

COMMENTS

Letter #65

 Twin Falls District Burley Field Office	Comments specific to the PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CARRIA RESOURCE MANAGEMENT PLAN AMENDMENT should be submitted to the BUREAU OF LAND MANAGEMENT OFFICE RECEIVED 2005 SEP 22 PM 2 40 2005 SEP 22 PM 2 41 BURLEY FIELD OFFICE RECEIVED BLM-ID
	Scott Barker, Project Manager Cotterel Wind Power Project Bureau of Land Management Burley Field Office 15 East 200 South Burley, ID 83318 Comments may be faxed to: 208.677.6699 Comments may be emailed to: id_cotterelwind@blm.gov
COTTEREL WIND POWER PROJECT	Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.
	I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	Please Print Name <u>Margo Saunders, m.s. / Earl L. Warthen - PLC</u> Street Address <u>P.O. Box 145</u> City <u>Albion</u> State <u>IDAHO</u> Zip <u>83311</u> E-mail (optional) _____ Comments: ① We favor Alternative A (No Action) ② we live just 3 miles west of the Cotterel ridge, just 1000 feet lower than the ridge line ③ Just because you can do a thing does not mean that you should ④ The Scenic Beauty of this valley will forever be destroyed, and there is no adequate plan for rehabilitation of the site after use. ⑤ Idaho Power, the alleged purchaser of the power, does not favor concentrations of wind mills in one small area, but rather in smaller numbers, widely scattered. Further comments may be written on back or on paper sheets attached to this page.

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Thank you for your comments, letter, and telephone calls to BLM officials in Washington, D.C. and Boise, Idaho. We are constantly seeking to balance between local and regional energy needs and leaving the public's lands and resources undisturbed. Renewable energy, specifically wind energy, demonstrates savings per kilowatt hour in CO2, sulfur oxide, nitrogen oxide, and particulate emissions over the life of the project, that are enormous, compared with what a comparable conventional power plant would generate.

We are doing everything in our power to minimize the impact of this renewable energy project on the beautiful Albion Valley. Adaptive management is a core value that drives the Final EIS and will drive the Plan of Development. We will continue to consult with you.

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RESPONSES

 Twin Falls District Burley Field Office	Comments Continued: Name <u>Saunders/Warthen</u> ① Damage to the watersheds, even a little, and extent is poorly defined in the E.I.S., should NOT be allowed when potential economic benefit is actually so marginal (except to the sellers of the windmills, and the owners of the corporations). ② We invest in wildlife habitat improvement at our own expense, and do not wish to live in the shadow of wildlife habitat destruction (regardless of your allegations to the contrary).  Please see attached letter (Exhibit A)
	COTTEREL WIND POWER PROJECT

COMMENTS

Letter #65 (continued)

Exhibit A

P.O. Box 145
Albion, ID 83311

July 25, 2005

To the Editor:

As long as we are talking about windmills, we think there are a few things that need to be said. It seems to us a wholly different thing, the private investment (albeit with the government's help) in a wind farm on private land for fair-to middlin' reliable electrical power (that local utilities are balking at buying!) and the proposed Cotterel Mountain Wind Power Project by Windland, Inc., and Shell Wind Energy, Inc. (a subsidiary of the Royal Dutch/Shell Group).

We have reviewed the Draft Environmental Impact Statement produced by the BLM in May this year. We remain baffled by the economics of the project, and reasoning of our county commissioners and Federal bureaucrats who seem to think this is a good idea. Why we want to give up control of about 5000 acres of OUR public land to a foreign-based, multi-national corporation who will purchase the windmills from Denmark, and install them on this beautiful scenic ridge (requiring a 19.5 mile road just to become useful in the first place) makes very little sense. Furthermore, it will be Shell Wind Energy, Inc. that benefits from a huge U.S. government incentive for development of alternative power. That power may, or may not, be reliable, and will cost more to produce than all existing power sources in our state.

I drive up and down the Albion Grade, through the road construction project, daily. Many, we know, wonder (as we go) why we needed to do this in the first place, what it is costing ALL OF US, and how we will adjust to the dramatically changed landscape. As tax-paying citizens, we feel increasingly alarmed by our growing debt, wasted resources, and bad deals. The Free Trade Agreements have not improved our economy, or our way of life. Giving up our only real resource, our real estate, for development that may not even pay its own way locally makes little sense.

We of Albion, and Cassia County, will have to shoulder the burden of road maintenance, and fire suppression. What will be the cost in lives, property, and suffering from gawkers (interested in enjoying the "beautiful" view) wrecking their vehicles on I-84 and I-86 traveling those roads exceeding the speed limit? The building materials demands for this project (consider the concrete alone) will compete with local private building needs. The watersheds will be adversely affected; they ALWAYS are by road building and grading projects. We really do not need this project, and I think we ALL need to ask ourselves if we can afford another government-financed, land give-away travesty?

Sincerely,



Margo Saunders, M.D.



Earl L. Warthen

RESPONSES

COMMENTS**Letter #66**

Scott Barker
 Project Manager
 Bureau of Land Management
 Burley Field Office
 15 East, 200 South
 Burley, ID 83318

BLM-ID
 BURLEY FIELD OFFICE
 RECEIVED
 2005 SEP 23 AM 9 40

**Re: Comments on the Draft Environmental Impact Statement
 for the Proposed Cotterel Wind Power Project**

Dear Mr. Barker:

On June 24, 2005, the Bureau of Land Management ("BLM") issued the Draft Environmental Impact Statement ("DEIS") for the Proposed Cotterel Wind Power Project and Draft Resource Management Plan Amendment. 70 Fed. Reg. 35692 (June 21, 2005). These comments on the DEIS are submitted in response to the Federal Register Notice on behalf of the applicant, Windland, Inc. ("Windland"), and Shell WindEnergy, Inc. ("SWEI"). Please consider these comments and include them in the Administrative Record for the Project Application in the Environmental Impact Statement ("EIS") for the proposed Cotterel Wind Power Project (the "Project").

Introduction

Part I of these comments summarizes Windland's and SWEI's overall position on the DEIS. Part II describes particular areas where the DEIS needs to be amended, clarified, or expanded to describe the Project accurately. In addition, for your convenience, we have attached as Appendix A an errata sheet summarizing a number of less significant, technical corrections we believe require little or no explanation.

I. Summary of Windland's and SWEI's Overall Position on the DEIS

Windland and SWEI believe that the DEIS provides a thorough analysis of the potential environmental impacts of the Project. The analysis satisfies the National Environmental Policy Act's ("NEPA") twin aims of 1) requiring BLM to take a "hard look" at the environmental impact of the Project and 2) informing the public of the potential impacts of the Project and explaining how those impacts will be addressed. *Churchill County v. Norton*, 276 F.3d 1060, 1072 (9th Cir. 2001). Windland and SWEI support the approach taken in the DEIS. Windland and SWEI further believe that the DEIS justifies selecting the Proposed Action (Alternative B) as the preferred alternative. The analysis of the impacts of Alternative C, BLM's preferred alternative, on the human environment in the DEIS demonstrates that such impacts are not significant and the final EIS should explicitly state this conclusion.

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Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement.

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Windland and SWEI have prepared detailed comments that address a variety of issues that Windland and SWEI believe warrant correction and/or clarification in the Final EIS and Record of Decision. Although the majority of the following comments are important to enhancing the technical accuracy and clarity of the EIS, Windland and SWEI do not believe that they significantly impact the DEIS' assessment of potential impacts to the quality of the human environment, or BLM's assessment of the likelihood or magnitude of such potential impacts. Windland and SWEI believe there are a small number of potential environmental impacts that may require further consideration, including impacts reasonably foreseeable in connection with the transmission line(s) and have identified those potential impacts in comments for BLM's consideration. In general, however, Windland and SWEI believe that the DEIS adequately analyzes the potential environmental impacts of the Project.

II. Detailed Comments**A. Descriptions related to the geographic scope of the Project**

The DEIS states that the BLM has received a Right-of-Way ("ROW") application from Windland for the construction, operation and maintenance of a wind-driven electric power generation facility on Cotterel Mountain. DEIS at 1-1. The DEIS correctly states that there are project features which are common to all of the action alternatives (Alternatives B, C and D): 1) multiple wind turbines and turbine foundations, 2) multiple pad mounted transformers, 3) buried power collection lines and communication cables, 4) project access roads, 5) meteorological towers on foundations, 6) substation(s), 7) operations and maintenance building, 8) portable on-site cement batch plant and rock crusher and 9) 138 kV overhead power transmission interconnect line(s). DEIS at 2-2, Executive Summary at ES-12. The transmission interconnect line(s) are an integral part of the Project, as proposed.

Under Alternatives B, C and D, many wind farm components (Items 1-6 & 8 in previous paragraph) will be located on or near the ridgeline of Cotterel Mountain, on federal and state lands in Cassia County, Idaho. Alternative B has two transmission interconnect lines. The Alternative B northern line will be located on federal, state and private lands while the Alternative B southern line will be located on federal and private lands. Segments of the Alternative B transmission lines will be located on Cotterel Mountain and segments will be located beyond the footprint of Cotterel Mountain in Cassia County, Idaho. The Proposed Action (Alternative B) is located wholly in Cassia County, Idaho.

Alternatives C and D have only one transmission interconnect line which will be located on federal, state and private lands. This proposed transmission interconnect line also has segments located on and beyond Cotterel Mountain in Cassia and Minidoka Counties, Idaho.

Windland and SWEI are concerned that the current description of the Project and its location (on Cotterel Mountain and solely within Cassia County) should be

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amended to show that the transmission line envisioned under Alternatives C and D traverses both Cassia and Minidoka Counties. Similarly the Minidoka County Commissioners and Planning and Zoning Committee may be required to approve a conditional use permit for certain components of the project.

Use of the term "Proposed Project area" may be confusing for reviewers and may benefit from additional clarification. Throughout the DEIS, the term "Proposed Project area" appears often to refer solely to Cotterel Mountain, e.g., DEIS at 3-11, 3-52, 3-85, Figure 1.0-1 Executive Summary at ES-15. Given the proposed location of the Project will be on and beyond Cotterel Mountain, use of this term is often inaccurate. To the extent possible, the DEIS text should indicate whether the observations and findings relate to the wind farm portion of the Project located on or near the Cotterel Mountain ridgeline or the Operations and Maintenance building and transmission interconnect line(s) portions of the Project which will be located primarily beyond Cotterel Mountain.

An additional source of potential confusion arises from use of the terms "on-site" and "off-site". In Appendix E, IM # 2005-069 defines "onsite mitigation" as: "Mitigation of the actual area affected by the action causing the impact." In section 2.5.4 "on-site" is defined as: "the 'footprint' of the Proposed Project, or the area granted in the ROW. Off-site is anything outside of that area." (emphasis added) It is unclear whether "on-site" refers only to the area of surface impact of the project or some larger region. The DEIS text should be modified to clearly show such a delineation.

B. Affected Environment

The DEIS describes in detail the environment on Cotterel Mountain potentially affected by the Project. DEIS at 3-1. The discussion of potentially affected resources should be expanded to include those related to the Alternatives B, C and D transmission interconnect line(s), including the transmission line in the vicinity of the Snake River, Lake Walcott and the Minidoka National Wildlife Refuge. Corresponding revisions should be included on the related Figures.

C. Environmental Consequences

The DEIS analyzes the environmental consequences of the construction and operation of the wind electric generation facility under the No Action Alternative and Alternatives B, C and D. While we anticipate no significant impacts, Windland and SWEI recommend that the analysis be expanded to include not only the potential and anticipated environmental consequences of the construction and operation of the wind farm on Cotterel Mountain but also of the construction and operation of the Alternatives B, C and D transmission interconnect line(s). We believe there will be no impacts to wetlands or the waters of the United States, but the analysis of the Alternative C and D transmission line should document potential impacts to the Snake River, Lake Walcott and the Minidoka National Wildlife Refuge. The Alternative C

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and D line's transit through Minidoka County might also warrant discussion between BLM and Minidoka County officials. Similarly, BLM may wish to coordinate with Idaho Department of Environmental Quality regarding the impact, if any, of sanitary facilities at the Operations and Maintenance building.

1. Climate and Air Quality

The construction of the facility may require a limited amount of controlled blasting in connection with the installation of turbine foundations, roads and transmission interconnect line poles. The blasting activities generate CO, NOx and particulates. During operation of the facility, the maintenance of the turbines requires changing turbine oil, cooling fluids and grease, all of which may release minor amounts of VOCs. These activities are of limited duration and would not be expected to alter the DEIS analysis of impacts to air quality under any of the Alternatives. DEIS at 4-3, 4-4. It should also be noted that electrical generation from wind may reduce emissions to air from displaced traditional fossil-fuel generation.

2. Soils and Geology

The sections on soils and geology in the DEIS at 3.1.2 and 3.1.3 and figure 3.1-1 do not include the impact of the transmission line alternatives for alternatives B, C or D. The DEIS should include an analysis of the impacts of the proposed lines. These impacts are expected to be minimal, especially where the new lines run in existing transmission corridors.

3. Water Resources

As with most wind electrical generation projects, the Project requires far less water than other energy generation facilities. The DEIS analysis focuses almost exclusively on water resources impacts during construction of the wind farm on Cotterel Mountain. DEIS at 4-7. The DEIS does not describe the scope and potential groundwater or surface water effects resulting from the acquisition of water from public or private water sources for construction activities and for the O&M Building. While the DEIS states that BMP will be followed to prevent sediments and other pollutants from entering streams in the vicinity of Cotterel Mountain, the DEIS does not analyze the minimal expected effects from authorized fill activities, if any, on Cotterel Mountain due to access road improvements or construction or along the Alternatives B, C and D transmission line route. The DEIS should include an analysis of the effects on groundwater, if any, from the O&M building domestic well and sanitary system.

4. Noise

Construction of the wind farm and the transmission interconnect line would create the greatest Project-related noise impacts. In addition to the minimal sound created through the operation of the wind turbines, the operation of the transmission

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interconnect line will create corona noise typical of all power lines which the DEIS should analyze. Operation of the transformers and switchgear can create sound as well. Finally, the operation of vehicles for maintenance activities would increase the noise level in the vicinity of the Project, but not appreciably.

5. Wildlife Impacts

The DEIS states that construction activity from late May or June through early July could displace hibernating or breeding western small-footed myotis and lead to offspring mortality increases. DEIS at 4-22. However, the DEIS states that the western small-footed myotis hibernates winter-long. The DEIS discussion should be clarified to explain how the proposed construction activities in early summer would affect bats that hibernate in the winter. No construction activities are anticipated in the winter.

Windland and SWEI agree with BLM's statement that their assessment of the impact to the Greater Sage-Grouse is conservative, and that there is incomplete and unavailable information regarding the effects. Windland and SWEI's commitment to assessing and mitigating any potential impacts is evidenced by our voluntary participation in a compensatory mitigation program.

