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From: Audie Huber <AudieHuber@ctuir.org>
Sent: Thursday, March 19, 2015 4:28 PM
To: 'comment@boardmantohemingway.com'; 'Straub, Renee L (rstraub@blm.gov)'
Cc: Teara Farrow Ferman; Catherine Dickson; Carey Miller
Subject: Boardman to Hemingway Transmission Line Project Draft EIS.
Attachments: CTUIR DNR 3 19 15 Comments on Boardman to Hemingway Transmission Line Project.pdf

Please find attached the comments of the Confederated Tribes of the Umatilla Indian Reservation Department of Natural Resources regarding the Boardman to Hemingway Transmission Line Project DEIS.

If you have any problems with this transmission, please contact me at this e-mail or the numbers below. Thank you.

A

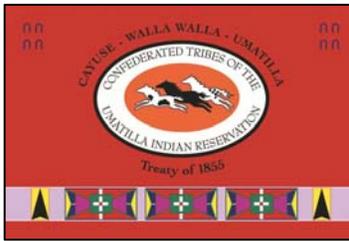
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Confederated Tribes *of the*
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March 19, 2015

Boardman to Hemingway Transmission Line Project
P.O. Box 655
Vale, OR 97918

Transmitted electronically to comment@boardmantohemingway.com and rstraub@blm.gov

RE: Boardman to Hemingway Transmission Line Project Draft EIS.

To whom it may concern:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Department of Natural Resources (DNR) appreciates the opportunity to comment on the Bureau of Land Management (BLM) Draft Environmental Impact Statement and Land Use Plan Amendments for the Boardman to Hemingway Transmission Line Project, DOI-BLM-OR-V000-2012-016-EIS (DEIS). The CTUIR has worked with the BLM on this project for a number of years addressing the cultural resource and treaty rights impacts of the project and remains concerned that some of the alternatives unnecessarily endanger cultural resources and First Foods. The CTUIR DNR is deeply concerned about the Timber Canyon Alternative as this would adversely affect big game, critical sage grouse habitat, and cultural resources.

Based on information available in the DEIS and our meetings, the CTUIR DNR recommends the following alternatives in each Segment.:

Segment 1:

1. The Longhorn Alternative should be selected. The Horn Butte Alternative and the proposed route will impact more cultural and natural resources. Further, the Longhorn Variation will impact more cultural resources and intact habitat.

Segment 2:

2. The proposed route should be selected rather than the Glass Hill Alternative. Both alternatives will have impacts, but the proposed route introduces fewer new effects.

Segment 3:

3. The Flagstaff Alternative should be selected because that it parallels an existing transmission line. As noted above, the Timber Canyon Alternative is the worst possible choice for resource impacts.
4. The proposed route should be selected over the Burnt River Mountain Alternative based on landscape, previous disturbance, and reducing impacts to known cultural resources as well as minimizing effects to big game.

Segment 4:

5. The Tub Mountain Alternative should be selected over the proposed route or Willow Creek Alternative based on proximity to previous development.

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These alternatives will maximize beneficial uses, reduce degradation, and preserve important aspects of heritage under both Section 106 of the NHPA, 54 USC § 306108, and Section 101 of the National Environmental Policy Act, preserving “important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice[.] 42 USC § 4331(b)(4).

As a procedural matter, the CTUIR will provide sensitive cultural resource information and must be withheld from public release under the National Historic Preservation Act, 54 USC § 307103(a) (formerly 16 USC § 470w-3). That material will be provided to Renee Straub of the BLM in a separate e-mail.

