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Sent: Wednesday, March 18, 2015 5:50 PM
To: comment@boardmantohemingway.com
Cc: John Robison; Doug Heiken; Brian Kelly; 'Pam Eaton' (pam_eaton@tw.s.org)
Subject: Boardman to Hemingway Draft EIS
Attachments: ONDA et al B2H DEIS Comment Letter Final 031815.pdf

To Whom It May Concern:

Please find attached to this e-mail comments on the Boardman to Hemingway Draft EIS from Oregon Natural Desert Association, Idaho Conservation League, Oregon Wild, Hells Canyon Preservation Council and The Wilderness Society.

Please confirm receipt of this e-mail and the attached comments.

Sincerely,

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March 18, 2015

VIA ELECTRONIC MAIL

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Re: Boardman to Hemingway Draft Environmental Impact Statement

To Whom It May Concern:

The Oregon Natural Desert Association, Oregon Wild, Hells Canyon Preservation Council and The Wilderness Society (hereinafter “ONDA et al”) provide these comments in response to the Draft Environmental Impact Statement (“DEIS”) prepared for the Boardman to Hemingway Transmission Line Project (“B2H”).

ONDA is an organization of more than 4,500 members and supporters dedicated to defending, protecting, and restoring Oregon’s high desert. ONDA supports responsible energy development that is planned smart from the start, meaning that it is developed in places that will have low impacts on our natural resources and encourages a responsible energy future that truly benefits the entire environment.

Since 1973, the Idaho Conservation League has had a long history of involvement with both habitat protection and regional energy issues. As Idaho’s largest statewide conservation organization, we represent over 25,000 supporters who want to ensure that energy development and infrastructure are consistent with natural resource protection.

Oregon Wild represents approximately 10,000 members and supporters who share our mission to protect and restore Oregon's wildlands, wildlife and waters as an enduring legacy. Oregon Wild has worked all across Oregon for 40 years to defend wilderness, protect wildlife and their habitat, and promote public appreciation of our natural heritage. Oregon Wild members use and enjoy public lands, including areas used by sage grouse, for hiking, photography, bird watching, and nature appreciation.

Hells Canyon Preservation Council (HCPC) is a non-profit conservation organization based in La Grande, OR with approximately 1000 supporters. HCPC’s mission is to protect and restore the inspiring wildlands, pure waters, unique habitats and biodiversity of the Hells Canyon-Wallowa and Blue Mountain Ecosystems through advocacy, education and collaboration, advancing science-based policy and protective land management.

The Wilderness Society is a national conservation organization with more than 500,000 members and supporters working to protect wilderness and inspire Americans to care for our wild places. Founded in 1935, TWS has led the effort to permanently protect 110 million acres of wilderness and to ensure sound management of our shared national lands.

The B2H project proposes to add approximately 300 miles of new single circuit 500 kV transmission line across northeast Oregon and southwest Idaho and to rebuild several existing lines. The DEIS documents the potential effects of the Proposed Action and alternatives, including a no-action alternative.

Investing in properly sited transmission systems can protect the environment, promote economic development, diversify the power system and keep the region economically competitive. However, the impact of these transmission systems largely depends on the location of the project, the specific design of the final alignment, and mitigation actions. We are concerned that the DEIS does not adequately consider the effects of the Proposed Action and alternatives to the Greater sage-grouse, Lands with Wilderness Characteristics, Visual Resources, and Wild and Scenic Rivers.

We are also particularly concerned about construction of transmission facilities across unroaded areas within or adjacent to habitat for sage-grouse and other wildlife. We urge the BLM to select an alternative in previously developed areas or along existing corridors to avoid impacts to sage-grouse and other wildlife species. Where there still may be impacts to sage-grouse, these impacts should be avoided through design features and mitigated in accordance with BLM mitigation policy and guidance as well as by utilizing mitigation frameworks for sage-grouse from the States of Idaho and Oregon.

I. THE DEIS DOES NOT ADEQUATELY CONSIDER EFFECTS TO THE GREATER SAGE-GROUSE

As the DEIS explains, the U.S. Fish and Wildlife Service (hereafter, “the Service”) has determined that the Greater sage-grouse is warranted for protection under the Endangered Species Act. The sage-grouse is classified as a BLM and USFS sensitive species and is considered a vulnerable species by the State of Oregon. DEIS at B.4-16. The species requires large, intact, connected expanses of sagebrush steppe in order to survive. DEIS at B.4-16. Moreover, the bird’s habitat needs vary with the seasons, and it moves between or among seasonal use areas accordingly. DEIS at B.4-16.