6. Cultural Resources

The DEIS should note that BLM has reviewed records of known Cultural Resources in the vicinity, drafted a section 106 report and consulted with the Idaho SHPO and include the results of those consultations.

7. Visual Resources

The DEIS discusses in detail the potential impacts to visual resources. DEIS at 4-56. The discussion should be further expanded to include potential visual impacts from the substation, trenching, road construction and meteorological towers.

8. Mitigation Measures

There are inconsistencies within the DEIS related to the scope of monitoring required under Alternative B and additional monitoring associated with Windland and SWEI's voluntary participation in mitigation efforts under BLM Instructional Memorandum 2005-069. The DEIS states that the Applicant "would be required to complete on-site monitoring as a condition of the ROW grant the same as described under Alternative B." DEIS at 2-33. However, there is no discussion of on-site monitoring under Alternative B at 2-23-2-33. Additionally, in section 2.3.7 where impacts common to all action alternatives are discussed, the DEIS states that Windland will perform "fatality monitoring" under all action alternatives. In section 2.5.4 the scope of on-site monitoring under Alternative B is said to include "on-site fatality monitoring associated with the operation of the turbines" but the scope required monitoring also

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includes "on-site sage-grouse lek studies". Additional confusion could result from section 2.5.4 and Appendix D using language that does not clearly distinguish between monitoring required under all action alternatives and additional monitoring funded through a compensatory mitigation fund. The DEIS text should be updated to clarify the monitoring requirements associated with Alternative B and distinguish those requirements from any additional monitoring that would be associated with Windland and SWEI's participation in a voluntary mitigation effort under BLM Instructional Memorandum 2005-069.

D. Additional Considerations**1. Adaptive Management**

The DEIS calls for the implementation of comprehensive on-site monitoring, effectiveness monitoring, adaptive management and compensatory off-site mitigation program. DEIS at 2-27, 2-33, to 2-36, 1-40, Appendix D at D-1 to D-3. An undefined scope of potential "operational changes of turbines" (DEIS at 2-35), however, could make the project uneconomical, unable to be financed, and ultimately prevent the construction of the Project. Windland and SWEI recognize the need for and actively support certain wildlife mitigation measures, as demonstrated by Windland's voluntary commitment to a compensatory mitigation program. The monitoring programs, adaptive management and mitigation need to be reasonable, adapted to the purpose of the Proposed Action, and permit the Project to be financed by commercial lenders.

2. Federal Advisory Committee Act and Committee Funding

Any teams or committees, such as the Steering Committee established under IM 2005-069, should be reviewed for compliance with the Federal Advisory Committee Act. We also request that any voluntary fund be structured with sufficient flexibility to pay for the collection of "pre-construction baseline data" (DEIS at 2-33) collected either "on-site" or "off-site".

3. Cumulative Effects

BLM should review its cumulative effects analysis (DEIS at 4-67 to 4-74) and satisfy itself that this analysis provides sufficient quantified and detailed information. If quantified and detailed information is unavailable for a particular topic, the analysis should justify why more definitive information could not be provided. Similarly, BLM may wish to review recent guidance from the Council on Environmental Quality regarding the consideration of past actions in cumulative effects analysis. See Memorandum from James L. Connaughton to heads of federal agencies regarding guidance on the consideration of past actions and cumulative effects analysis, dated June 24, 2005.

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4. Strict Liability

Appendix C contains the Best Management Practices including a discussion of liability and bonding on pages C-10 and C-11. As written, Windland and SWEI will be strictly liable for damage or injury caused by fire (or soil movement) within the right-of-way or permit area caused by any other party. Consequently, a wildfire that sweeps through the right-of-way that was human-caused could, under this provision, become the liability of the permit holder. This exposure is unacceptable and should be limited in scope, both in terms of strict liability for activity of other parties and the maximum limitation of the liability "to be determined," according to the DEIS.

Windland and SWEI believe that the DEIS provides a well-reasoned and thorough analysis of the environmental and public safety impacts of the Project and the proposed alternatives. We appreciate the opportunity to submit these comments.

Sincerely,



Ronald Doskeland
President
Windland Incorporated

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APPENDIX A: ERRATA

Page	Language in DEIS	Suggested Correction
Inside cover title page	The title page states that the DEIS was prepared on behalf of Windland, Inc. . . . and Shell WindEnergy, Inc.	The Applicant is Windland, Inc. Please delete the reference to Shell WindEnergy, Inc.
Abstract	Windland, Inc. is in partnership with Shell WindEnergy, Inc., a subsidiary of Royal Dutch/Shell Group.	Windland, Inc. has entered a Development Agreement with Shell WindEnergy, Inc. (a member of The Shell Group) relating to the proposed development of a wind electric generation facility and related infrastructure on and in the vicinity of Cotterel Mountain (Cassia and Minidoka Counties).
Abstract	There is a small amount of Idaho State land and privately-owned land associated with the proposed project.	There is a relatively small amount of Idaho State land and privately-owned land associated with the Proposed Project.
ES-3	Windland, Inc., a Boise-based private wind energy development company, in partnership with Shell WindEnergy, Inc., a subsidiary of Royal Dutch/Shell Group, is proposing to build a wind energy facility along the Cotterel Mountain	Windland, Inc., a Boise-based private wind energy development company, with co-developer, Shell WindEnergy, Inc. (a member of The Shell Group) is proposing to build a wind energy facility and related infrastructure along and in the vicinity of the Cotterel Mountain
ES-3	The Proposed Project would be located in Cassia County, Idaho	The Proposed Action would be located in Cassia County, Idaho
ES-3	There is a small amount of Idaho State land and privately-owned land associated with the Proposed Project.	There is a relatively small amount of Idaho State land and privately-owned land associated with the Proposed Project.
ES-4	The Applicant is responding to the BPA and Idaho Power's Requests for Proposals to include wind energy resources as a percentage of their energy portfolios.	The Applicant is responding to the BPA, PacifiCorp and Idaho Power Requests for Proposals to include wind energy resources as a percentage of their portfolios.

Appendix A: Page 1

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Page	Language in DEIS	Suggested Correction
ES-4	The BLM existing Cassia RMP does not address wind energy development.	The BLM existing Cassia RMP limits ROW to existing facilities and locations and does not address wind energy development.
ES-4	The BLM will make a decision whether or not to grant a ROW to allow for the construction, operation, and maintenance of a wind energy project on federal lands.	The BLM will make a decision whether or not to grant a ROW to allow for the construction, operation, and maintenance of a wind energy project and related transmission line(s) on federal lands.
ES-4	The Cassia County Commissioners and Planning and Zoning Committee will approve a conditional use permit for certain components of the project.	The Cassia County Commissioners and Planning and Zoning Committee must approve a conditional use permit for certain components of the project.
ES-6	The transmission interconnect line ROW would cross lands managed by BLM, Idaho State, as well as those under private ownership.	The transmission interconnect lines ROW would cross lands managed by BLM, Idaho State, as well as those under private ownership.
ES-6	None.	DEIS should include Alternative B discussion re: public access, wildlife monitoring and meteorological towers.
ES-7	The exact location of proposed wind turbines, roads, transmission interconnect lines	The exact location of proposed wind turbines, roads, transmission interconnect line Under Alternative C, a single overhead 138 kV transmission interconnect line would be constructed.
ES-7	(2 nd Paragraph) Under Alternative C, two sizes of wind turbine would be considered.....	Under Alternative C, a range of wind turbines would be considered. The smallest in the range would have a The largest turbine in the range would have a

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Page	Language in DEIS	Suggested Correction
ES-10	Wind turbines, substations, and transmission interconnect lines would be the same for Alternative D as described under Alternative C.	The wind turbines, substation, and transmission interconnect line would be the same for Alternative D as described under Alternative C. Under Alternatives C and D, there is one substation and one transmission interconnect line proposed.
ES-12	Newly constructed 138 kV overhead power transmission interconnect lines.	Newly constructed 138 kV overhead power transmission interconnect line(s).
ES-13, 14	... the Cassia RMP contained no provisions for the granting of a ROW for wind energy development.	... the Cassia RMP contained no provisions for the granting of a ROW to new facilities / localities within Management Area 11, including a ROW for wind energy development.
ES-15	Approximately 40 BLM Sensitive plant and animal species are known to occur or are suspected to occur within the project area and its vicinity.	Approximately 40 BLM Sensitive plant and animal species are known to occur or are suspected to occur within the Proposed Project area and its vicinity.
ES-15	The Proposed Project would be located in Cassia County, Idaho.	The Proposed Action would be located in Cassia County, Idaho. [The Preferred Alternative and Alternative D would be located in Cassia and Minidoka Counties. This change applies throughout document.]
ES-17 – 28	Summary Comparison of Resource Impacts.	See following pages.

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Resource Issue	Alternatives			
	A	B	C	D
Air Quality p ES-17			Impacts to climate or air quality would be similar to those described under Alternative B; however, the temporary effects would be slightly less due to less construction.	Impacts to climate or air quality for Alternative D would be similar those described under Alternatives B and C; however, the temporary effects to air quality would be the least under Alternative D.
Big game displacement and/or stress p ES-19				Smaller project size would result in reduced area of displacement and less areas of improved public access. Displacement would still occur but on a smaller scale.
General wildlife habitat p ES-19				Permanent loss of 158 acres of potential habitat. Smaller project size would result in reduced area of displacement and fewer areas of improved public access.
Prehistoric Resources p ES-22	There would be no effect	No effect		
American Indian Concerns p ES-22	There would be no effect			
Historical Resources p ES-23	There would be no effect			

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Resource Issue	Alternatives			
	A	B	C	D
Property Values p ES-24	There would be no effect.			
Environmental Justice p ES-24	There would be no effect.			
Public Access p ES-25	There would be no effect.			
Land Status p ES-26	There would be no effect.			
Rights-of-Ways p ES-26	There would be no effect.			
Visual Resources p ES-27	There would be no effect.			
Hazardous Materials p ES-27	There would be no effect.	During construction and operation of Alternative B, BMP would be used to avoid spills, leaks, or dumping of hazardous substances.		

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§ 1.0 Figure 1.0-1	Project Area Boundary	Related text only discusses Cotterel Mountain. Transmission line routes should be deleted or fully depicted.
§ 1.0 1-4	In April 2001, Windland responded to the BPA RFP based on studies showing potential for development of a wind-powered electrical generation project on Cotterel Mountain.	Windland has also responded to PacifiCorp (March04) and Idaho Power (March 05) RFPs.
§ 1.0 1-4	During construction, there would also be several on-site temporary equipment storage and construction staging areas.	During construction, there would also be several on-site temporary equipment storage and construction staging areas. There may also be additional equipment storage and construction staging areas in the vicinity of Cotterel Mountain.
§ 1.0 1-4	The BLM is currently preparing a National Programmatic Wind Energy EIS to address the development of wind energy resources on all BLM-administered public lands across the western states.	Windland and SWEI suggest that BLM update the paragraph to reflect the current status of the Final Programmatic EIS.
§ 1.1 1-5	However, Windland is pursuing the development of Proposed Project as part of a 50-50 joint venture between Windland and Shell WindEnergy, Inc. (SWEI).	However, Windland is pursuing the development of the Proposed Project with Shell WindEnergy, Inc. (SWEI) .
§ 1.1 1-5	Shell Oil Corporation and part of the Royal Dutch / Shell group of companies wholly own SWEI.	Shell Oil Company (part of The Shell Group) wholly owns SWEI.
§ 1.1 1-5	. . . they would jointly form a Limited Liability Corporation (LLC), or other corporate entity they would form a limited liability company (LLC) , or other corporate entity
§ 1.1 1-5	The new LLC or other corporate entity would be used for financing the construction of the Proposed Project.	The new LLC or other corporate entity would be used for constructing, owning and operating the Proposed Project.

Appendix A: Page 6

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§ 1.2.1 1-5	National Policy also encourages the development of clean energy.	The National Energy Policy also encourages the development of renewable energy.
§ 1.2.1 1-5	The U.S. Congress and Executive Branch recently re-instituted a 1.8-cent per kilowatt hour production tax credit to encourage the development of clean wind energy.	Windland and SWEI suggest that BLM update the text to reflect provisions of Energy Policy Act of 2005.
§ 1.2.1 1-5	Interim Wind Energy Development Policy.	Windland and SWEI suggest that the FEIS reflect the fact that the Wind Energy Development Program evaluated in the PEIS will replace the Interim Wind Development Policy.
§ 1.2.2 1-6	Both IPC and PacifiCorp recently issued an RFP for wind energy in their service districts, actively seeking renewable energy alternatives to traditional energy development.	IPC and PacifiCorp issued (in 2005 and 2003 respectively) RFPs for wind energy in their service districts, actively seeking renewable energy alternatives to traditional energy development.
§ 1.3 1-9	In this analysis, the cooperating agencies include the BPA, U.S. Fish and Wildlife Service (USFWS), Idaho Department of Lands (IDL), Bureau of Reclamation (BOR), and Cassia County Commissioners, representing the local government.	The U.S. Army Corps of Engineers and the Minidoka County Commissioners may make a decision relating to the Proposed Action and Alternatives based on the EIS. They should be listed as cooperating agencies.
§ 1.5 1-10	Technical guidance relevant to the construction, operation and maintenance of a wind energy development will be provided by the applicant, Windland, Inc. in partnership with Shell WindEnergy, Inc.	The language of the IWETT Charter misstates the relationship between Windland and SWEI. Windland and SWEI are co-developers.

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Letter #66 (continued)



§ 1.8 Table 1.8-1 1-13 1-14	Table 1.8-1 Federal and State Authorities and Actions for the Proposed Project.	Tobacco/Firearms – explosives for turbine foundations; U.S. Environmental Protection Agency – construction stormwater permit – Clean Water Act; Idaho Department of Environmental Quality – Air Quality; Idaho Health Department – O&M Building septic system ; Idaho Department of Transportation – transmission line crossing of Interstate, oversize load permits; U.S. Army Corps of Engineers – dredge and fill permit; Federal Aviation Administration – Determination of No Hazard to Air Navigation.
§ 1.9.1 1-14	The BLM will make a decision whether or not to grant a ROW to allow for the construction, operation, and maintenance of the Proposed Project on federal lands.	The BLM also will decide whether to grant a ROW for a portion of any transmission line constructed on or which crosses lands managed by the BLM and/or BOR.
§ 1.9.2 1-15	The BPA will make a decision whether or not to offer contract terms for the interconnection of the Windland project to the Federal Columbia River Transmission System (FCRTS).	BPA approval is not required for the transmission interconnect lines identified in Alternatives C and D.
§ 2.3 2-2	The Proposed Project action alternatives would consist of . . . transmission interconnect lines for connection to the existing utility grid.	The Proposed Project action alternatives would consist of . . . transmission interconnect line(s) for connection to the existing utility grid.
§ 2.3 2-2	There would be several wind speed measuring meteorological towers . . . sited within the Proposed Project area.	Please add proposed permanent meteorological towers to DEIS Figures; none is shown.
§ 2.3.1 2-3	The tower is a tubular freestanding, painted steel conical (tubular) – type structure that is manufactured in multiple sections depending on the required height.	The tower is a tubular freestanding, painted steel structure that is manufactured in multiple sections depending on the required height.

