Final EIS Comment Form

Gateway West Transmission Line Project
Final EIS comment period: April 26, 2013 - June 28, 2013

ENTERED 10/11

BLM

2013 JUN 28 AM 10:00

RECEIVED DOI-BLM CHEYENNE, WY

Date: 6/23/13

First Name: Robyn Last Name: Thompson

Organization or Office Name: Owyhee County Task Force Member

Mailing Address: 16990 Short Cut Rd City: Oreana State: LD Zip: 83650

Daytime Phone: 208-834-2337 Email: —

2013 JUN 28 AM 10:00

RECEIVED DOI-BLM CHEYENNE, WY

☐ 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:

Comments will be reguarding Segments 8 and 9.

Comment # 1:

Refer to pg 3 "Letter to the Reader" and Chapter 1 pgs 1-9 thur 1-10.

We endorse a phased decision for Segments 8 and 9 based on the following rationale:

1.) The DEIS released in 2011 did not designate BLM preferred alternatives which made commenting confusing and laborious.

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/cfodocs/gateway_west

continued on back

Name: Robyn Thompson

ENTERED 10/1111

2) In the fall of 2009 Idaho Power designated Segment 8 as their preferred alternative.

3) February 2012, after considerable grass roots effort, the BDO BLM designated 9D as their preferred alternative. Finally 100% consensus from Owyhee County citizens and elected officials, county commissioners, Idaho State Representatives, Governor Otter, the 1st Congressional District, Idaho Power and the BDO BLM!!!

4.) August 2012 the BLM released their preferred alternatives:

Segment 8B, severely impacting private property, Strongly opposed by all Ada and Canyon County elected officals and all Kuna and Melba property owners.

Segment 9E; miles of virgin territory without so much as a service line in it, impacts sage grouse habitat, impacts historical private property. This alternative is not acceptable to any Owyhee County residents. This alternative was altered without

Privacy Note: Comments, including names and addresses of respondents, will be made available to the public after the close of the official comment period. Please be advised that your entire comment, including your personal identifying information, may be made publicly available at any time. Although you may ask the BLM in your comment to withhold your personal identifying information from the public, we cannot guarantee that we will be able to do so. All submissions from organizations and businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public inspection in their entirety.

ENTERED
10/1111

the concent of Owyhee County citizens.

5). We produced blow out attendance at the BLM public meetings due to the opposition to Seg 8B seg 9 and seg 9E.:

Boise 46
Kuna 104
Murphy 144
Melba 87.

6.) The citizens of Ada, Canyon, and Owyhee Counties have worked tirelessly to properly site segments 8 and 9 since February 2009. We respectfully request a phased decision to have these lines sited properly. We have to live with the permanence of this decision. I am resubmitting comments written after the closing of the DEIS to drive our points home.

2013 JUN 28 AM 10:00
RECEIVED
DOI-BLM
CHEYENNE, WYOMING

3/86

Duplicate 10060

ENTERED
6/28/13

March 28, 2013

2013 JUN 28 AM 10:00
RECEIVED
DOI-BLM

Dear Ms Jewell,

Congratulations on your nomination of Secretary of Interior! We anticipate your confirmation. We are also anticipating the imminent release of the Final Environmental Impact Study (FEIS) for the Gateway West Transmission Line Project (GWTLP). We realize you will have to hit the floor running regarding a decision. We are the residents of Ada, Canyon and Owyhee Counties.

In 2006 Idaho Power proposed two 500 kV lines.

- One line paralleling the existing 500 kV PacifiCorp line in the Snake River Birds of Prey National Conservation Area (SRBOP NCA).
- The other paralleling the existing 138 kV Idaho Power line in the SRBOP.

We did not become aware of the above or the Gateway West Transmission Line Project until spring, 2009. In April /May 2009 we began to organize after learning about Segment 8 and Segment 9 of the GWTLP. Residents of Kuna and Melba formed a diverse group and bore the expense of hiring Environmental Conservation Services, Inc. (Segment 8 Task Force). Residents of Owyhee County formed the Owyhee County Task Force (OCTF aka Segment 9). The OCTF is fortunate to have local resident Karen Steenhof, a former BLM and USGS raptor biologist, as a member. Boise District Office BLM (BDO BLM), Idaho Power Engineers, Tetra Tech and local elected officials were in attendance at the meetings of both groups. These groups worked over the summer of 2009 to develop alternatives to Idaho Powers proposed Segment 8 and Segment 9. Their mission: to diminish the impact of the GWTLP on private property. It must be noted that only 17% of Owyhee County is privately owned. Thus, the OCTF required that the GWTLP not impact private property without the consent of the landowner. Representatives from Segment 8 attended the OCTF meetings. Representatives from the OCTF attended Task Force meetings held in our adjoining counties ensuring our alternatives lined up and the needs of all Idaho residents were being met. Due to the geographical location of Segment 9 the OCTF also cooperated with the United States Air Force and affected Shoshone Paiute Tribes. Our local state representatives, 1st Congressional District and Governor were continually apprised as to the activities of both groups.

Both groups met the September 4th, 2009 BLM deadline and submitted alternative proposals into the Draft Environmental Impact Study (DEIS) for the GWTLP. The Segment 8 alternative proposal parallels the **existing** PacifiCorp 500 kV line in the SRBOP NCA. The Owyhee County Commissioners (OCC) submitted two alternatives for proposed Segment 9.

1) 9D: paralleling the **existing** 138kV Idaho Power line in the SRBOP. This was the only proposal accepted by the OCC and citizens of Owyhee County.
2) 9E: the southern proposal, was not accepted by the OCC and citizens of Owyhee County.

ENTERED
10/1/11

Rosey Thomas from BDO BLM insisted on Alternative 9E at the June 18th 2009 OCTF meeting. She was adamant that the OCTF submit 2 alternatives. The citizens of Owyhee County have objected to 9E from its inception. 9E would be blight on the Owyhee Front. 9E is in Sage Grouse habitat.

November 12th 2009 Idaho Power held a public meeting in Kuna, Idaho. We learned at that meeting that Idaho Power had changed their proposed route for Segment 8: to parallel the existing 500kV line in the SRBOP. Segment 9 remained as proposed, on private land in the West Wide Energy (WWE) corridor. The OCC and OCTF members continued to meet with the BDO BLM in an attempt to discern their dissatisfaction with Alternative 9D.

June 2011 the DEIS for GWTLP was released. Volume 1b Ch 3.18- 18 thru 3.18-25 contains data supplied by Cassia and Power Counties detailing the hindrances GWTLP will have on farming operations and crop production. This data also applies to Kuna, Melba and Owyhee County. Owyhee County's economy is 74% agriculturally based. We refer you to 3.18-38 thru 3.18-40 referencing Segment 8: documenting the negative effects a 500 kV line would have on prime farmland, livestock grazing, crop production and dairy farms. Pgs. 3.18-40 thru 3.18-42 address these topics for Segment 9.

We found the chapters on visual resources, cultural resources, socio-economics, environmental justice and electrical environment range from inadequate to inaccurate. Hundreds of pages of research and comment on Segments 8 and 9 were submitted to Mr. Walt George by the October 28th 2011 deadline. **The BLM did not designate preferred alternatives in the 3,150 page DEIS.**

January 13th, 2012 President Obama sent the Interagency Rapid Response Team for Transmission to Boise, Idaho. The Mayor of Kuna, the OCC and OCTF were in attendance. We shared the information contained in this letter with the Administrators of the nine Federal Agencies.

February 2012, the BDO BLM sent a map to the OCC recommending changes to 9D. The BDO BLM changes to 9D were accepted by our OCC at the February 27th, 2012 coordination meeting. The BDO BLM was now identifying 9D as their preferred alternative. Finally we achieved a hard earned, 100% consensus from groups including: Owyhee County citizens, OCTF, OCC, Idaho State Representatives, Governor Butch Otter, the 1st Congressional District, Idaho Power and the BDO BLM.

April 2012 Walt George, Steve Ellis and Donald Simpson traveled to Washington DC to bring Idaho Power's proposed route for Segment 8 and the BDO BLM's preferred route for Segment 9 "across the finish line". An e-mail dated April27th, 2012 from Cecil Werven, BDO BLM, to Karen Steenhof divulged information from the briefing in Washington DC that: "the Washington office wants NO transmission lines in the NCA because it would establish a bad precedent for the NLCS".

September 2012 the BLM released their preferred alternatives for Segment 8 and Segment 9.

The BLM's preferred alternative for Segment 8 is Idaho Power's 2009 proposed route, which places it back onto private property. This sent task force members and landowners

ENTERED

scrambling to discern where and how the process had failed them and rallying for support to ultimately have this line sited to parallel the existing 500kV line in the SRBOP NCA.

The BLM's preferred alternative for Segment 9 is Alternative 9E. The caveat is that the route has been altered at the SE edge of Oreana and now crosses private property that does not have the consent of the affected land owners.

October 2012 the OCC learned that they had not been, and would not be issued a copy of the Administrative FEIS for GWTLP. Idaho's Governor Butch Otter extended the services of Idaho's Department Administrator, John Chatburn. Mr. Chatburn submitted Owyhee County's comments via the Governor's office. Bear in mind our comments were made without the advantage of reviewing the Administrative FEIS.

Segment 9, Segment 9E and altered Segment 9E (the BLM's preferred alternative) are in Sage-Grouse habitat. June 2012 the BLM released the Addendum to the DEIS for the GWTPL "Effects of the Proposed Project on Greater Sage-Grouse" (please reference).

October 12th 2012, The Wilderness Society, Idaho Conservation League, The Nature Conservancy in Idaho and Conservation Lands Conservation Foundation submitted the following correspondence to Mr. Walt George:

"BLM's alternative route 9E would pass through identified Preliminary Priority Habitat (PPH) for the Greater Sage-Grouse. Currently, the U.S. Fish and Wildlife Service has found the Greater Sage-Grouse warrants protection under the Endangered Species Act and has committed to a final listing decision in 2015.

PPH, as identified in BLM's Greater Sage-Grouse Interim Management Policies and Procedures, IM 2012-043(12/27/2011), "compromises areas that have been identified as having the highest conservation value to maintaining sustainable Greater Sage-Grouse populations" that "have been identified by the BLM in coordination with respective state and wildlife agencies".

IM 2012-043 requires additional procedures for pending ROW applications that would affect more than 1 linear mile of Sage Grouse habitat. **Segment 9E would have nearly fifty times that level of impact**. These procedures include a high level interagency review process for any ROW project that would fail to "cumulatively maintain or enhance Sage Grouse habitat".

Allowing development of a large transmission line through this landscape could result in harmful, and potentially irreversible impacts to important Greater Sage Grouse habitat, both by damaging Sage Grouse habitat through the construction and maintenance of power lines and by providing "perches" for raptors and other birds of prey to more easily prey on Sage Grouse."

August 9th 2012 Ms. Karen Steenhof, a conservationist and one of the biologists who studied the effects of the PP&L (now PacifiCorp) 500 kV line, submitted the following correspondence to Mr. Carl Rountree, Director, NLCS:

2013 JUN 28 PM 10:00

ENTERED
10111

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

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

From 1981 through 1989, Bureau of Land Management (BLM) and PP&L biologists monitored the response of raptors and ravens to the transmission line (Engel et al. 1992, Steenhof et al. 1993). They found that the 500-kV transmission line within the NCA enhanced opportunities for raptor perching, nesting, and roosting. Unlike smaller distribution lines, large transmission lines do not present an electrocution hazard for large birds because the wires are too far apart for raptor wings to contact more than one wire at a time. Collision with transmission lines does not appear to be an issue for birds of prey in desert environments. Raptors and ravens were attracted to the 500-kV line, and productivity of hawks and eagles nesting on transmission towers was as good as and sometimes better than that of those nesting in the canyon. In some cases, transmission line towers provided more secure nesting substrate than natural nesting sites. By 1989, 8 pairs of Golden Eagles, 11 pairs of Ferruginous Hawks, 33 pairs of Red-tailed Hawks, and 81 pairs of ravens were nesting on the transmission line between Midpoint, Idaho and Summer Lake, Oregon (Steenhof et al. 1993). In addition, biologists documented 13 communal night roosts of Common Ravens on the transmission line, including one roost on transmission line towers within the NCA with more than 2100 ravens, one of the largest raven communal roosts ever documented in the world (Engel et al. 1992). Ravens used the roosts from spring to autumn, and as many as 700 roosted on a single tower.

The summer of 2009, in addition to developing alternatives to the GWTLP, members of the OCTF researched the inception of the GWTLP and posthumously discovered the following:

In 2005 President George Bush signed the Energy Act. Section 368 mandates the establishment of Right-of-Way (ROW) energy corridors on **Federal** land.

2013 JUN 28 AM 10:02

Energy Policy Act of 2005 (Enrolled as Agreed to or Passed by Both House and Senate)
SEC. 368. ENERGY RIGHT-OF-WAY CORRIDORS ON FEDERAL LAND.

ENTERED 10/11

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

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

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

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

August 29th 2008 the Scoping Report was released for the GWTLP prepared for the BLM by Tetra Tech. The West Wide Energy (WWE) corridor is sited on 18.4 miles of **private land**, 1.1 miles of State land and only 37.6 miles of Federal land; section 9 GWTLP, Owyhee County.

September 2008 the SRBOP NCA Resource Management Plan (RMP) and Record of Decision were adopted **prohibiting new transmission lines** in the SRBOP.

The BLM's announcement of their preferred alternatives for segment 8 and 9 for the GWTLP prompted members of the OCTF back into research mode and we present the following:

1) **NCA Enabling Legislation (Public Law 103-64- August 4th1993) SRBOP NCA**
This legislation provides for continued and future use for grazing, continued military use (the Orchard Training Center), and continued and **future** use of hydroelectric generation and **transmission**. The Law goes on to stipulate that **the NCA has been adequately studied and is not suitable for Wilderness.**

2) The National Landscape Conservation System was established "in order to conserve, protect and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations." **National Landscape Conservation Act, 16U.S.C. 7202(a)(2009).**
Secretarial Order 3308 speaks to the management of the Conservation Lands, stating "BLM shall ensure that the components of the NLCS are managed to protect the values for which they were designated, including, where appropriate, prohibiting uses that are in conflict with those values." The 15-Year Strategy for the Conservation Lands reinforces this by stating the "conservation, protection, and restoration of the NLCS values is the highest priority in NLCS planning and management, consistent with the designating legislation or presidential proclamation." Conservation Lands Strategy at 8.

ENTERED
10/11

Recent BLM **policy** guidance specifically addresses the management of BLM-managed national monuments and NCAs and **creates a presumption** that BLM will not approve any new ROWs in these areas. Specifically the manual provides:

> 5. To the greatest extent possible, subject to applicable law, the BLM should through land use planning and project-level processes and decisions, avoid designating or authorizing use of transportation or utility corridors within NLCS units.
>
> To that end, and consistent with applicable law, when developing or revising land use plans addressing NLCS units, the BLM will consider:
>
> a. designating the NLCS unit as an exclusion or avoidance area;
> b. not designating any new transportation or utility corridors within the NLCS unit if the BLM determines that the corridor would be incompatible with the designating authority or the purposes for which the NLCS unit was designated; and
> c. relocating any existing designated transportation and utility corridors outside the NLCS unit.
>
> BLM Manual 6100, 1.6J(5).

RECEIVED
OFFICE
CHEYENNE

3) 2009 lawsuit filed in **U.S. District Court for the Northern District of California** against the Department of Interior et al. reached a settlement agreement on July 3rd, 2012.

SETTLEMENT AGREEMENT

Plaintiffs The Wilderness Society, BARK, Center for Biological Diversity, Defenders of Wildlife, Great Old Broads for Wilderness, Klamath-
Siskiyou Wildlands Center, National Parks Conservation Association, National Trust for Historic Preservation, Natural Resources Defense Council, Oregon Natural Desert Association, Sierra Club, Southern Utah Wilderness Alliance, Western Resource Advocates, Western Watersheds Project, and County of San Miguel, Colorado ("Plaintiffs"), and Federal Defendants United States Department of the Interior ("DOI"), Kenneth L. Salazar, Secretary of the Interior; United States Bureau of Land Management ("BLM");Robert Abbey, Director, BLM; United States Department of Agriculture; Tom Vilsack, Secretary of Agriculture; United States Forest Service ("FS");Tom Tidwell, Chief of the Forest Service; United States Department of Energy("DOE");and Steven Chu, Secretary of Energy ("Defendants")(collectively the "Parties").

This 20-page agreement provides for "addressing periodic corridor reviews". "The objectives of these settlement provisions are to ensure that future revision, deletion, or addition to the system of corridors designated pursuant to section 368 of EP Act consider the following general principles: location of corridors in favorable landscapes, facilitation of renewable energy projects where feasible, avoidance of environmentally sensitive areas to the maximum extent practicable, **diminution of the proliferation of dispersed rights-of-way ("ROWs")** crossing the

ENTERED
10/11/1

landscape, and improvement of the long-term benefits of reliable and safe energy transmission. In addition, revisions, deletions, or additions to section 368 corridors are to be made through an **open and transparent process incorporating consultation and robust opportunities for engagement by tribes, states, local governments, and other interested parties."**

Interested Stakeholders from Segment 8 and Segment 9 present the following comments in summary:

2013 JAN 28 AM 10:00

1. We have established that the citizens and local governments were left out of the processes of adopting a Land Use Management Plan for the SRBOP NCA and for the scoping process for the GWTLP and WWE corridor.
2. It is our contention the scoping processes for the WWE corridor and the Land Use Management Plan for the SRBOP NCA are in violation of Section 368 of the 2005 Energy Act on the following premises:
   - Exclusion of local government and public input.
   - Unduly sited on private land sparing the abundantly available Federal land.
   - Not including this corridor into the SRBOP RMP, following existing transmission lines (ROWs), as defined in section103 (o) of FLPMA of 1976.
3. From 2009 to present, citizens and local government have been actively engaged, cooperating with all other effected agencies/groups; developing alternatives, providing ample comment and have been in compliance with the NEPA process et all deadlines.
4. 2009: Idaho Power's proposed route for Segment 8 paralleled the existing 500kv line in the SRBOP.
   February 2012: The BDO BLM's preferred alternative for Segment 9 paralleled the existing 138kV line in the SRBOP.
5. The existing ROW's for transmission lines in the Treasure Valley **are in** the SRBOP. The existing 500 kV line in the SRBOP NCA (the line Segment 8 proposes to parallel) is the only 500 kV line (ROW) in Owyhee County.
6. Science does not support the GWTLP, or the WWE corridor, to be sited in Idaho Power's proposed Segment 9 or BLM's preferred Alternative 9E.
7. Science supports the siting of the GWTLP in the SRBOP NCA. It is our contention Segment 8 and Segment 9 would not be "incompatible" with the existing transmission lines currently located in the SRBOP NCA.
8. The BLM's preferred alternative's for Segment 8 and Segment 9 will not be accepted by the residents or elected officials of Ada, Canyon and Owyhee Counties, due to the impact on private property.
9. It is our contention that **Public Law 103-64** was **never** intended to prohibit **future** lines into the SRBOP NCA.
10. The BLM was legally bound to: FLMPA, NEPA, the 2005 Energy Act (section 368) and Public Law 103-64 at the time they adopted the SRBOP NCA RMP and sited the WWE corridor (2008). We contend applying a 2009 Law (National Landscape Conservation System Act) as justification for agency actions prior to the existence of said Law is legally indefensible.