The DEIS does not adequately discuss the effects of habitat fragmentation and loss of connectivity—both connectivity between seasonal habitats and, critically, genetic connectivity among neighboring populations or how such impacts have been avoided. Segments 3, 4, and 5 of the proposed transmission line present a major threat to the persistence of the Greater sage-grouse. As documented in the DEIS, under the Proposed Action Segment 3 cuts across a sage-grouse core area that has experienced significant population decline in the past ten years. DEIS 3-255, 3-256. Segment 4 likewise cuts across sage-grouse core area, likely causing a high cumulative impact to Greater sage-grouse and its habitat. DEIS 3-1056. Segment 5 intersects

known habitat for the Greater sage-grouse Northern Basin population, which is already separated from neighboring populations by distance and topography. DEIS 3-263.

Sage-grouse migrate across corridors that connect neighboring areas of habitat the birds need to survive. Oregon Department of Fish & Wildlife, Greater Sage-Grouse Conservation Assessment and Strategy for Oregon (2011), at 10. Specifically, the sage-grouse's life cycle revolves around the seasons. In the spring, the birds breed at relatively open sites of low grasses called "leks." The hens then disperse to nest under taller stands of sagebrush, which are used both as food and as concealment from predators. In the summer months, the sage-grouse move to areas with natural springs and wet meadows. See Clait E. Braun, John W. Connelly & Michael A. Schroeder, "Seasonal Habitat Requirements for Sage-Grouse: Spring, Summer, Fall, and Winter," in *USDA Forest Service Proceedings*, at 38-40 (N.L. Shaw, S.B. Monsen & M. Pellant, eds., 2005). In winter, the focus returns to using sagebrush for food and cover, which means finding sagebrush that isn't buried by snow. *Id.* If a population of sage-grouse is cut off from accessing a seasonal habitat, the very survival of that population is placed in peril.

Migration across connectivity corridors also allows local sage-grouse populations to intermix—which is key to promoting genetic diversity and protecting against inbreeding that is detrimental to the species' survival. See Steven T. Knick & Steven E. Hanser, "Connecting Pattern and Process in Greater Sage-Grouse Populations and Sagebrush Landscapes," in *Greater Sage-Grouse: Ecology and Conservation of a landscape and its Habitats* (Steven T. Knick & John W. Connelly, eds., 2011). According to the Service, "maintaining habitat connectivity and sage-grouse population numbers are essential for sage-grouse persistence." 12-Month Findings for Petitions to List the Greater Sage-Grouse (*Centrocercus urophasianus*) as Threatened or Endangered, 75 Fed. Reg. 13,910, 13,923 (Mar. 23, 2010).

The ecosystem on which sage-grouse depend is the most imperiled in North America, with loss and fragmentation of sagebrush threatening the bird's prospects for survival. 75 Fed. Reg. 13,910, 13,916. Any land use that subdivides blocks of intact sagebrush causes fragmentation. *Id.* at 13,927 (defining fragmentation as "the separation or splitting apart of previously contiguous, functional habitat components of a species"). Transmission lines do just this. Sage-grouse exhibit strong avoidance behavior toward vertical structures such as power lines. *Id.* at 13,928 ("The presence of a powerline may fragment sage-grouse habitats even if raptors are not present."). Scientists believe sage-grouse avoid these structures instinctively because the birds know they may provide perches and hunting corridors for predators. *Id.* at 13,928, 13,972. The Service has concluded that power lines are "a particularly strong barrier to movement." *Id.* at 13,928.

Furthermore, according to the Service, power lines directly affect sage-grouse "by posing a collision and electrocution hazard, and can have indirect effects by decreasing lek recruitment, increasing predation, fragmenting habitat, and facilitating the invasion of exotic annual plants." 75 Fed. Reg. 13910, 13928 (internal scientific references omitted). Power poles afford perches for raptors and ravens that "increase a raptor's range of vision, allow for greater speed during attacks on prey, and serve as territorial markers." *Id.* The "increased abundance of raptors and corvids within occupied sage-grouse habitats can result in increased predation." *Id.*

Minimizing impacts to sage-grouse

Once important sage-grouse areas have been avoided, the BLM should require design features to ensure that any side effects or minor impacts are minimized through design features. With regard to activities with the potential to disturb sage-grouse, the Idaho Sage-grouse Conservation Plan offers this recommendation:

Apply seasonal-use restrictions (see Human Disturbance Section 4.3.5) on activities associated with the exploration, operations, and maintenance of mines, gravel pits, or landfills, including those associated with supporting infrastructure.

-Conservation Plan for the Greater Sage-grouse in Idaho, p. 4-126

When considering design features to minimize adverse effect to sage-grouse, the BLM needs to consider both the appropriate spatial scale for considering effects of proposed management activities on sage-grouse and their habitat as well as the adverse impacts of invasive exotic plant species, and the increased threat of wildfire.

Knick and Hanser (2009) analyzed factors in lek persistence of over 5,000 leks. They used three radii to test for landscape disturbance effects on lek persistence – radii of 3.1 miles, 11.2 miles, and 33.5 miles. Previous studies had shown behavioral effects on sage-grouse related to sagebrush disturbance at the 33.5 mile radius (Swenson et al. 1987, Leonard et al. 2000). Knick and Hansen’s study showed adverse effects on lek persistence from wildfire at the 33.5-mile radius. As such, the design features to minimize impacts should be based on both the quality of the habitat adjacent to the transmission line, the topography of that habitat, the impacts to that habitat and to sage-grouse, and the specific use of that habitat by sage-grouse (lekking, nesting and brood rearing, etc).