RESPONSES

COMMENTS

Letter #66 (continued)



§ 2.3.1 2-5	The gearbox, generator, and various control equipment are enclosed in the nacelle, which is the housing of the unit that protects the turbine mechanics and electronics from environmental exposure.	The gearbox, generator . . . which is the housing unit that protects the turbine mechanics from environmental exposure.
§ 2.3.1 2-5	The type and brand of turbines would be limited by manufacturer production capacity within the timeframe of the Proposed Project schedule.	The type and brand of turbines installed would be determined commercial factors within the timeframe of the Proposed Project schedule.
§ 2.3.1 2-7	These trenches would be primarily located within the roadbed of the turbine connector roads.	These trenches would be located within the roadbed of the turbine connector roads, when technically feasible.
§ 2.3.1 2-7	Underground communications cables would be buried in the same trenches as the medium voltage electrical system.	Underground communications cables would be buried in the same trenches as the medium voltage electrical system, when technically feasible.
§ 2.3.1 2-7	The transmission interconnect line would be hung from two-pole, wooden H-frame structures approximately 60 to 65 feet tall (Figure 2.3-3).	The transmission interconnect line would be hung from two-pole, wooden H-frame structures approximately 60 to 65 feet tall (Figure 2.3-3). In some instances, steel-framed poles would be installed, where required due to ice or other loading concerns.
§ 2.3.1 2-8	Description of Operations and Maintenance Facility.	The O&M facility will likely included a domestic well and sanitary facilities for operations staff.
§ 2.3.2 2-8	Additionally, project construction and operations will follow BLM Best Management Practices (BMP) as described in Appendix C.	Additionally, project construction and operations will follow BLM Best Management Practices (BMP) as described in Appendices C and D.
§ 2.3.2 2-9	Five equipment lay-down areas would be required for construction of the Proposed Project.	In addition to the lay-down area on the project site, there may also be construction marshalling areas in the vicinity of Cotterel Mountain.

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RESPONSES

COMMENTS

Letter #66 (continued)



§ 2.3.2 2-11	Where possible, the BLM Sensitive plant species <i>Pedio cactus</i> would be transplanted from road ROW and tower pad sites to areas outside of the project impact area, as approved by the BLM.	Please include this BMP in Appendix D – Roads/Construction Pads / Fill / Transformers.
§ 2.3.2 2-11	All construction equipment would be thoroughly washed off-site prior to delivery to the project site.	All construction equipment would be thoroughly washed off-site prior to delivery to the project site on Cotterel Mountain .
§ 2.3.2 2-16	The batch plant would not be located with 1/4 mile of any golden eagle nest, consistent with BMP for wildlife (Appendix D).	Windland and SWEI suggest that BLM include this BMP in Appendix D. The Appendix D BMP relating to activities in the vicinity of golden eagle nests currently applies only to placement of turbines.
§ 2.3.2 2-17	During construction, water would be needed for dust control and for making concrete.	During construction, water would be needed for dust control, making concrete and equipment washing .
§ 2.3.2 2-17	No wells would be drilled or springs developed for the Proposed Project.	No wells would be drilled or springs developed for construction of the Proposed Project. The O&M building may need to have a well drilled for domestic use only.
§ 2.3.2 2-18	Discussion of construction traffic.	Discussion appears limited to wind farm site activities. Needs to include transmission line construction traffic.
§ 2.3.2 2-20	The Applicant anticipates that all permanent positions, with the exception of the foreman position, would be filled from the local labor force.	The Applicant anticipates that all permanent positions, with the exception of the foreman position, could be filled from qualified personnel from the local labor force .
§ 2.3.2 2-20	The sanitation facilities would be located at each of the crane assembly areas, the batch plant	During construction , the sanitation facilities would be located at each of the crane assembly areas, the batch plant

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Letter #66 (continued)



§ 2.3.2 2-20	The two substations would be fenced with 12-foot high chain-link fence to prevent public and wildlife access to high voltage equipment.	The substation(s) would be fenced with 12-foot high chain-link fence to prevent public and wildlife access to high voltage equipment. Under Alternatives C, D, only one substation is required.
§ 2.3.2 2-20	Safety signs would be posted in conformance with applicable state and federal regulations around . . . the two transformers	Safety signs would be posted in conformance with applicable state and federal regulations around . . . the substation(s) and on the transformer(s) . . .
§ 2.3.3 2-20	Although coordination with the FAA has not been initiated, based on the lighting and marking requirements of similar projects and the FAA Obstruction Marking and Lighting Advisory Circular (AC70/7460-1K), a likely adequate lighting set up for the Proposed Project can be determined.	Although coordination with the FAA has not yet been initiated,.....
§ 2.3.4 2-21	Cranes used for maintenance activities are not as large as the large track-mounted cranes needed to erect the turbine towers.	Cranes used for maintenance activities are not as large as the large track-mounted cranes needed to erect the turbine towers. Occasional use of a construction size crane may be required.

RESPONSES

COMMENTS

Letter #66 (continued)



<p>§ 2.3.4 2-21</p>	<p>All potentially hazardous materials used in the O&M of the wind plant would be stored in the O&M building in approved above ground containers with appropriate spill containment features.</p>	<p>Windland and SWEI will use, manage and store materials used in the O&M of the wind plant, including turbine lubricants in accordance with applicable law. The Superfund Amendment and Reauthorization Act does not apply to petroleum products and does not regulate "potentially hazardous" materials. See 42 U.S.C. §9601(14). Windland and SWEI suggest the deletion of the term "potentially hazardous materials" from the hazardous materials management discussion. If BLM wishes to specify management practices for materials that are not classified as hazardous, it should do so in a separate non-hazardous materials management section.</p>
<p>§2.3.4 2-21</p>	<p>No extremely hazardous materials (as defined by 40 CFR; Section 335) are anticipated to be produced, used, stored, transported, or disposed of as a result of this Project.</p>	<p>No extremely hazardous materials (as defined by 40 CFR Section 355) are anticipated to be produced, used, stored, transported, or disposed of as a result of this Project.</p>
<p>§2.3.4 2-21</p>	<p>The transformer oil would not be subject to periodic inspection and does not need replacement.</p>	<p>The transformer oil is subject to periodic inspection and replacement.</p>
<p>§ 2.4.1 2-27</p>	<p>None.</p>	<p>There is no discussion of public access, the O&M Building, or met towers under Alternative B. There also is no discussion of mitigation measures. Based on Table 2.8-1, mitigation measures would be limited to avian and bat mortality monitoring. However appendix D states that the lek study would be included. This needs to be made consistent.</p>
<p>§ 2.5 2-28</p>	<p>The exact location of . . . and transmission interconnect lines</p>	<p>The exact location of . . . and transmission interconnect line Under Alternative C, there is only one transmission interconnect line.</p>

RESPONSES

COMMENTS

Letter #66 (continued)



Figure 2.5-1 2-29	Figure 2.5-1. Alternative C, 81 100m Rotor Diameter Turbines.	Figure 2.5-1 should include the depiction of meteorological tower locations.
Figure 2.5-2 2-30	Figure 2.5-2. Alternative C, 98 77m Rotor Diameter Turbines.	Figure 2.5-2 should include the meteorological tower locations.
§ 2.5.1 2-31	(2 nd Paragraph) Under Alternative C, two types of wind turbines would be considered. The smaller of the two..	Under Alternative C, a range of wind turbines would be considered. The smallest in the range would have a The largest turbine in the range would have a
§ 2.5 2-36	The intent is to ensure interagency involvement in mitigation and monitoring activities with particular emphasis on addressing the requirements of the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act and sage grouse conservation.	The intent is to ensure interagency involvement in mitigation and monitoring activities relating to migratory birds, bald and golden eagles and sage grouse.
Figure 2.6-1 2-38	Figure 2.6-1 Alternative D, 66 100m Rotor Diameter Turbines.	Please include meteorological towers on Figure.
Figure 2.6-2 2-39	Figure 2.6-2 Alternative D, 82 77m Rotor Diameter Turbines.	Please include meteorological towers on Figure.
Table 2.8-1 2-45	Public Access Available.	Windland and SWE suggest that Table 2.8-1 be revised to reflect the fact that public access will be available under Alternative B.
§ 2.9.4 2-61	This proposed amendment would allow the granting of a ROW on Cotterel Mountain for a wind energy development project.	This proposed amendment would allow the granting of a ROW on and in the vicinity of Cotterel Mountain for a wind energy development project and related transmission interconnect line.

RESPONSES

COMMENTS

Letter #66 (continued)



§ 3.1.1 3-3	All of Cassia County and the remainder of Idaho are designated as PSD Class II areas.	All of Cassia County and Minidoka County and the remainder of Idaho are designated as PSD Class II areas.
§ 3.1.4 3-9	There are no major streams within the Proposed Project area. Intermittent streams fed by snowmelt contribute directly and indirectly to perennial streams in the Proposed Project vicinity	The Water Resources discussion needs to include the Snake River, Lake Walcott and other waters along transmission line route. The current discussion does not provide sufficient detail to determine whether waters within the wind farm boundary are within the Corps' jurisdiction
§ 3.2.3 3-47	In Canada, sage-grouse have been listed provincially as endangered or threatened (Aldridge 2000).	The DEIS states that the USFWS determined in 2005 that sage-grouse listing under the ESA was not warranted. Since the Proposed Project is in the United States rather than Canada, the reference to the Canadian listing does not apply to the Proposed Project and should be deleted.
§ 3.2.3 3-49	This study [sage-grouse radio telemetry study] is proposed to continue for several years.	Under alternatives C and D this study will be continued using funding provided by the compensatory mitigation fund.
§ 3.2.3 3-52	There is no suitable habitat present within the Proposed Project area for the American white pelican or black tern.	This statement needs to be evaluated in light of routing of Alternatives C and D transmission line.
§ 3.3 3-63	Three prehistoric sites (10CA 298, CM-S-4 and CM-S-10) and one historic site, the SL&I Railroad Grade (10CA 961) remain unevaluated due to insufficient data.	The SL&I Railroad Grade is site 10CA864 rather than 10CA961.
§ 3.5 3-64	The Proposed Project would be located entirely within Cassia County.	The Proposed Project would be located within Cassia and Minidoka Counties .
§ 3.5.2 3-64	The Proposed Project would be located in Cassia County	The Proposed Project would be located in Cassia and Minidoka Counties .

RESPONSES

COMMENTS

Letter #66 (continued)



§ 3.5.3 3-74	Known residences within Proposed Project area.	Known residences within the Proposed Project area, including proposed transmission line routings.
§ 3.5.5 3-77	Public Finance and Fiscal Condition.	Text and tables need to be revised to include Minidoka County tax environment.
§ 3.6 Figure 3.6-1 3-83	Figure 3.6-1 Existing Land Ownership	Figure needs to be revised to include existing land ownership along Alternatives B, C and D transmission line, and corrected to remove public inholdings on Cotterel Mountain subsequently acquired by BLM.
§ 3.6 3-85	Within the Proposed Project area, there are approximately 15 ROW and special uses.	With the boundaries of the proposed wind farm on Cotterel Mountain , there are approximately 15 ROW and special uses.
§ 3.6 3-85	Public, state, and private lands surround the Proposed Project area.	Public, state, and private lands are also located within the Proposed Project area.
§ 3.6.2 3-85	Existing Land Use	DEIS should include discussion of land use within Alternatives B, C and D transmission line route.
§ 3.6.3 3-87	. . . BLM has proposed to amend the plan to allow ROW for wind energy developments in the Cotterel Mountain Management Area.	. . . BLM has proposed to amend the plan to allow a ROW for a wind energy development in the Cotterel Mountain Management Area.

RESPONSES

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Letter #66 (continued)



§ 3.6.4 3-87	The proposed amendment would lift the ROW restriction to the extent that wind energy development would be permitted.	The proposed amendment would lift the ROW restriction to the extent that one wind energy development would be permitted on Cotterel Mountain, with related infrastructure in Management Area 11 of the Cassia RMP.
§ 3.9.3 3-95	All of the Proposed Project area (including access roads) is within the Cassia RMP Management Area 11, which includes VRM Class II, III and IV.	Based on Figure 3.6-2, not all of the Proposed Project area is within the Cassia RMP Management Area 11
§3.10	A site review of the Proposed Project area was found to be free of obvious environmental degradation within the scop of the hazardous substances and petroleum products identified in the CERCLA.	CERCLA expressly exempts petroleum products from its definition of hazardous substances. 42 U.S.C. § 9601(14).
§ 3.11 3-97	The Proposed Project area is located within the Albion Fire Management Unit (FMU) in the BLM Twin Falls District.	The fire management discussion should address how fires will be managed along Alternatives B, C and D transmission line route and risks.
§ 3.11 3-100	Virtually all wildland fires would be actively suppressed except where Wildland Fire Use is determined to achieve resource objectives and where such an activity would not decrease public safety.	Virtually all wildland fires would be actively suppressed except where wildland fire use is determined to achieve resource objectives and where such an activity would not decrease public safety or the wind energy project equipment and infrastructure.
§4.4 4-2	Future Foreseeable Actions	The actions described should be consistent throughout the document. See Executive Summary at ES-30 and ES-31. The discussion in Section 4.4 does not include the Idaho Transportation or Idaho Department of Parks and Recreation projects.

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Letter #66 (continued)



§ 4.5.1 4-3	Any air quality impacts would be related to emissions from vehicles and from fugitive dust associated with construction and operations and maintenance (O&M) activities.	Other potential minor air quality impacts would be caused by construction activities (CO, NOx and particulates) and turbine oil, cooling fluids and grease changes (minor VOCs). These activities are of limited duration and would not have an measurable impact on air quality.
§ 4.5.2 4-4	Geology	Discussion appears limited to construction of wind turbine pads and roads, without discussing impacts from transmission line or other infrastructure construction.
§ 4.5.4 4-7	Water Resources	The impacts of the Proposed Project in the vicinity of the Snake River and Lake Walcott need to be analyzed.
§ 4.5.5 4-9	Noise impacts due to construction are expected to be low during the construction period.	While noise impacts during construction would create the greatest project related noise impacts, the duration of construction noise impacts would be temporary and limited.
§ 4.6 4-10	Biological Resources	The impacts of the Proposed Project along the preferred transmission line route and other project infrastructure need to be analyzed for construction and operational impacts for all alternatives.
Table § 4.6-1 4-12	Table 4.6-1 Permanent and Temporary Impacts to Vegetation (in acres) from the Proposed Project.	This should included Alternative B, C and D transmission line impacts.
§ 4.6.2 4-14	Surrounding area impacts are those that may affect connected or adjacent populations, migrations, habitat use, or "ripples" from local effects.	The surrounding area should be defined in relation to the wind farm and its related transmission interconnect site.
§ 4.6.4 4-28	Construction and Proposed Project operations would be precluded within a one-quarter mile circle around a known golden eagle nest location.	Construction facilities (such as batch plants) and turbine installations will be kept at least ¼ mile from golden eagle nests.