ENTERED

11. The NLCS (BLM) have selected their preferred alternatives based on BLM **policy**.
12. **Laws trump policy.**
13. U.S. District Court for the Northern District of California has established the 2005 Energy Act ET Section 368 as **Law**. The Department of Interior is now held to a Settlement Agreement.

It is the prayer of the residents of Ada, Canyon and Owyhee Counties that Segment 8 and Segment 9 of the GWTLP will be sited in the SRBOP NCA in the FEIS.

Respectfully,
The Owyhee County Task Force
Frank Bachman, Chairman

OCTF members
Robyn Thompson
Ernie Breuer
Leah Osborn

RECEIVED
2013 JUN 28 AM 10:00

11/86

ENTERED
10/1111

Comment #2:
Refer to 2.7.5 Proposed EPMs and Agency Mitigation Measures
1.) We strongly encourage the BLM to concider the mitigation measures proposed by the Proponents to accommodate Segment 8 and Segment 9D.
2) Throughout the FEIS these words could be found " which would not meet the intent of the enabling legislation for the SRBOP " when referring to seg 8 and seg 9D. We vehomently disagree with this interpretation of public law 103-64 and submit the following comment.

CHEYENNE WYOMING
BLM-DOI
RECEIVED
2013 JUN 28 AM 10:00

February 5, 2013

ENTERED 101111

A Case for Segment 9 of the Gate Way West Transmission Line Project to be sited in the SRBOP NCA.

In March 2009 Citizens in Oreana became aware of Idaho Powers proposed transmission line project severing private property thur the communities of Bruneau, Little Valley, Grand View, Oreana and Murphy. With conciderable time, energy and expense the citizenry of Owyhee County was awakened to this development. Frank Backman organized a large meeting in Bruneau late April 2009 and the Owyhee County Task Force was born and began working in tandem with the Owyhee County Commissioners (OCC), Boise Office District BLM (BOD BLM), Idaho Power engineers and Tetra Tech developing two alternative routes; 9D and 9E submitted Sept 1, 2009 into the DEIS. The OCC were definitive that alternative 9D

2013 JUN 28 AM 10:00 RECEIVED BOISE DISTRICT OFFICE

(2)

ENTERED 10/1/11

following an existing 138 kV line paralelling a brand new road built with Mr Obama stimulus money in the SRBOP NCA was the only route endorsed by the OCC and the Owyhee Co. Task Force.

In tandem with developing alternative 9D members of the Owyhee Co. Task Force researched the birth of the Gate Way West Transmission Line Project and discovered that in 2005 President George Bush signed the Energy Act. Section 368 of the Energy Act calls for the establishment of energy right-of-way corridors on Federal land in consultation with local governments, following existing transmission lines (as defined in section 103(e) of the FLPMA of 1976 (43 U.S.C. 1702(e)) and shall incorporate the designated corridors into the relevant agency land use and resource management plans or

14/86

ENTERED
10111

2013 JUN 28 AM 10:00
RECEIVED

equivalent plans.

This is not what happened in Owyhee County. May 28, 2008 the Owyhee Avalance announced a public scoping meeting to authorize ROW for Gate Way West on BLM land. The public was not notified requarding the impact of this public utility project on private land. As a result only 13 people attended the June 3, 2008 public scoping meeting held in Murphy, ID. Obviously comment from Owyhee Co. citizens was woefully inadequate to absent.

While establishing the WWE corridor over private land and prime farmland, the agricultural and economic base of Owyhee Co., the BLM adapted a land use management plan for the SRBOP prohibiting new transmission lines in the BOP - contrary to Sec. 368 of the 2005 Energy Act.

(4)

ENTERED 10/1111

June 2011 the BLM released the DEIS. The BLM did not designate a preferred alternative for seg 9 making comment most difficult. Citizens and OCC alike submitted comments to the 3,150 page document prior to the 90 day dead line. The OCC and Owyhee Co. Task Force continued to work with the BOD BLM and Idaho Power adjusting alternative 9D addressing BLM's concern with this proposal. February 2012 the OCC, Owyhee Co. Task Force, Idaho Power, BOD BLM, State Representatives, Gov Otter and Idaho's 1st Congressional District were all 100% in concensus supporting alternative 9D as amended. Mr Walt George, Mr Steve Ellis and Mr John Sullivan were sent to Washington D C to

ENTERED 10/1/11

2013 JUN 28 AM 10:00
RECEIVED
DOI-BLM
CHEYENNE WYOMING

bring alternative 9D across the finish line. Instead these men returned with the message that Carl - Rountree, Assistant Director National Landscape Conservation System and Community Partnerships (BLM) was denying 9D access into the BOP.

September 2012 the BLM announced its preferred alternative for seg 9: segment 9E. The caveat, however, the alternative has been significantly altered: at Castle Creek, Oreana, the route takes a sharp turn, traverses over the historic Tess property, over the newly purchased Brewer property with a brand new house and shop (purchased for the sole purpose of escaping proposed seg 9 and 9E), the historic Joyce Ranch proprietor Paul Nettleton, Chad Nettleton's new home ... then swings west catching the Gene Lewis subdivision

ENTERED
10/111

affecting Karen Steenhof's property. It is noteworthy that Karen Steenhof, Paul Nettleton, Chad Nettleton, Ernest Brewer and Robyn Thompson were all instrumental in the development of alternative 9D. It is also noteworthy that alternative 9E is in sage grouse habitat. Immediately south of the Brewer's newly acquired property are seasonal road closure signs for sage grouse. It defies all logic to run a 500 KV line for birds of prey to perch et pick of the sage grouse!

In tandem with announcing this surprize selection for a preferred alternative the BLM's rationalization = "The purposes for which the conservation area is established, and shall be managed, are to provide for the conservation, protection and

ENTERED 10/1/11

2013 JUN 28 AM 10:00
RECEIVED
CHEYENNE WYOMING

enhancement of raptor populations and habitats, and the natural and environmental resources and values associated there with, and of the scientific, cultural, and educational resources of the public lands in the conservation area" Section 2 Establishment of NCA (a)(2) Public Law 103-64 Aug 4, 1993.

Let's review other significant contents of NCA Enabling Legislation Public Law 103-64 Aug 4, 1993 Snake River Birds of Prey National Conservation Area:

Section 1. Findings

The Congress finds the following:

(10) An ongoing research program funded by the BLM and National Guard is intended to provide information to be used in connection with future decision making concerning management of all uses, including continued military use of public lands within SRBOP.

(8)

ENTERED 10/111

(12) Hydroelectric facilities for the generation and transmission of electricity exist within the SRBOP.

Section 2. Definitions

(10) The term "hydroelectric facilities" means all facilities related to the generation, transmission and distribution of hydroelectric power and which are subject to, and authorized by, a license(s), and any and all amendments there to, issued by the Federal Energy Regulatory Commission.

Section 3. Establishment of NCA

(3) Subject to the provisions of subsection (d) of this section and section 4. uses of the public lands in the conservation area existing on Aug 4, 1993, shall be allowed to continue.

Section 4. Management and Use

(g) Cooperative Agreements - The Secretary is authorized to provide technical assistance to, and to enter into such Cooperative

ENTERED
LOIIII

9

2013 JUN 28 AM 10:00
RECEIVED
BOI-BLM
CHEYENNE, WYOMING

agreements and contracts with, the State of Idaho and with local governments and private entities as the Secretary deems necessary or desireable to carry out the purposes and policies of this Act.

(i) Hydroelectric Facilities - Not withstanding any provision of this Act, or regulations and management plans undertaken pursuant to its provisions, The Federal Energy Regulatory Commission shall retain its current jurisdiction concerning all aspects of the continued and future operation of hydroelectric facilities, licensed or relicensed under the Federal Power Act (16 U.S.C. 791 a et seq.) located within the boundaries of the conservation area.

Section 6. Other Laws and Administrative Provisions

(b) Release - The Congress finds and directs that the

10

ENTERED

public lands with in the SR BOP NCA established as a natural area in October 1971 by Public Land Order 5133 have been adequately studied and found unsuitable for wilderness designation persuant to section 603 of the FLPMA of 1976. Such lands are hereby released from further management pursuant to section 603(c) of such an Act and shall be managed in accordance with other applicable provisions of law, including this Act.

It is apparent to the residents of Owyhee County Public Law 103-64 was never intended to prohibit future transmission lines in the SRBOP NCA. It is our contention that the 2008 SRBOP NCA RMP and ROD are outside the intent of Public Law 103-64 Aug 4, 1993 and FLPMA 1976; and we advocate for an amendment

22/86

ENTERED
10111

11

2013 JUN 28 AM 10:00
RECEIVED
BLM
CHEYENNE WYOMING

to the RMP to accommodate segment 9D.

We would like to address the issue of enhancing the SRBOP NCA. It has come to our attention Idaho Power is prepared to bear the expense of meeting this requirement, thus issue resolved.

We have one more disturbing matter requiring attention. Our OCC were not afforded the courtesy of the Administrative copy of the FEIS. Idaho's Governor Butch Otter was kind enough to extend the services of Idaho's Dept. of Energy Administrator John Chatburn. Mr Chatburn graciously submitted Owyhee County's comments via the Governor's office. One must bear in mind our comments were made without the advantage of reviewing the

(12)

ENTERED 10/1/11

Administrative FEIS.

FLPMA sec 202(f) and sec 309 (e) provide that the Federal, State and Local governments and the public be given adequate notice and an opportunity to comment on the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for the management of public lands. We expect the BLM to operate in transparency including our OCC in all correspondence and decisions.

Respect fully Submitted by:

Ernest P. Brewer

Robyn C. Thompson

16990 Short Cut Road
Oreana, ID 83650
208-834-2337

24/86

ENTERED
10111

APPENDIX 1. NCA ENABLING LEGISLATION

PUBLIC LAW 103-64 – AUG. 4, 1993

SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA

2013 JUN 28 AM 10:00
RECEIVED
BOISE, IDAHO

PUBLIC LAW 103-64
103d Congress

An Act

To establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of United States of America in Congress assembled,

Section 1. Findings

The Congress finds the following:

(1) The public lands managed by the Bureau of Land Management in the State of Idaho within the Snake River Birds of Prey Area contain one of the densest known nesting populations of eagles, falcons, owls, hawks, and other birds of prey (raptors) in North America.

(2) These public lands constitute a valuable national biological and educational resource since birds of prey are important components of the ecosystem and indicators of environmental quality, and contribute significantly to the quality of wildlife and human communities.

(3) These public lands also contain important historic and cultural resources (including significant archaeological resources) as well as other resources and values, all of which should be protected and appropriately managed.

(4) A military training area within the Snake River Birds of Prey Area, known as the Orchard Training Area, has been used since 1953 by reserve components of the Armed Forces. Military use of this area is currently governed by a Memorandum of Understanding between the Bureau of Land Management and the State of Idaho Military Division, dated May 1985. Operating under this Memorandum of Understanding, the Idaho National Guard has provided valuable assistance to the Bureau of Land Management with respect to fire control and other aspects of management of the Orchard Training Area and the other lands in the Snake River Birds of Prey Area. Military use of the lands within the Orchard Training Area should continue in accordance with such Memorandum of Understanding (or extension or renewal thereof), to the extent consistent with section 460iii-3(e) of this title, because this would be in the best interest of training of the reserve components (an important aspect of national security) and of the local economy.

(5) Protection of the conservation area as a home for raptors can best and should be accomplished by the Secretary of the Interior, acting through the Bureau of Land Management, under a management plan that:

(A) emphasizes management, protection, and rehabilitation of habitat for these raptors and of other resources and values of the area;

25/86

ENTERED
10/111

(B) provides for continued military use, consistent with the requirements of section 460iii-3(e) of this title, of the Orchard Training Area by reserve components of the Armed Forces;

(C) addresses the need for public educational and interpretive opportunities;

(D) allows for diverse appropriate uses of lands in the area to the extent consistent with the maintenance and enhancement of raptor populations and habitats and protection and sound management of other resources and values of the area; and

(E) demonstrates management practices and techniques that may be useful to other areas of the public lands and elsewhere.

(6) There exists near the conservation area a facility, the World Center for Birds of Prey operated by The Peregrine Fund, Inc., where research, public education, recovery, and reestablishment operations exist for endangered raptor species. There also exists at Boise State University a raptor study program which attracts national and international graduate and undergraduate students.

(7) The Bureau of Land Management and Boise State University, together with other State, Federal, and private entities, have formed the Raptor Research and Technical Assistance Center to be housed at Boise State University, which provides a unique adjunct to the conservation area for raptor management, recovery, research, and public visitation, interpretation, and education.

(8) Consistent with requirements of sections 1712 and 1732 of title 43, the Secretary has developed a comprehensive management plan and, based on such plan, has implemented a management program for the public lands included in the conservation area established by this subchapter.

(9) Additional authority and guidance must be provided to assure that essential raptor habitat remains in public ownership, to facilitate sound and effective planning and management, to provide for effective public interpretation and education, to ensure continued study of the relationship of humans and these raptors, to preserve the unique and irreplaceable habitat of the conservation area, and to conserve and properly manage the other natural resources of the area in concert with maintenance of this habitat.

(10) An ongoing research program funded by the Bureau of Land Management and the National Guard is intended to provide information to be used in connection with future decision making concerning management of all uses, including continued military use, of public lands within the Snake River Birds of Prey Area.

(11) Public lands in the Snake River Birds of Prey Area have been used for domestic livestock grazing for more than a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of raptor habitat and the other resource values of these lands; therefore, subject to the determination provided for in section 460iii-3(f) of this title, it is expected that such grazing will continue in accordance with applicable regulations of the Secretary and the management plan for the conservation area.

(12) Hydroelectric facilities for the generation and transmission of electricity exist within the Snake River Birds of Prey Area pursuant to a license(s) issued by the Federal Energy Regulatory Commission, or its predecessor, the Federal Power Commission.

26/86

ENTERED
10/11

Section 2. Definitions

2013 JUN 28 AM 10:00
RECEIVED
BOI-BLM
STATE OFFICE

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "conservation area" means the Snake River Birds of Prey National Conservation Area established by section 3.

(3) The term "raptor" or "raptors" means individuals or populations of eagles, falcons, owls, hawks, and other birds of prey.

(4) The term "raptor habitat" includes the habitat of the raptor prey base as well as the nesting and hunting habitat of raptors within the conservation area.

(5) The term "Memorandum of Understanding" means the Memorandum of Understanding #ID-237, dated May 1985, between the State of Idaho Military Division and the Bureau of Land Management.

(6) The term "Orchard Training Area" means that area generally so depicted on the map referred to in section 3(b) of this title, and as described in the Memorandum of Understanding as well as the air space over the same.

(7) The term "Impact Area" means that area which was used for the firing of live artillery projectiles and is used for live fire ranges of all types and, therefore, poses a danger to public safety and which is generally so depicted on the map referred to in section 3(b).

(8) The term "Artillery Impact Area" means that area within the Impact Area into which live projectiles are fired, which is generally described as that area labeled as such on the map referred to in section 3(b) of this title.

(9) The term "the plan" means the comprehensive management plan developed for the conservation area, dated August 30, 1985, together with such revisions thereto as may be required in order to implement this Act.

(10) The term "hydroelectric facilities" means all facilities related to the generation, transmission, and distribution of hydroelectric power and which are subject to, and authorized by, a license(s), and any and all amendments thereto, issued by the Federal Energy Regulatory Commission.

Section 3. Establishment of National Conservation Area

(a) Establishment and Purposes – (1) There is hereby established the Snake River Birds of Prey National Conservation Area (hereafter referred to as the "conservation area").

(2) The purposes for which the conservation area is established, and shall be managed, are to provide for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith, and of the scientific, cultural, and educational resources and values of the public lands in the conservation area.

(3) Subject to the provisions of subsection (d) of this section and section 4, uses of the public lands in the conservation area existing on August 4, 1993, shall be allowed to continue.

(b) Area Included – The conservation area shall consist of approximately 482,457 acres of federally owned lands and interests therein managed by the Bureau of Land Management as

27/86

ENTERED 10/11

generally depicted on the map entitled "Snake River Birds of Prey National Conservation Area", dated November 1991.

(c) Map and Legal Description – As soon as is practicable after August 4, 1993, the map referred to in subsection (b) of this section and a legal description of the conservation area shall be filed by the Secretary with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each such map shall have the same force and effect as if included in this Act; except that the Secretary may correct clerical and typographical errors in such map and legal description. Each such map shall be on file and available for public inspection in the office of the Director and the Idaho State Director of the Bureau of Land Management of the Department of the Interior.

(d) Withdrawals – Subject to valid existing rights, the Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; and from entry, application, and selection under the Act of March 3, 1877 (Ch. 107, 19 Stat. 377, 43 U.S.C. 321 *et seq.*; commonly referred to as the "Desert Lands Act"), section 4 of the Act of August 18, 1894 (Ch. 301, 28 Stat; U.S.C. 641; commonly referred to as the "Carey Act"), the Act of July 3, 1890 (Ch. 656, 26 Stat. 215; commonly referred to as the "State of Idaho Admissions Act"), section 2275 of the Revised Statutes, as amended (43 U.S.C. 851), and section 2276 of the Revised Statutes, as amended (43 U.S.C. 852). The Secretary shall return to the applicants any such applications pending on August 4, 1993, without further action. Subject to valid existing rights, as of August 4, 1993, lands within the Birds of Prey Conservation Area are withdrawn from location under the general mining laws, the operation of the mineral and geothermal leasing laws, and the mineral material disposal laws, except that mineral materials subject to disposal may be made available from existing sites to the extent compatible with the purposes for which the conservation area is established.

RECEIVED 2001 JUN 28 AM 10:00

Section 4. Management and Use

(a) In General – (1)(A) Within 1 year after August 4, 1993, the Secretary shall make any revisions in the existing management plan for the conservation area as necessary to assure its conformance with this Act, and no later than January 1, 1996, shall finalize a new management plan for the conservation area.

(B) Thereafter, the Secretary shall review the plan at least once every 5 years and shall make such revisions as may be necessary or appropriate.

(C) In reviewing and revising the plan, the Secretary shall provide for appropriate public participation.

(2) Except as otherwise specifically provided in section 3(d) of this title and subsections (d), (e), and (f) of this section, the Secretary shall allow only such uses of lands in the conservation area as the Secretary determines will further the purposes for which the Conservation Area is established.