Mitigation for remaining Sage-grouse impacts

The DEIS does not adequately consider how it will mitigate any remaining impacts to the sage-grouse. In reference to Segment 3, the DEIS states, “To minimize disturbance to Greater Sage-Grouse, Greater Sage-Grouse-specific mitigation measures would be developed prior to publication of the Final EIS.” DEIS 3-296, 3-297. For Segment 4, it explains, “The analysis of the cumulative effects on Greater Sage-Grouse assumes that off-site mitigation required for the Proposed Action and all alternatives . . . will be sufficient and effective in maintaining or enhancing habitat for the Northern Great Basin Sage-Grouse population,” and therefore the cumulative effects “[a]re not expected to result in diminished Greater Sage-Grouse habitat quality or quantity.” DEIS 3-1057. The same logic is then applied to explain how the impacts to sage-grouse will be mitigated in Segment 5. DEIS 3-1059. The Greater Sage-Grouse Mitigation Blueprint outlines general mitigation principles and standards, but states, “Mitigation Areas shall not occur in any location directly impacted by the Project.” DEIS, App. E, 9. This can only be understood to mean that off-site mitigation will be the *only* method of mitigation considered.

These statements are far too vague to meet NEPA requirements. An EIS must do more than provide a perfunctory description of possible mitigation measures. *Okanogan Highlands Alliance v. Williams*, 236 F.3d 468, 473 (9th Cir. 2000). An EIS is not complete unless it contains “a reasonably complete discussion of possible mitigation measures.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352, 109 S.Ct. 1835, 104 L.Ed.2d 351 (1989). That requirement

is implicit in NEPA's demand that an EIS must discuss “any adverse environmental effects which cannot be avoided should the proposal be implemented.” *Id.* at 351-52, 109 S.Ct. 1835 (quoting NEPA, 42 U.S.C. § 4332(C)(ii)); *see also* 40 C.F.R. § 1502.16(h) (stating that an EIS must contain “[m]eans to mitigate adverse environmental impacts”). An agency must take a “hard look” at potential mitigating measures; a perfunctory description, or a mere listing, of mitigating measures, without supporting analytical data, violates NEPA. *Okanogan Highlands Alliance*, 236 F.3d at 473. The lack of details regarding off-site mitigation in the DEIS make it impossible to fully and fairly evaluate the impacts of the proposed B2H project. It is unacceptable to wait until after the ROD is signed to identify and require specific off-site mitigation measures. Detailed mitigation plans should be developed and published for public comment prior to publication of the FEIS, and should be included in the FEIS and ROD.

The DEIS does not comply with the basic requirements under NEPA that include supporting analytical data that explains how mitigation might actually prevent harmful effects. It does not provide any details or analysis of what mitigation measures might be taken, and how, or whether, they might actually mitigate the likely adverse impacts described. In fact, sage-grouse scientists currently are aware of no *effective* measures that can mitigate for loss of genetic connectivity—which ought to fundamentally change not just the environmental analysis in the EIS but potentially the final project decision itself. Importantly, mitigation for direct loss of habitat is not enough: BLM must evaluate mitigation for disruption and/or loss of genetic connectivity. Put differently, a non-arbitrary review cannot focus myopically on ground disturbance (*i.e.*, physical footprint), failing to appreciate the potential loss of gene flow at a population level. Again, though, loss of genetic interchange across connectivity corridors likely *cannot* be mitigated.

The overall scheme of the limited mitigation plan included in the DEIS does nothing to protect the Greater sage-grouse populations directly affected by the proposed transmission line. It apparently writes off those populations, assuming instead that actions taken to protect other populations will be sufficient mitigation for the overall survival of the species. There is no scientific analysis to support this assumption. Losing one sage-grouse population means losing an important link to the genetic diversity that is vital to the survival of the species. 75 Fed. Reg. 13910, 13923. Sage-grouse scientists currently are aware of no measures that can effectively mitigate for the loss of genetic connectivity between neighboring populations.

Additional Considerations for Off-Site Mitigation Design

Despite the inability to mitigate for the loss of genetic connectivity, BLM still has a number of important tools at its disposal for establishing compensatory, off-site mitigation for project impacts, such as designation of Areas of Critical Environmental Concern and management of Lands with Wilderness Characteristics for protection. To enhance the durability of its mitigation and conservation decisions, BLM should also expand its current approach to include other tools, such as Rights of Way for Conservation, which could be issued to a state wildlife agency or FWS; withdrawals of incompatible uses; and establishment of cooperative agreements.