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Letter #66 (continued)



§ 4.6.4 4-29	These three ranges were used based on the findings of the wildlife working group of the NWCC.	These three ranges were used based on the findings of the wildlife working group of the National Wind Coordinating Committee (NWCC) .
§ 4.6.4 4-32	As a result, the Proposed Project would require formal consultation under Section 7 of the Endangered Species Act (ESA) of 1973, as amended.	As a result, the Proposed Project requires formal consultation under Section 7 of the Endangered Species Act (ESA) of 1973, as amended.
§ 4.6.4 4-32	The effects under Alternatives C and D would be similar to those of Alternative B.	Under Alternatives C and D, there is only one proposed substation.
§ 4.6.4 4-34	There is no suitable habitat present within the Proposed Project area for American white pelican or black tern . . . However, both species nest on the Minkoka (Minkota??) National Wildlife Refuge and may use the flight space over Cotterel Mountain during feeding or migration flights.	The DEIS should analyze impacts to these species in connection with the construction and operation of Alternative B, C and D transmission line.
§ 4.6.5 4-32	A result of the consultation would be a Biological Opinion issued by the USFWS.	Windland and SWEI suggest that BLM update the text to reflect the current status of the Biological Opinion.
§ 4.9.2 4-43	Construction of the Proposed Project would last approximately eight months, from April through November of 2006.	Construction of the Proposed Project would last approximately eight months.
§ 4.9.2 4-46	Sales and/or use tax revenue on the construction contract would accrue to Cassia County because Cassia County is the location of the Proposed Project construction.	Sales and/or use tax revenue on the construction contract would accrue to Cassia County because Cassia County is the location of the Proposed Project construction. If alternatives C or D are selected, some revenue would accrue to Minidoka County as a portion of the transmission line(s) are located in Minidoka.

RESPONSES

COMMENTS

Letter #66 (continued)



§ 4.9.2 4-46	The Proposed Project operation would be expected to begin in late 2006 or early 2007	The Proposed Project construction would be expected to begin within one year of the issuance of the Record of Decision.
§ 4.9.2 4-47	The transmission interconnect lines would be turned over to Bonneville Power Administration (BPA) or Raft River Rural Electric.	The transmission interconnect lines may be turned over to Bonneville Power Administration (BPA) or Raft River Rural Electric or other entity. In the immediate term, the lines would be owned by the project company.
§4.9.2 4-49	The residents closest to the proposed Project, who would experience much of the temporary impacts of construction, should not be identified as a minority or low-income population.	The residents closest to the proposed Project, who would experience much of the temporary impacts of construction, are not classified as a minority or low-income population.
§ 4.10 4-51	Lands and Realty.	The DEIS should discuss the effect of the Proposed Project on Land Management Plans i.e., need for amendment to expand operations on BLM land covered by Cassia RMP.
§ 4.10.1 4-51	The proposed wind turbines, roads, and ancillary facilities would be located on federal lands under the jurisdiction of the BLM.	The Project would also occupy lands owned by the State and private parties and cross lands controlled by the Bureau of Reclamation.
§ 4.10.4 4-52	Moderate impacts would occur from an overall change in landscape character from a remote to an industrial character	Moderate impacts would occur from an overall change in landscape character to include siting of additional commercial facilities. The area currently has motorized access and multiple commercial facilities located on-site (communications towers) and numerous range improvements. It therefore should not be characterized as remote. The land use impacts are mostly reversible.

RESPONSES

COMMENTS

Letter #66 (continued)



§ 4.11 4-52	Recreation.	Impacts from transmission lines should be discussed. Presumably ROS doesn't apply off federal lands.
§ 4.11 4-52	None.	The current ROS classification on Cotterel Mountain is semi-primitive motorized.
§ 4.11.2 4-53	The Proposed Project would alter the aesthetic sense of Cotterel Mountain as a rural, undeveloped recreational area.	The Proposed Project would alter the aesthetic sense of Cotterel Mountain as a rural, relatively undeveloped recreational area. There are 7 communications towers on-site.
§ 4.13 4-56	Visual Resources	Visual impacts from substation, trenching, road construction, and meteorological towers should be discussed, including the differences in impacts between Alternatives B and the relatively lower impacts from C and D.
§ 4.13.3 4-60	Alternative B calls for the expansion of the O&M Building at the junction of SH-77 and the proposed South Access Road.	Alternatives B, C and D call for the construction of an O&M building near the junction of SH-77 and the proposed south access route. No O&M building currently exists.
§ 4.13.3 4-61	The majority of the eastern transmission interconnect line would be parallel to the existing Raft River Transmission line and match it, in both height and form.	The eastern transmission interconnect line in Alternative B would connect to the existing Raft River Transmission line and match it, in both height and form.
§ 4.13.6 4-63	As discussed in chapter 2, it is anticipated that the Federal Aviation Administration (FAA) required lighting would consist of medium-intensity white lights flashing during daylight and twilight hours	Please see comments above relating to anticipated release of new FAA lighting circular. With FAA approval, it is likely that lights will not be required on every turbine, thereby reducing potential lighting impacts.
§ 4.14 4-64 4-65	Hazardous Materials.	DEIS should discuss potential impacts during operation of the project.

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Letter #66 (continued)



§ 4.14 4-64	Information obtained during site observations, along with a review of regulatory agency data indicates there are no hazardous substances within the Proposed Project area.	Information obtained during site observations, along with a review of regulatory agency data indicates there are no hazardous substances currently used, stored or disposed of within the Proposed Project area. Chevron Pipeline Company has a ROW and special permit for a buried liquid petroleum pipeline [on Cotterel Mountain.] As noted above, petroleum is not regulated under CERCLA.
5.D 5-1	However, a variety of other organizations, agencies and people maintain an interest in the area or use the area for specific purposes.	Minidoka County and the Bureau of Reclamation should be added to the list of interested parties.
5.1.2	None.	The DEIS should discuss consultation activities with Minidoka County since a portion of the transmission line is located there.
App. C C-12	The agencies responsible for contingency plans in southern Idaho shall be among the first to be notified in the event of any pipeline system failure resulting in a spill of oil or other pollutant.	The agencies responsible for contingency plans in southern Idaho shall be among the first to be notified in the event of any transformer failure resulting in a spill of oil or other pollutant.
App. C C-13	The holder . . . shall submit for the authorized officer's review a technical report addressing criteria and methodology of how the proposed facility will be located and designed to meet said standards [federal, state, and local emission standards for air quality].	The DEIS concluded that the Proposed Project would result in minimal air quality impacts. The Applicant believes a technical report is unnecessary for this project but would be pleased to submit its air quality permit application (rock crusher and generators) for review by the Authorized Officer prior to submission to the State for approval.

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Letter #67

RESPONSES



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Snake River Fish and Wildlife Service
1387 S. Vinnell Way, Room 368
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Telephone (208) 378-5243
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BURLEY FIELD OFFICE

Memorandum

SEP 22 2005

To: Field Manager, Burley Field Office, Twin Falls District, Bureau of Land Management, Burley, Idaho
(Attention: Scott Barker)

From: Field Supervisor, Snake River Fish and Wildlife Office, Fish and Wildlife Service, Boise, Idaho

Subject: Cotterel Mountain Wind Power Project, Draft Environmental Impact Statement -- Comments
File #1006.1000 OALS #05-618

The Fish and Wildlife Service (Service) has reviewed the Bureau of Land Management's (Bureau) Cotterel Mountain Wind Power Project (Project) Draft Environmental Impact Statement (DEIS), received on June 20, 2005. The following comments are offered for your use and consideration, and are provided under the provisions of the Endangered Species Act of 1973 (ESA), as amended, the Bald and Golden Eagle Protection Act of 1943 (BGEPA), as amended, the Migratory Bird Treaty Act of 1918 (MBTA), as amended, and the National Environmental Policy Act of 1969 (NEPA). Previous comments on the Preliminary DEIS were submitted by the Service on April 19, 2005. We offer these comments in the spirit of coordination as a cooperating agency, and we are available to discuss our comments in more detail if requested.

General Comments

The Service supports the development of wind power as an alternative energy source and appreciates the opportunity to be a cooperating agency with the Bureau on this project. In terms of assessing potential effects, wind power projects can have a negative effect on wildlife depending upon siting, design, and subsequent development and operation of an individual facility. There are two main effect pathways: 1) bird and bat collisions within the rotor-swept area of each turbine; and, 2) habitat fragmentation/avoidance by a broad array of species due to turbine and infrastructure construction, operation, and maintenance. The potential for collisions (as well as habitat avoidance effects) is affected by many factors, but site selection appears to be the most important.

Through this letter, the Service is highlighting how the analysis as described in the DEIS can be strengthened, and provide you guidance regarding the permitting aspects of wind energy facilities, along with the requirements and prohibitions of the Federal wildlife



COMMENTS**Letter #67 (continued)**

laws applicable to wind energy development. These laws include the ESA, MBTA, and BGEPA. Additionally, under our NEPA authorities and as a cooperating agency, we address other natural resource and policy issues regarding the adequacy of the DEIS. We provide this information to assist you in making an informed decision regarding site selection and project design, and to ensure that natural resource issues are adequately addressed. Many of the following subheadings are interrelated to one another and should be considered concurrently.

Specific Comments***Adequacy of the Range of Alternatives***

In September of 2004, an interagency policy group met to discuss the Cotterel Mountain project. At that meeting, we discussed the importance of an adequate range of Alternatives to address significant project-related issues, and at that time expressed concerns about the initial scope of Alternatives. The Service is concerned that none of the action Alternatives (or those eliminated from detailed study) described in the DEIS fully address the significant issue of migratory birds and deaths associated with bird/turbine collisions (see page 1-11 in the DEIS and related discussion points below in the MBTA, Adaptive Management, and Monitoring sections).

To address the Service's concern that none of the Alternatives included provisions for seasonal shut downs or turbine removal based on effects to avian species, the DEIS notes the Bureau's willingness to implement adaptive management strategies. The Service recommends more detailed information be included in the Final EIS (FEIS) on the types of adaptive management strategies the Bureau considers implementable. The DEIS references such strategies as operational changes of turbines and timing stipulations during construction, and states that these strategies are addressed in Appendix D (page ES-8 and 9 of the DEIS). Yet discussion of adaptive management is lacking in Appendix D. We recognize the discussion in Appendix D related to monitoring and the identification of "hot spots" (where bird and/or bat mortality is in excess of what is predicted) is meant to touch upon adaptive management (page D-2); however, no management actions are being recommended. The DEIS states that should "hot spots" be identified, monitoring would be extended for a period recommended by the technical steering committee. While monitoring is a necessary tool, the Service recommends attaching management strategies (such as turbine shut-down if "hot spots" are identified) to the monitoring in order to minimize or mitigate impacts. As such, the management response to "hot spots" should be more clearly described in the FEIS in terms of "if 'X' condition exists, then 'Y' management action will take place" to minimize or mitigate identified impacts.

It appears sufficient opportunity exists in the DEIS to address migratory bird effects in the development of alternatives while remaining consistent with the "economic" and "technically feasible" sideboards of the regulations implementing NEPA. The discussion of Alternative D in the DEIS (Section 2.6, page 2-36) states 66 1.5 MW turbines would be necessary for an economically viable project. In the Preliminary DEIS, it is stated that 70 2.0 MW turbines would be necessary for an economically viable project (Section 2.5,

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- A. The adaptive management discussion in Section 2.5.4 (page 2-33) has been revised in the Final EIS to clarify specific changes in operation that may occur in response to changes in environmental conditions as determined by monitoring.
- B. The BLM believes that the discussion of the economic feasibility of Alternative E is adequate as described in Section 2.7.1 (page 2-41 through 2-42) of the Draft EIS. A fair comparison of the economic feasibility between Alternative D and Alternative E should use wind turbines of the same generating capacity.
- C. As stated above, the adaptive management discussion in Section 2.5.4 (page 2-33 through 2-36) has been revised in the Final EIS to clarify specific changes in operation that may occur in response to changes in environmental conditions as determined by monitoring.

COMMENTS**Letter #67 (continued)**

B page 2-30). Given the difference between these two draft documents (41-MWs), and not knowing the criteria used by the Applicant to establish project viability parameters, it is not clear why Alternative E (providing enhanced sage grouse protection) is not economically feasible. Alternative E, using up to 49 2.0 MW turbines would yield a similar production potential as 66 1.5 MW turbines suggested in Alternative D. The Service suggests the Bureau fully explain the minimum requirements necessary for an economically feasible project and to clearly explain why Alternative E does not fall into that category.

Given the economic threshold for a viable operation (whether it is a 140 MW project or 99 MW project), Alternatives B (with 130 turbines), C (with up to 98 turbines), and D (with up to 82 turbines), should provide opportunity to address migratory bird issues by implementing mitigation measures designed to address bird deaths (e.g., adjusting operations at an undetermined number of turbines when conditions warrant). At a minimum, one Alternative should "rigorously and objectively explore" the mitigation necessary to address MBTA issues. Without such an Alternative, the significant issue of migratory bird kills is largely not addressed within the action Alternatives in the DEIS. By including mitigation measures for MBTA issues, the analysis of environmental effects would disclose the effectiveness of mitigation measures in reducing bird kills, as well as tradeoffs, such as cost.

C The Service acknowledges that turbine numbers are shown to decrease in each successive Alternative, and that this decrease may proportionately reduce the likelihood of bird collisions. This reduction in turbine numbers does not fully address the significant issue of migratory bird deaths (it addresses sage grouse issues in Alternatives E and F) and does not take into account potential new information which may be gleaned from any post-implementation monitoring studies that would be ongoing. Adaptive management that can include adjustment of operations in light of new information is vital to reducing potential negative effects. None of the action Alternatives provide a means to mitigate bird deaths subsequent to project implementation and operation of the turbines. Bird deaths associated with the operation of turbines is reasonably certain to occur, and the technology exists to adjust operations to mitigate effects. As such, one or more action alternatives should incorporate these measures and disclose environmental and economic effects.