(b) Management Guidance – After each review pursuant to subsection (a) of this section, the Secretary shall make such revisions as may be needed so that the plan and management program to implement the plan include, in addition to any other necessary or appropriate provisions, provisions for –

28/86

ENTERED
10111

(1) protection for the raptor populations and habitats and the scientific, cultural, and educational resources and values of the public lands in the conservation area;

(2) identifying levels of continued military use of the Orchard Training Area compatible with paragraph (1) of this subsection;

(3) public use of the conservation area consistent with the purposes of this Act;

(4) interpretive and educational opportunities for the public;

(5) a program for continued scientific investigation and study to provide information to support sound management in accordance with this Act, to advance knowledge of raptor species and the resources and values of the conservation area, and to provide a process for transferring to other areas of the public lands and elsewhere this knowledge and management experience;

2013 JUN 28 AM 10: 00
RECEIVED

(6) such vegetative enhancement and other measures as may be necessary to restore or enhance prey habitat;

(7) the identification of levels, types, timing, and terms and conditions for the allowable nonmilitary uses of lands within the conservation area that will be compatible with the protection, maintenance, and enhancement of raptor populations and habitats and the other purposes for which the conservation area is established; and

(8) assessing the desirability of imposing appropriate fees for public uses (including, but not limited to, recreational use) of lands in the conservation area, which are not now subject to fees, to be used to further the purposes for which the conservation area is established.

(c) Visitors Center – The Secretary, acting through the Director of the Bureau of Land Management, is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, a visitors center designed to interpret the history and the geological, ecological, natural, cultural, and other resources of the conservation area and the biology of the raptors and their relationships to man.

(d) Visitors Use of Area – In addition to the Visitors Center, the Secretary may provide for visitor use of the public lands in the conservation area to such extent and in such manner as the Secretary considers consistent with the protection of raptors and raptor habitat, public safety, and the purposes for which the conservation area is established. To the extent practicable, the Secretary shall make available to visitors and other members of the public a map of the conservation area and such other educational and interpretive materials as may be appropriate.

(e) National Guard Use of Area – (1) Pending completion of the ongoing research concerning military use of lands in the conservation area, or until the date 5 years after August 4, 1993, whichever is the shorter period, the Secretary shall permit continued military use of those portions of the conservation area known as the Orchard Training Area in accordance with the Memorandum of Understanding, to the extent consistent with the use levels identified pursuant to subsection (b)(2) of this section.

(2) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall review the management plan and make such additional revisions therein as may be required to assure that it meets the requirements of this Act.

(3) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall submit to the Committees on Natural Resources and

29/86

Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report of the results of such research.

(4) Nothing in this subchapter shall preclude minor adjustment of the boundaries of the Orchard Training Area in accordance with provisions of the Memorandum of Understanding.

(5) After completion of the ongoing research concerning military use of lands in the Orchard Training Area or after the date 5 years after August 4, 1993, whichever first occurs, the Secretary shall continue to permit military use of such lands, unless the Secretary, on the basis of such research, determines such use is not compatible with the purposes set forth in section 3(a)(2). Any such use thereafter shall be permitted in accordance with the Memorandum of Understanding, which may be extended or renewed by the Secretary so long as such use continues to meet the requirements of subsection (b)(2) of this section.

(6) In accordance with the Memorandum of Understanding, the Secretary shall require the State of Idaho Military Division to insure that military units involved maintain a program of decontamination.

(7) Nothing in this subchapter shall be construed as by itself precluding the extension or renewal of the Memorandum of Understanding, or the construction of any improvements or buildings in the Orchard Training Area so long as the requirements of this subsection are met.

(f) Livestock Grazing – (1) So long as the Secretary determines that domestic livestock grazing is compatible with the purposes for which the conservation area is established, the Secretary shall permit such use of public lands within the conservation area, to the extent such use of such lands is compatible with such purposes. Determinations as to compatibility shall be made in connection with the initial revision of management plans for the conservation area and in connection with each plan review required by subsection 4(a)(1)(B).

(2) Any livestock grazing on public lands within the conservation area, and activities the Secretary determines necessary to carry out proper and practical grazing management programs on such lands (such as animal damage control activities) shall be managed in accordance with the Act of June 28, 1934 (43 U.S.C. 315 *et seq.*; commonly referred to as the "Taylor Grazing Act"), section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), other laws applicable to such use and programs on the public lands, and the management plan for the conservation area.

(g) Cooperative Agreements – The Secretary is authorized to provide technical assistance to, and to enter into such cooperative agreements and contracts with, the State of Idaho and with local governments and private entities as the Secretary deems necessary or desirable to carry out the purposes and policies of this Act.

(h) Agricultural Practices – Nothing in this subchapter shall be construed as constituting a grant of authority to the Secretary to restrict recognized agricultural practices or other activities on private land adjacent to or within the conservation area boundary.

(i) Hydroelectric Facilities – Notwithstanding any provision of this Act, or regulations and management plans undertaken pursuant to its provisions, the Federal Energy Regulatory Commission shall retain its current jurisdiction concerning all aspects of the continued and future operation of hydroelectric facilities, licensed or relicensed under the Federal Power Act (16 U.S.C. 791a *et seq.*), located within the boundaries of the conservation area.

30/86

ENTERED
10111

Section 5. Additions

2013 JUN 28 AM 10: 00

(a) Acquisitions – (1) The Secretary is authorized to acquire lands and interests therein within the boundaries of the conservation area by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that such lands or interests owned by the State of Idaho or a political subdivision thereof may be acquired only by donation or exchange.

(2) Any lands located within the boundaries of the conservation area that are acquired by the United States on or after August 4, 1993, shall become a part of the conservation area and shall be subject to this Act.

(b) Purchase of Lands – In addition to the authority in section 318(d) of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1748) and notwithstanding section 7(a) of Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4061-9(a)), monies appropriated from the Land and Water Conservation Fund may be used as authorized in section 5(b) of the Endangered Species Act of 1973 (16 U.S.C. 1534(b)), for the purposes of acquiring lands or interests therein within the conservation area for administration as public lands as a part of the conservation area.

(c) Land Exchanges – The Secretary shall, within 4 years after August 4, 1993, study, identify, and initiate voluntary land exchanges which would resolve ownership related land use conflicts within the conservation area.

Section 6. Other Laws and Administrative Provisions

(a) Other Laws – (1) Nothing in this subchapter shall be construed to supersede, limit, or otherwise affect administration and enforcement of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) or to limit the applicability of the National Trails System Act (16 U.S.C. 1241 *et seq.*) to any lands within the conservation area.

(2) Except as otherwise specifically provided in this subchapter, nothing in this subchapter shall be construed as limiting the applicability to lands in the conservation area of laws applicable to public lands generally, including but not limited to the National Historic Preservation Act (16 U.S.C. 470 *et seq.*), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa *et seq.*), or the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq.*).

(3) Nothing in this subchapter shall be construed as by itself altering the status of any lands that on August 4, 1993, were not managed by the Bureau of Land Management.

(4) Nothing in this subchapter shall be construed as prohibiting the Secretary from engaging qualified persons to use public lands within the conservation area for the propagation of plants (including seeds) to be used for vegetative enhancement of the conservation area in accordance with the plan and in furtherance of the purposes for which the conservation area is established.

(b) Release – The Congress finds and directs that the public lands within the Snake River Birds of Prey Natural Area established as a natural area in October 1971 by Public Land Order 5133 have been adequately studied and found unsuitable for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976. Such lands are hereby

31/86

ENTERED
10114

released from further management pursuant to section 603(c) of Such an Act and shall be managed in accordance with other applicable provisions of law, including this Act.

(c) Existing Administrative Withdrawal Terminated – Public Land Orders 5133 dated October 12, 1971, and 5777 dated November 21, 1980, issued by the Secretary are hereby revoked subject to subsections (d)(3) and (d)(4).

(d) Water – (1) The Congress finds that the United States is currently a party in an adjudication of rights to waters of the Snake River, including water rights claimed by the United States on the basis of the reservation of lands for purposes of conservation of fish and wildlife and that consequently there is no need for this Act to effect a reservation by the United States of rights with respect to such waters in order to fulfill the purposes for which the conservation area is established.

(2) Nothing in this Act or any action taken pursuant thereto shall constitute either an expressed or implied reservation of water or water rights for any purpose.

(3) Nothing in this Act shall be construed as effecting a relinquishment or reduction of any of the water rights held or claimed by the United States within the State of Idaho or elsewhere on or before August 4, 1993.

(4) The Secretary and all other officers of the United States shall take all steps necessary to protect all water rights claimed by the United States in the Snake River adjudication now pending in the district court of the State of Idaho in which the United States is joined under section 208 of the Act of July 10, 1952 (66 Stat. 560; 43 U.S.C. 666; commonly referred to as the "McCarran Amendment").

Section 7. Authorization of Appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved August 4, 1993.

RECEIVED
2013 JUN 28 AM 10:00

32/86

ENTERED
101111

Comment #3
Refer to 3.2-161 thur 3.2-164
and 3.2-173 thur 3.2-189.

Pictures are worth 1000 words.
Please enjoy the enclosed ...

CHEYENNE WYOMING
DOI-BLM
RECEIVED
2013 JUN 28 AM 10:00

Segment 8
Looking West
SRBOP NCA-
ENTERED
34/86

Segment 8
Looking East
SRBOP NCA
ENTERED
10/111
2013 JUN 28 AM 10:00
RECEIVED
BLM
WYOMING
35/86

2013 JUN 28 AM 10: 00

RECEIVED
DOI-BLM
CHEYENNE WYOMING

ENTERED
10/11

36/86

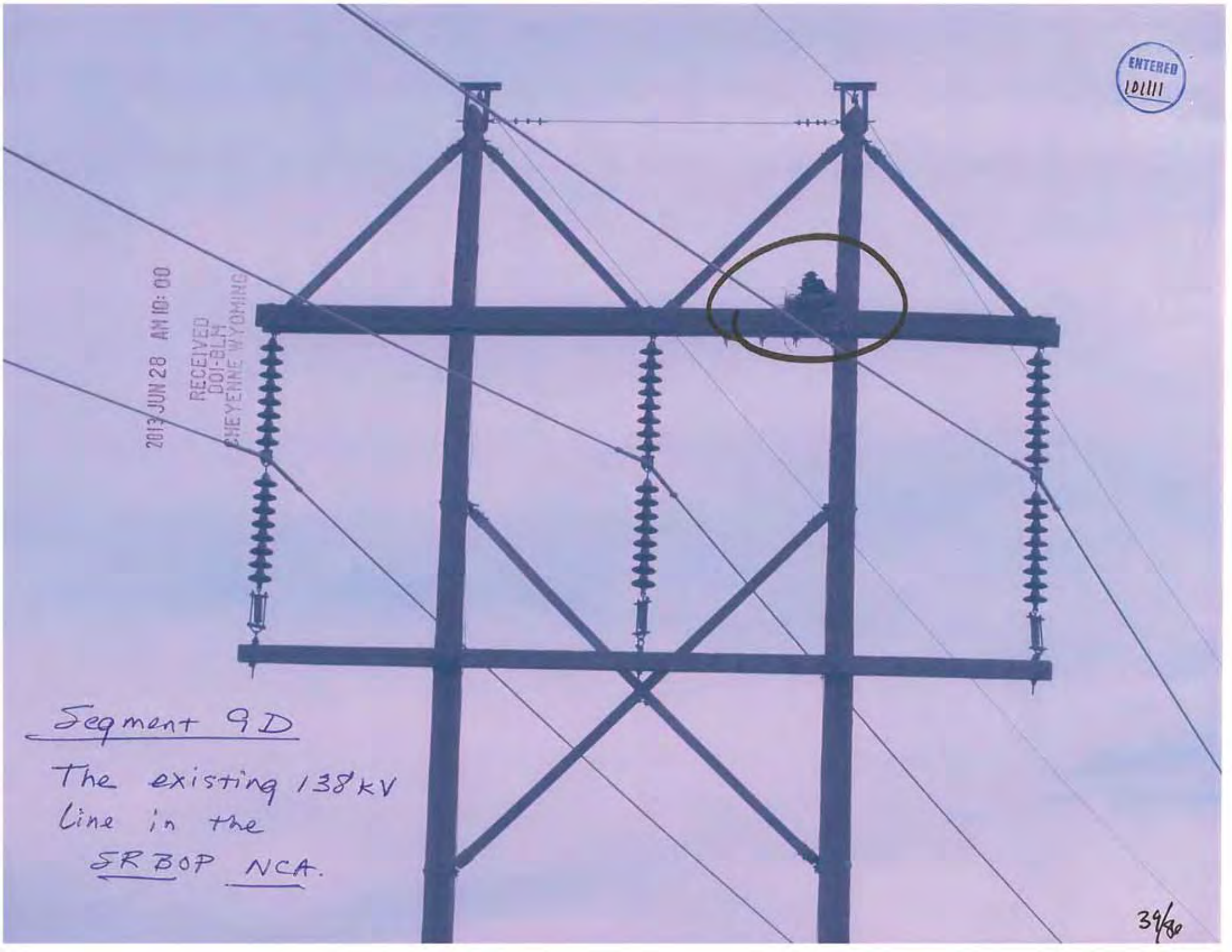
Segment 9D
The existing 138kV line in the JRBOP

ENTERED
10/1/11

2013 JUN 28 AM 10:00
RECEIVED
BOISE, IDAHO
CHEYENNE, WYOMING

37/86

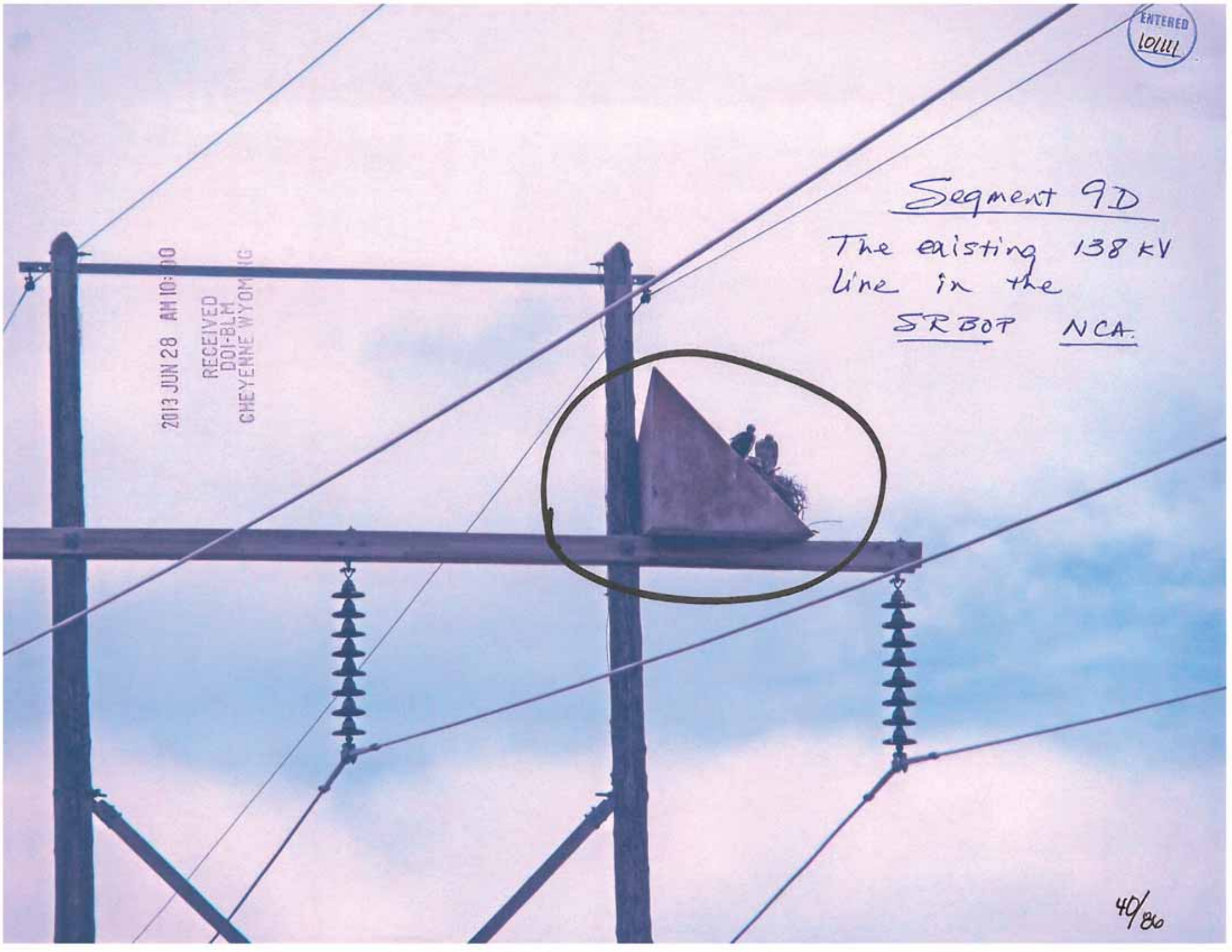
ENTERED
10/11/1
Segment 9D
the existing 138 kV
line in the
SRBOP NCA.
2013 JUN 28 AM 10: 08
RECEIVED
DOI-BLM
CHEYENNE, WY
38/86



Segment 9D

The existing 138 kV Line in the SR BOP NCA.

34/86


ENTERED
10/11/1
2013 JUN 28 AM 10:10
RECEIVED
DOI-BLM
CHEYENNE WYOMING
Segment 9D
The existing 138 kV
line in the
SRBOT NCA.
40/80

ENTERED
10111

The following photos are altered 9E, Oreana, Idaho.