In accordance with BLM policy, the following factors indicate that off-site mitigation is appropriate for this project:

- B2H is a major electrical right-of-way project, one of the types of large development projects for which offsite mitigation (at the scale necessary) may be appropriate;

- B2H is likely to affect resources and values of high public importance; and
- B2H may have permanent impacts that cannot be mitigated onsite.

BLM's Draft Regional Mitigation Manual,¹ Secretarial Order 3330 on mitigation,² and President Obama's Presidential Memorandum on improving siting, permitting and mitigation for transmission development³ all provide guidance on off-site mitigation. These documents offer valuable tools for continuing to improve the conservation outcomes for mitigation for project impacts, and should be used to improve mitigation for B2H in the FEIS. Any compensatory mitigation must be additional to agencies' existing conservation obligations, and should focus on actions that demonstrably improve habitat, improve species' populations, or reduce threats to wildlife, lands with wilderness characteristics or other resources.

Compensatory mitigation actions on public lands must be durable, meaning protection and management of mitigation lands must be effective for at least as long as the impacts.

Recommended compensatory mitigation measures include, but are not limited to, the following:

- Designation of public lands for conservation management (such as Areas of Critical Environmental Concern) or management to protect Lands with Wilderness Characteristics, with management prescriptions for these areas that include comprehensive and measurable protections for the resources unavoidably affected by the project;
- Establishment of Rights of Way for Conservation;
- Withdrawals of incompatible uses;
- Purchase and protection of private lands, either maintained in private ownership or transferred to federal management with a suitable designation for durable and protective conservation management; and
- Restoration activities, such as fence removal or restoration of closed roads.

The FEIS must include a robust on and off-site mitigation program detailing the mitigation obligations of the Bureau of Land Management (BLM) and Idaho Power.

In addition to BLM policy and guidance, the Idaho Sage-grouse Conservation Plan also recommends developing off-site mitigation for any remaining impacts where impacts have already been avoided and minimized:

Off-site mitigation should be employed to offset unavoidable alteration and losses of sage-grouse habitat. Off-site mitigation should focus on acquiring, restoring, or improving habitat within or adjacent to occupied habitats and ideally should be designed to complement local sage-grouse conservation priorities.

-Conservation Plan for the Greater Sage-grouse in Idaho, p. 4-126

¹ Available at:

http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/im_attachments/2013.Par.57631.File.dat/IM2013-142_att1.pdf

² Available at: <http://www.doi.gov/news/upload/secretarial-order-mitigation.pdf>

³ Available at: <http://www.whitehouse.gov/the-press-office/2013/06/07/presidential-memorandum-transforming-our-nations-electric-grid-through-i>

A key component of the Governor of Idaho's Sage-Grouse Conservation Plan is the use of a Mitigation Framework developed by the State Sage-Grouse Advisory Committee. This framework is based on the assumption that impacts will be first avoided, then minimized and finally mitigated.

The mitigation framework requires the quantification of both direct *and* indirect impacts. The USFWS's determined that transmission lines may cause a host of adverse indirect effects to sage-grouse, including increased predation, lower recruitment rates, habitat fragmentation, habitat degradation from invasive species, and impacts from electromagnetic fields.⁴ The BLM should utilize a phased decision approach to expand the analysis to include indirect effects when making mitigation calculations.

The BLM should start by considering the indirect effects within a standard, conservative distance from the transmission line and adjust this distance depending on the quality of the habitat adjacent to the transmission line, the topography of that habitat, the impacts to that habitat and to sage-grouse, and the specific use of that habitat by sage-grouse (lekking, nesting and brood rearing, etc). The mitigation calculations need to factor in the success rate of vegetation restoration efforts, the rate of habitat loss due to wildfire, the lag time before any actual mitigation is realized. In our determination, fence marking/modification, as described in the Habitat Equivalency Analysis, is not an appropriate form of mitigation for indirect effects related to this project.

Depending on the nature and degree of project impacts, an offsite mitigation program could be available to direct funding from the project proponent to high-priority restoration areas. The Idaho Governor's Plan calls for restoration within Core Habitat Areas where the habitat has been degraded but can be restored. This mitigation program should not be available for projects within Core Habitat Zones where infrastructure should not be located (allowing for limited exceptions).

The Baker Population

The Baker population, found in Segment 3, is of particular concern. This population suffers from limited connectivity, placing it at high risk of extirpation. Hagen 2011, DEIS 3-255, 3-256. Its population trend has declined dramatically over the past ten years, from an estimated 2,017 birds in 2003 to a mere 571 birds in 2013. DEIS 3-255, 3-256. This is a population on the verge of "blinking out." And yet, the DEIS admits that the project would have significant impacts to this population: "Permanent loss of Greater Sage-Grouse habitat in segment 3, and the potential for mortality of individuals and lek abandonment from the indirect effects from the Proposed Action and alternatives would result in long-term high impacts." DEIS at 3-298. The transmission line, under the Proposed Action, would be located within five miles of 40 leks, 144,198 acres of Preliminary Priority Habitat ("PPH") (the equivalent of core areas), and 62,084 acres of Preliminary General Habitat ("PGH") for the Baker population. DEIS at 3-300, Table 3-70.