MBTA and BGEPA

The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of Interior (16 USC §703). Under the MBTA, the unauthorized taking of even one migratory bird is legally considered "take" and is technically a violation. Bald and golden eagles are covered by the MBTA but are afforded additional legal protection under the BGEPA. Unlike the ESA, neither the MBTA nor its implementing regulations (50 CFR Part 21) provide for a permit allowing the "incidental take" of migratory birds that may be killed or injured by otherwise lawful activities such as wind energy development.

RESPONSES

D. Monitoring to determine changing environmental conditions as compared to baseline survey information is described in Section 2.5.4 of the Draft EIS (Page 2-33) and in Appendix D. A detailed on-site monitoring protocol will be developed and included as a section of the Project Plan of Development. Further, additional monitoring protocols will be developed by the technical steering committee that will be formed as described in Section 2.5.4 of the Draft EIS (Page 2-36). Monitoring to determine the efficacy of any off-site mitigation will be developed and implemented by the technical Steering Committee.

Effectiveness of various tower lighting scenarios in reducing bird and bat collisions with turbines and the influence of weather patterns and conditions on the susceptibility of birds and bats to turbine collisions would be determined through the implementation of the fatality monitoring program described in Appendix D. Although turbine blade coloration schemes were not described in Appendix D as a potential mitigation, they could be implemented through adaptive management if it could be shown that such measures would be effective at reducing bird or bat collisions with turbines.

COMMENTS**Letter #67 (continued)**

While the MBTA has no provisions for allowing unauthorized take, the Service recognizes that some birds may be killed at structures such as wind turbines. Such mortality already has been recognized by the Bureau and the project proponent, as is pointed out in Table 4.6-6 of the DEIS (estimated annual fatality ranges, by Alternative, for birds and bats at the Cotterel Mountain Wind Project).

The Service's Office of Law Enforcement carries out its mission to protect migratory birds not only through investigations and enforcement, but also through fostering relationships with individuals and industries that proactively seek to eliminate or minimize their effects on migratory birds. While it is not possible to absolve individuals, companies, or agencies (e.g., the Bureau, acting as the permitting agency for this project) from liability if a violation of the MBTA occurs, the Office of Law Enforcement and Department of Justice have used enforcement and prosecutorial discretion in the past regarding individuals, companies, or agencies who have made good faith efforts to avoid the take of migratory birds. Within the MBTA, there are no bird death thresholds that have been identified to determine when or where Law Enforcement will pursue a violation, thus, a single bird death is considered a violation. As such, the Service's Office of Law Enforcement is not able to predict the level of discretion that will be implemented should violations occur under the MBTA or BGEPA.

Pro-active conservation measures fully addressing MBTA issues are lacking in the DEIS. Recent data at other wind energy sites across the country (including the Altamont and Stateline sites) have identified "problem turbines" that often cause the majority of bird and bat mortalities. To alleviate these effects, measures such as shutting down problem turbines during critical migration periods or low cloud ceilings, etc., have been considered. These measures are technically feasible. Consideration of such actions represents a proactive approach toward adaptively managing wind energy sites in order to comply with the MBTA and BGEPA. It is unclear whether the preparers of the DEIS are unaware of the conservation opportunities inherent in such measures or have considered them but opted not to address them through this NEPA analysis. The Service recommends these measures be fully described and analyzed in the document within one or more action Alternative or Appendix D (Best Management Practices Specific to Wildlife) when reference is made of an adaptive management strategy.

Adaptive Management

During meetings held by the Interagency Wind Energy Task Team (IWETT), a team founded at the September 2004 policy meeting to provide technical guidance for project and EIS development, there were attempts made to outline an Adaptive Management Plan that would provide opportunity and direction for the proponent and the Bureau to mitigate any expected or unanticipated effects. Unanticipated effects and an enhanced understanding of expected effects were to be revealed through effectiveness monitoring geared specifically to determine the type and extent of mitigation that would be necessary and reasonable under an adaptive management approach.

While the IWETT did not have sufficient time to finish the Adaptive Management Plan, many ideas were drafted as a starting point. The Service recommends that an adaptive

RESPONSES

- E. Section 3.2.3 of the Draft EIS has been modified in the Final EIS to include a more detailed description of the Globally Important Bird Area.
- F. The Service stated in their comments that the north-south corridor is currently fragmented by the interstate highway, powerlines, farmland, and large crested wheatgrass mono-cultures. The area is also fragmented by Lake Walcott and increasing rural residential development. As a result the area between the north end of Cotterel Mountain and Lake Walcott, a distance of over 9 miles does not support any usable sage-grouse habitat. Furthermore, radio telemetry studies conducted on the Cotterel Mountain sage-grouse population by the Applicant did not show any movement of sage-grouse from Cotterel Mountain to the north. All sage-grouse movement was either to the west, south, or southeast. Finally, no studies have been conducted that show this assumed corridor is used by sage-grouse or other species.

COMMENTS**Letter #67 (continued)**

management strategy be incorporated into all action Alternatives to proactively address responsibilities under the MBTA and BGEPA, and that this strategy be specifically outlined. The strategy may include, but not be limited to, the following technically feasible actions: seasonal or permanent shut-downs during certain times of the year (migration, low cloud ceilings, etc.) for individual turbines implicated (through appropriately designed and implemented monitoring) as being significant sources of bird and bat mortality; changes in color scheme of turbines and turbine blades (e.g., Hodo scheme); altering lighting schemes based on research that indicates that certain schemes are less attractive than others, etc. Such a strategy, along with suitable implementation guidance, would proactively address potential effects to birds and bats and provide the opportunity to apply appropriate on-site mitigation. Plan components drafted by the IWETT can be gleaned from meeting notes taken by the consultant and would be useful in developing the Adaptive Management Plan.

Although bats do not fall under the MBTA, and no listed bats are known to occur in the project area, this group, notably during migration, has been shown to be highly vulnerable to wind turbines. Very little is known about bats specifically in the Cotterel Mountain area, and generally regarding the significance of concern for effects related to wind energy facilities in the west. However, this type of an adaptive management strategy is wholly compatible with bat conservation, and because bats remain a species of high conservation concern, they should be addressed to a greater extent.

Monitoring

Whether or not an adaptive management strategy is implemented for the Project, monitoring by the Bureau and the proponent is necessary at a minimum to measure implementation consistency with the action as described (i.e., was the action implemented as designed?). Of greater value is the measure of effectiveness for any conservation measures that may be implemented, and the opportunity to gain valuable information on effects to species (and to improve the "science" on this topic) via an appropriately designed monitoring program (i.e., were the measures effective at achieving desired outcomes?). A comprehensive monitoring plan should be described in detail. The DEIS only briefly mentions monitoring (Appendix D), and only generically describes its application in the description of the Alternatives. The potential negative effects from this particular development warrant a substantially more detailed monitoring strategy, and we recommend that such a strategy be identified and fully described in the FEIS. We recommend a full description of the monitoring program and suggest the Avian and Bat Monitoring Plan for the Judith Gap Windfarm be used as a template (Erickson and Hazlewood 2004). Information that can be gleaned from the Judith Gap Plan for which the Service recommends including in a monitoring plan for the Cotterel Mountain site include: specifics of the delineation of carcass search plots, timing of searches, searcher efficiency trials, carcass removal trials, and data handling and statistical analysis. Additionally, the monitoring plan should include raptor nest studies to document and monitor active ferruginous hawk and golden eagle nests within 2 miles of the wind turbines, as described in the Judith Gap plan. This information will aid in understanding whether operation of the facility results in a reduction of nesting activity or

RESPONSES

G. The BLM's final determination of a ROW area boundary, which includes negotiation with the ROW Applicant, is guided by specific laws (in this case the Federal Land Policy and Management Act [FLPMA] of 1976), regulations, and policy guidance. ROW area is limited to the area occupied by the facilities that constitute the project for which the ROW is granted, as required by FLPMA. The area may be further modified by the need to protect public safety, for the Applicant to perform necessary maintenance and to limit the amount of direct environmental damage that could result from the project.

COMMENTS**Letter #67 (continued)**

nesting success. Additional reference is made to monitoring in the Compensatory/Off-Site Mitigation section (page 2-33), but details are lacking and should be provided. Monitoring was a large component of the adaptive management strategy that was under consideration by the IWETT. Discussions on this topic included the establishment of a "technical team" to review and make recommendations of appropriate mitigation based on monitoring results. This technical team was also intended to provide input into the type of monitoring that would be necessary and appropriate to glean useful information from a natural resource and industry perspective. Because the DEIS lacks details about a monitoring program, and there is little information specifying an adaptive management strategy, the Service can not assess the adequacy of the DEIS regarding monitoring relative to wildlife concerns that have been identified.

Other monitoring efforts that would prove useful and that should be discussed include the efficacy of any shrub-steppe habitat rehabilitation efforts in attracting displaced wildlife, the effectiveness of various tower lighting scenarios and blade color schemes in reducing bird and bat collisions with towers, and the influence of weather patterns and conditions on the susceptibility of birds and bats to tower collisions. It is important to note that monitoring results are most useful when operational changes can be made, through adaptive management, to address the potential resource issues. If operational changes are not part of this proposal, then monitoring results are only useful for future developments. There is marginal value when monitoring is merely used to acknowledge what is already expected or known (e.g., wind facilities cause bird and bat deaths). The monitoring program should address and further minimize negative effects resulting from the development and operation of this particular facility. An effective monitoring program will also provide information for new facilities that can be used to "front-end-load" promising or proven conservation measures.

Raptors

The Raft River and Curlew Valleys were designated by the National Audubon Society and American Bird Conservancy in 1997 as an "Idaho Important Bird Area" and a "Globally Important Bird Area" (GIBA) for the ferruginous hawk (*Buteo regalis*) due to the large nesting populations found within the area. The greater Cotterel Mountain area is contained within this GIBA and has been recognized by Bureau staff as having the greatest diversity of nesting migratory raptors on public lands managed by the Burley Field Office. As such, a more detailed description of this area and its relative importance to all raptors should be developed to fully disclose potential effects. Additionally, because these raptors are migratory, their relevance to the above discussions on the MBTA and Adaptive Management should be noted. Ferruginous hawks are on the USFWS 2002 Birds of Conservation Concern list at the National, Regional, and Bird Conservation Region scales (FWS 2002) and as such are a priority species for conservation activities.

Sage Grouse

Although recent Service decisions (70 FR 2244, January 12, 2005) have determined that sage grouse (*Centrocercus urophasianus*) are not warranted for listing, they remain a bird of high conservation concern for the Bureau and the Service. The 2002 sage grouse

RESPONSES

Additional guidance is provided by Instruction Memorandum 2003-020 which states that "The lands involved in the ROW grant will be defined by aliquot legal land descriptions and be configured to minimize the amount of the land involved while still allowing an adequate distance between turbine positions and reasonable ROW boundaries. In the absence of any specific local zoning and management issues, no turbine shall be positioned closer than five (5) rotor-diameters from the center of the wind turbine to the ROW boundary in the dominant upwind or downwind direction, unless it can be demonstrated that site conditions, such as topography, natural features, or other conditions such as offsets of turbine locations warrant a lesser distance." When this ROW guideline was applied to Windland's ROW application an area of approximately 4,545 acres was established. Legally describing this area by aliquot parts resulted in a boundary encompassing an area approximately 11,500 acres in size.

COMMENTS**Letter #67 (continued)**

habitat planning map for the state of Idaho outlines key sage grouse habitat and potential restoration areas. Upon review of this map and the Conservation Assessment of Greater Sage Grouse and Sagebrush Habitats (Connelly et al. 2004), it is clear that the Cotterel Mountain area, combined with nearby Bureau lands and Service Refuge lands, is the last remaining north/south corridor of connectivity for greater sage-grouse across some 280 miles of the main Snake River and its tributaries (including the South Fork and Henry's Fork of the Snake River). This corridor may serve as a migratory link for sage grouse to ensure genetic exchange between northern and southern populations along the Snake River Plain. This site may also serve as an important north/south corridor for sharp-tailed grouse, a variety of big game and non-game mammals, reptiles, amphibians, and numerous migratory birds. The DEIS should fully describe this information in Chapter 3, Affected Environment, and evaluate potential effects of Alternatives in Chapter 4, Environmental Consequences.

While the Service acknowledges that this area is currently fragmented by the interstate highway, powerlines, farmed habitat, and large crested wheatgrass mono-cultures, potential effects to sage grouse and their habitat due to Project implementation may further decrease the value and utility of this potential corridor. The loss of habitat on Cotterel Mountain, and any associated effects with the local sage grouse meta-population or its use of the area, would only serve to exacerbate the problems already occurring in this corridor, and may push the integrity of the north/south corridor beyond restoration potential and render this area unsuitable by sage grouse and potentially other species (e.g. sharp-tailed grouse). Although currently this corridor may not be heavily used by sage grouse, to remove the potential for future use may be foregoing a conservation opportunity for this species. Restoring a contiguous north-south shrub-steppe habitat corridor in this area would be more readily achievable than elsewhere along the Snake River; this opportunity should be addressed in Chapter 4, Environmental Consequences.

Mitigation

During several IWETT meetings, team discussions centered on potential mitigation opportunities for the area surrounding the Cotterel Mountains, including the north/south corridor. The IWETT reached consensus on the appropriate types of mitigation (e.g., land acquisition, juniper control, shrub-steppe habitat restoration, etc.) necessary to address the anticipated effects of the Project. These mitigation details have not been described in sufficient detail in the DEIS. Rather, the DEIS noted that approximately \$150,000 per year would be paid annually by the proponent to establish a compensatory mitigation fund.

The Service is concerned that \$150,000 may be insufficient to adequately address and cover anticipated mitigation needs of this wind energy project depending upon how this fund is managed. On December 21, 2004, a sub-group of the IWETT met and recommended that monitoring (including fatality monitoring, avoidance monitoring, nest abandonment monitoring, etc.) and the continued sage grouse telemetry work should be included in construction and operation costs at the beginning of the project and not taken from any compensatory mitigation fund. The Service supports this approach so that funds dedicated to compensatory mitigation are used only for that purpose.

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RESPONSES

The area assessed for potential impacts from construction and operation of the proposed project varied by each resource. For example in the Draft EIS the BLM assumed that sage-grouse could be displaced from their habitat within 1.8 miles of the proposed project. However, the Proposed Project area boundary used in determining on-site mitigation needs was determined, as described above, and is limited to the 4,545 acres of Windland's ROW application.

Since mitigation may only be required of the Applicant within the Proposed Project area, BLM was limited to the BMP, ongoing sage-grouse monitoring and post construction fatality monitoring, and adaptive management described in Chapter 2, Section 2.5.4 and appendix C and D of the Draft EIS. The adaptive management as described in Section 2.5.4 (page 2-33) is being revised in the Final EIS to clarify specific changes in operation that may occur in response to changes in environmental conditions as determined by monitoring.