RECEIVED
BLM-DOI
CHEYENNE WYOMING
2013 JUN 28 AM 10: 00

41/86

ENTERED

ENTERED
10/1/11

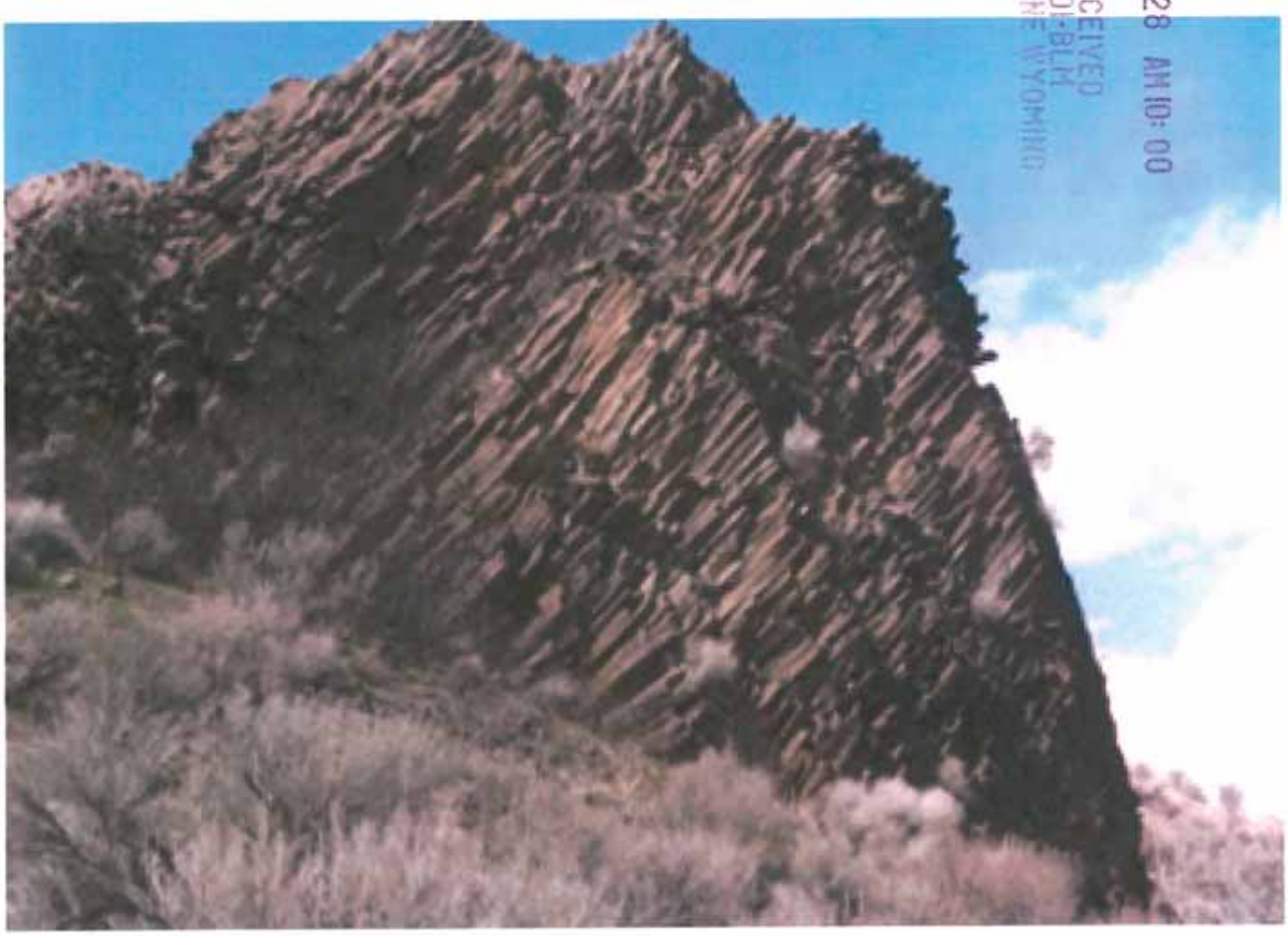
2013 JUN 28 AM 10: 00
RECEIVED
DOI-BLM
CHEYENNE WYOMING

ENTERED
10/1111

2013 JUN 28 AM 10:00
RECEIVED
BLM
CHEYENNE WYOMING

ENTERED
101111

JUN 28 AM 10:00
RECEIVED
DOI-BLM
ENNE WYOMING



ENTERED
10111

2013 JUN 28 AM 10:00
RECEIVED
DOI-BLM
CHEYENNE WYOMING

46/86

ENTERED

ENTERED

48/86

Roads are closed -- altered 9E -- due to sage grouse habitat

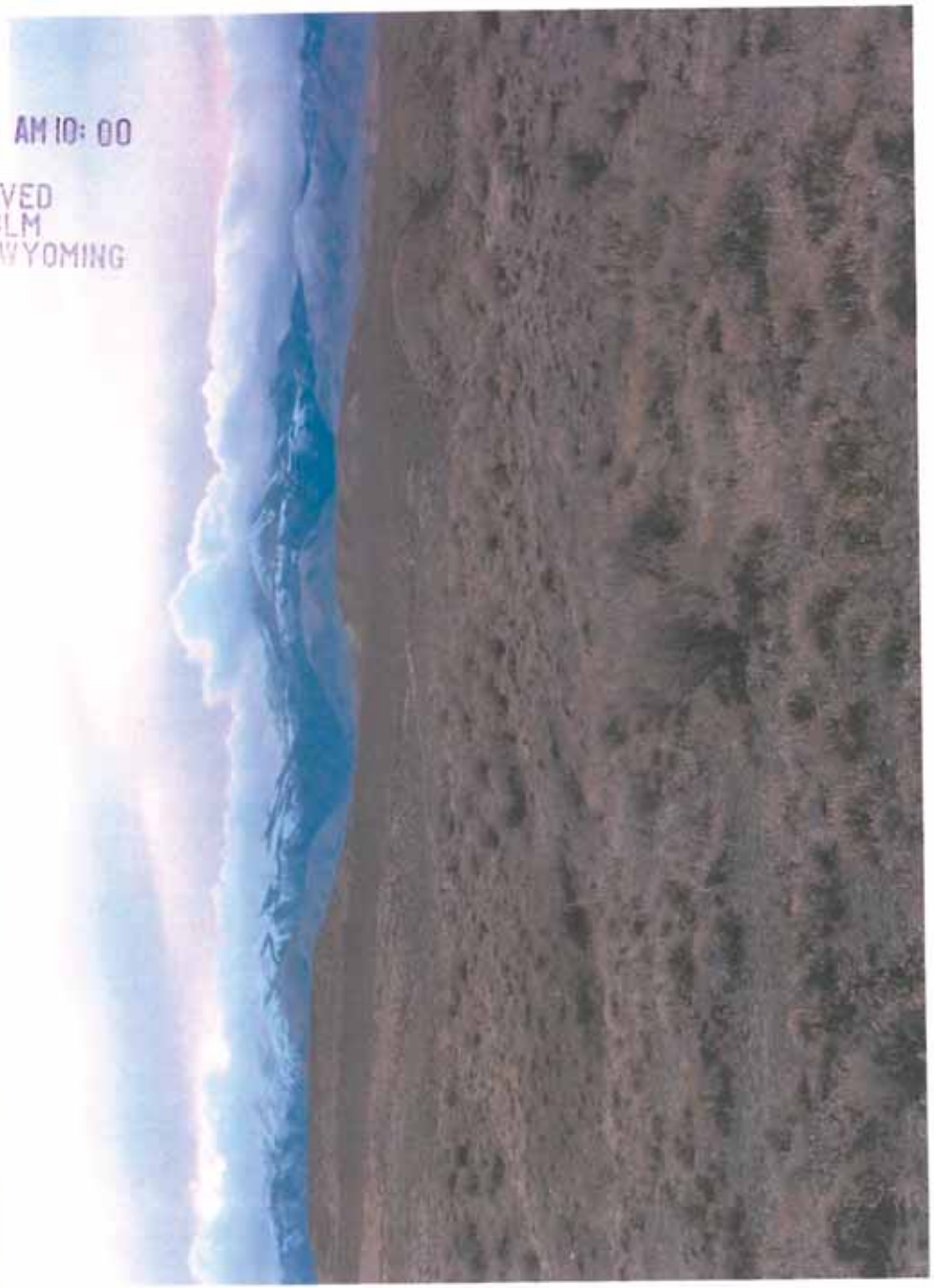
ENTERED
11/19

2013 JUN 28 AM 10:00
RECEIVED
DOI-BLM
CHEYENNE WYOMING

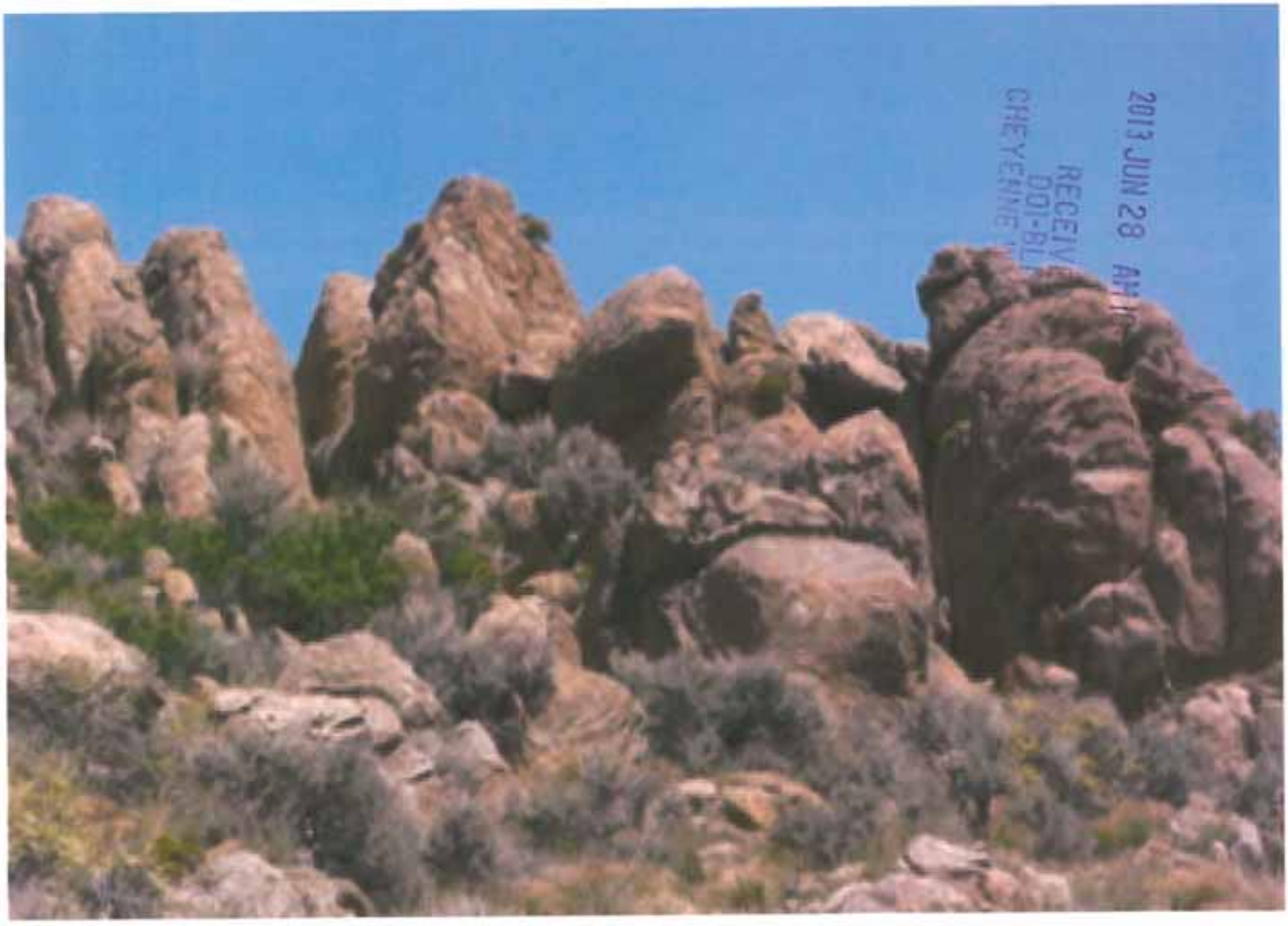
ENTERED

2013 JUN 28 AM 10: 00

RECEIVED
BLM
CHEYENNE WYOMING



ENTERED
10/1/11



2013 JUN 28 AM
RECEIV
DOI-BL
CHEYENNE

ENTERED
6/1111

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 2:59 PM
To: Mary Huff
Subject: FW: Emailing: 130216_0004.jpg
Attachments: 130216_0004.jpg

2013 JUN 28 AM 10: 00
RECEIVED
BOI-BLM
CHEYENNE, WYOMING

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 11:30 AM
To: 'john.chatburn@oer.idaho.gov'
Subject: Emailing: 130216_0004.jpg

Good Morning John; I am a concerned Oreana, Idaho resident who has been to a few of the Gateway West power line meetings. I didn't head out on my mare last Saturday to take these kind of pictures..... I was just going to one of our favorite spots on a nice day. As we were going along I remembered that I was traveling inside one of the proposed two mile wide energy corridors that should be decided on soon. So I decided to take some pictures mostly for myself..... I case it had to change. As I continued on this mission I decided that I really wanted to share these... on the chance that it may help the right people come to the correct decisions.

My neighbors who have been more active than I advised me to send these to you. Leah Osborne gave me your email address. Thank you in advance for your time. I didn't want to send a group picture as I wanted to be clear on where each picture/direction was, but I will try to send only the pertinent ones and be brief.

This first photo is a couple of miles going west up Hart Creek on a dirt rd that is off of Bachman Grade Rd just past the Jess Place. We are looking west and the 2 Hart Creek canyons are just below on a piece of private property that we call the Aman place. It belongs to my neighbor and is a favorite place for me to go as there is always enough water running from Big Hart Creek canyon to water my dog and mare.

Thank you again.
Sincerely,

Marcy Peterson
Oreana, Idaho

Your message is ready to be sent with the following file or link attachments:

130216_0004.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

52/86

The following photos and comments are reguarding The BLM's preferred alternative 9E, aultered from the 9-1-09 submitted alternative Clarification by Robyn Thompson With permission Marcy Peterson @ 10:00 am May 9 2013

ENTERED
2013 JUN 28 AM 10: 00
RECEIVED
BLM
WYOMING

ENTERED
10111

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 2:59 PM
To: Mary Huff
Subject: FW: Emailing: 130216_0005.jpg
Attachments: 130216_0005.jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 11:38 AM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130216_0005.jpg

Standing in the same spot only turned to the north looking at a long line of steep chalky bluffs that the 2 mile wide energy corridor would have to cross to proceed north to cross Pickett Creek next. Hart Creek runs just below these cliffs.

Your message is ready to be sent with the following file or link attachments:

130216_0005.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED
2013 JUN 28 AM 10: 00

54/80

2013 JUN 28 AM 10:00

RECEIVED
DOI-BLM
CHEYENNE WYOMING

ENTERED
LD1111

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 2:59 PM
To: Mary Huff
Subject: FW: Emailing: 130216_0007.jpg
Attachments: 130216_0007.jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 11:50 AM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130216_0007.jpg

Standing in the same spot, but turned a bit more to the northeast to take in more of the chalky cliffs. There is a piece of private ground below these cliffs which is called the Cave Place. It is between the Jess Place (east side of the corrider on Hart Creek) and the Aman Place (west side of the corridor on Hart Creek.) It is called the Cave Place because there is an actual, wonderful ancient Indian Cave down there that has been explored and excavated by experts and they do have ancient artifacts from that cave in a museum somewhere in Boise or Nampa. I am not the expert on the cave but it is there in the middle of this proposed energy corridor route. Hart Creek runs right past the large cave and makes a pool going into the ground a few feet east of the cave... I can usually water my dog & mare there in the summer months too. It must also be very nice for the wildlife and birds.

Your message is ready to be sent with the following file or link attachments:

130216_0007.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED
DOI-BLM
2013 JUN 28 AM 10: 00

56/86

2013 JUN 28 AM 10: 00

RECEIVED
DOI-BLM
CHEYENNE WYOMING

ENTERED

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 2:59 PM
To: Mary Huff
Subject: FW: Emailing: 130216_0010.jpg
Attachments: 130216_0010.jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:02 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130216_0010.jpg

What a view on a clear day to stand below the Owyhee Mountains looking east to the Trinities.

Your message is ready to be sent with the following file or link attachments:

130216_0010.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED
DOI-BLM
2013 JUN 28 AM 10: 00

58/80

2013 JUN 28 AM 10: 00

RECEIVED
DOI-BLM
CHEYENNE WYOMING

ENTERED

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 3:00 PM
To: Mary Huff
Subject: FW: Emailing: 130216_0030.jpg
Attachments: 130216_0030.jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:05 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130216_0030.jpg

We are going west up Hart Creek into the Aman place to look at the canyons.

Your message is ready to be sent with the following file or link attachments:

130216_0030.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED
DOI-BLM
2013 JUN 28 AM 10: 00

60/86

RECEIVED
BLM-DOI
CHEYENNE,WYOMING
2013 JUN 28 AM 10: 00

ENTERED
10111

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 3:00 PM
To: Mary Huff
Subject: FW: Emailing: 130216_0019.jpg
Attachments: 130216_0019.jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:11 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130216_0019.jpg

Little Hart Creek canyon does not run water all of the time, but check out the brush/cover for the birds. Chuckar and grouse like to hang out around these canyon walls and in this brush.

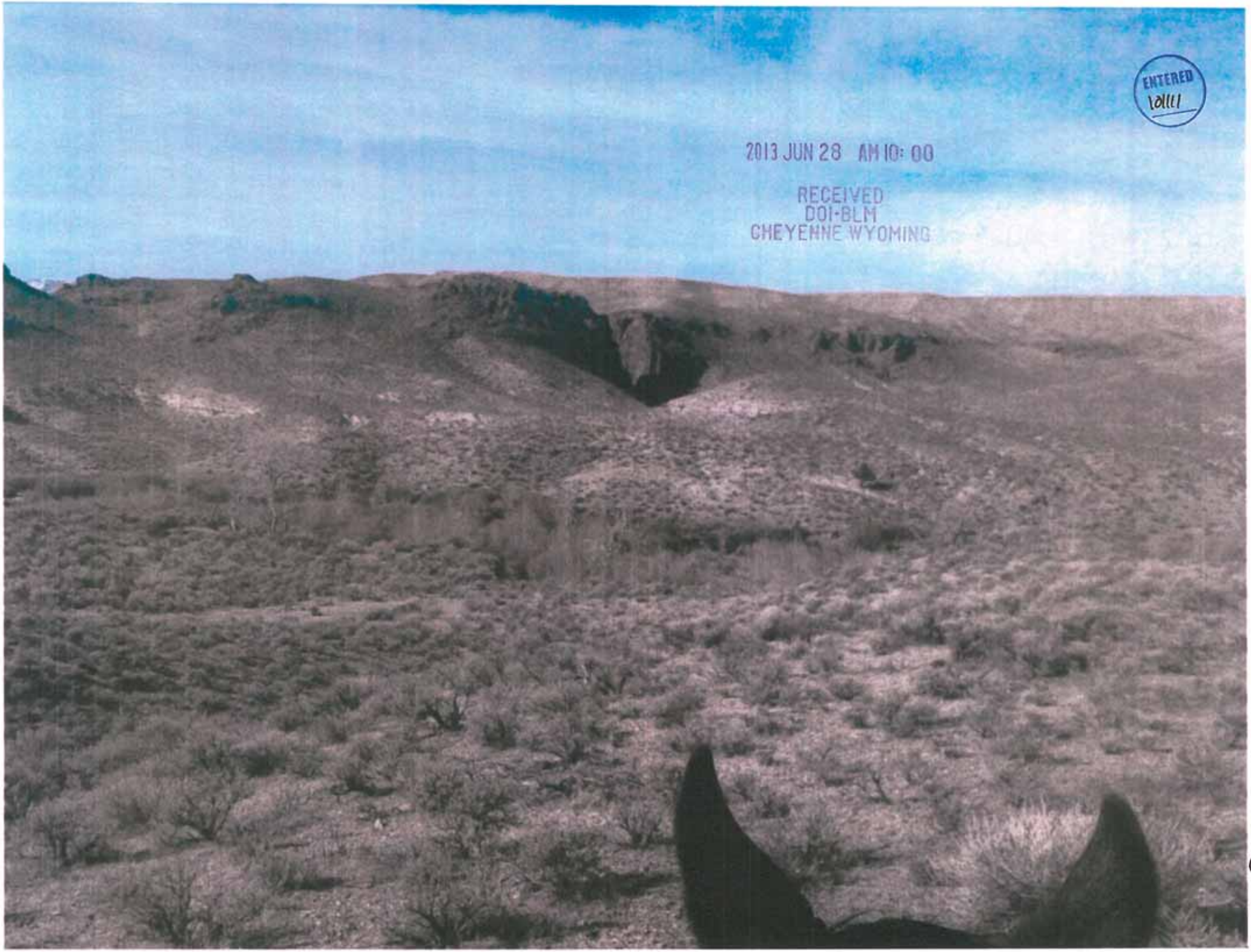
Your message is ready to be sent with the following file or link attachments:

130216_0019.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED
2013 JUN 28 AM 10:00

62/86


ENTERED
2013 JUN 28 AM 10: 00
RECEIVED
DOI-BLM
CHEYENNE WYOMING

ENTERED
10/1/11

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 3:00 PM
To: Mary Huff
Subject: FW: Emailing: 130216_0021.jpg
Attachments: 130216_0021.jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:14 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130216_0021.jpg

At the SW corner of the Aman Place is big Hart Creek canyon. The creek runs through it all summer at least anytime that I have observed it.