⁴ U.S. Fish and Wildlife Service, 2010, Endangered and threatened wildlife and plants, 12-month findings for petitions to list the Greater Sage-Grouse (*Centrocercus urophasianus*) as threatened or endangered: Washington, D.C., FWS-R6-ES-2010-0018, Federal Register, v. 75, no. 55 (March 23, 2010), 107 p.

Isolating and further jeopardizing the Baker population is contrary to good sage-grouse management. ODFW sage-grouse management counsels that project sites should avoid core areas “because these habitats are considered essential and irreplaceable as defined in the Mitigation Policy.” DEIS at 3-200. BLM policy is to minimize habitat loss and manage habitats “to maintain, enhance, or restore conditions that meet Greater Sage-Grouse life history needs.” DEIS at 3-201, citing IM 2012-043. The Proposed Action ignores these management objectives as it proposes to construct the transmission line in close proximity to an enormous quantity of Baker population core areas and lek sites.

Furthermore, the offsite mitigation the DEIS proposes is unproven at best, and would do nothing to mitigate the Baker population’s additional loss of connectivity. BLM should conduct additional studies of Baker population connectivity. Special consideration should be given to the effects of the Proposed Action when combined with the current causes of the Baker population’s population decline, how it will affect connectivity with neighboring populations in Malheur County and Idaho, the proximity of the proposed transmission line to leks, and whether it will be detrimental to the population’s seasonal habitat movement. For Segment 3, the Proposed Action has significantly more impact on sage-grouse and their habitat than other alternatives. BLM should further consider whether the Flagstaff or Timber Canyon alignments or other alignments not discussed in the DEIS could be appropriately mitigated for any identified impacts and would result in lesser impacts for sage-grouse.

II. ADDITIONAL CONSIDERATION MUST BE GIVEN TO IMPACTS TO OTHER WILDLIFE SPECIES

Golden Eagles

A recent study along the Owyhee front indicates that golden eagles may also be adversely impacted by increased OHV use, which may be exacerbated as a result of the transmission line access road network.⁵ As such, we recommend that mitigation for the transmission line include funding for decommissioning of user-created routes and increased education and enforcement efforts.

Enhancement of raptor populations outside of sage-grouse habitat

In addition to avoiding sage-grouse habitat, the Boardman to Hemingway Transmission line should be designed to have no adverse impacts on raptors. Outside of sage-grouse areas, it may also be possible to design towers in an attempt to maintain and even enhance raptor populations where appropriate. The permitting process should disallow line construction in sensitive raptor areas during the nesting season to avoid direct disturbance to nesting raptors.

Biologists and engineers should work together to design towers that are friendly to raptors but not to ravens. For example, the density of steel latticework on the bridge above the conductors should be as low as possible to discourage raven nesting. Towers with tubular metal poles may not benefit raptors because of vibrations and the lack of suitable perching and nesting sites.

⁵ Steenhof, K. Brown, J., Kochert, M. 2014. Temporal and Spatial Changes in Golden Eagle Reproduction in Relation to Increased Off Highway Vehicle Activity. Wildlife Society Bulletin; DOI: 10.1002/wsb.451.

One potential design feature is to construct artificial platforms on transmission towers within important areas for raptors that will provide nesting sites at a safe location below the conductors. New towers in areas that replace or parallel existing lines should be designed in a way to encourage continued nesting by raptors, particularly ferruginous hawks (*Buteo regalis*), which often nest on transmission towers.

As part of a mitigation package, the BLM should consider removing redundant or unnecessary transmission and distribution lines and rehabilitating the access roads. Where existing lines are planned for removal, structures that are suitable for raptor nests and perches could be left intact. Artificial nesting platforms can provide new and alternative nesting substrate for raptors, particularly ferruginous hawks and golden eagles (*Aquila chrysaetos*), in areas without cliffs or existing transmission lines.

Enhancing raptor populations also requires enhancing prey populations, and prey populations are best enhanced by managing their habitat. Jackrabbits require shrubs for food and cover; ground squirrels thrive best in vegetation communities dominated by native perennial shrubs and grasses. Restoring habitat and increasing prey populations will benefit raptors, but additional measures to enhance raptor populations directly should be included in population enhancement strategies.

Use of the new transmission lines by raptors and ravens should be monitored as it was along the PP&L 500-kV transmission line in the Snake River Birds of Prey National Conservation Area in the 1980s (Steenhof et al. 1993). Monitoring trends in raptors nesting on transmission lines must be carried out in conjunction with monitoring population trends throughout the area. The Ferruginous Hawk should be a priority for monitoring because it is the species most likely to respond to transmission lines.

We also recommend that monitoring trends in small mammal populations that are key prey species (ground squirrels and jack rabbits) on a landscape level. The monitoring of small mammals should be coordinated with raptor monitoring.