COMMENTS**Letter #67 (continued)**

The DEIS should expand its discussion on the types of mitigation that could be carried out, and the appropriate funding authority under which such actions would fall. The current mitigation package should be further described to include opportunities such as the potential purchase of off-site land for rehabilitation of habitat lost (either directly or through habitat avoidance) due to project construction and operation, alterations in grazing management both on- and off-site in order to enhance habitat restoration opportunities, and the continuation and expansion of sage grouse telemetry studies to research the effects of this project on sage grouse. Regarding the funding authorities of such actions, the DEIS should clearly outline whether such actions would be attached as terms and conditions of the right-of-way application, or whether the expectation is that it come from the compensatory mitigation fund. Within this context, the adequacy of the \$150,000 voluntary annual contribution can be appropriately addressed.

As stated on page 2-33 of the DEIS, "For the purposes of this analysis, on-site is defined as the "footprint" of the Proposed Project, or the area granted in the ROW. Off-site is anything outside of that area." At the March 29, 2005 IWETT meeting, in-depth discussions were conducted regarding the scope of effects, and defining what constitutes on-site versus off-site mitigation. Further clarification of this matter should be provided in the DEIS, notably as it relates to the above discussion on mitigation attached to the permit or associated with the compensatory mitigation fund. We believe the Bureau should reevaluate their definition of "on-site" to encompass the area where grouse may be directly affected by the development of the Cotterel Mountain facility, not only in terms of habitat lost/altere, but also in terms of potential decreases in habitat utility. Behavioral responses by sage grouse to construction and operation of the facility may preclude the use of available shrub-steppe habitat by grouse even though the vegetation may still be considered suitable. The area identified in Figure 2.3-2 does not consider the full range of effects to sage grouse. According to the Guidelines to Manage Sage Grouse Populations and their Habitats (Connelly et al. 2000), energy-related facilities should be located > 3.2 km from active leks whenever possible. This 3.2 km (or roughly 2 miles) is intended to protect the lekking habitat, as well as the breeding and nesting habitat of non-migratory grouse. This "zone of protection" should be considered a "zone of influence" from the facility. That is, when referring to on-site effects, an area within the "zone of influence", or an area within 3.2 km of leks, should be considered on-site habitat. As such, mitigation, and funds attached to monitoring or mitigation, should be applied accordingly.

Related to this discussion, on page 2-33, section 2.5.4., the first paragraph states *required* monitoring would include on-site sage grouse lek studies. The following paragraph (starting "Under Alternative C...") states that the compensatory mitigation fund would go towards off-site lek studies, continuing sage grouse telemetry studies, and sage grouse nesting and wintering studies. The Bureau should provide more clarity as to what they consider on- and off-site affects, and articulate whether these on- or off-site affects will be covered through the stipulations tied to the ROW grant, or through the compensatory mitigation fund.

RESPONSES

Any off-site mitigation as described in Section 2.5.4 (page 2-33) cannot be required and is strictly voluntary as described in BLM Washington Office Instruction Memorandum 2005-069. The majority mitigation measures recommended by the IWETT fall into the category of "off-site mitigation" and therefore cannot be required of the Applicant. As pointed out in USFWS comment and described in the Draft EIS the Applicant has volunteered to contribute 0.5% of gross revenue or \$150,000 per year to fund off-site mitigation and monitoring. These funds would be allocated as recommended by the technical steering comity described in Section 2.5.4 (Page 2-36) of the Draft EIS. As stated in Section 2.5.4, final decisions on the use of these funds will be made by the BLM Burley Field Office Manager.

COMMENTS**Letter #67 (continued)***Cumulative Effects*

According to information obtained from the Idaho Wind Energy Working Group, there are currently 4 existing wind projects (totaling 10.9 MW) operating in southern Idaho. Additionally, there are another 15 projects of varying sizes (totaling 1,264 MW) proposed for southern Idaho. We recommend the Bureau clearly define their use of the term "cumulative", and describe how it links to compensatory and additive mortality resulting from the development of this facility, others that are currently in operation, and additional facilities that are currently in the planning phases.

Existing Guidance

On May 13, 2003 the Service issued Interim Guidance on Avoiding and Minimizing Effects to Wildlife from Wind Turbines (Guidance). Further clarification on implementation of the Guidance was provided on April 6, 2004, and a peer-reviewed briefing paper providing Service justification for a 5-mile buffer from leks (as identified in the Guidance) was subsequently released on July 30, 2004 (Manville 2004). The guidance package is intended to assist the wind energy industry (and those agencies permitting wind energy facilities) in avoiding or minimizing effects to wildlife and their habitats. This is accomplished through: (1) proper evaluation of potential wind resource areas (WRAs), (2) proper location and design of turbines and associated structures within WRAs selected for development, and (3) pre- and post- construction research and monitoring to identify and/or assess effects to wildlife. The Guidance is considered voluntary and interim in nature, but it is based on current science and will be updated as new information becomes available. As such, the Guidance is currently considered by the Service to be the best available information on this topic.

We recommend that the DEIS refer to the Guidance, incorporate this information as appropriate in Appendix D (Best Management Practices Specific to Wildlife), and that Alternatives be comparatively evaluated against this Guidance. Further, where the project deviates from the Guidance, an explanation of why this deviation is important to maintaining the feasibility of the project should be included. Deviations may occur based on new scientific or technological information, site-specific resource information, socio-economic concerns, etc. Such an analysis and discussion would provide an evaluation tool for the decision-maker to use in weighing the beneficial aspects of wind energy development versus the potentially adverse impacts to wildlife resources. The analysis should also expand on the following points.

- Data on wildlife use and mortality collected at one wind energy facility are not necessarily applicable to others; each site poses its own set of possibilities for negative effects on wildlife. There may be limited application of existing data collected at other facilities as few studies have occurred in an area similar in resource value as the Cotterel Mountains. Additionally, significant data gaps remain regarding wildlife use at this site, and using data from other sites may not provide an adequate representation of the resource risks inherent at Cotterel Mountain.
- The wind industry is rapidly expanding into habitats and regions that have not been well studied regarding (e.g., the Cotterel Mountains). "Industry Standards" may not be appropriate at the Cotterel Mountain facility because of the unique

RESPONSES

- H. Section 2.5.4 (Page 2-33) of the Draft EIS has been revised in the Final EIS to clarify potential elements of the compensatory mitigation fund.
- I. The cumulative impacts analysis in the Draft EIS has been revised in the Final EIS
- J. The BLM Field Office, District Office, State Office, and Washington Office managers and technical staff met several times with their USFWS counterparts regarding the Guidelines, including hosting their USFWS counterparts and Dr. Benjamin Tuggle, to the proposed project site. In the interim BLM has formally adopted its 1) Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States and 2) Bureau of Land Management National Sage-Grouse Habitat Conservation Strategy. It is the understanding of the BLM that the USFWS withdrew its interim Guidance as announced on September 29, 2005 at an American Wind Energy Association Meeting in La Quinta, California.

COMMENTS

Letter #67 (continued)

J geographic and biological resources present. This facility and any potential impacts to the effected resources should, where appropriate and feasible, be considered independently of existing facilities.

In addition, as an appendix to the Service's Guidance, there is a Protocol to Rank Potential Terrestrial Wind Energy Development Sites by Impacts on Wildlife. During August 2005 biologists from both the Service and the Idaho Department of Fish and Game conducted a site assessment at numerous sites, including the Cotterel Mountain site, per the Service's Guidelines. The Service acknowledges that the site assessments were completed too late to include in the DEIS, and that information gathered at the site has limited application at this time. However, the Service recommends that the Bureau work with us to review the critical elements identified in the assessment, and to determine its utility for this and future wind energy proposals.

There are other guidelines available that would assist the Bureau in developing alternatives and analyzing effects. These include the Idaho Sage Grouse Management Plan (1997), Connelly's Guidelines to Manage Sage Grouse Populations and their Habitats (2000), the Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances (2002), and the National Wind Coordination Committee's Handbook on the Permitting of Wind Energy Facilities (2002). Further, the Bureau should more completely describe this project in the context of their National Sage-Grouse Habitat Conservation Strategy (USDI 2004) and the Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States (USDI 2005). The following excerpts directly relate to much of the discussion in this letter; italicized text has been added to emphasize issues of particular importance to the Service.

K National Sage-Grouse Habitat Conservation Strategy. Guidance for the Management for Sagebrush Plant Communities for Sage-Grouse Conservation (USDI 2004).

- L • Base management decisions on monitoring and/or other appropriate information that provides plant and soil response with respect to land uses, development impacts, weather, wildlife use, insects and other environmental factors. *Monitoring should be implemented and results should be applied in an adaptive management process to adjust maintenance strategies or treatments on similar projects conducted in the future.* Appropriate spatial scales should be considered when developing monitoring strategies. (Page 13) – **Monitoring and adaptive management strategies should be provided in greater detail.**
- M • *Explore the use of conservation easements and the acquisition (through purchase, donation or exchange) of valuable sagebrush habitat, to maintain, replace or increase habitat.* Any BLM program can purchase conservation easements. Federal Land Transition Facilitation Act (Baca II) and Land and Water Conservation Funds can be used to acquire both fee-title and conservation easements. (Page 14) – **A strategy for considering off-site mitigation should be further developed and outlined such that the potential success of mitigation can be compared to the "cost" of implementing any mitigation action.**

RESPONSES

K. The full title and date of this document is "Bureau of Land Management National Sage-Grouse Habitat Conservation Strategy 1.4.1 Guidance for the Management of Sagebrush Plant Communities for Sage-Grouse Conservation," U.S. Department of the Interior November 2004. The first comment refers to page 13 paragraph a) under 6) Suggested Management Practices (SMPs). This is only one of three documents contained in the agency's Suggested Management strategies by Instructional Memorandum NO. 2005-024. The other two documents are titled "Bureau of Land Management National Sage-Grouse Habitat Conservation Strategy" U.S. Department of the Interior November 2004 and "Bureau of Land Management National Sage-Grouse Habitat Conservation Strategy 1.3.1 Guidance for Addressing Sagebrush Habitat Conservation in BLM Land Use Plans," U.S. Department of the Interior November 2004.

L. Thank you. BLM is working with its partners on an appropriate adaptive management strategy.

M. Thank you. We are exploring this.

COMMENTS

Letter #67 (continued)

- Focus project design and approval on avoiding or minimizing habitat degradation, or restoring areas that have been degraded (on-site mitigation). *Measures to mitigate impacts at off-site locations could be considered to offset unavoidable sage-grouse habitat alteration and losses.* Mitigation could also be used to offset sage-grouse habitat loss that is not a result of human activities. The effects of fragmentation and habitat loss should be weighed against the value of mitigation. Mitigation cannot always replace the quality or location of crucial habitat. BLM's authority to require off-site mitigation is limited. However, mitigation on a case-by-case basis may be implemented or negotiated with willing project proponents. Mitigation actions should be considered in the following priority: 1) replacing habitats with similar habitats (in-kind/off-site mitigation), and 2) replacing habitats with other appropriate habitats, when similar habitats are not available (out-of-kind/off-site mitigation). Mitigation should occur within or adjacent to occupied or restored habitats. Off-site mitigation should eliminate, reduce, or directly alleviate impacts to sage-grouse habitat. (Page 15) – **A strategy for considering off-site mitigation should be further developed and outlined such that the potential success of mitigation can be compared to the "cost" of implementing any mitigation action.**
- Avoid the impact of construction and operations by not placing mines, oil and gas and geothermal drilling sites and facilities, *roads*, and mineral material disposal sites in or next to sensitive habitats such as sage-grouse leks, nesting, early brood-rearing, breeding, and wintering habitat. *When habitat loss cannot be avoided, stipulations, conditions of approval, or mitigating measures should be developed to reduce impacts on sage-grouse habitats.* (Page 15) – **In addition to addressing the above considerations, we suggest addressing areas where use by sage grouse is decreased because of avoidance responses. Habitat may otherwise still be intact, but if rendered unusable by sage grouse, mitigation would be appropriate.**
- Whenever feasible and environmentally preferred, avoid surface occupancy by *roads*, livestock management facilities, well pads, powerlines, fences, or *other structures adjacent to occupied leks, i.e., those leks attended by 2 or more males in at least 2 of the previous 5 years* (Connelly et al. 2000). Protection of sage-grouse leks from disturbance during mating season is important for successful reproduction. Reproductive success is increased by minimizing disturbances to habitat when constructing, improving or maintaining roads. Signage, including OHV designations, identifying and/or protecting sensitive areas should be considered. Dust abatement measures should be employed. (Page 16) – **Greater detail should be provided to address why this guidance is not feasible.**
- *Locate or construct facilities such as oil and gas compressor stations so that the noise from the station does not disturb grouse activities at the lek.* Installing mufflers and baffle panels, berm the station (where invasive weeds are not an issue), or placing restrictions on how close these facilities can be located to leks, nesting and early brood-rearing habitat should be considered. New recreational facilities such as campgrounds should also be located so that the noise does not disturb grouse activities at the lek. Construction and/or maintenance should be scheduled to minimize conflicts with any known leks. Sage-grouse are sensitive

RESPONSES

- N. Thank you. Your suggestion will be considered in the Plan of Development.
- O. Thank you. Your suggestion will be considered in the Plan of Development.
- P. Thank you. Your suggestion will be considered in the Plan of Development.
- Q. Thank you. Your suggestion will be considered in the Plan of Development.
- R. Thank you. We are exploring this as we learn from ecological and biological monitoring, surveys and inventory information, and about the dynamics of populations.

COMMENTS

Letter #67 (continued)

to noise levels from all activities during early evening and morning hours when strutting occurs during March and April, so actions to reduce noise levels during these periods should be taken. (Page 16) – **Potential impacts should be addressed, including any occurring outside of the March to April time period, and appropriate mitigation or monitoring should be applied.**

- *Design wind energy facilities to reduce habitat fragmentation and mortality to sage-grouse.* Tubular tower designs to reduce raptor perches and noise reduction to minimize disturbance to nesting birds are encouraged. Design criteria for these projects should include minimizing the facility footprint (including the road network required to service the generators) in sage-grouse habitat. Best Management Practices (BMP) for wind energy are currently being developed in the Wind Energy Programmatic Environmental Impact Statement. *The BMPs that address the conservation of sage-grouse and their habitat are adopted by reference.* (Page 20) – **The action alternatives should incorporate design features that minimize fragmentation of habitat or mortality to sage grouse to the minimum extent possible.**
- Identify the initial amount and location of low quality or lost habitat that should undergo restoration during the life of the plan and initiate restoration using the following criteria for prioritization:
 - Reconnect occupied habitats.
 - Enlarge occupied habitats.
 - Reconnect stronghold populations with isolated populations.
 - Reconnect isolated populations. (Page 26) – **Information regarding potential mitigation sites and opportunities should be more fully described in the FEIS.**

Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States (USDI 2005).