Your message is ready to be sent with the following file or link attachments:

130216_0021.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

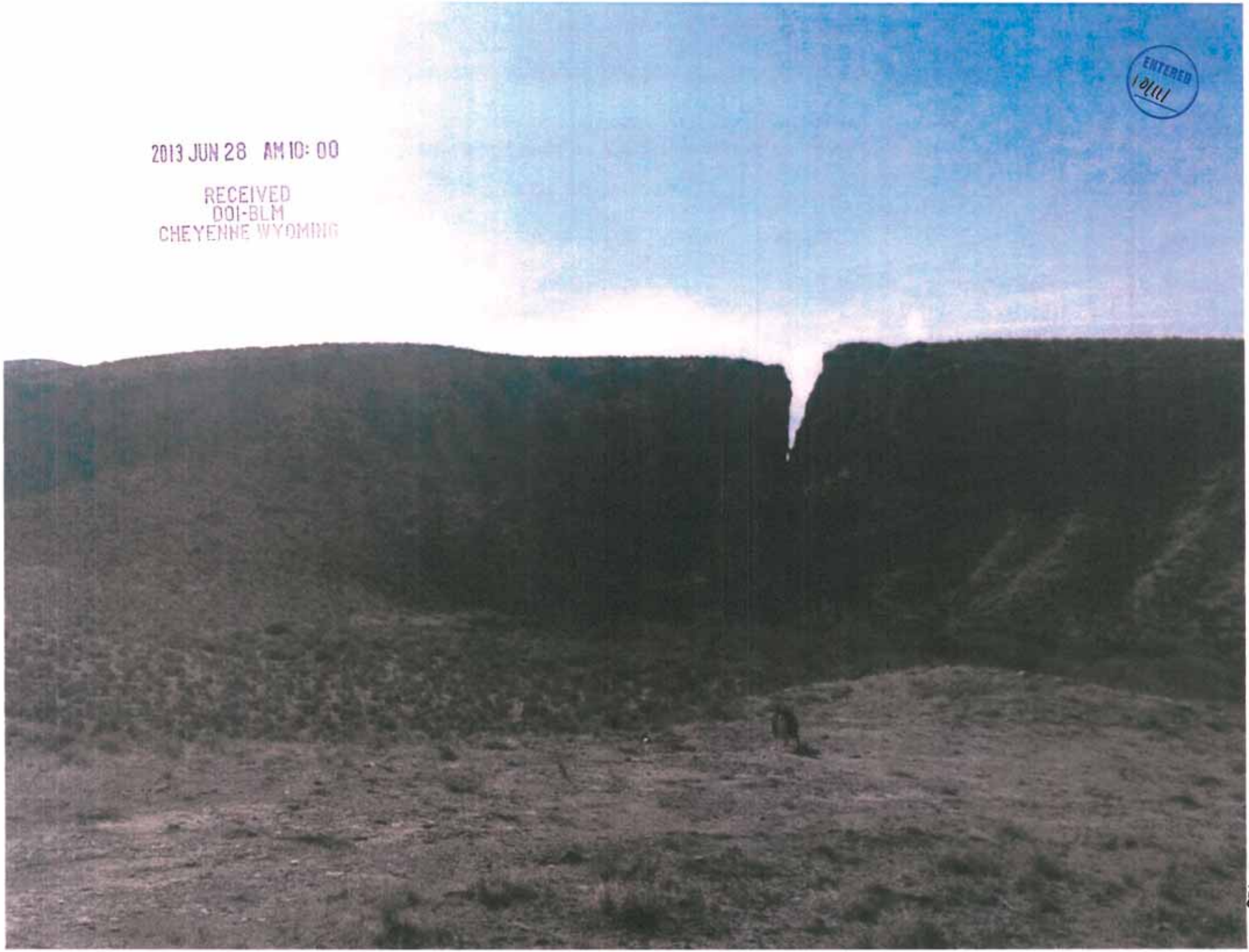
RECEIVED
2013 JUN 28 AM 10: 00

64/86

2013 JUN 28 AM 10: 00

RECEIVED
DOI-BLM
CHEYENNE WYOMING

ENTERED



ENTERED
10/11/01

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 3:00 PM
To: Mary Huff
Subject: FW: Emailing: 130216_0029 (2).jpg
Attachments: 130216_0029 (2).jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:16 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130216_0029 (2).jpg

Turning for home. Looking east toward Oreana again..... So, what will this look like if it becomes part of the 2 mile wide energy corridor soon? How will it affect the sage grouse and other wildlife?

Your message is ready to be sent with the following file or link attachments:

130216_0029 (2).jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED
BOI-RCH
2013 JUN 28 AM 10:00

66/86

2013 JUN 28 AM 10:00
RECEIVED
DOI-BLM

ENTERED
10/1/01

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 3:00 PM
To: Mary Huff
Subject: FW: Emailing: 130216_0033 (2).jpg
Attachments: 130216_0033 (2).jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:21 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130216_0033 (2).jpg

I am nearly home. This is the gate to the Jess Place Hart Creek/Bachman Grade Road a couple of miles or so west of the last power pole on Bachman Grade Road. This private property was land patented to the Jess' in 1902, you may be able to see it on the sign over the gate posts. This is the east side of the corridor they tell me.

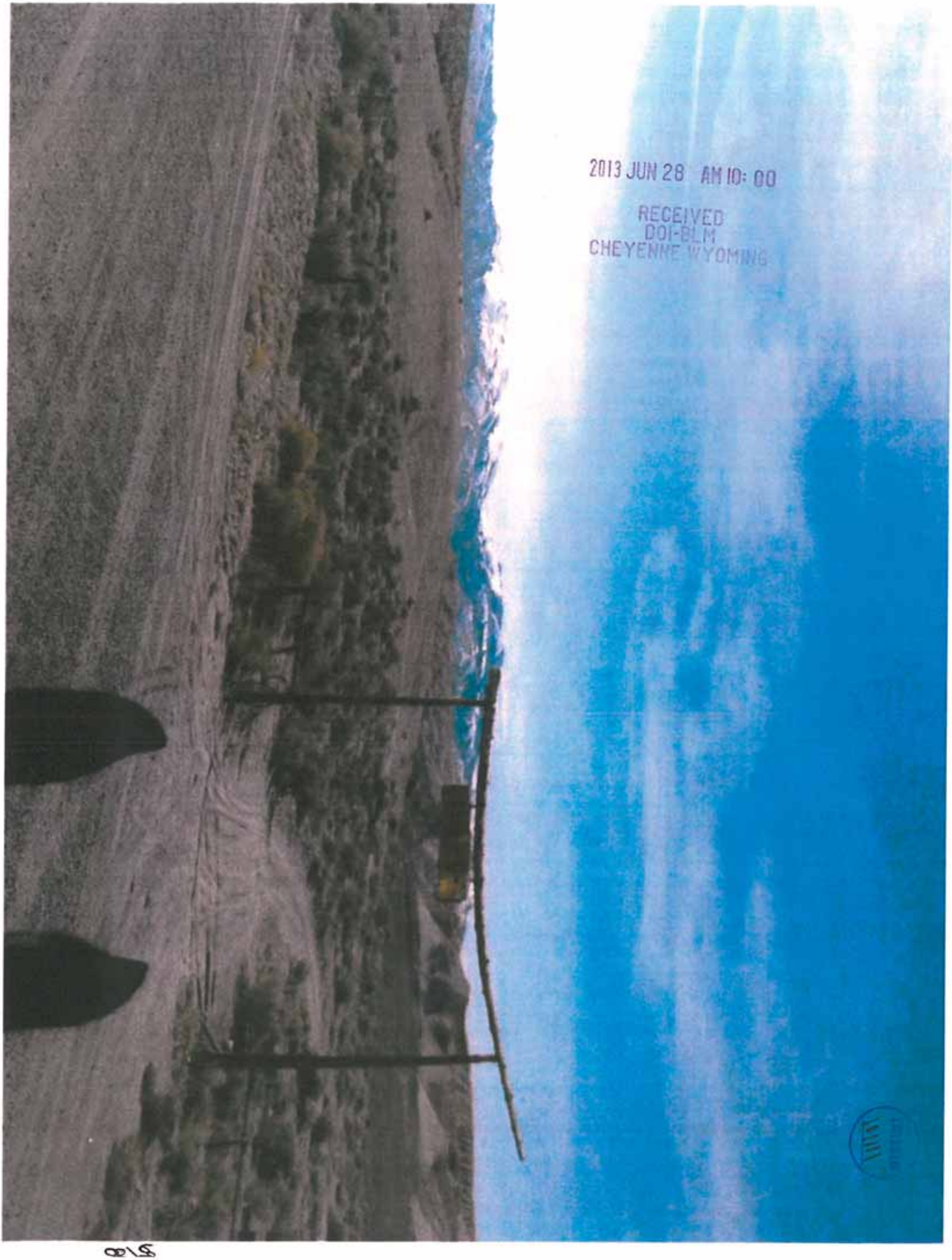
Your message is ready to be sent with the following file or link attachments:

130216_0033 (2).jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED
2013 JUN 28 AM 10: 00

68/86


2013 JUN 28 AM 10: 00
RECEIVED
DOI-BLM
CHEYENNE WYOMING

ENTERED

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 3:01 PM
To: Mary Huff
Subject: FW: Emailing: 130216_0032.jpg
Attachments: 130216_0032.jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:23 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130216_0032.jpg

Just another angle of the Jess place to show those steep chalk cliffs that you have to go around... to get to the next one.

Your message is ready to be sent with the following file or link attachments:

130216_0032.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED
2013 JUN 28 AM 10: 00

70/86

2013 JUN 28 AM 10:00
RECEIVED
BLM
CHEYENNE, WYOMING

ENTERED

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 3:01 PM
To: Mary Huff
Subject: FW: Emailing: 130218_0002.jpg
Attachments: 130218_0002.jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:26 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130218_0002.jpg

Now it is Monday morning and the wind isn't blowing so I decide to take the mare and the border collie and ride up the valley South of Hart Creek and take some pictures of the Brown's Creek area and canyons. Here we are looking west again over approx. 2 miles across the the foothills of the Owyhees.

Your message is ready to be sent with the following file or link attachments:

130218_0002.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED
2013 JUN 28 AM 10: 00

7 2/86

ENTERED
2013 JUN 28 AM 10: 00
RECEIVED
DOI-BLM
CHEYENNE WYOMING

ENTERED 10/1/14

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 3:01 PM
To: Mary Huff
Subject: FW: Emailing: 130218_0003.jpg
Attachments: 130218_0003.jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:28 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130218_0003.jpg

There is a lot of sand out there to get bogged down in and not many roads.

Your message is ready to be sent with the following file or link attachments:

130218_0003.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED
2013 JUN 28 AM 10:00

74/80

2013 JUN 28 AM 10: 00
RECEIVED
DOI-BLM
CHEYENNE WYOMING
ENTERED

ENTERED 10/1/1

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 3:01 PM
To: Mary Huff
Subject: FW: Emailing: 130218_0007.jpg
Attachments: 130218_0007.jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:31 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130218_0007.jpg

We are headed toward the "Little Browns Creek Canyon" that only has run off water in it when it rains enough. We will not make it to the main Brown's Creek canyon today. But, we are still looking across part of the proposed route for the Gateway West 2 mile wide energy corridor.

Your message is ready to be sent with the following file or link attachments:

130218_0007.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

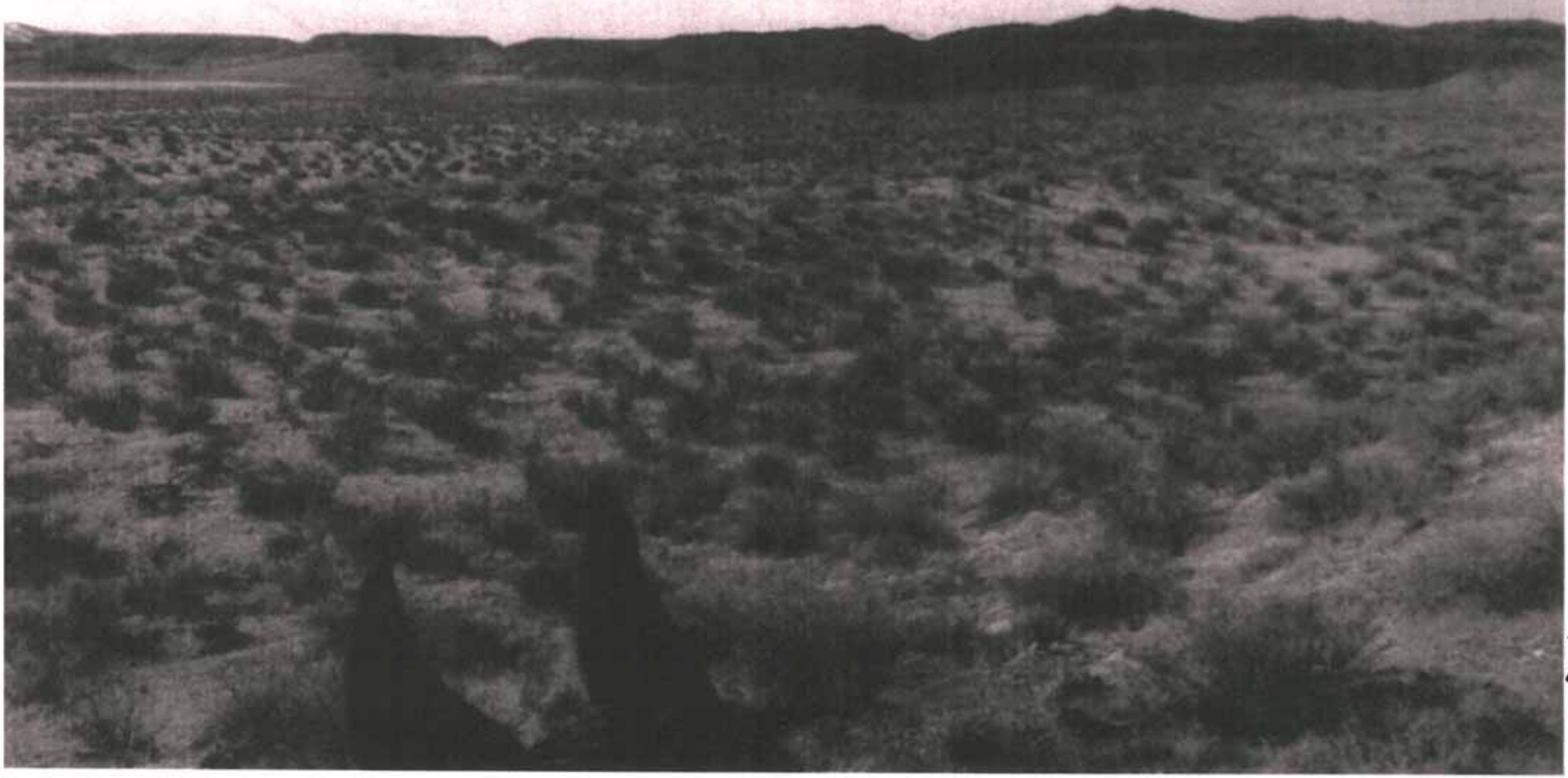
RECEIVED
DOI-BLM
2013 JUN 28 AM 10: 00

76/86

ENTERED

2013 JUN 28 AM 10: 00

RECEIVED
DOI-BLM
CHEYENNE WYOMING



77/86

ENTERED

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 3:01 PM
To: Mary Huff
Subject: FW: Emailing: 130218_0006.jpg
Attachments: 130218_0006.jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:34 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130218_0006.jpg

We may as well take in a view of the steep chalky cliffs that run the length of the south side of Browns Creek from Browns Creek canyon... not as much light today so they do not look nearly as impressive as they really are. I want to give everyone a clue. You have to ride around them.

Your message is ready to be sent with the following file or link attachments:

130218_0006.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED
2013 JUN 28 AM 10:00

78/80

ENTERED
10/11/13
2013 JUN 28 AM 10: 00
RECEIVED
DOI-BLM
CHEYENNE WYOMING

ENTERED
101111

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 3:01 PM
To: Mary Huff
Subject: FW: Emailing: 130218_0009.jpg
Attachments: 130218_0009.jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:38 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130218_0009.jpg

Little Browns Creek canyon. It is almost always dry, but the game birds still do like it here. I can hear them warning all of us coming near and then of course they are gone by the time we approach.