The DNR appreciates that the DEIS addresses First Foods, however the way the DEIS discusses First Foods it appears to limit the application of the concept to plants, leaving out the fish and wildlife CTUIR tribal members rely upon as well. In the Definitions section, First Foods are accurately defined as “Plant and animal resources gathered or cultivated by American Indians for subsistence, economic, medicinal, and ceremonial purposes that have important tribal historical, cultural, and religious value.” Page 5-7, line 20-22. However, in the Affected Environment the DEIS states “The one mile analysis area was also used for the analysis of first foods because these resources were analyzed within the context of the vegetation communities.” 3-105, line 35 and page 3-106, line 1. This remains true on the following pages when First Foods/Ethnobotanical Resources are lumped together on page 3-121, line 13 as well as the methodology for impacts to vegetation, in Section 3.2.3.6, pages 3-161-191. Our December 4, 2013 comments stated:

On page 3-212, on line 6, the direct effects of construction, operation and maintenance do not consider the impacts to big game. Is BLM considering the impacts to big game and mitigating for those impacts? The line impacts 82.8 miles of elk winter range. Impacts to elk during the winter in their security habitat through maintenance activities can have immediate and significant impacts to populations. Big game, including elk, mule deer and deer have special significance to the CTUIR as one of our first foods that tribal members rely upon for physical and cultural subsistence. The CTUIR DNR hopes that BLM incorporates into the analysis avoidance and mitigation of impacts to big game habitat. Please explain how BLM addresses direct, indirect and cumulative impacts to big game.

The oversight omitting big game and other fish and wildlife populations from the analysis of the impacts to First Foods fails to acknowledge the significance of fish, wildlife and big game to the CTUIR and tribal members. Please include references to the significance of big game as a tribal First Food throughout the Big Game section starting on page 3-239 similar to the language contained in the First Foods/Ethnobotanical section. The section discussing Tribal Wildlife Concerns on page 3-240, line 12-17 should be expanded to identify the significance of big game as one of the First Foods but the significance of fish and other wildlife should also include tribal

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concerns. If BLM needs assistance with the revisions to this language, the CTUIR can provide it at a later date.

The potential impact of the line to big game is highlighted in at least one alternative that has specific, direct, broad range impacts on big game, big game winter range and other wildlife habitat. The Timber Canyon Alternative is the route which is the least consistent with the protection of big game habitat. The alternative crosses approximately 25 miles of elk summer range habitat, approximately 35 miles of Elk Winter Range habitat, approximately 30 miles of mule deer winter range, approximately 27 miles of sage grouse general habitat and is on the border of approximately 30 miles of sage grouse priority/core habitat. No alternative has impacts as profound as the Timber Canyon Alternative. This alternative should not be chosen.

The DEIS does an inadequate job addressing how impacts to big game will be mitigated. Direct effects of construction will impact big game populations, but so will operation and maintenance activities. Any new roads should be restricted access to prevent additional public use and disturbance of wildlife, including both winter and summer range habitat.

Cultural Resources

This undertaking will adversely affect historic properties of religious and cultural significance to the CTUIR. The BLM has the opportunity to reduce those effects through the selection of appropriate alternatives.

The DNR appreciates the BLM cultural resource “sensitivity” ranking system and the explanation of it contained on page 3-804-5. However, it would have been preferable if BLM had worked with DNR in the development of the ranking system. As the DEIS notes, some sites are more sensitive than others, i.e. some sites “have strong cultural values to tribes and other ethnic groups.” The CTUIR would have liked to have engaged in discussion of site type and sensitivity. For example, this would have changed the ranking of rock images and rock features, which are properties of religious and cultural significance or TCPs. The CTUIR DNR disagrees with the ranking of lithic scatters without features or projectile points on the surface as low value. Until the site has been formally evaluated, one cannot know whether it has datable material or not. Further, the definitions are vague and it is unclear what exactly is included in “Task-specific sites”, which BLM assigned low-moderate sensitivity. If the specific task is sacred in nature, than surely it is more sensitive than that. Note that in the ranking, non-eligible historic trails are more sensitive than lithic scatters, quarries, and task-specific sites. We do not understand how the BLM arrived at that conclusion. Finally, the ranking of Paleoindian sites as the most significant type needs more explanation. Has BLM assessed the number of sites documented dating to various time periods within the Plateau and Great Basin?