- *The BLM will incorporate management goals and objectives specific to habitat conservation for species of concern (e.g., sage-grouse), as appropriate, into the POD for proposed wind energy projects.* (Page 2-9) – **Habitat conservation measures should be fully described in the action alternatives for the FEIS.**
- *The BLM's proposed Wind Energy Development Program will incorporate adaptive management strategies to ensure that potential adverse impacts of wind energy development are avoided (if possible), minimized, or mitigated to acceptable levels.* The programmatic policies and BMPs will be updated and revised as new data regarding the impacts of wind power projects become available. *At the project-level, operators will be required to develop monitoring programs to evaluate the environmental conditions at the site through all phases of development, to establish metrics against which monitoring observations can be measured, to identify potential mitigation measures, and to establish protocols for incorporating monitoring observations and additional mitigation measures into standard operating procedures and project-specific stipulations.* (Page 2-9) – **The adaptive management strategy in the DEIS is not fully developed. The FEIS should include a detailed, implementable adaptive management**

RESPONSES

- S. The BLM’s Final Programmatic Environmental Impact Statement (FPEIS) on Wind Energy Development on BLM-Administered Lands in the Western United States, Volumes I, II and III,” U.S. Department of the Interior Bureau of Land Management was published in June 2005 one month after the “Proposed Cotterel Wind Power Project Draft Environmental Impact Statement and Cassia Resource Management Plan Amendment” in May 2005. BLM’s Burley Field Office intends to fully implement all of the recommendations of the FPEIS as they apply to the Cotterel Wind Power Project either in the FEIS or the POD. In addition, we are publishing in Appendix I in the FEIS, the following sections of the FPEIS: 2.2.3.1 Proposed Policies, 2.2.3.2 Proposed BMP, 2.2.3.2.1 Site Monitoring and Testing, 2.2.3.2.2. Plan of Development Preparation, 2.2.3.2.3 Construction, 2.2.3.2.4 Operation, 2.2.3.2.5 Decommissioning, and 2.2.4 Proposed Land Use Plan Amendments under the PEIS.

COMMENTS

Letter #67 (continued)

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- **strategy that describes changes in management in response to newly acquired information.**
 - *A monitoring program shall be developed to ensure that environmental conditions are monitored during the construction, operation, and decommissioning phases. The monitoring program requirements, including adaptive management strategies, shall be established at the project level to ensure that potential adverse impacts of wind energy development are mitigated. The monitoring program shall identify the monitoring requirements for each environmental resource present at the site, establish metrics against which monitoring observations can be measured, identify potential mitigation measures, and establish protocols for incorporating monitoring observations and additional mitigation measures into standard operating procedures and BMPs. (Page 2-11) – The monitoring strategy should be provided in greater detail in the FEIS.*
 - *Operators shall conduct surveys for federal- and/or state-protected species and other species of concern (including special status plant and animal species) within the project area and design the project to avoid (if possible), minimize, or mitigate impacts to these resources. (Page 2-12) – Further studies are recommended, notably for migrating passerines, raptors, and bats, to adequately determine whether and how impacts can be avoided, minimized, or mitigated.*
 - *Operators shall identify important, sensitive, or unique habitats in the vicinity of the project and design the project to avoid (if possible), minimize, or mitigate impacts to these habitats (e.g., locate the turbines, roads, and ancillary facilities in the least environmentally sensitive areas; i.e., away from riparian habitats, streams, wetlands, drainages, or critical wildlife habitats). (Page 2-12) – Methods to avoid, minimize, or mitigate impacts to species or habitats should be more fully addressed in the FEIS.*
 - *Operators shall evaluate avian and bat use of the project area and design the project to minimize or mitigate the potential for bird and bat strikes (e.g., development shall not occur in riparian habitats and wetlands). Scientifically rigorous avian and bat use surveys shall be conducted; the amount and extent of ecological baseline data required shall be determined on a project basis. (Page 2-12) – The amount and extent of baseline data to assess potential impacts to birds and bats should be described more thoroughly in the FEIS.*
 - *Turbines shall be configured to avoid landscape features known to attract raptors, if site studies show that placing turbines there would pose a significant risk to raptors. (Page 2-12) – Additional information should be provided in the FEIS to address the extent of this risk and how it was considered in the design of alternatives.*
 - *Procedures shall be developed to mitigate potential impacts to special status species. Such measures could include avoidance, relocation of project facilities or lay-down areas, and/or relocation of biota. (Page 2-13) – This information should be detailed in an adaptive management strategy in the FEIS.*
 - *All control and mitigation measures established for the project in the POD and the resource-specific management plans that are part of the POD shall be maintained and implemented throughout the operational phase, as appropriate. These control and mitigation measures shall be reviewed and revised, as needed, to address*

RESPONSES

- T. Comprehensive pre-project monitoring and inventory of avian species was conducted and will continue after the project.
- U. Monitoring and inventory data are being used to design and operate the project.
- V. References to the baseline data and reports are contained in the bibliography.
- W. Monitoring and inventory data are being used to design the project in the POD and BMP.
- X. A more comprehensive adaptive management decision is in the FEIS. A core principal of adaptive management is to learn over time and to adapt to conditions. Each turbine is located and monitored individually with this project. Detailed adaptive management strategies develop over time.

COMMENTS

Letter #67 (continued)

changing conditions or requirements at the site, throughout the operational phase. This adaptive management approach would help ensure that impacts from operations are kept to a minimum. (Page 2-23) -- **This information should be detailed in an adaptive management strategy in the FEIS.**

- Site monitoring protocols defined in the POD shall be implemented. These will incorporate monitoring program observations and additional mitigation measures into standard operating procedures and BMPs to minimize future environmental impacts. (Page 2-24) -- **This information should be detailed in an adaptive management strategy in the FEIS.**
- X • *Wildlife.* The construction and operation of a wind energy project may impact wildlife or their habitats. *The BLM manages public lands to protect and improve habitat for all federal status, BLM-designated sensitive (i.e., the list published by the BLM state office of species occurring on public lands whose populations or habitats are rare or in significant decline), and state listed species.* The BLM evaluates all projects and activities occurring on public lands to ensure that they will not contribute to the need to list species as threatened or endangered. (Page 3-14) -- **How this proposal protects and improves habitat for special status species should be more fully described in the FEIS.**
- Y • *U.S. Fish and Wildlife Service (USFWS).* The USFWS issued *Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines* in 2003 (USFWS 2003). These voluntary guidelines, prepared by the USFWS Wind Turbine Siting Working Group, address the evaluation of potential wind energy development sites, location and design of turbines and associated structures, and pre- and post-construction research and monitoring needs. Specifically, the guidelines provide a site evaluation process with checklists, a series of site development and turbine design and operation recommendations, and a literature review of impacts of wind turbines on wildlife. The USFWS plans to evaluate these guidelines and modify them as necessary on the basis of their performance in the field and the latest scientific and technical discoveries. The USFWS also has issued interim guidelines for protecting birds from the siting, construction, operation, and decommissioning of communication towers (Clark 2000), some of which could be applicable to both turbines and meteorological towers at a wind energy development project. In addition, the USFWS worked jointly with the Avian Power Line Interaction Committee to develop guidelines for protecting birds from electrocution and collisions with power lines (APLIC and USFWS 2005), some of which are applicable to wind energy development. (Page 3-33) -- **How these guidelines were considered in the design and analysis of alternatives should be described in the FEIS.**
- Z • For the purposes of this assessment, *impacts from wind energy development on biological resources were considered important if they would result in, or contribute to, any of the following:*
 - *Reduction of the quality and/or quantity of habitat for fish, wildlife, or plants;*
 - *A decrease in a plant or wildlife population to below self-sustaining levels;*
 - *Establishment or increases of noxious weed populations;*
 - *Elimination of a plant or animal community;*
 - *Violations of the ESA, the BGEPA, MBTA, or applicable state laws;*

RESPONSES

- Y. BLM worked closely with USFWS including convening the IWETT and meeting with Sandi Arena and Mark Robertson regarding the USFWS Guidelines. In addition, BLM consequently developed the PDEIS in June 2005. USFWS Guidelines were very valuable in preparing the DEIS, creating the IWETT and DEIS.
- Z. The Proposed Cotterel Wind Power Project Draft EIS and Cassia Resource Management Plan Amendment was released in May 2005, the PDEIS was released in June 2005.
- AA. We will clarify the discrepancy in the FEIS.
- AB. We will clarify in the EIS.
- AC. BLM agrees and will modify the statement.
- AD. BLM agrees and will modify the statement.
- AE. BLM agrees and will modify the statement.
- AF. BLM agrees and will modify the statement.

COMMENTS

Letter #67 (continued)

Z

- A decline in bat, raptor, or migratory bird populations;
- Interference with the movement of any resident or migratory fish or wildlife species; or
- Conflicts with management strategies for BLM Special Management Areas. (Page 5-35) – **These issues and potential impacts should be more fully described in the FEIS.**
- Because of the regulatory requirements of the ESA and various state regulations, and the requirements specified in BLM Manual 6840 -- *Special Status Species Management (BLM 2001)* and other resource-specific regulations and guidelines, appropriate survey, avoidance, and mitigation measures would be identified and implemented prior to any construction activities to avoid impacting any sensitive species or the habitats on which they rely. (5-49) – **The information contained in the DEIS should be expanded in the FEIS for the decision maker to reasonably determine whether avoidance and mitigation measures would be adequate to avoid impacting any sensitive species or habitats.**

Other Comments

AA Page 1-4, last paragraph re: National Wind Programmatic. The programmatic is final, not currently being prepared.

AB Page 2-33, section 2.5.3 - Paragraph states lekking restrictions would occur from March 1 - May 1; however, Appendix D says mid-March to mid-May. Please clarify the discrepancy.

Page 3-53 - The pygmy rabbit did not warrant listing under the Act.

AC Page 4-18, top paragraph - A statement is made that "...no species are expected to permanently disappear from Cotterel Mountain." The Service does not believe sufficient information exists within the DEIS to warrant such a statement. As discussed among IWETT members, there is a concern about the long-term viability of the sage grouse population using Cotterel Mountain should the facility be developed.

AD Page 4-30, Alternative C. - The second sentence in that paragraph states that annual raptor mortality will be "...based on fatality and use rates from other western wind power projects." The Service believes mortality numbers should, where appropriate, be based on the existing data collected for the Cotterel Mountain facility. As noted above in our comments under the Existing Guidance section, Cotterel Mountain is a unique environment; use of data collected at other sites may not be applicable here.

AE Page 4-34, top paragraph – This discussion references the High Winds project to compare golden eagle mortality with that predicted for the Cotterel Mountain facility since High Winds has the same type and number of turbines and Altamont does not. While this may be true, the Service questions this comparison as well. Without knowledge of the similarity of topography/habitat, a comparison to Cotterel Mountain may not be appropriate.

RESPONSES

AG. BLM agrees and will modify the statement. BLM is sensitive to the connectivity and fragmentation of sage-grouse habitat. Sage-Grouse will be continuously monitored and their habitat conserved or mitigated as much as possible with a major development and construction project.

COMMENTS**Letter #67 (continued)**

AF

Page 4-70, *Threatened and Endangered Species* section – This section states that "No past, present, or reasonably foreseeable projects in the vicinity of Cotterel Mountain have been identified that would potentially affect bald eagle or gray wolf." The Service disagrees with this statement. We are aware of two projects proposed for the American Falls area (one approximately 200 turbine project and another approximately 70 turbine project upon full build out). Both these projects are near Bowen Canyon, a historic wintering bald eagle roosting site. Preliminary data indicates that bald eagles from Bowen Canyon would fly through the project area to get from Bowen Canyon to the Snake River. The Service considers this a potential effect on bald eagles.

AG

Page 4-71, *Greater Sage grouse* section - Although from a statewide perspective sage grouse may only be displaced from 0.005% of potential suitable habitat, the relative importance of some habitats has not been fully considered. Further impacts to what many biologists consider the last reasonable north south connectivity corridor over the Snake River may be a far greater concern for long-term population viability than the loss of 26,000 acres of habitat.

Given the potential negative effects to wildlife, particularly migratory birds and sage grouse, from the Cotterel Wind Energy Project, and the extent of the comments the Service has provided, we encourage a combined policy and technical level meeting with all participating agencies and entities prior to the finalization of the EIS.

Thank you for the opportunity to provide comments on this DEIS. If we can be of further assistance, or if you have any questions, please feel free to contact Mark Robertson of the Service's Boise Office (208) 378-5287 or Sandi Arena of the Service's Chubbuck Office (208) 237-6975 x34.

cc: FWS – LE, Boise (Tabor)
 FWS – Migratory Bird Office, Portland (Green)
 FWS – Regional Office, Portland (Rabot)
 FWS, Chubbuck (Arena)
 URS Corp, Boise (English)
 IDFG, Jerome (McDonald)
 IDFG, Boise (Servheen)
 BLM – State Office, Boise (Augsburger, Gianettino, Peterson)
 Shoshone-Paiute Tribe, Owyhee NV (Dykstra)

RESPONSES

COMMENTS**Letter #67 (continued)****Literature Cited**

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U.S. Department of Interior. 2004. Bureau of Land Management National Sage-Grouse Habitat Conservation Strategy. Guidance for the Management for Sagebrush Plant Communities for Sage-Grouse Conservation. 33 pp.

U.S. Department of Interior. 2005. Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States.

RESPONSES

COMMENTS**Letter #68**

Scott Barker, Project Manager
Cotterel Wind Power Project
Bureau of Land Management
Burley Field Office
15 E 200 S
Burley ID 83318

I would like to express mine and my husbands opposition to the proposed windfarm on our mountain. We have lived and owned property in the Albion Valley since 1977 and have raised our children and grandchildren here. We are both transplants from opposite shores of this country, Vermont and Washington. Other mountains might be greener or taller and snow covered, but none are any more beautiful than the Cotterel Mountain. The loss of this beauty to 40 story windmills with constantly flashing strobe lights would be unconscionable.

You have been given the job as steward of our public lands and we have trust that you will exercise this duty by not allowing the destruction of this mountain. Once the mountain is flattened the devastating effects can never be changed. We will not only lose our pristine view, but this project will forever change the peaceful qualities of this valley.

Already windfarms are being built on open flat lands and proving successful. Idaho has thousands of desert acres where there are no close by communities. Surely Windland/Shell Inc. can find another location for a windfarm that would not adversely affect so many. Please make the responsible decision and deny the Windland/Shell Inc. application for a right-of-way on Cotterel Mountain.

You have my permission to make my coments public.