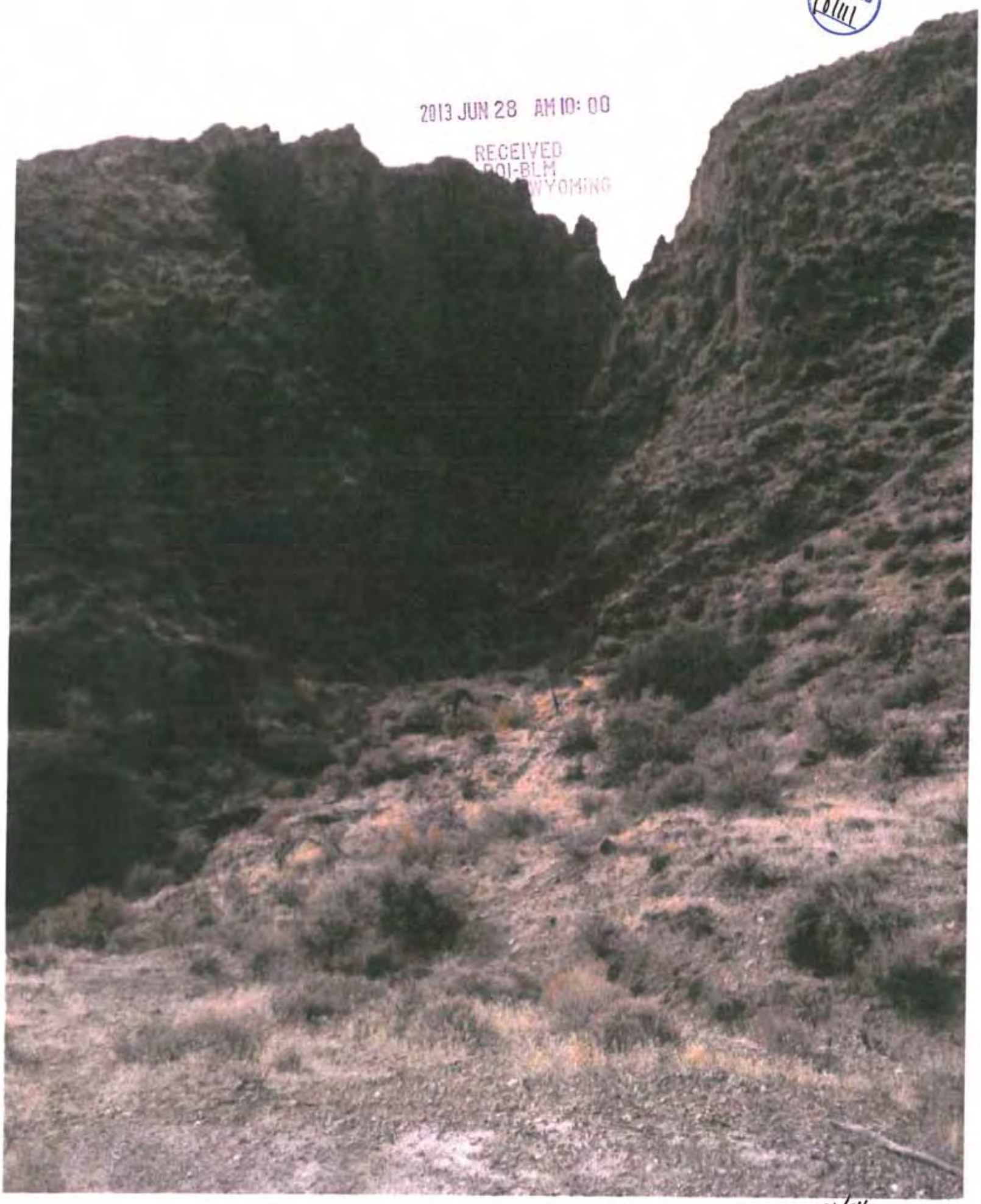
Your message is ready to be sent with the following file or link attachments:

130218_0009.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED
DOI-SLM
2013 JUN 28 AM 10: 00

80/80



ENTERED
6/28/13

2013 JUN 28 AM 10: 00

RECEIVED
BOI-BLM
WYOMING

ENTERED
IDLWL

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 3:01 PM
To: Mary Huff
Subject: FW: Emailing: 130218_0014.jpg
Attachments: 130218_0014.jpg

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:39 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130218_0014.jpg

Looking back east again from the Little Browns Creek canyon... viewing the same set of mountains in the east that we saw from Harts Creek.

Your message is ready to be sent with the following file or link attachments:

130218_0014.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

RECEIVED
2013 JUN 28 AM 10:00

82/86

2013 JUN 28 AM 10: 00
RECEIVED
DOI-BLM
CHEYENNE WYOMING
ENTERED
10/1/11

ENTERED

Mary Huff

From: Marcy Peterson
Sent: Wednesday, May 08, 2013 3:01 PM
To: Mary Huff
Subject: FW: Emailing: 130218_0015.jpg
Attachments: 130218_0015.jpg

2013 JUN 28 AM 10:00
RECEIVED
BOI-BLM
CHEYENNE, WY

-----Original Message-----
From: Marcy Peterson
Sent: Friday, February 22, 2013 12:54 PM
To: john.chatburn@oer.idaho.gov
Subject: Emailing: 130218_0015.jpg

We are turning a bit NE and heading for home. Again wondering would be like if the energy corridor happens to come through here and wondering why anyone would choose this route... it is so much farther and so much harder to access for maintenance. There are very steep and hard to access places and fragile places with lots of wildlife habitat. Plus has anyone thought about how it would be to manage a lightning strike out here in a bad windstorm? These are common here... both things. And there is a long response time to even get here in the first place.
North of the river where the energy corridor is already established is not only closer and more economical, there are roads established for access and maintenance. Plus it is as flat as a pancake for the most part and it does not endanger the existing wildlife. I understand that there are no sage grouse in the already established energy corridor north of the snake river.
Thank you for allowing me to share John. I assure you that this is the last picture that I have for you at least today.

Sincerely,

Marcy Peterson
Oreana, Idaho

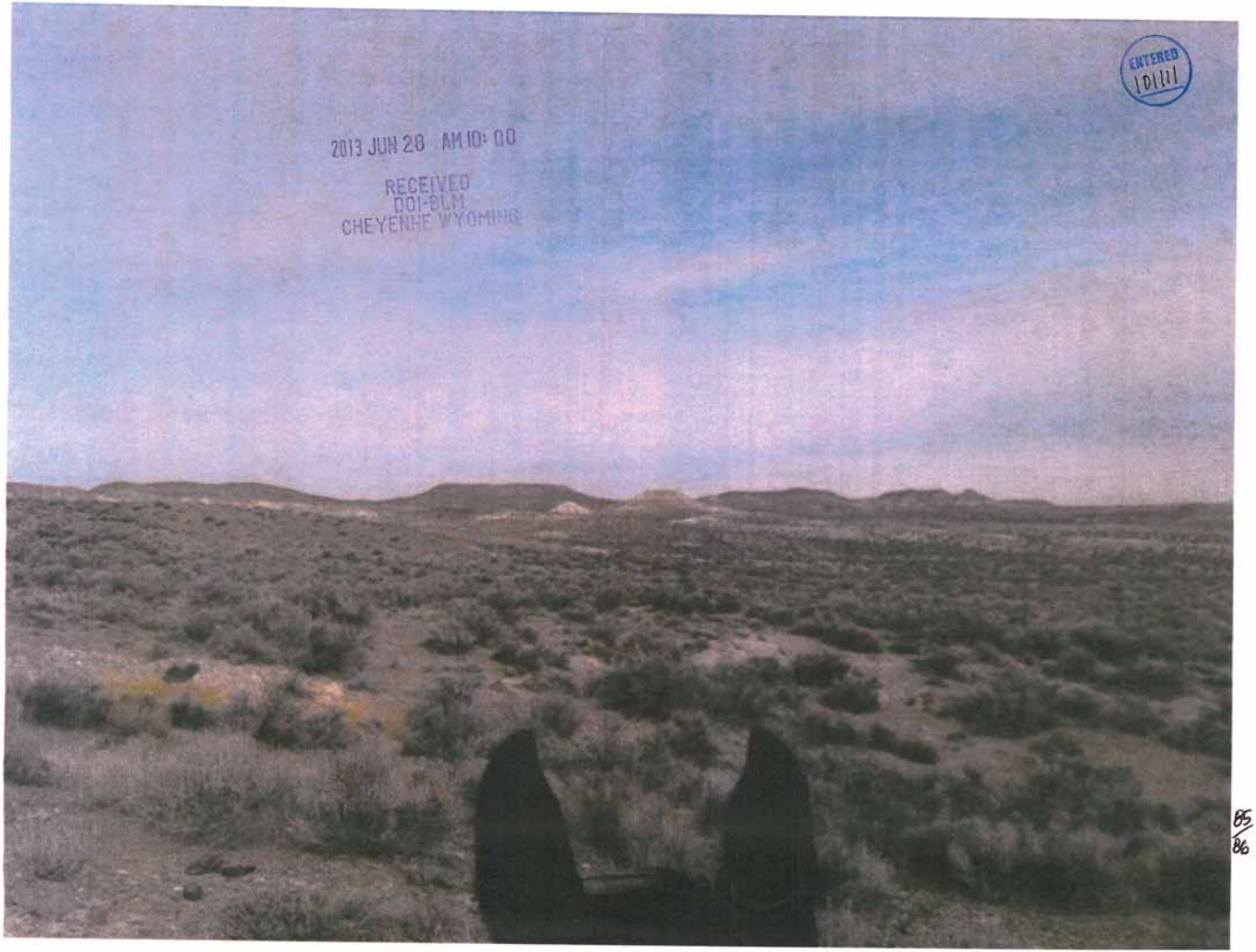
Your message is ready to be sent with the following file or link attachments:

130218_0015.jpg

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

North of the river = alternative 9D: the only alternative endorsed by The Owyhee County Commissioners. Clarification by Robyn Thompson Owyhee County Task Force with permission Marcy Peterson @ 10:00 am May 9, 2013
R. Thompson

84/86


ENTERED
10111
2013 JUN 28 AM 10: 00
RECEIVED
DOI-BLM
CHEYENNE WYOMING

85
86

ENTERED

In summary:

- We oppose segment 8B
- We endorse segment 8

- We oppose segment 9
- We oppose segment 9E.
- We endorse segment 9D.

Sonya Thompson

Grant Breuer

2013 JUN 28 AM 10:00
RECEIVED
BLM-BLM
CHEYENNE WYOMING

BREUER / THOMPSON
16550 Short Cut Road
Oreana, ID 83650

cc: The Owyhee County Commissioners
Governor Butch Otter
Senator Mike Crapo
Senator Jim Risch
Representative Raul Labrador

86/86

ENTERED
10/1/13

- Gateway West Transmission Line Project Segments 9 and 9E: The personal impacts to Ernie Breuer and Robyn Thompson, Oreana, Idaho.

February 26th, 2009 we began our journey of education and active landowner solutions to minimize the impact of segment 9 to private property owners, ranchers and farmers in Owyhee County. I have previously submitted a lengthy public comment dated October 22nd, 2011 primarily regarding the multiple impacts to landowners of segment 9 so I will not be redundant. We purchased a home September 2004 that is now in the 2 mile wide WWE Corridor of segment 9.

We were present at all meetings of the Owyhee County Task Force of which alternatives 9 D and 9E evolved with the inclusion of Idaho Power, Tetra Tech BODBLM and Owyhee County BOCC. We know exactly where the 2 mile wide WWE Corridor is on the map as well as the 2-mile swatch for the County Commissioners proposal of 9E.

2013 MAY 29 AM 10:00
RECEIVED
BLM
WYOMING

We purchased land Feb 2011 for the sole purpose to escape from living in the WWE Corridor and Segment 9 Gateway West. We have worked tirelessly to build our new nest; spending months cleaning up trash, moving an old home off the property, building a brand new home (doing 1/3 the amount of work ourselves) and erecting a 60' x 50' R&M Steel Building **ourselves,** an ambitious undertaking for a

ENTERED
10113

67 year old man and a 54 year old woman. We have done much of this work ourselves because we had to in order to financially pull off this endeavor. Our bank accounts are both now depleted all in order to escape Gateway West. You can imagine our devastation as we have become aware of BLM's significantly altered proposed 9E, the centerline right between our new home and that of our closest neighbor.

This is a huge injustice to say the least. It flies in the face of fairness and decency to so substantially impact citizens. The mission of the Owyhee County Task Force was to protect every landowner in Owyhee County and we actually managed to do that with our submitted alternatives. Alternative 9D is still the alternative that has 100% support of the landowners in Owyhee County and the Owyhee County BOCC because of the minimal impact to private property rights, agriculture, our economy, our history, our culture and our health.

During the development of Alternative 9E one of the Tetra Tech maps mistakenly took the course that the current BLM Alternative now takes. The property owners on Bachman Road, Bates Creek Road and on Sinker Creek flamed out, justifiably so. The Owyhee County Task Force caught the mistake during this process and saw to it that these Oreana and Murphy property owners were protected. None of these property owners have changed their minds regarding the sitting of Gateway West. Only 17 % of Owyhee County is privately owned. The new BLM proposed alternative would hugely affect two or more homes on Bates Creek Road wherever you place Gateway West in the 2-mile wide corridor. All of these properties are agricultural. The BLM's new proposed 9E will negatively impact our ability to irrigate, fences will have to be grounded to reduce hazards to livestock. All of these properties have cultural/historic significance. The Jess ranch has been family owned since the early 1900's. Paul Nettleton's (the Joyce Ranch) is family owned/ operated since 1865; the longest family owned ranch in the history in the state of Idaho. Folks have been running cattle through our property, as long as there have been cattle in Oreana.

Every US Citizen is painfully aware of the downturn of the economy and the loss of wealth to every homeowner/landowner in the state of Idaho. Two of our new neighbors spent over 4 years attempting to sell their properties on Bates Creek Road. Both property owners had to settle for leasing their homes /properties at a much reduced rate from their initial asking price. We already cannot recoup our money if we try to sell either one of our Oreana properties. The BLM Preferred Alternative is not going to "sweeten the deal". The potential for any future wealth, income is also stricken for us. Our option to subdivide our property in our old age to sustain us financially is being stolen from us.

Last but not least and sadly the only point that has the potential to be effective is the Sage Grouse issue. We are aware in Owyhee County that the plight of the Sage Grouse is "delicate". The addendum to the DEIS "Effects of the Proposed Project on Greater Sage Grouse" well documents the negative effects of 9E (as well as 9) to Sage Grouse. Moving Segment 9E 3 ½ miles onto our private property does not negate this effect. The BLM has a seasonal road closure on the Federal Land just to the south of all the private land of the new 2 mile corridor of the BLM's altered

ENTERED
10113

9E.

The BLM cannot have it both ways! They cannot close roads due to Sage Grouse habitat and then run a 500 KV line right over said property. That is preposterous!!!

Thank you so much for attention and efforts in regards to this most pressing issue.

Respectively,
Ernie Breuer and Robyn Thompson

2013 MAY 29 AM 10:00
RECEIVED
DOI-BLM
CHEYENNE WYOMING

duplicate

February 5, 2013

ENTERED
101111

A Case for Segment 9 of the Gate Way West Transmission Line Project to be sited in the SRBOP NCA.

In March 2009 Citizens in Oreana became aware of Idaho Powers proposed transmission line project severing private property thur the communities of Bruneau, Little Valley, Grand View, Oreana and Murphy. With conciderable time, energy and expense the citizenry of Owyhee County was awakened to this development. Frank Bachman organized a large meeting in Bruneau late April 2009 and the Owyhee County Task Force was born and began working in tandem with the Owyhee County Commissioners (OCC), Boise Office District BLM (BOD BLM), Idaho Power engineers and Tetra Tech developing two alternative routes; 9D and 9E submitted Sept 1, 2009 into the DEIS. The OCC were definitive that alternative 9D

duplicate

(2)

following an existing 138 kV line paralelling a brand new road built with Mr Obama stimulus money in the SRBOP NCA was the only route endorsed by the OCC and the Owyhee Co. Task Force.

In tandem with developing alternative 9D members of the Owyhee Co. Task Force researched the birth of the Gateway West Transmission Line Project and discovered that in 2005 President George Bush signed the Energy Act. Section 368 of the Energy Act calls for the establishment of energy right-of-way corridors on Federal land in consultation with local governments, following existing transmission lines (as defined in section 103(o) of the FLPMA of 1976 (43 U.S.C. 1702(o)) and shall incorporate the designated corridors into the relevant agency land use and resource management plans or

duplicate

ENTERED

equivalent plans.

This is not what happened in Owyhee County. May 28, 2008 the Owyhee Avalance announced a public scoping meeting to authorize ROW for Gate Way West on BLM land. The public was not notified requarding the impact of this public utility project on private land. As a result only 13 people attended the June 3, 2008 public scoping meeting held in Murphy, ID. Obviously comment from Owyhee Co. citizens was woefully inadequate to absent.

While establishing the WWE corridor over private land and prime farmland, the agricultural and economic base of Owyhee Co., the BLM adapted a land use management plan for the SRBOP prohibiting new transmission lines in The BOP - contrary to Sec. 368 of the 2005 Energy Act.

duplicate

4

ENTERED

June 2011 the BLM released the DEIS. The BLM did not designate a preferred alternative for seg 9 making comment most difficult. Citizens and OCC alike submitted comments to the 3,150 page document prior to the 90 day dead line. The OCC and Owyhee Co. Task Force continued to work with the BOD BLM and Idaho Power adjusting alternative 9D addressing BLM's concern with this proposal. February 2012 the OCC, Owyhee Co. Task Force, Idaho Power, BOD BLM, State Representatives, Gov Otter and Idaho's 1st Congressional District were all 100% in concensus supporting alternative 9D as amended. Mr Walt George, Mr Steve Ellis and Mr John Sullivan were sent to Washington D.C to

duplicate

ENTERED

bring alternative 9D across the finish line. Instead these men returned with the message that Carl Rountree, Assistant Director National Landscape Conservation System and Community Partnerships (BLM) was denying 9D access into the BOT.

September 2013 the BLM announced its preferred alternative for seg 9: segment 9E. The caveat, however, the alternative has been significantly altered: at Castle Creek, Oreana, the route takes a sharp turn, traverses over the historic Tess property, over the newly purchased Brewer property with a brand new house and shop (purchased for the sole purpose of escaping proposed seg 9 and 9E), the historic Joyce Ranch proprietor Paul Nettleton, Chad Nettleton's new home and then swings west catching the Gene Lewis subdivision

duplicate

ENTERED

affecting Karen Steenhof's property. It is noteworthy that Karen Steenhof, Paul Nettleton, Chad Nettleton, Ernest Brauer and Robyn Thompson were all instrumental in the development of alternative 9D. It is also noteworthy that alternative 9E is in sage grouse habitat. Immediately south of the Brauer's newly acquired property are seasonal road closure signs for sage grouse. It defies all logic to run a 500 kV line for birds of prey to perch at pick of the sage grouse!

In tandem with announcing this surprize selection for a preferred alternative the BLM's rationalization = "The purposes for which the conservation area is established, and shall be managed, are to provide for the conservation, protection and

duplicate

ENTERED

enhancement of raptor populations and habitats and the natural and environmental resources and values associated there with, and of the scientific, cultural, and educational resources of the public lands in the conservation area" Section 3 Establishment of NCA (a) (2) Public Law 103-64 Aug 4, 1993.

Let's review other significant contents of NCA Enabling Legislation Public Law 103-64 Aug 4, 1993 Snake River Birds of Prey National Conservation Area:

Section 2 Findings

The Congress finds the following:

(10) An ongoing research program funded by the BLM and National Guard is intended to provide information to be used in connection with future decision making concerning management of all uses, including continued military use of public lands within SRBOP.

duplicate

ENTERED

(12) Hydroelectric facilities for the generation and transmission of electricity exist within the SRBOP.

