimization and mitigation efforts. However, the Habitat Equivalency Analysis model used to develop the mitigation plan and presented in the FEIS only analyzed the direct impacts to sage-grouse and not the indirect impacts. The IFWO strongly recommends that the BLM collaborate with the IFWO and the Idaho Department of Fish and Game (IDFG) ensure that all impacts (i.e., direct and indirect) are mitigated pursuant to the BLM IM 2012-043 which implements the December 21, 2011 National Technical Team Report. Additionally, the IFWO is currently working with the BLM and Idaho state agencies to jointly develop technical comments and suggestions to improve the draft mitigation plan for the Idaho portion of the project that will be submitted to the project proponents as soon as possible. We understand that a completed mitigation plan is not required prior to the record of decision and right-of-way grant approval. Therefore we recommend that a final mitigation plan, jointly approved of by the IFWO, IDFG and BLM, be a condition of the right-of-way grant and that this commitment be stated in the Record of Decision.	



## Gateway West Transmission Line Project FEIS Comment Form

2-143	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # OM-4: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds, sensitive and/or listed species will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-147	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # OM-22: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts sensitive and/or listed plant species will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project</p>	

**Gateway West Transmission Line Project  
FEIS Comment Form**

				proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.	
2-148	2	Table 2.7-1	Matthew Stuber - IFWO	<p><b>New EPM # OM-25:</b> If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to sensitive and/or listed plant species will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-148	2	Table 2.7-1	Matthew Stuber - IFWO	<p><b>New EPM # OM-26:</b> project proponent should implement this EPM regardless of land ownership. No reason not to...</p>	
2-157	2	Table 2.7-1	Matthew Stuber - IFWO	<p><b>New EPM # VEG-2:</b> If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds, sensitive and/or listed species will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West</p>	

## Gateway West Transmission Line Project FEIS Comment Form



				transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.	
2-160	2	Table 2.7-1	Matthew Stuber - IFWO	NEW EPM # WEED-1: determining appropriate seed mix for an area and preventing the establishment of noxious weeds / invasive species is a good practice. Recommend project proponent implement this practice on all lands, regardless of ownership.	
2-160	2	Table 2.7-1	Matthew Stuber - IFWO	New EPM # WEED-3: appropriate management of soil stockpiles to prevent the spread of invasive species is recommended regardless of land ownership.	
2-162	2	Table 2.7-1	Julie Reeves, WYES	WILD-1 states "Requests for exceptions from closure periods and areas will be submitted by the Proponents to the appropriate BLM Field Office.... Factors considered in granting the exception include animal conditions, climate and weather conditions, habitat conditions and availability, spatial considerations (e.g., travel routes and landscape connectivity), breeding activity levels, incubation or nestling stage, and timing, intensity, and duration of the Proposed action." Please note that the BLM has authority over wildlife habitat, but the Service and the applicable state wildlife agency have authority over wildlife. Requests for exceptions for work that may impact a federally listed species or migratory bird should be brought to the Service and/or the state wildlife agency.	
2-162	2	Table 2.7-1	Matthew Stuber - IFWO	New EPM # WILD-2: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds, sensitive and/or listed species will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project	

## Gateway West Transmission Line Project FEIS Comment Form



				<p>proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-163	2	Table 2.7-1	Matthew Stuber - IFWO	<p><b>New EPM # WILD-6:</b> If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-164	2	Table 2.7-1	Matthew Stuber - IFWO	<p><b>New EPM # WILD-10:</b> If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA,</p>	

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				<p>ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-164	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # TESWL-1: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds, particularly sage and sharp-tailed grouse will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-165	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # TESWL-4: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to sensitive and/or listed species will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have</p>	

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				<p>authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-165	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # TESWL-7: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to the yellow-billed cuckoo will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-166	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # TESWL-8, TESWL-9, TESWL-10, and TESWL-11: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts sage grouse will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high</p>	