Other species

Portions of the project area also contain habitat that is crucial to other sagebrush steppe obligate species such as pygmy rabbits, sage thrasher, sage sparrow, and others. Such habitat has been severely fragmented and reduced through a variety of land management practices, including road construction and development of rights of way corridors. Big game may also be adversely affected by project development. As with sage-grouse, the BLM should minimize negative impacts by avoiding areas of critical habitat for species of concern, establishing siting criteria to minimize soil disturbance and erosion on steep slopes, utilizing visual resource management guidelines, avoiding significant historic and cultural resource sites, and mitigating conflicts with other uses of the public lands.

III. LANDS WITH WILDERNESS CHARACTERISTICS

Under a court-approved settlement agreement reached in 2010, BLM is precluded from approving any activity on lands that have been identified as having wilderness characteristics,

where that activity would disturb the surface of the land and would either cause the wilderness unit to shrink, or cause the unit to no longer meet the criteria for wilderness character. DEIS 3-444; *Or. Natural Desert Ass'n v. BLM*, No. 3:03-cv-1017-JE, Settlement Agreement Between ONDA, Committee for the High Desert, WWP, and BLM (D. Or. June 7, 2010). BLM correctly states that the Double Mountain alternative would violate the terms of the settlement. By contrast, the proposed action's route located outside of two Lands with Wilderness Character properly takes into account BLM's settlement obligations.

IV. CITIZEN INVENTORIED WILDERNESS AREAS

Under the Proposed Action, the transmission line crosses into two areas ONDA has found to contain wilderness characteristics (but which BLM has not). These areas are Deer Butte (Pinnacle Point) and Double Mountain (Sagebrush Gulch). ONDA found these roadless areas to be of sufficient size, in a natural condition, with outstanding opportunities for solitude, and with outstanding opportunities for primitive and unconfined recreation, so as to qualify as a wilderness. BLM in its preliminary findings has not found these areas to contain all inventory characteristics to be considered LWCs or adjusted proposed boundaries to exclude portions of these areas from LWC units. Nevertheless, ONDA cautions against development on these lands.

ONDA continues to stand by its inventory that demonstrates that all portions of the Pinnacle Point and Sagebrush Gulch units possess wilderness characteristics and that impacts to these resources must be avoided or more fully described in the DEIS. BLM's finding that Pinnacle Point fails to provide outstanding opportunities for primitive recreation due to the use of motorized vehicles to support fishing opportunities is an incorrect application of the primitive recreation standard and the unit clearly possesses all of the recreation characteristics of an LWC unit. In addition, any impacts to the Sagebrush Gulch (Double Mountain) unit must be strictly avoided under any alternative so as not to impact the area's wilderness character. If the Proposed Action is implemented BLM should tailor its actions to protect the wilderness characteristics that do exist in these areas and mitigate for unavoidable impacts to lands with wilderness characteristics that do occur.

BLM has identified methods to mitigate unavoidable impacts on specially designated areas and lands with wilderness characteristics which include, but are not limited to, the following:

- Acquiring wilderness inholdings from willing sellers.
- Acquiring private lands from willing sellers adjacent to designated wilderness.
- Acquiring private lands from willing sellers within proposed wilderness or Wilderness Study Areas.
- Acquiring other lands containing important wilderness or related values, such as opportunities for solitude or a primitive, unconfined (type of) recreation.
- Restoring wilderness, for example, modifying routes or other structures that detract from wilderness character.
- Contributing mitigation monies to a "wilderness mitigation bank," if one exists, to fund activities such as the ones described above.
- Enacting management to protect lands with wilderness characteristics in the same field office or region that are not currently being managed to protect wilderness character.

Areas that are to be managed to protect wilderness characteristics under this approach must be of sufficient size to be manageable, which could also include areas adjacent to current WSAs or adjacent to areas currently being managed to protect wilderness characteristics.

Solar PEIS Design Features for Specially Designated Areas and Lands with Wilderness Characteristics. http://blmsolar.anl.gov/documents/docs/peis/programmatic-design-features/SDAs_and_LWC.pdf

V. WILD AND SCENIC RIVERS

In the 2002 Southeastern Oregon RMP, BLM identified the Owyhee River Below the Dam as suitable for Congressional designation as a Wild and Scenic River, due to its remarkable scenery, recreation, fish, and wildlife. DEIS at 3-447. These values must be protected pending designation by Congress, according to the Wild and Scenic Rivers Act and RMP direction. *Id.*

The Proposed Action and two alternatives would place transmission line structures across this section of the Owyhee River. DEIS 3-447. The visual dominance of these structures would permanently impair the river's outstandingly remarkable scenic values. *Id.*

The Owyhee River Below the Dam Area of Critical Environmental Concern (ACEC) is currently classified as Visual Resource Management ("VRM") Class II. Southeast Oregon Resource Management Plan and Record of Decision, Vale BLM, September 2002, at 89. The ROD specifies, "Proposed projects will be evaluated for impacts and permitted where relevant and important values will be maintained or enhanced." *Id.* The DEIS at issue here defines VRM Class II objectives as retaining the existing character of the landscape, and where management activities can be seen, they "should not attract the attention of the casual observer." DEIS at 3-254. A transmission line and its corresponding structures would be contrary to the objectives of this VRM Class II designation, significantly impacting the visual character of the area and creating a prominent development that would necessarily attract the attention of any observer in the area.