The ranking system fails to take into account existing impacts, such as existing transmission lines and the route of Interstate 84. These are critical when assessing affects to integrity of setting, feeling, and association. If there already is a transmission line within the viewshed of a

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given historic property, the effects of another transmission line in the same viewshed is less than if the viewshed were intact. When considering the RLS data, the BLM determined to rank impacts from 0-250 feet as most severe, 250-750 feet as medium severe, and 750-5 miles as most severe. Speaking relatively, that is of course correct. However, the break at 750 feet is not intuitive. Please explain how this number was arrived at. BLM decided the overall assessment area is 26,400 feet. BLM put 1% of that area in the most severe category, 2% in medium, and 97% in least severe. The towers themselves will be tall and highly visible from quite a distance (presumably there's been an analysis as to exactly how far). We understand that the severity of impact will change over distance, but these categories appear arbitrary and do not seem reflective of actual impact.

Chapter 3.2.8 discusses the PA and the cultural resource work that has been completed and will happen. The PA has not been signed. Based on meetings with the BLM, it appears to the DNR that aspects of the cultural resource work discussed in the EIS and PA are not being completed as outlined in the documents. The BLM is making agreements to move aspects of the reconnaissance level survey (RLS) to the intensive level survey (ILS). Please ensure that the EIS accurately reflects the work that is being done. In addition, the DNR expressed concerns about what will be addressed in the ILS and what will be addressed in the RLS; those concerns were not resolved prior to the issuance of the DEIS. Responses to cultural resource concerns have been slow; and it remains unclear how many issues have been or will be resolved prior to finalization of the EIS. This uncertainty prevents an adequate review of these documents.

As noted above, DNR will provide sensitive cultural resource information that is exempt from the Freedom of Information Act release to Renee Straub in a separate e-mail communication. This identifies specific site impacts of the alternatives.

I refer the BLM back to CTUIR comments on the subject of the 15% sample and whether or not it is truly random. A random sample is not stratified by landownership. The EIS should accurately reflect what the BLM did to consider impacts to our cultural and historic heritage. The CTUIR has provided many comments over the last seven years meeting and working with Idaho Power and BLM. We expect that those comments we provided have been and will be considered in the final alternative selection.

The Cultural Resources section ends with a list of mitigation measures, Section 3.2.8.9. None of these mitigation measures will address adverse effects to historic properties of religious and cultural significance to the CTUIR. This list includes preparation of National Register nominations. Evaluating sites for their eligibility for inclusion in the National Register is not mitigation; it is part of the section 106 process. It also lists "partnerships and funding for public archaeology projects." The CTUIR is opposed for excavating archaeological sites for recreational purposes. We provided many comments on this list in the PA in August 2012. In the August 2013 and January 2014 version, it was removed altogether. In the September 2014 version it was back. Please review our comments, address them with us, and change or remove the list.

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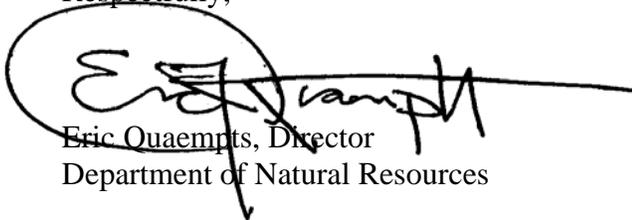
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Finally, in our December 4, 2013 comments the CTUIR requested that the term “rock image” be used rather than “rock art.” Please replace the phrase “rock art” with “rock image” on pages 3-769 line 18, and 3-796 lines 3 and 10.

If you have any further questions, please contact Audie Huber, DNR Intergovernmental Affairs Manager at 541-429-7228.

Respectfully,

A handwritten signature in black ink, appearing to read "Eric Quaempts", is written over a circular stamp. The signature is written in a cursive style with a long horizontal stroke extending to the right.

Eric Quaempts, Director
Department of Natural Resources

Cc: Renee Straub, BLM [with enclosure]