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				<p>levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-167	2	Table 2.7-1	Matthew Stuber - IFWO	<p>New EPM # TESWO-15: If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to prairie dogs will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.</p>	
2-200	2	Table 2.8-6	Matthew Stuber -	<p>Table should include a comparison feature for sensitive plants (i.e. LEPA)</p>	



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			IFWO		
3.7-19	3.7	3.7.2	Julie Reeves, WYES	Morley Nelson Snake River Birds of Prey Special Status Species Standard 6 calls for avoidance within 0.5 miles of occupied sensitive plant habitat, and so the EIS states that this plan may need to be revised to accommodate the Project through the SRBOP. However, the Preferred alternative avoids crossing through the SRBOP, and the Service supports the alternative that avoids and minimizes impacts to slickspot peppergrass while additionally avoiding and minimizing impacts to this important bird area.	
3.7-20	3.7	3.7.2.2	Julie Reeves, WYES	Regarding federally listed plant species, the EIS states that "Maintenance of vegetation in the ROW, including cutting of trees and taller shrubs, is not expected to affect any of the ESA-listed or candidate plant species because all of these species occur in habitats dominated by low-growing vegetation or in habitats where other protection measures would apply that would minimize impacts." The Service appreciates that EPMs would avoid and minimize impacts to federally listed plant species within the vicinity of the Project. However, some listed plants occur near taller vegetation such as willows, Russian olives, and cottonwoods, and so removing or trimming taller vegetation may indirectly impact listed plants through crushing or by altering the microclimate of the habitat where the plants occur. Additionally, herbicide application within the ROW may indirectly affect listed plants.	
3.7-23	3.7	3.7.2.2	Julie Reeves, WYES	TESPL-7 states "Ute Ladies'-tresses – Qualified botanists shall conduct pre-construction surveys during a season when target species are readily identifiable for special status or globally rare species. Where feasible, micro-siting of project facilities shall avoid direct impacts to identified populations. Survey reports documenting the surveys, their results, and recommendations must be provided to land management agency for approval prior to construction. Agency botanists may evaluate individual sites based on site-specific conditions. Documentation of the evaluation of avoidance of impacts to sensitive and globally rare plants must be provided to the Agencies prior to construction." The Service recommends that the project avoid all suitable habitat, not just identified populations of this species, especially given discussion on page 3.7-23 regarding the difficulty in finding these plants.	
3.7-26	3.7 and	3.7.2.2	Julie	The Service appreciates the discussion regarding decommissioning of the	

## Gateway West Transmission Line Project FEIS Comment Form



and 3.11- 135	3.11	and 3.11.2.2	Reeves, WYES	project and that consultation under section 7 of the ESA will be initiated for the potential impacts that decommissioning will have on federally listed species.	
3.10- 17	3.10	“Birds” heading	Matthew Stuber - IFWO	Should mention if IBAs are present in the analysis area. If so, what measures are being implemented related to these areas? Avoidance? Seasonal restrictions? Limited vegetation clearing?	
3.10- 34	3.10	WILD-6	Matthew Stuber - IFWO	If this EPM is not implemented by the project proponent on all lands affected by this project, impacts to migratory birds will not be avoided or minimized to the extent possible. Based on the project proposal we anticipate relatively high levels of adverse impacts (both direct and indirect) in some locations within and near the project footprint. While we recognize that the BLM does not have authority to require avoidance and minimization measures or mitigation on non-federal lands, they are required under several federal regulations (NEPA, MBTA, ESA, BLM 6840) to analyze project proposals in their entirety regardless of land ownership and then work with the project proponent to ensure measures are implemented on all lands to avoid, minimize and mitigate project impacts. Construction of the Gateway West transmission line on federal lands enables construction of the transmission line on non-federal lands, and vice-versa; therefore, the impacts on federal and non-federal lands are interrelated and interdependent and should be analyzed and impacts addressed as one action regardless of ownership. If unresolved, the inconsistent application of this EPM by the project proponent on all lands impacted by the project must be disclosed and should be thoroughly discussed in the EIS.	
3.11- 18	3.11	3.11.1.4	Julie Reeves, WYES	The EIS states “Preconstruction survey results would be provided to the applicable land-management agency.” The Service requests that all survey information regarding federally listed species or migratory birds be provided to the Service as well as the applicable land-management agency.	
3.11- 18	3.11	3.11.1.4	Julie Reeves, WYES	TESWL-2 states “In the event that an ESA-listed species not covered by the Project’s BO is discovered during surveys, construction will cease, the USFWS will be notified, and Section 7 consultation will be initiated. In addition, the transmission line or structures will be relocated to minimize direct impacts to newly discovered ESA species, to the extent practical.” The Service appreciates that construction will cease and that we will be contacted should a federally listed species be identified during pre-	