BLM indicates it may avoid this conflict by re-classifying the VRM class of the Owyhee River Below the Dam ACEC. Notice of Availability of the Draft Environmental Impact Statement and Land-Use Management Plan for the Boardman to Hemingway Transmission Line Project, 79 Fed. Reg. 75,834, 75,836 (Dec. 19, 2014). Assuming the new classification would be VRM III or VRM IV, both of which are more permissive regarding modifications to the existing character of the landscape, BLM has attempted to avoid the issue procedurally. But doing so would undermine the very purpose and intent of having VRM classes. Simply opting to reclassify the VRM class of the ACEC fails to protect the outstandingly remarkable values of the Owyhee River and the visual resources of the area.

In short, by impairing, rather than protecting, an outstandingly remarkable value of a river identified as suitable for designation as a Wild and Scenic River, the proposed actions would degrade the values of the Owyhee River Below the Dam ACEC and undermine the fundamental purpose of visual resources management under FLPMA as implemented through the SEORMP. BLM must consider route alignments that would avoid these impacts in this important area.

VI. IMPACTS ASSOCIATED WITH ROADS, RIGHTS-OF-WAY AND OHV USE

Roads and Right of Way Corridors

Previous management activities have resulted in extensive road and right-of-way densities throughout our public lands. This density compromises the ability of these lands to support wildlife and fish by promoting further human disturbance, fragmenting habitat, accelerating sedimentation, spreading noxious weeds, and encouraging Off Highway Vehicle use. Furthermore, there is a positive correlation between roads, even temporary ones, and human-caused wildfire ignitions. We recommend that the BLM evaluate the road and transmission network within the project area to avoid impacts to sage-grouse habitat where feasible, and close or decommission unneeded roads and corridors as part of the overall mitigation program.

Off Road Vehicle Use

The devastating impacts of improper Off Highway Vehicles (OHVs) on terrestrial and aquatic ecosystems are well established. Improper OHV use degrades water quality, spreads noxious weeds, fragments habitat, disturbs wildlife, increases fires, and displaces non-motorized recreationists. The BLM needs to take additional steps to manage and monitor OHV use along transmission corridor routes.

Noxious Weeds

The most cost-effective way to deal with noxious weeds is to protect strongholds of native vegetation from activities which either spread noxious weeds directly or create suitable habitat by removing native vegetation and disturbing the soil. BLM activities should limit road use and the exposure of mineral soils where weeds may become established. Roads, trails, and rivers serve as the primary routes for noxious weed species expansion. Special care should be taken to safeguard ecologically intact areas that are not currently infested.

VII. SITE SPECIFIC IMPACTS IN IDAHO

Jump Creek Recreation Site

All proposed routes pass within a short distance of the mouth of Jump Creek Canyon Recreation Area and Jump Creek Area of Critical Environmental Concern, a very scenic recreational destination. Jump Creek is significant because it is one of the most accessible canyons in the Owyhees. Much of the Owyhee Front has been impacted and fragmented by motorized recreation and is not preferred by non-motorized recreationists, but Jump Creek has a series of non-motorized trails suitable for hikers, birdwatchers, and families. The site also includes archaeological sites in the cliff overhangs. The combination of proximity to the Treasure Valley, remarkable geology, non-motorized trails, and scenic vistas make Jump Creek a unique asset:

Jump Creek Canyon offers desert scenery at its finest with wildflowers in the spring, sagebrush growing on the hillsides, and the lush green growth found along the creek.
http://www.blm.gov/style/medialib/blm/id/recreation/sites/jump_creek.Par.71458.File.dat/brochure.pdf

We are concerned that the transmission line's close proximity to Jump Creek would negatively impact the experience of recreationists:

Platform 12-8 is located within the Jump Creek Recreation Area, which is a very popular day use recreation area that receives roughly 25,000 visitors annually. The platform is just outside of the Jump Creek Canyon ACEC. The use of this Platform is due to the areas popularity and outstanding scenic quality. This platform would be approximately 0.4 miles (access roads) and 1.0 miles (transmission line) from the nearest visible project components. Viewer exposure of the project components from this platform would be less than 45°. The primary focus of the viewer's attention is Jump Creek Canyon. The viewer position would be predominantly superior.

http://www.boardmantohemingway.com/documents/deis/3_Ch3_AffEnv-Effects_B2H-DEIS_pt1.pdf, p. 3-567

We recommend that the route be moved farther to the north and away from the canyon mouth. Even with this change in alignment, the transmission line would likely dominate the view north from the canyon. Furthermore, the transmission line would further fragment the area and the access roads would invite additional OHV use and general degradation of the landscape. The BLM brochure notes that Jump Creek Recreation area already has significant vandalism issues and advises the public to avoid use of the area after dark "when unruly groups have been known to vandalize the area and discharge firearms." We recommend that a mitigation program be developed to help fund trails improvement, education and enforcement measures at Jump Creek. Wilson Creek is another popular trailhead south of the Hemingway Substation that may also be adversely affected and should receive some form of mitigation.