Section 2. Definitions

(10) The term "hydroelectric facilities" means all facilities related to the generation, transmission and distribution of hydroelectric power and which are subject to, and authorized by, a license(s), and any and all amendments there to, issued by the Federal Energy Regulatory Commission.

Section 3. Establishment of NCA

(3) Subject to the provisions of subsection (d) of this section and section 4. uses of the public lands in the conservation area existing on Aug 4, 1993, shall be allowed to continue.

Section 4. Management and Use

(g) Cooperative Agreements - The Secretary is authorized to provide technical assistance to, and to enter into such Cooperative

duplicate

ENTERED

agreements and contracts with, the State of Idaho and with local governments and private entities as the Secretary deems necessary or desireable to carry out the purposes and policies of this Act.

(i) Hydroelectric Facilities - Not withstanding any provision of this Act, or regulations and management plans undertaken pursuant to its provisions, The Federal Energy Regulatory Commission shall retain its current jurisdiction concerning all aspects of the continued and future operation of hydroelectric facilities, licensed or relicensed under the Federal Power Act (16 U.S.C. 791 a et seq.) located within the boundaries of the conservation area.

Section 6. Other Laws and Administrative Provisions

(b) Release - The Congress finds and directs that the

duplicate

ENTERED

public lands with in the SR BOP NCA established as a natural area in October 1971 by Public Land Order 5133 have been adequately studied and found unsuitable for wilderness designation pursuant to section 603 of the FLPMA of 1976. Such lands are hereby released from further management pursuant to section 603(c) of such an Act and shall be managed in accordance with other applicable provisions of law, including this Act.

It is apparent to the residents of Owyhee County Public Law 103-64 was never intended to prohibit future transmission lines in the SRBOP NCA. It is our contention that the 2008 SRBOP NCA RMP and ROD are outside the intent of Public Law 103-64 Aug 4, 1993 and FLPMA 1976; and we advocate for an amendment

duplicate

to the RMP to accommodate segment 9D.

We would like to address the issue of enhancing the SRBOP NCA. It has come to our attention Idaho Power is prepared to bear the expense of meeting this requirement, thus issue resolved.

We have one more disturbing matter requiring attention. Our OCC were not afforded the courtesy of the Administrative copy of the FEIS. Idaho's Governor Butch Otter was kind enough to extend the services of Idaho's Dept. of Energy Administrator John Chatburn. Mr Chatburn graciously submitted Owyhee County's comments via the Governor's office. One must bear in mind our comments were made without the advantage of reviewing the

duplicate

(12)

Administrative FEIS.

FLPMA see 202(f) and see 309 (e) provide that the Federal, State and local governments and the public be given adequate notice and an opportunity to comment on the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for the management of public lands. We expect the BLM to operate in transparency including our OCC in all correspondence and decisions.

Respectfully Submitted by:

Ernest P Brewer

Ronya C Thompson

16990 Short Cut Road

Oreana, ID 83650

208-834-2337

duplicate

APPENDIX 1. NCA ENABLING LEGISLATION

ENTERED

PUBLIC LAW 103-64 – AUG. 4, 1993

SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA

PUBLIC LAW 103-64
103d Congress

An Act

To establish the Snake River Birds of Prey National Conservation Area in the State of Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of United States of America in Congress assembled,

Section 1. Findings

The Congress finds the following:

(1) The public lands managed by the Bureau of Land Management in the State of Idaho within the Snake River Birds of Prey Area contain one of the densest known nesting populations of eagles, falcons, owls, hawks, and other birds of prey (raptors) in North America.

(2) These public lands constitute a valuable national biological and educational resource since birds of prey are important components of the ecosystem and indicators of environmental quality, and contribute significantly to the quality of wildlife and human communities.

(3) These public lands also contain important historic and cultural resources (including significant archaeological resources) as well as other resources and values, all of which should be protected and appropriately managed.

(4) A military training area within the Snake River Birds of Prey Area, known as the Orchard Training Area, has been used since 1953 by reserve components of the Armed Forces. Military use of this area is currently governed by a Memorandum of Understanding between the Bureau of Land Management and the State of Idaho Military Division, dated May 1985. Operating under this Memorandum of Understanding, the Idaho National Guard has provided valuable assistance to the Bureau of Land Management with respect to fire control and other aspects of management of the Orchard Training Area and the other lands in the Snake River Birds of Prey Area. Military use of the lands within the Orchard Training Area should continue in accordance with such Memorandum of Understanding (or extension or renewal thereof), to the extent consistent with section 460iii-3(e) of this title, because this would be in the best interest of training of the reserve components (an important aspect of national security) and of the local economy.

(5) Protection of the conservation area as a home for raptors can best and should be accomplished by the Secretary of the Interior, acting through the Bureau of Land Management, under a management plan that:

(A) emphasizes management, protection, and rehabilitation of habitat for these raptors and of other resources and values of the area;

duplicate

ENTERED

(B) provides for continued military use, consistent with the requirements of section 460iii-3(e) of this title, of the Orchard Training Area by reserve components of the Armed Forces;

(C) addresses the need for public educational and interpretive opportunities;

(D) allows for diverse appropriate uses of lands in the area to the extent consistent with the maintenance and enhancement of raptor populations and habitats and protection and sound management of other resources and values of the area; and

(E) demonstrates management practices and techniques that may be useful to other areas of the public lands and elsewhere.

(6) There exists near the conservation area a facility, the World Center for Birds of Prey operated by The Peregrine Fund, Inc., where research, public education, recovery, and reestablishment operations exist for endangered raptor species. There also exists at Boise State University a raptor study program which attracts national and international graduate and undergraduate students.

(7) The Bureau of Land Management and Boise State University, together with other State, Federal, and private entities, have formed the Raptor Research and Technical Assistance Center to be housed at Boise State University, which provides a unique adjunct to the conservation area for raptor management, recovery, research, and public visitation, interpretation, and education.

(8) Consistent with requirements of sections 1712 and 1732 of title 43, the Secretary has developed a comprehensive management plan and, based on such plan, has implemented a management program for the public lands included in the conservation area established by this subchapter.

(9) Additional authority and guidance must be provided to assure that essential raptor habitat remains in public ownership, to facilitate sound and effective planning and management, to provide for effective public interpretation and education, to ensure continued study of the relationship of humans and these raptors, to preserve the unique and irreplaceable habitat of the conservation area, and to conserve and properly manage the other natural resources of the area in concert with maintenance of this habitat.

(10) An ongoing research program funded by the Bureau of Land Management and the National Guard is intended to provide information to be used in connection with future decision making concerning management of all uses, including continued military use, of public lands within the Snake River Birds of Prey Area.

(11) Public lands in the Snake River Birds of Prey Area have been used for domestic livestock grazing for more than a century, with resultant benefits to community stability and contributions to the local and State economies. It has not been demonstrated that continuation of this use would be incompatible with appropriate protection and sound management of raptor habitat and the other resource values of these lands; therefore, subject to the determination provided for in section 460iii-3(f) of this title, it is expected that such grazing will continue in accordance with applicable regulations of the Secretary and the management plan for the conservation area.

(12) Hydroelectric facilities for the generation and transmission of electricity exist within the Snake River Birds of Prey Area pursuant to a license(s) issued by the Federal Energy Regulatory Commission, or its predecessor, the Federal Power Commission.

duplicate

ENTERED

Section 2. Definitions

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "conservation area" means the Snake River Birds of Prey National Conservation Area established by section 3.

(3) The term "raptor" or "raptors" means individuals or populations of eagles, falcons, owls, hawks, and other birds of prey.

(4) The term "raptor habitat" includes the habitat of the raptor prey base as well as the nesting and hunting habitat of raptors within the conservation area.

(5) The term "Memorandum of Understanding" means the Memorandum of Understanding #ID-237, dated May 1985, between the State of Idaho Military Division and the Bureau of Land Management.

(6) The term "Orchard Training Area" means that area generally so depicted on the map referred to in section 3(b) of this title, and as described in the Memorandum of Understanding as well as the air space over the same.

(7) The term "Impact Area" means that area which was used for the firing of live artillery projectiles and is used for live fire ranges of all types and, therefore, poses a danger to public safety and which is generally so depicted on the map referred to in section 3(b).

(8) The term "Artillery Impact Area" means that area within the Impact Area into which live projectiles are fired, which is generally described as that area labeled as such on the map referred to in section 3(b) of this title.

(9) The term "the plan" means the comprehensive management plan developed for the conservation area, dated August 30, 1985, together with such revisions thereto as may be required in order to implement this Act.

(10) The term "hydroelectric facilities" means all facilities related to the generation, transmission, and distribution of hydroelectric power and which are subject to, and authorized by, a license(s), and any and all amendments thereto, issued by the Federal Energy Regulatory Commission.

duplicate

Section 3. Establishment of National Conservation Area

(a) Establishment and Purposes – (1) There is hereby established the Snake River Birds of Prey National Conservation Area (hereafter referred to as the "conservation area").

(2) The purposes for which the conservation area is established, and shall be managed, are to provide for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith, and of the scientific, cultural, and educational resources and values of the public lands in the conservation area.

(3) Subject to the provisions of subsection (d) of this section and section 4, uses of the public lands in the conservation area existing on August 4, 1993, shall be allowed to continue.

(b) Area Included – The conservation area shall consist of approximately 482,457 acres of federally owned lands and interests therein managed by the Bureau of Land Management as

ENTERED

generally depicted on the map entitled "Snake River Birds of Prey National Conservation Area", dated November 1991.

(c) Map and Legal Description – As soon as is practicable after August 4, 1993, the map referred to in subsection (b) of this section and a legal description of the conservation area shall be filed by the Secretary with the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each such map shall have the same force and effect as if included in this Act; except that the Secretary may correct clerical and typographical errors in such map and legal description. Each such map shall be on file and available for public inspection in the office of the Director and the Idaho State Director of the Bureau of Land Management of the Department of the Interior.

(d) Withdrawals – Subject to valid existing rights, the Federal lands within the conservation area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws; and from entry, application, and selection under the Act of March 3, 1877 (Ch. 107, 19 Stat. 377, 43 U.S.C. 321 *et seq.*; commonly referred to as the "Desert Lands Act"), section 4 of the Act of August 18, 1894 (Ch. 301, 28 Stat; U.S.C. 641; commonly referred to as the "Carey Act"), the Act of July 3, 1890 (Ch. 656, 26 Stat. 215; commonly referred to as the "State of Idaho Admissions Act"), section 2275 of the Revised Statutes, as amended (43 U.S.C. 851), and section 2276 of the Revised Statutes, as amended (43 U.S.C. 852). The Secretary shall return to the applicants any such applications pending on August 4, 1993, without further action. Subject to valid existing rights, as of August 4, 1993, lands within the Birds of Prey Conservation Area are withdrawn from location under the general mining laws, the operation of the mineral and geothermal leasing laws, and the mineral material disposal laws, except that mineral materials subject to disposal may be made available from existing sites to the extent compatible with the purposes for which the conservation area is established.

duplicate

Section 4. Management and Use

(a) In General – (1)(A) Within 1 year after August 4, 1993, the Secretary shall make any revisions in the existing management plan for the conservation area as necessary to assure its conformance with this Act, and no later than January 1, 1996, shall finalize a new management plan for the conservation area.

(B) Thereafter, the Secretary shall review the plan at least once every 5 years and shall make such revisions as may be necessary or appropriate.

(C) In reviewing and revising the plan, the Secretary shall provide for appropriate public participation.

(2) Except as otherwise specifically provided in section 3(d) of this title and subsections (d), (e), and (f) of this section, the Secretary shall allow only such uses of lands in the conservation area as the Secretary determines will further the purposes for which the Conservation Area is established.

(b) Management Guidance – After each review pursuant to subsection (a) of this section, the Secretary shall make such revisions as may be needed so that the plan and management program to implement the plan include, in addition to any other necessary or appropriate provisions, provisions for –

ENTERED

(1) protection for the raptor populations and habitats and the scientific, cultural, and educational resources and values of the public lands in the conservation area;

(2) identifying levels of continued military use of the Orchard Training Area compatible with paragraph (1) of this subsection;

(3) public use of the conservation area consistent with the purposes of this Act;

(4) interpretive and educational opportunities for the public;

(5) a program for continued scientific investigation and study to provide information to support sound management in accordance with this Act, to advance knowledge of raptor species and the resources and values of the conservation area, and to provide a process for transferring to other areas of the public lands and elsewhere this knowledge and management experience;

(6) such vegetative enhancement and other measures as may be necessary to restore or enhance prey habitat;

(7) the identification of levels, types, timing, and terms and conditions for the allowable nonmilitary uses of lands within the conservation area that will be compatible with the protection, maintenance, and enhancement of raptor populations and habitats and the other purposes for which the conservation area is established; and

(8) assessing the desirability of imposing appropriate fees for public uses (including, but not limited to, recreational use) of lands in the conservation area, which are not now subject to fees, to be used to further the purposes for which the conservation area is established.

(c) Visitors Center – The Secretary, acting through the Director of the Bureau of Land Management, is authorized to establish, in cooperation with other public or private entities as the Secretary may deem appropriate, a visitors center designed to interpret the history and the geological, ecological, natural, cultural, and other resources of the conservation area and the biology of the raptors and their relationships to man.

(d) Visitors Use of Area – In addition to the Visitors Center, the Secretary may provide for visitor use of the public lands in the conservation area to such extent and in such manner as the Secretary considers consistent with the protection of raptors and raptor habitat, public safety, and the purposes for which the conservation area is established. To the extent practicable, the Secretary shall make available to visitors and other members of the public a map of the conservation area and such other educational and interpretive materials as may be appropriate.

(e) National Guard Use of Area – (1) Pending completion of the ongoing research concerning military use of lands in the conservation area, or until the date 5 years after August 4, 1993, whichever is the shorter period, the Secretary shall permit continued military use of those portions of the conservation area known as the Orchard Training Area in accordance with the Memorandum of Understanding, to the extent consistent with the use levels identified pursuant to subsection (b)(2) of this section.

(2) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall review the management plan and make such additional revisions therein as may be required to assure that it meets the requirements of this Act.

(3) Upon completion of the ongoing research concerning military use of lands in the conservation area, the Secretary shall submit to the Committees on Natural Resources and

duplicate

ENTERED

Merchant Marine and Fisheries of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report of the results of such research.

(4) Nothing in this subchapter shall preclude minor adjustment of the boundaries of the Orchard Training Area in accordance with provisions of the Memorandum of Understanding.

(5) After completion of the ongoing research concerning military use of lands in the Orchard Training Area or after the date 5 years after August 4, 1993, whichever first occurs, the Secretary shall continue to permit military use of such lands, unless the Secretary, on the basis of such research, determines such use is not compatible with the purposes set forth in section 3(a)(2). Any such use thereafter shall be permitted in accordance with the Memorandum of Understanding, which may be extended or renewed by the Secretary so long as such use continues to meet the requirements of subsection (b)(2) of this section.

(6) In accordance with the Memorandum of Understanding, the Secretary shall require the State of Idaho Military Division to insure that military units involved maintain a program of decontamination.

(7) Nothing in this subchapter shall be construed as by itself precluding the extension or renewal of the Memorandum of Understanding, or the construction of any improvements or buildings in the Orchard Training Area so long as the requirements of this subsection are met.

(f) Livestock Grazing – (1) So long as the Secretary determines that domestic livestock grazing is compatible with the purposes for which the conservation area is established, the Secretary shall permit such use of public lands within the conservation area, to the extent such use of such lands is compatible with such purposes. Determinations as to compatibility shall be made in connection with the initial revision of management plans for the conservation area and in connection with each plan review required by subsection 4(a)(1)(B).

(2) Any livestock grazing on public lands within the conservation area, and activities the Secretary determines necessary to carry out proper and practical grazing management programs on such lands (such as animal damage control activities) shall be managed in accordance with the Act of June 28, 1934 (43 U.S.C. 315 *et seq.*; commonly referred to as the "Taylor Grazing Act"), section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), other laws applicable to such use and programs on the public lands, and the management plan for the conservation area.

(g) Cooperative Agreements – The Secretary is authorized to provide technical assistance to, and to enter into such cooperative agreements and contracts with, the State of Idaho and with local governments and private entities as the Secretary deems necessary or desirable to carry out the purposes and policies of this Act.

(h) Agricultural Practices – Nothing in this subchapter shall be construed as constituting a grant of authority to the Secretary to restrict recognized agricultural practices or other activities on private land adjacent to or within the conservation area boundary.

(i) Hydroelectric Facilities – Notwithstanding any provision of this Act, or regulations and management plans undertaken pursuant to its provisions, the Federal Energy Regulatory Commission shall retain its current jurisdiction concerning all aspects of the continued and future operation of hydroelectric facilities, licensed or relicensed under the Federal Power Act (16 U.S.C. 791a *et seq.*), located within the boundaries of the conservation area.

duplicate

ENTERED

Section 5. Additions

(a) Acquisitions – (1) The Secretary is authorized to acquire lands and interests therein within the boundaries of the conservation area by donation, purchase with donated or appropriated funds, exchange, or transfer from another Federal agency, except that such lands or interests owned by the State of Idaho or a political subdivision thereof may be acquired only by donation or exchange.

(2) Any lands located within the boundaries of the conservation area that are acquired by the United States on or after August 4, 1993, shall become a part of the conservation area and shall be subject to this Act.

(b) Purchase of Lands – In addition to the authority in section 318(d) of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1748) and notwithstanding section 7(a) of Land and Water Conservation Fund Act of 1964 (16 U.S.C. 4061-9(a)), monies appropriated from the Land and Water Conservation Fund may be used as authorized in section 5(b) of the Endangered Species Act of 1973 (16 U.S.C. 1534(b)), for the purposes of acquiring lands or interests therein within the conservation area for administration as public lands as a part of the conservation area.

(c) Land Exchanges – The Secretary shall, within 4 years after August 4, 1993, study, identify, and initiate voluntary land exchanges which would resolve ownership related land use conflicts within the conservation area.

Section 6. Other Laws and Administrative Provisions

(a) Other Laws – (1) Nothing in this subchapter shall be construed to supersede, limit, or otherwise affect administration and enforcement of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) or to limit the applicability of the National Trails System Act (16 U.S.C. 1241 *et seq.*) to any lands within the conservation area.

(2) Except as otherwise specifically provided in this subchapter, nothing in this subchapter shall be construed as limiting the applicability to lands in the conservation area of laws applicable to public lands generally, including but not limited to the National Historic Preservation Act (16 U.S.C. 470 *et seq.*), the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa *et seq.*), or the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 *et seq.*).

(3) Nothing in this subchapter shall be construed as by itself altering the status of any lands that on August 4, 1993, were not managed by the Bureau of Land Management.