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				construction surveys. The phrase “to the extent practical” with regards to minimizing impacts to a listed species is not well defined and does not allow the BLM or the Service to make an informed decision about the severity of impacts.	
3.11-62	3.11		Matthew Stuber - IFWO	Please explain any sage-grouse related restrictions proposed in PPH or PGH habitats in Idaho. Same as listed here? Different?	
3.11-73	3.11	3.11.2.2	Julie Reeves, WYES	The Service does not support the use of guy wires in areas with high avian use due to the increased collision risk of these wires. However, we appreciate that EPM Wild-6 calls for the installation of flight diverters on all guy wires on Federal lands and on some state and private lands.	
4-66	4.0	4.4.11.3	Julie Reeves, WYES	You state that buffers for nesting migratory birds would be “ranging from 10 meters for shrub-nesting species to up to a mile for sensitive raptor species.” The Service supports placing appropriate buffers around nesting birds, and request clarification about the range of distances mentioned here.	
4-66	4.0	4.4.11.3	Julie Reeves, WYES	The EIS states “Though no known monitoring at either wind farms or at transmission line locations is being conducted...” The Service is aware of on-going monitoring efforts at Wyoming wind facilities.	
4-67	4.0	4.4.11.3	Julie Reeves, WYES	The Service appreciates that the EIS acknowledges that “Gateway West would not have a measurable adverse effect on non-special status migratory bird populations or significant bird conservation sites but would impact individuals and have an adverse effect on migratory bird habitats and ecological conditions through vegetation removal, fragmentation of native habitats, and possible increases in predation pressure due to adding perching substrate for avian predators and adding service roads sometimes used by canid predators.” The Service appreciates that Rocky Mountain Power has submitted a draft migratory bird conservation plan that will address how Gateway West will be sited to avoid and minimize impacts to migratory birds and their habitats, and that compensatory mitigation for habitat lost is being proposed. We recommend that the migratory bird conservation plan be referenced as an appendix to the EIS or will be included in the ROD.	
4-76	4	Table 4.4-2	Matthew Stuber - IFWO	Header of 4 <sup>th</sup> column was changed according to our previous suggestion to include PPH/PGH in the analysis. However, this column heading was not changed in the pages that follow.	

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2-8 to 2-9	POD	2.7	Julie Reeves - WYES	In the Rocky Mountain Power's and Idaho Power's section on Existing Transmission System Reliability Constraints, the Plan of Development states that the companies would not build an alternative that includes siting the line within 250 feet of existing transmission in one or more corridors because it would not meet minimum standards for reliability. The Service understands that, after the initial siting study for Gateway West, WECC revised its reliability criterion concerning corridors within 250 feet of an existing line. Where sensitive wildlife and plant populations or habitats could be negatively impacted by the siting of Gateway West 1,500 feet from an existing line, the Service recommends that the distance between the existing and proposed line be decreased to avoid or minimize those impacts in that area.	
App. M - All	Appendi x M	All	Barbara Chaney - IFWO and Julie Reeves - WYES	The Service appreciates the inclusion of the BA as Appendix M to the FEIS. However, we acknowledge that the BA included in Appendix M is not the BA that the Service accepted as appropriate and does not contain the errata and subsequent additions to the BA. The Service is responding to the complete BA with a BO on or before September 12, 2013.	