Reynolds Creek

The transmission line would also cross Reynolds Creek which supports native redband trout and is 303(d) listed for sediment. We are concerned that construction and maintenance will impact the riparian area and contribute to sedimentation. The Reynolds Creek area also supports a population California bighorn sheep. In addition, the transmission line access roads could increase the number of Off Highway Vehicles using this area. Using the access roads which parallel the bighorn sheep habitat, Off Highway Vehicles may be able to pioneer routes into bighorn sheep habitat, increase the use of these areas, and displace bighorn sheep. As part of mitigation efforts, we recommend that the operators schedule construction for periods of time when bighorn are not as vulnerable to disturbance. In addition, the project should fund habitat improvement efforts in the Reynolds Creek for redband trout, the closure and rehabilitation of unauthorized routes in bighorn sheep area in the project vicinity as well as increased education, outreach, and enforcement efforts.

The Owyhee front also supports the largest diversity of reptile species in Idaho. Studies by the BLM and Boise State University found that OHV trails can have a negative effect on reptile diversity and abundance.⁶ We are concerned that OHVs will use access roads to pioneer

⁶ Impacts of Off-Highway Motorized Vehicle Trails on the Reptiles and Vegetation of the Owyhee Front, James C. Munger, Bruce R. Barnett, Stephen J. Novak and Aaron A. Ames, Department of Biology, Boise State University, Boise, ID 83725, BLM Order # 1422D010P980060.

additional user-created routes in sensitive habitat for reptiles. As such, we recommend that mitigation for the transmission line include funding for decommissioning of user-created routes and increased education and enforcement efforts.

VIII. THE NEED FOR THE TRANSMISSION LINE

The DEIS states the purpose of Boardman to Hemingway is to “alleviate existing transmission constraints and ensure sufficient capacity to meet present and future load requirements.” DEIS at 1-1. In order to compare a complete range of reasonable alternatives to meet this purpose and need the DEIS should consider non-transmission alternatives that could avoid public lands impacts as identified in scoping comments from ONDA ET AL and other members of the public. The Council on Environmental Quality *Forty Most Asked Questions Concerning CEQ’s NEPA Regulations* provide that “reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant” (1981:Question 2a).

The DEIS describes Idaho Power as the primary project proponent. Idaho Power, the primary project proponent, is currently developing an Integrated Resource Plan that considers Boardman to Hemingway as one of a range of options to meet long-term electric system needs. This study process includes comparing non-transmission alternatives to the project. The BLM should incorporate the results of this study into the NEPA process. While not a NEPA document, this utility produced Integrated Resource Plan is an important piece of information about the range of reasonable alternatives this DEIS must consider. Without considering non-transmission alternatives, this DEIS fails to adequately consider a reasonable range of alternatives, particularly since non-transmission alternatives are likely to drastically reduce or eliminate impacts to federal lands.

IX. SUMMARY

We respectfully suggests that the impacts of the Proposed Action and any contemplated configuration of the proposed Boardman to Hemingway Transmission Line are likely to result in significant impacts to Greater Sage-Grouse that are not adequately mitigated by the measures proposed in the DEIS. BLM and the project proponents are unlikely to be able to mitigate the genetic connectivity impacts to the Baker population in a manner that would prevent the further decline of this important but beleaguered sage-grouse habitat area. Only an alignment that avoids impacts to population and habitat connectivity critical to survival of the Baker population might eliminate this fundamental flaw in the Proposed Action and other alternatives in the DEIS.

While we acknowledge the efforts made to devise and propose route alignment alternatives that avoid Lands with Wilderness Characteristics units in accordance with the ONDA settlement agreement we caution against any alignment that would impact areas identified by citizen wilderness inventories. Similarly we have serious concern about the impacts to the Owyhee Wild and Scenic River and Visual Resources of the Owyhee Below the Dam ACEC area from the Proposed Action. The proposed procedural “fixes” to the impacts that would result from the Proposed Action fail to protect the resources of the area as intended in the SEORMP. Impacts to

these important resource values must be better avoided or mitigated to prevent significant impacts from this proposal.

We appreciate the opportunity to provide these comments and request that ONDA's Bend and Portland offices, as well as the other organizations signatory to this letter, be maintained on the mailing list for this proposal.

Sincerely,

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