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From: Ken Popper <kpopper@TNC.ORG>
Sent: Thursday, March 19, 2015 6:26 PM
To: comment@boardmantohemingway.com
Cc: Garth Fuller
Subject: Boardman to Hemmingway DEIS comment letter
Attachments: B2H_March2015_DEIS_TNC_comments_3_19_15final.pdf

Greetings,

Attached are The Nature Conservancy in Oregon's comments on the Draft Federal Environmental Impact Statement (DEIS) for the proposed Boardman to Hemingway 500 Kilovolt Transmission Line Project.

Please contact Garth Fuller (gfuller@tnc.org) or myself with any questions.

Thank you,

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March 19, 2015

Sent via email: comment@boardmantohemingway.com

Project Managers
Bureau of Land Management
US Forest Service

Boardman to Hemingway
Transmission Line Project
PO Box 655
Vale, OR 97918

RE: Comments on the Draft Federal Environmental Impact Statement (DEIS) for the proposed Boardman to Hemingway 500 Kilovolt Transmission Line Project

Dear Boardman to Hemingway Transmission Line Project Managers:

The Nature Conservancy is a leading nonprofit organization dedicated to protecting the lands and waters on which all life depends. The Conservancy has an organization-wide commitment to working with partners to accomplish this mission in a science-based, collaborative manner.

We appreciate the work that Idaho Power Company (IPC), the Bureau of Land Management (BLM), and US Forest Service (USFS) have done to prepare the Draft EIS for the Boardman to Hemingway Transmission Line Project (B2H Project). Similar to our earlier comments, we applaud the work that has been done to engage local communities in the evaluation of alternative routes for the transmission line. We continue to support the proposed routing along existing transmission routes, rights-of-way and Interstate 84. Siting near existing development will avoid impacts to more intact habitats elsewhere.

We have the general comments to offer, summarized and expanded below:

1. The Mitigation hierarchy provides a sound framework for analyzing the Project.
2. Sections of the DEIS appear to contain incomplete or outdated information.
3. Analysis of potential impacts to shrub steppe habitats and Washington Ground Squirrels appear incomplete.
4. Opportunities should be provided for additional public comment on the mitigation measures, and specifically the compensatory mitigation elements, prior to the preparation of a final EIS.
5. Collaboration: The BLM NEPA process provides an important opportunity for public engagement, but should be developed and conducted in a coordinated and consistent fashion with the Oregon Energy Facility Siting Council process.

1. Mitigation Framework

We are pleased that the DEIS appears to use a common framework for the development of Compensatory Mitigation Plans. The Mitigation Hierarchy, (avoid, minimize, rectify, reduce or eliminate over time, compensate), as identified by the White House Council on Environmental Quality (CEQ) (40 CFR 1508.20) and the BLM Draft - Regional Mitigation Manual Section (MS) -1794 provides sound guidance and a framework with principles and standards that we strongly support. In particular the stated goal of achieving a net benefit approach (Appendix D) is essential in meeting those principles.

In addition the use of the “Greater Sage-Grouse Mitigation Blueprint” (Appendix E) is an excellent framework to guide the development of impact assessment and mitigation packages for sage-grouse and their habitats.

However, without details it is not possible to evaluate if those principles will be applied and standards will be met. Issues such as Timeliness, Durability, Ratios, and Reversals are critical to address in order to reach the goal of net benefit. While these issues are identified in the DEIS, they are not addressed in the document to date. We encourage planners to directly address these issues in detailed mitigation plans – both for sage-grouse and for plans developed under the Draft Framework for Development of Compensatory Mitigation Plans for Biological Resources described in Appendix D. Currently there is a lack of detail both in how the plans will be applied across species, habitats, and ownerships (public and private) as well as the lack of an actual impacts analyses and calculation of offset benefits - either quantitative estimates or explanation of spatial considerations. Without having these details in the Draft EIS, it is impossible to fully evaluate the effects of the proposed action.

Durability on public lands should be addressed before the Records of Decision (ROD). If not done prior to the ROD it is impossible to assess if this issue has been adequately addressed. Appendix D of the DEIS states it will be done in the ROD, but then also states that “compensatory mitigation programs” will define how additionally and durability are addressed. Therefore we ask that those programs be described in detail in the planning documents made available in the FEIS or other public review process.

2. Need for updated information.

Due to the great deal of recent data gathering, monitoring and assessment associated with greater sage-grouse populations and habitats there is likely to be updated information available. While focused on sage-grouse, these planning efforts have produced a variety of information resources across a large portion of the project area. We encourage the planning team to seek out these data in order to utilize the best available information. An example of this information is the creation of a geodatabase that supports a Decision Support System (DSS) for sage-grouse conservation that is under construction for the state of Oregon. An intended use of the DSS is to inform siting of developments such as transmission projects to Avoid, Minimize and Offset impacts to important habitats. Use of this tool demonstrates that the proposed action (route) shows a greater level of impact to sage-grouse habitat than alternatives described in the DEIS. Segment 4 in Malheur and Baker Counties particularly demonstrates this situation.

More detailed information is also needed for development of infrastructure such as roads, both for purposes of routing and determining best alternatives, but also for calculating compensatory mitigation. A third example of a need for updated information is what appears to be an outdated assumption about co-location of transmission lines, which may change assessments of feasibility near pre-existing lines. Relatively new direction from the Western Electricity Coordinating Council (WECC) has recently “relaxed its definition of a common corridor from the greater span or 500 feet from an existing line to a minimum of 250 feet from an

existing line.”¹ This is a reduction from the 500 feet cited in the DEIS,² and this recommendation is consistent with objectives outlined in the FWS Conservation Objectives Team (COT) report³.