(4) Nothing in this subchapter shall be construed as prohibiting the Secretary from engaging qualified persons to use public lands within the conservation area for the propagation of plants (including seeds) to be used for vegetative enhancement of the conservation area in accordance with the plan and in furtherance of the purposes for which the conservation area is established.

(b) Release – The Congress finds and directs that the public lands within the Snake River Birds of Prey Natural Area established as a natural area in October 1971 by Public Land Order 5133 have been adequately studied and found unsuitable for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976. Such lands are hereby

duplicate

ENTERED

released from further management pursuant to section 603(c) of Such an Act and shall be managed in accordance with other applicable provisions of law, including this Act.

(c) Existing Administrative Withdrawal Terminated – Public Land Orders 5133 dated October 12, 1971, and 5777 dated November 21, 1980, issued by the Secretary are hereby revoked subject to subsections (d)(3) and (d)(4).

(d) Water – (1) The Congress finds that the United States is currently a party in an adjudication of rights to waters of the Snake River, including water rights claimed by the United States on the basis of the reservation of lands for purposes of conservation of fish and wildlife and that consequently there is no need for this Act to effect a reservation by the United States of rights with respect to such waters in order to fulfill the purposes for which the conservation area is established.

(2) Nothing in this Act or any action taken pursuant thereto shall constitute either an expressed or implied reservation of water or water rights for any purpose.

(3) Nothing in this Act shall be construed as effecting a relinquishment or reduction of any of the water rights held or claimed by the United States within the State of Idaho or elsewhere on or before August 4, 1993.

(4) The Secretary and all other officers of the United States shall take all steps necessary to protect all water rights claimed by the United States in the Snake River adjudication now pending in the district court of the State of Idaho in which the United States is joined under section 208 of the Act of July 10, 1952 (66 Stat. 560; 43 U.S.C. 666; commonly referred to as the "McCarran Amendment").

Section 7. Authorization of Appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Approved August 4, 1993.

duplicate

2013 MAY 29 AM 10: 00

RECEIVED
DOI-BLM
CHEYENNE WYOMING

ENTERED
100692

March 28, 2013

Dear Ms Jewell,

Congratulations on your nomination of Secretary of Interior! We anticipate your confirmation. We are also anticipating the imminent release of the Final Environmental Impact Study (FEIS) for the Gateway West Transmission Line Project (GWTLP). We realize you will have to hit the floor running regarding a decision. We are the residents of Ada, Canyon and Owyhee Counties.

In 2006 Idaho Power proposed two 500 kV lines.

- One line paralleling the existing 500 kV PacifiCorp line in the Snake River Birds of Prey National Conservation Area (SRBOP NCA).
- The other paralleling the existing 138 kV Idaho Power line in the SRBOP.

We did not become aware of the above or the Gateway West Transmission Line Project until spring, 2009. In April /May 2009 we began to organize after learning about Segment 8 and Segment 9 of the GWTLP. Residents of Kuna and Melba formed a diverse group and bore the expense of hiring Environmental Conservation Services, Inc. (Segment 8 Task Force). Residents of Owyhee County formed the Owyhee County Task Force (OCTF aka Segment 9). The OCTF is fortunate to have local resident Karen Steenhof, a former BLM and USGS raptor biologist, as a member. Boise District Office BLM (BDO BLM), Idaho Power Engineers, Tetra Tech and local elected officials were in attendance at the meetings of both groups. These groups worked over the summer of 2009 to develop alternatives to Idaho Powers proposed Segment 8 and Segment 9. Their mission: to diminish the impact of the GWTLP on private property. It must be noted that only 17% of Owyhee County is privately owned. Thus, the OCTF required that the GWTLP not impact private property without the consent of the landowner. Representatives from Segment 8 attended the OCTF meetings. Representatives from the OCTF attended Task Force meetings held in our adjoining counties ensuring our alternatives lined up and the needs of all Idaho residents were being met. Due to the geographical location of Segment 9 the OCTF also cooperated with the United States Air Force and affected Shoshone Paiute Tribes. Our local state representatives, 1st Congressional District and Governor were continually apprised as to the activities of both groups.

duplicate

Both groups met the September 4th, 2009 BLM deadline and submitted alternative proposals into the Draft Environmental Impact Study (DEIS) for the GWTLP. The Segment 8 alternative proposal parallels the **existing** PacifiCorp 500 kV line in the SRBOP NCA. The Owyhee County Commissioners (OCC) submitted two alternatives for proposed Segment 9.

1) 9D: paralleling the **existing** 138kV Idaho Power line in the SRBOP. This was the only proposal accepted by the OCC and citizens of Owyhee County.
2) 9E: the southern proposal, was not accepted by the OCC and citizens of Owyhee County.

ENTERED

Rosey Thomas from BDO BLM insisted on Alternative 9E at the June 18th 2009 OCTF meeting. She was adamant that the OCTF submit 2 alternatives. The citizens of Owyhee County have objected to 9E from its inception. 9E would be blight on the Owyhee Front. 9E is in Sage Grouse habitat.

November 12th 2009 Idaho Power held a public meeting in Kuna, Idaho. We learned at that meeting that Idaho Power had changed their proposed route for Segment 8: to parallel the existing 500kV line in the SRBOP. Segment 9 remained as proposed, on private land in the West Wide Energy (WWE) corridor. The OCC and OCTF members continued to meet with the BDO BLM in an attempt to discern their dissatisfaction with Alternative 9D.

June 2011 the DEIS for GWTLP was released. Volume 1b Ch 3.18- 18 thru 3.18-25 contains data supplied by Cassia and Power Counties detailing the hindrances GWTLP will have on farming operations and crop production. This data also applies to Kuna, Melba and Owyhee County. Owyhee County's economy is 74% agriculturally based. We refer you to 3.18-38 thru 3.18-40 referencing Segment 8: documenting the negative effects a 500 kV line would have on prime farmland, livestock grazing, crop production and dairy farms. Pgs. 3.18-40 thru 3.18-42 address these topics for Segment 9.

We found the chapters on visual resources, cultural resources, socio-economics, environmental justice and electrical environment range from inadequate to inaccurate. Hundreds of pages of research and comment on Segments 8 and 9 were submitted to Mr. Walt George by the October 28th 2011 deadline. **The BLM did not designate preferred alternatives in the 3,150 page DEIS.**

January 13th, 2012 President Obama sent the Interagency Rapid Response Team for Transmission to Boise, Idaho. The Mayor of Kuna, the OCC and OCTF were in attendance. We shared the information contained in this letter with the Administrators of the nine Federal Agencies.

February 2012, the BDO BLM sent a map to the OCC recommending changes to 9D. The BDO BLM changes to 9D were accepted by our OCC at the February 27th, 2012 coordination meeting. The BDO BLM was now identifying 9D as their preferred alternative. Finally we achieved a hard earned, 100% consensus from groups including: Owyhee County citizens, OCTF, OCC, Idaho State Representatives, Governor Butch Otter, the 1st Congressional District, Idaho Power and the BDO BLM.

April 2012 Walt George, Steve Ellis and Donald Simpson traveled to Washington DC to bring Idaho Power's proposed route for Segment 8 and the BDO BLM's preferred route for Segment 9 "across the finish line". An e-mail dated April27th, 2012 from Cecil Werven, BDO BLM, to Karen Steenhof divulged information from the briefing in Washington DC that: "the Washington office wants NO transmission lines in the NCA because it would establish a bad precedent for the NLCS".

September 2012 the BLM released their preferred alternatives for Segment 8 and Segment 9.

The BLM's preferred alternative for Segment 8 is Idaho Power's 2009 proposed route, which places it back onto private property. This sent task force members and landowners

duplicate

ENTERED

scrambling to discern where and how the process had failed them and rallying for support to ultimately have this line sited to parallel the existing 500kV line in the SRBOP NCA.

The BLM's preferred alternative for Segment 9 is Alternative 9E. The caveat is that the route has been altered at the SE edge of Oreana and now crosses private property that does not have the consent of the affected land owners.

October 2012 the OCC learned that they had not been, and would not be issued a copy of the Administrative FEIS for GWTLP. Idaho's Governor Butch Otter extended the services of Idaho's Department Administrator, John Chatburn. Mr. Chatburn submitted Owyhee County's comments via the Governor's office. Bear in mind our comments were made without the advantage of reviewing the Administrative FEIS.

Segment 9, Segment 9E and altered Segment 9E (the BLM's preferred alternative) are in Sage-Grouse habitat. June 2012 the BLM released the Addendum to the DEIS for the GWTPL "Effects of the Proposed Project on Greater Sage-Grouse" (please reference).

October 12th 2012, The Wilderness Society, Idaho Conservation League, The Nature Conservancy in Idaho and Conservation Lands Conservation Foundation submitted the following correspondence to Mr. Walt George:

"BLM's alternative route 9E would pass through identified Preliminary Priority Habitat (PPH) for the Greater Sage-Grouse. Currently, the U.S. Fish and Wildlife Service has found the Greater Sage-Grouse warrants protection under the Endangered Species Act and has committed to a final listing decision in 2015.

PPH, as identified in BLM's Greater Sage-Grouse Interim Management Policies and Procedures, IM 2012-043(12/27/2011), "compromises areas that have been identified as having the highest conservation value to maintaining sustainable Greater Sage-Grouse populations" that "have been identified by the BLM in coordination with respective state and wildlife agencies".

IM 2012-043 requires additional procedures for pending ROW applications that would affect more than 1 linear mile of Sage Grouse habitat. **Segment 9E would have nearly fifty times that level of impact**. These procedures include a high level interagency review process for any ROW project that would fail to "cumulatively maintain or enhance Sage Grouse habitat".

Allowing development of a large transmission line through this landscape could result in harmful, and potentially irreversible impacts to important Greater Sage Grouse habitat, both by damaging Sage Grouse habitat through the construction and maintenance of power lines and by providing "perches" for raptors and other birds of prey to more easily prey on Sage Grouse."

August 9th 2012 Ms. Karen Steenhof, a conservationist and one of the biologists who studied the effects of the PP&L (now PacifiCorp) 500 kV line, submitted the following correspondence to Mr. Carl Rountree, Director, NLCS:

duplicate

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

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

From 1981 through 1989, Bureau of Land Management (BLM) and PP&L biologists monitored the response of raptors and ravens to the transmission line (Engel et al. 1992, Steenhof et al. 1993). They found that the 500-kV transmission line within the NCA enhanced opportunities for raptor perching, nesting, and roosting. Unlike smaller distribution lines, large transmission lines do not present an electrocution hazard for large birds because the wires are too far apart for raptor wings to contact more than one wire at a time. Collision with transmission lines does not appear to be an issue for birds of prey in desert environments. Raptors and ravens were attracted to the 500-kV line, and productivity of hawks and eagles nesting on transmission towers was as good as and sometimes better than that of those nesting in the canyon. In some cases, transmission line towers provided more secure nesting substrate than natural nesting sites. By 1989, 8 pairs of Golden Eagles, 11 pairs of Ferruginous Hawks, 33 pairs of Red-tailed Hawks, and 81 pairs of ravens were nesting on the transmission line between Midpoint, Idaho and Summer Lake, Oregon (Steenhof et al. 1993). In addition, biologists documented 13 communal night roosts of Common Ravens on the transmission line, including one roost on transmission line towers within the NCA with more than 2100 ravens, one of the largest raven communal roosts ever documented in the world (Engel et al. 1992). Ravens used the roosts from spring to autumn, and as many as 700 roosted on a single tower."

The summer of 2009, in addition to developing alternatives to the GWTLP, members of the OCTF researched the inception of the GWTLP and posthumously discovered the following:

In 2005 President George Bush signed the Energy Act. Section 368 mandates the establishment of Right-of-Way (ROW) energy corridors on **Federal** land.

Energy Policy Act of 2005 (Enrolled as Agreed to or Passed by Both House and Senate)
SEC. 368. ENERGY RIGHT-OF-WAY CORRIDORS ON FEDERAL LAND.

duplicate

ENTERED

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

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

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

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

August 29th 2008 the Scoping Report was released for the GWTLP prepared for the BLM by Tetra Tech. The West Wide Energy (WWE) corridor is sited on 18.4 miles of **private land**, 1.1 miles of State land and only 37.6 miles of Federal land; section 9 GWTLP, Owyhee County.

September 2008 the SRBOP NCA Resource Management Plan (RMP) and Record of Decision were adopted **prohibiting new transmission lines** in the SRBOP.

The BLM's announcement of their preferred alternatives for segment 8 and 9 for the GWTLP prompted members of the OCTF back into research mode and we present the following:

1) **NCA Enabling Legislation (Public Law 103-64- August 4th1993) SRBOP NCA**
This legislation provides for continued and future use for grazing, continued military use (the Orchard Training Center), and continued and **future** use of hydroelectric generation and **transmission.** The Law goes on to stipulate that **the NCA has been adequately studied and is not suitable for Wilderness.**

2) The National Landscape Conservation System was established "in order to conserve, protect and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations." **National Landscape Conservation Act, 16U.S.C. 7202(a)(2009).**
Secretarial Order 3308 speaks to the management of the Conservation Lands, stating "BLM shall ensure that the components of the NLCS are managed to protect the values for which they were designated, including, where appropriate, prohibiting uses that are in conflict with those values." The 15-Year Strategy for the Conservation Lands reinforces this by stating the "conservation, protection, and restoration of the NLCS values is the highest priority in NLCS planning and management, consistent with the designating legislation or presidential proclamation." Conservation Lands Strategy at 8.

duplicate

Recent BLM **policy** guidance specifically addresses the management of BLM-managed national monuments and NCAs and **creates a presumption** that BLM will not approve any new ROWs in these areas. Specifically the manual provides:

ENTERED

> 5. To the greatest extent possible, subject to applicable law, the BLM should through land use planning and project-level processes and decisions, avoid designating or authorizing use of transportation or utility corridors within NLCS units.
>
> To that end, and consistent with applicable law, when developing or revising land use plans addressing NLCS units, the BLM will consider:
>
> a. designating the NLCS unit as an exclusion or avoidance area;
> b. not designating any new transportation or utility corridors within the NLCS unit if the BLM determines that the corridor would be incompatible with the designating authority or the purposes for which the NLCS unit was designated; and
> c. relocating any existing designated transportation and utility corridors outside the NLCS unit.
>
> BLM Manual 6100, 1.6J(5).

3) 2009 lawsuit filed in **U.S. District Court for the Northern District of California** against the Department of Interior et al. reached a settlement agreement on July 3rd, 2012.

SETTLEMENT AGREEMENT

Plaintiffs The Wilderness Society, BARK, Center for Biological Diversity, Defenders of Wildlife, Great Old Broads for Wilderness, Klamath-Siskiyou Wildlands Center, National Parks Conservation Association, National Trust for Historic Preservation, Natural Resources Defense Council, Oregon Natural Desert Association, Sierra Club, Southern Utah Wilderness Alliance, Western Resource Advocates, Western Watersheds Project, and County of San Miguel, Colorado ("Plaintiffs"), and Federal Defendants United States Department of the Interior ("DOI"), Kenneth L. Salazar, Secretary of the Interior; United States Bureau of Land Management ("BLM");Robert Abbey, Director, BLM; United States Department of Agriculture; Tom Vilsack, Secretary of Agriculture; United States Forest Service ("FS");Tom Tidwell, Chief of the Forest Service; United States Department of Energy("DOE");and Steven Chu, Secretary of Energy ("Defendants")(collectively the "Parties").

This 20-page agreement provides for "addressing periodic corridor reviews". "The objectives of these settlement provisions are to ensure that future revision, deletion, or addition to the system of corridors designated pursuant to section 368 of EP Act consider the following general principles: location of corridors in favorable landscapes, facilitation of renewable energy projects where feasible, avoidance of environmentally sensitive areas to the maximum extent practicable, **diminution of the proliferation of dispersed rights-of-way ("ROWs")** crossing the

duplicate

landscape, and improvement of the long-term benefits of reliable and safe energy transmission. In addition, revisions, deletions, or additions to section 368 corridors are to be made through an **open and transparent process incorporating consultation and robust opportunities for engagement by tribes, states, local governments, and other interested parties."**

ENTERED

Interested Stakeholders from Segment 8 and Segment 9 present the following comments in summary:

1. We have established that the citizens and local governments were left out of the processes of adopting a Land Use Management Plan for the SRBOP NCA and for the scoping process for the GWTLP and WWE corridor.
2. It is our contention the scoping processes for the WWE corridor and the Land Use Management Plan for the SRBOP NCA are in violation of Section 368 of the 2005 Energy Act on the following premises:
   - Exclusion of local government and public input.
   - Unduly sited on private land sparing the abundantly available Federal land.
   - Not including this corridor into the SRBOP RMP, following existing transmission lines (ROWs), as defined in section103 (o) of FLPMA of 1976.
3. From 2009 to present, citizens and local government have been actively engaged, cooperating with all other effected agencies/groups; developing alternatives, providing ample comment and have been in compliance with the NEPA process et all deadlines.
4. 2009: Idaho Power's proposed route for Segment 8 paralleled the existing 500kv line in the SRBOP.
   February 2012: The BDO BLM's preferred alternative for Segment 9 paralleled the existing 138kV line in the SRBOP.
5. The existing ROW's for transmission lines in the Treasure Valley **are in** the SRBOP. The existing 500 kV line in the SRBOP NCA (the line Segment 8 proposes to parallel) is the only 500 kV line (ROW) in Owyhee County.
6. Science does not support the GWTLP, or the WWE corridor, to be sited in Idaho Power's proposed Segment 9 or BLM's preferred Alternative 9E.
7. Science supports the siting of the GWTLP in the SRBOP NCA. It is our contention Segment 8 and Segment 9 would not be "incompatible" with the existing transmission lines currently located in the SRBOP NCA.
8. The BLM's preferred alternative's for Segment 8 and Segment 9 will not be accepted by the residents or elected officials of Ada, Canyon and Owyhee Counties, due to the impact on private property.
9. It is our contention that **Public Law 103-64** was **never** intended to prohibit **future** lines into the SRBOP NCA.
10. The BLM was legally bound to: FLMPA, NEPA, the 2005 Energy Act (section 368) and Public Law 103-64 at the time they adopted the SRBOP NCA RMP and sited the WWE corridor (2008). We contend applying a 2009 Law (National Landscape Conservation System Act) as justification for agency actions prior to the existence of said Law is legally indefensible.

Duplicate

11. The NLCS (BLM) have selected their preferred alternatives based on BLM **policy**.
12. **Laws trump policy.**
13. U.S. District Court for the Northern District of California has established the 2005 Energy Act ET Section 368 as **Law**. The Department of Interior is now held to a Settlement Agreement.

ENTERED

It is the prayer of the residents of Ada, Canyon and Owyhee Counties that Segment 8 and Segment 9 of the GWTLP will be sited in the SRBOP NCA in the FEIS.

Respectfully,
The Owyhee County Task Force
Frank Bachman, Chairman

OCTF members
Robyn Thompson
Ernie Breuer
Leah Osborn

duplicate