**From:** [jmclain@blm.gov](mailto:jmclain@blm.gov) on behalf of [Gateway West Trans Line, BLM WY](#)  
**To:** [blm@gwcomment.com](mailto:blm@gwcomment.com)  
**Subject:** Fwd: Comments on the Gateway West Transmission Line -- Final EIS  
**Date:** Monday, July 01, 2013 10:25:54 AM

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

**From:** **Kochert, Michael** <[mkochert@usgs.gov](mailto:mkochert@usgs.gov)>  
**Date:** Thu, Jun 27, 2013 at 6:56 PM  
**Subject:** Comments on the Gateway West Transmission Line -- Final EIS  
**To:** [gateway\\_west\\_wymail@blm.gov](mailto:gateway_west_wymail@blm.gov)

Thank you for the opportunity to comment on the Final Environmental Impact Statement for the proposed Gateway West Transmission Line Project. My comments focus on Section 3 and particularly on 3.10 General Wildlife and Fish. My comments are based on 43 years of experience in conducting and directing research on raptors, prey, and their habitat in the Morley Nelson Snake River Birds of Prey National Conservation Area (NCA). Some of that work involved studying the colonization and use of a 500-kV transmission line when I worked for the BLM.

I think it is a good stroke that the FEIS acknowledges the beneficial effects of transmission lines; however, the statement, "Transmission lines could have some limited beneficial impacts to raptors" (3.10 p. 54) tends to understate the beneficial effects of the lines. The FEIS falls short in that it does not recognize that success of raptors nesting on transmission towers was sometimes better than raptors nesting on nearby natural substrates (Steenhof et al. 1993). The same study (funded in part by BLM) showed that transmission towers provided more secure nesting substrate than natural nesting sites, particularly for Ferruginous Hawks. This research showed that transmission line towers provided both new and alternative nesting substrate for raptors and ravens, and the 500-kV line provided raptors and ravens an opportunity to nest in areas where nest sites were previously unavailable. In that light, the assumption, as implied in the FEIS, that raptors nesting within 1 mile of the proposed transmission line will be adversely affected is not valid. During the 32 years since the construction of the Pacificorp 500-kV transmission line, we have observed that some Golden Eagles nested successfully numerous times on cliffs only 140 to 400 meters (459 to 1,312 feet) from the transmission line and continue to do so (Steenhof et al. 1993; USGS, Snake River Field Station, unpublished data).

The statement that "increased perching and nesting could lead to unsustainable levels of predation on small mammals, with the potential to decrease the raptors' prey base" (3.10 p. 54 and earlier pages 29-30 of 3.10) needs to be supported with data or the scientific literature. As written, the statement is essentially unsubstantiated speculation. Studies in the NCA suggest that prey populations regulate raptor populations. I know of no evidence that raptors regulate mammalian prey populations or where raptors will deplete prey populations to the point of having a negative effect on the raptors themselves. I believe the statement on 3.10, page 29 "increase predation rates on jackrabbits in SRBOP has the potential to impact the population size and health of golden eagles in SRBOP" is erroneous based

on my 43 years of working on the Golden Eagle population in the NCA. This statement needs to be supported with evidence or the scientific literature. Research in the NCA and elsewhere showed that Golden Eagles essentially have exclusive home ranges and defend their foraging territories. Thus, it does not seem very likely that new transmission lines within existing territories would cause increased predation on rabbits. New eagles attracted to transmission lines would be taking jackrabbits outside existing eagle hunting territories and would probably have a positive effect on the overall eagle population.

The statement on pages 29 and 30 on 3.10 "Golden eagle hunting ranges vary by season and location, but are typically very large (e.g., around 161.6 square miles [260 square kilometers]; DeGraaf and Yamasaki 2000)" needs to be clarified. I wonder why the FEIS cites DeGraaf and Yamasaki (2000), a reference that deals with New England, and the FEIS does not cite the Golden Eagle species account (Kochert et al. 2002) that presents home range information for Wyoming and Idaho (where the proposed lines will pass). These studies show that breeding season home range size ranged between 20 – 33 km<sup>2</sup>, which are not very large as raptor ranges go. The non-breeding season home range tends to be quite variable, ranging from 14 to 1,760 km<sup>2</sup> in Idaho.

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