3. Washington Ground Squirrels / Boardman area

As we have commented previously in the scoping process, collectively the Boardman Conservation Area managed by The Nature Conservancy, as well as the Naval Weapons Systems Training Facility (NWSTF) at Boardman, and the Bureau of Land Management’s Curlew Area of Critical Environmental Concern at Horn Butte form the largest and highest quality remaining block of native shrub-steppe and grassland habitat in the Oregon portion of the Columbia Basin Section of the Columbia Plateau Ecoregion. As recognized in the DEIS the area provides critical habitat for a number of species including the Washington ground squirrel, ferruginous hawks, sage sparrow, grasshopper sparrow, loggerhead shrike, long-billed curlews, burrowing owls, sagebrush lizards, and other species of conservation concern. We recognize that it may be difficult to relocate the sub-station and transmission lines in this segment to sufficiently avoid all impacts. As such, these protected areas and the species and habitats they support should receive special attention in the development of strategies for minimizing impacts.

The Nature Conservancy has had a strong interest and commitment to protection of the globally significant biological diversity found on the NWSTF at Boardman since 1977, when we helped the Department of the Navy to establish the first Research Natural Areas on Department of Defense lands in the nation. We understand that additional alternative routes in this area may be considered and we urge the planning team to address the existence of these critical habitats and the Research Natural Areas on the NWSTF when applying the full mitigation framework described in the DEIS.

We encourage the creation of a complete and robust compensatory mitigation plan addressing all direct and indirect impacts, developed collaboratively with agencies and stakeholders active in conservation in the project area. In addition, if the Washington Ground Squirrel should be proposed for federal listing under the ESA, construction of the Project should not begin until any necessary ESA section 7 conferencing or consultation with the FWS is completed.

4. Completeness of DEIS

Compensatory mitigation is an integral part of the NEPA process for the B2H Project and should not be withheld from public review until after decisions are made and set forth in the FEIS. While we understand the challenges associated with such a complex planning effort, it is imperative that detailed mitigation planning information is shared, including where and why avoidance was not successful.

NEPA requires that an EIS must “provide full and fair discussion of significant environment impacts of the proposed actions and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment”.⁴ NEPA’s public involvement “guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision”.⁵ These

¹ U.S. Dep’t of Interior Bureau of Land Management, *Final Environmental Impact Statement for the Gateway West Transmission Line Project Wyoming and Idaho*, 1-22 (2013); Western Electricity Coordinating Council, *WECC Glossary for Terms Developed Using the WECC Reliability Standards Development Procedures*, 6 (2014) (available at <https://www.wecc.biz/Reliability/WECC%20Glossary%20and%20Naming%20Conventions%20Updated%208-11-2014.pdf>) (defining “Adjacent Transmission Circuits” as any parallel circuits with less than a 250’ separation.)

² Boardman to Hemingway 2015 Draft EIS, DOI-BLM-OR-V000-2012-016-EIS, Chapter 2, page 10.

³ U.S. Fish and Wildlife Service. 2013. Greater Sage-grouse (*Centrocercus urophasianus*) Conservation Objectives: Final Report. U.S. Fish and Wildlife Service, Denver, CO. February 2013.

⁴ 40 C.F.R § 1502.1.

⁵ Oregon Natural Desert Ass’n v. BLM, 625 F.3d 1092, 1099 (9th Cir. 2010).

procedures ensure that “environmental information is available to public officials and citizens before decisions are made”.⁶

In this instance, compensatory mitigation is central – not merely incidental – to the evaluation of environmental impacts of and alternatives to the project in the EIS. The DEIS acknowledges that, without compensatory mitigation, the project is unlikely to comply with BLM’s own policy regarding management of sage-grouse.⁷ On this record, compensatory mitigation constitutes a vital factor in the decision before the agency.

This does not necessarily mean that BLM needs to present the public with a full mitigation plan before it can issue a permit for the project. Rather, BLM’s obligation is to disclose key technical analyses used for scaling compensatory mitigation, explain the role of mitigation in offsetting project impacts and evaluate mitigation effectiveness. In short, the EIS must allow the public and agency decision makers to understand the role that compensatory mitigation plays in the decision. Therefore we again ask that those programs be described in detail in the planning documents made available in the FEIS or other public review process.

5. Collaboration

We recommend that Agencies and IPC continue to work with Cooperating Agencies, Oregon Department of Fish and Wildlife and other stakeholders to conduct and complete a more comprehensive impacts analysis and mitigation program that is consistent with both Federal and State policies and practices.

Ongoing efforts by the BLM and the Forest Service to update Resource Management Plans and Land Use Plans are nearing completion and have addressed many of the issues faced in this DEIS. In addition the state of Oregon has convened the Sage-grouse Conservation Partnership (SageCon) to amend the Oregon Sage-grouse Plan and develop a Mitigation Framework and set of Mitigation Protocols to address development impacts to sage-grouse habitats. We strongly encourage project planners to collaborate with all parties to assure compatibility with those plans.

Additional organizations and partners (including The Nature Conservancy) have made progress on the Decision Support Systems mentioned earlier which can inform mitigation and management in sage-grouse habitats. . We have expressed our willingness, as have many partners, to assist with these tools and analyses if requested. We would support a work group approach to help explore issues, opportunities and solutions related to the challenges of this Project.

Thank you for the opportunity to submit comments on this Draft EIS. We look forward to continuing to work with the BLM and Idaho Power Corporation on the Boardman to Hemingway Project.

Sincerely,



Garth Fuller
Eastern Oregon Conservation Director
The Nature Conservancy in Oregon

⁶ 40 C.F.R. §1502.1(b).

⁷ DEIS at 3-11-72