Linda and Gary Leach
1096 E 1000 S
Albion ID 83311
208 673-6254

RESPONSES

- A. The BLM is sensitive to the potential for impacts from tower lighting. The best available technology would be used in applying tower lighting required by the Federal Aviation Administration and the Idaho State Aeronautics Division. This technology includes shielding lights from below to reduce the potential for light pollution of the night sky.
- B. We understand and appreciate your concern about how the historic characteristics and values of the Marsh Creek Valley and Cotterel Mountain would be affected by the proposed wind energy project. It is important to keep in mind that project proponents are able by law, regulation and policy to make application for rights-of-way to pursue projects such as this one. The proponent of any project chooses the area for which they make application. It is also important to remember that decisions to grant rights-of-way are subject to the intense review required by NEPA, in which you are a participant. Historic establishment of energy generation and production projects shows that use of public land for that purpose has precedent and can be appropriate.

COMMENTS**Letter #69****Comments Concerning the Proposed Cotterel Windfarm**

Name- Jim Wahlgren
 1225E 1040S Albion, Id 83311
 e-mail address- wahlgren@atcnet.net

You have my permission to make my comments public

I am totally against the windmill project at Albion for the following reasons:

1. There is no need to put a windfarm anywhere near a small town. Idaho, and BLM, has millions of acres of land that are not near any town. This windfarm will totally dominate the landscape of the Albion valley. Windmills nearly 420 feet tall will be within 2-3 miles of homes.
- A [2. 84% of the residents of the Albion valley are against this project. Why wasn't local opposition taken into consideration when considering this? In the DEIS there is no mention of this.
- B [3. Pictures of the windmills from the town of Albion were shown in the DEIS, but later discarded when the Visual Impact study was done. A picture from approximately 20 miles away was used, but not one from Albion. Why was the picture not used? The Visual Impact report would have changed if local photos were used.
4. There are currently 1200 mega watts of wind power under construction, in planning stages, or completed in southeast Idaho alone. None of these windfarms are near towns. This proves there are many areas where the wind is sufficient and will not negatively impact local town. The windmills need only 8-9 m/p/h to operate. Where in Idaho doesn't the wind blow 8-9 /m/p/h?
- C [5. The DEIS states that there will be towers as close as ¼ mile from known golden eagle nests. Why would this be allowed? With all the areas available for windmills that are not near any nests, why endanger the eagles at all?
6. The DEIS reports that fire management may have to be changed. Three years ago we had a fire up there. The airplanes dropped many loads of fire retardant that from the valley floor looked like the planes were dropping them just yards above the top of the ridge. If 400-foot towers had been there, the fire might have had to be hand fought.
- D [7. BLM should not be using public land for this private purpose. All of the other windfarms in southeast Idaho are going up on private land. Why is BLM doing this?
8. The 1200 mega watts of wind power previously mentioned, added to all other windfarms going up, is more than the transmission lines can currently carry. What are the plans to build more transmission lines and how does it get funded? Will Idaho residents be expected to foot the bill while all the power is going to other states?
9. The DEIS states there are no Indian sites up there. Any teenager in Albion could have taken BLM personnel to several sites. In fact, last fall BLM was trying to catch kids stealing Indian artifacts from the mountain. BLM had cameras trying to get their picture, but all the kids knew the cameras were there. If there are not any Indian artifacts up there, why did you consult the Shoshone-Bannick tribe to get their permission to go ahead with the study?
- E [10. The BLM is recommending option C that calls for a few less towers but taller ones capable of producing more electricity. That is the same option that Windland/Shell

RESPONSES

- A. We are aware that a petition opposing the proposed project was signed by a number of local citizens. When we receive a copy of the petition we will review the basis of objection and assess whether or not changes to the EIS would be warranted. In general the number of opponents to any project without substantive issue oriented concerns is not a determining factor in final decisions. It is important to keep in mind that decisions to move forward with projects such as these are issue dependent rather than made based on popular vote.
- B. A Key Observation Point (KOP) was established at the Marsh Creek Event Center and the Visual Resource Contrast Rating Method was applied to the viewshed from this location. The results of the Visual Resource Contrast Rating are analyzed in the Final EIS.
- C. Guidance developed in response to the Golden and Bald Eagle Protection Act recommends that all construction activity and structures be precluded within ¼ mile of any known golden eagle nests. The Draft EIS discloses the potential for golden eagles to be displaced or killed as a result of the proposed project.

COMMENTS**Letter #69 (continued)**

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- itself changed to last year. Did BLM just take Windland's direction? It certainly doesn't look like BLM was in the driver's seat here. In fact, the number and size of the towers has changed three times that I am aware of. What is the final number and size of towers that BLM will permit? How come we don't know this before we are asked to comment on this. Is Windland going to be able to do whatever it wants if BLM approves this? How are we supposed to know what we actually might end up with here in Albion?
11. Tell the public what the effects of the destruction of the Cotterell Mountain might entail. Tell us about the mitigation process. In a worst case scenario, is it true that BLM is willing to destroy this mountain range and then set aside another 5000 acres somewhere else in Idaho to compensate for the loss? Explain the terms "compensatory mitigation" and "offsite mitigation" so the public understands what might happen to the mountain. What good does 5000 acres somewhere else do for us residents of the Albion valley?
12. I don't believe BLM found only 70 sage grouse up there. How thorough could the study have been? But, if that's all there are, then the situation is even worse that we are led to believe. Why would BLM go against the advice of Fish and Game in this matter? Fish and Game is on record as totally opposed to putting windmills up there and endangering wildlife.
13. The conditions up on the Cotterell Mountain are harsh for any wildlife. They live in a very fragile environment. Why even take the chance that this may endanger them? Isn't BLM interested any longer in being good stewards of the land, which would include animals and plants and trees?
14. BLM should never have let this process get this far along. It should have just refused the request on the basis that it is too close to any town. Windland/Shell should just have been told to go find another place not close to a town. Idaho has millions of acres of open land. Windland has already been approved for another project around American Falls, Idaho on private land.
15. BLM has not been asked to do this type of study anywhere else because this is the first request for a windfarm on BLM land. I don't think enough scientific thought and study has gone into this. BLM just wanted to do this and tailored the results to the desired outcome. The windfarm will forever change this valley. Why does BLM want to do this so badly?

RESPONSES

- D We understand and appreciate your serious concern about how the historic characteristics and values of the Marsh Creek Valley and Cotterel Mountain would be affected by the proposed wind energy project. It is important to keep in mind that project proponents are able by law, regulation and policy to make application for rights-of-way to pursue projects such as this one. The proponent of any project chooses the area for which they make application. It is also important to remember that decisions to grant rights-of-way are subject to the intense review required by NEPA, in which you are a participant. Historic establishment of energy generation and production projects shows that use of public land for that purpose has precedents and can be appropriate.
- E. BLM recognizes and clearly states in the Draft EIS that potential impacts to resources such as sage-grouse would not be expected to be significantly different between action alternatives. That being the case, BLM felt that Alternative C provided the best balance of the use of public lands for energy production with potential impacts by maximizing proposed project energy output while modifying the proposed action to minimize potential environmental affects.

COMMENTS

Letter #69 (continued)

RESPONSES

F. The BLMs final determination of a ROW area boundary, which includes negotiation with the ROW Applicant, is guided by specific laws (in this case the Federal Land Policy and Management Act [FLPMA] of 1976), regulations, and policy guidance. ROW area is limited to the area occupied by the facilities that constitute the project for which the ROW is granted, as required by FLPMA. The area maybe further modified by the need to protect public safety, for the Applicant to perform necessary maintenance and to limit the amount of direct environmental damage that could result from the project.

Any off-site mitigation as described in Section 2.5.4 (page 2-33) cannot be required and is strictly voluntary as described in BLM Washington Office Instruction Memorandum 2005-069. As described in the Draft EIS the Applicant has volunteered to contribute 0.5% of gross revenue or \$150,000 per year to fund off-site mitigation and monitoring. These funds would be allocated as recommended by the technical steering comity described in Section 2.5.4 (Page 2-36) of the Draft EIS. As stated in Section 2.5.4, final decisions on the use of these funds will be made by the BLM Burley Field Office Manager. The \$150,000 compensatory mitigation payment is all that can be required of the Applicant and will constitute the available off-site mitigation funds for this project.

COMMENTS

Letter #69 (continued)

RESPONSES

Since mitigation may only be required of the Applicant within the Proposed Project area, BLM was limited to requiring the on-site mitigation to consist of the BMP, ongoing sage-grouse monitoring and post construction fatality monitoring, and adaptive management described in Chapter 2, Section 2.5.4 and appendix C and D of the Draft EIS.

- G. The BLM prepared an EIS for the Foot Creek Wind Power Project located near Arlington, Wyoming. The ROW for the Foote Creek project was granted and the project has been in operation for several years.

Current baseline condition information was collected for numerous resources that could be affected by the proposed project. For example 2004 data for recreation uses and number of users was disclosed in Section 3.7 of the Draft EIS (pages 3-87 through 3-89). Several studies were conducted in 2003, 2004, and 2005 to collect baseline information for resources on Cotterel Mountain including:

COMMENTS

Letter #69 (continued)

RESPONSES

- Avian use patterns
- Nocturnal avian and bat migration
- Raptor nesting
- Raptor migration
- Sage-grouse lek attendance, nesting, and winter use patterns,
- Mapping of current vegetation community distribution
- Archeological surveys
- Economic data for Cassia and Minidoka Counties
- Traffic counts to determine recreation use levels

The results of these studies were disclosed in Chapter 3 of the Draft EIS.

COMMENTS

Letter #70

Comments on Cotterell Mountain Windfarm

Lois Darlene Wahlgren
1225 E 1040 S
Albion, Id 83311

You have my permission to make my comments public

I am against the windfarm in Albion because:

- A 1. I do not think you have researched the sage grouse issue thoroughly enough. This is a bird species that Fish and Game and BLM came very close to adding to the endangered species list. If you were that close, why do anything that might even come close to tipping them over the edge? This whole valley and mountain is sagebrush country that the bird needs to survive. The sagebrush habitat is disappearing all across the West. We don't need to add to the problem when it isn't necessary.
- 2. Albion valley has a 360 degree view of the mountains. I don't want the whole Eastern view ruined by windmills.
- B 3. I don't care what BLM and Windland/Shell say about the noise. They will make noise. We live about 4-5 miles from the site and there are neighbors who will live about 2 miles from it.
- C 4. Albion has a private airport. The planes land and take off over the Cotterell Mountain. Who is prepared to get sued when there is an accident? BLM didn't even mention an airport in the DEIS. Why?
- D 5. How can the fires be quickly and effectively fought when there are 420 foot towers to have to fly around when dropping the fire retardant? If they have to be fought by hand, it will take a long time for men to get up there.
- E 6. Has BLM studied golden eagles enough that they are convinced beyond doubt that putting a 420 foot tower ¼ mile from it's nest will not disturb it? I would like to see a study that shows that. Please include it in you final EIS.
- 7. I am opposed to using public land for this private business.

RESPONSES

A. A great deal of information on sage-grouse has been collected on Cotterel Mountain including:

- Three years of lek attendance surveys
- Winter use surveys
- Radio telemetry studies of male and female movement, nesting, brood rearing, and seasonal use.

These studies are proposed to continue for several years if the project is approved. Although there is the belief that Cotterel Mountain provides important winter habitat for sage-grouse, to date none of these studies have shown extensive use of the Proposed Project area in winter by sage-grouse. Further there is no scientific evidence that the project would have significant effects on winter use of Cotterel Mountain by sage-grouse. Although it has been suggested that sage-grouse respond negatively to tall man-made structures on the landscape, no scientific evidence exists to support these claims. Direct experience and observation on Cotterel Mountain has shown that sage-grouse continue to use areas near communication facilities and MET towers. The Draft EIS cites the best available science for the protection of sage-grouse and their habitat, which recommends that energy facilities should not be developed within 1.8-mile radius of sage-grouse leks (Connelly et al. 2000). The Draft EIS concludes that sage-grouse could potentially be displaced

COMMENTS

Letter #70 (continued)

RESPONSES

from potentially suitable habitat within a 1.8-mile radius of proposed project facilities.

- B. Much of wind turbine noise is masked by the wind itself since turbines only operate when the wind is blowing. Noise from wind turbines has diminished as the technology of turbines has improved. Newer turbine blade design results in wind energy being converted into greater rotational torque with very little acoustic noise. The rotor blades make a slight swishing sound when rotating. Because of the technological advances and the distance of the blades from the ground (minimum 95 feet), even when standing immediately underneath a turbine, this noise is generally minimal. Vibration-reducing features are incorporated into the design of the turbines. On large modern wind turbines, the chassis frame of the nacelle is designed to ensure the frame would. Under most conditions, modern wind turbines are quiet.
- C. The proposed project will not interfere with the flight path of planes using the landing strip located in Albion.

COMMENTS

Letter #70 (continued)

RESPONSES

- D. The Draft EIS addresses fire management in Section 4.15.2 and specifically fire operations on page 4-66. The presence of wind turbines along the Cotterel ridgeline could interfere with, not eliminate, the use air attack suppression strategies. However, the accessibility to ground resources such as engines, hand crews and water tenders would be much improved as a result of the proposed project thereby reducing response times. New roads would also act as firebreaks, which would slow or stop the spread of wildfire. The outcome of these tradeoffs would be that suppression forces would use more indirect tactics than would normally be employed.

- E. Guidance developed in response to the Golden and Bald Eagle Protection Act recommends that all construction activity and structures be precluded within ¼ mile of any known golden eagle nests. The Draft EIS discloses the potential for golden eagles to be displaced or killed as a result of the proposed project.

COMMENTS

Letter #71

September 21, 2005

Mr. Scott Barker, Project Manager
Cotterel Wind Power Project
Bureau of Land Management
Burley Field Office
15 East, 200 South
Burley, ID 83318

RE: Cotterel Wind Power Project

Dear Mr. Barker:

I moved into the Albion valley when I was in 3rd grade. I left the area to serve my country for 8 years. When I finished my commitment to the military I knew that I wanted to move back to the Albion valley to raise my family. My wife was raised in the Albion valley and we have made the commitment and investment to establish our home in this beautiful area. We have done this for several reasons; the uniqueness of the valley, the beauty that surrounds us from all directions, the quiet solitude that can be felt when you are in the valley, and the wildlife that we enjoy viewing is unsurpassed.

So you can imagine our disappointment, disbelief and sense of disgust that we have both felt since the Cotterel Windmill Project has been proposed. We have felt such frustration with the BLM in the fact that the project was even considered. This project goes against your own Cassia Resource Management Plan (Cassia RMP) for the Cotterel Mountain Range. What is the purpose for having a "management plan" established if one can amend it at any given time or when the grass looks greener on the other side.

A

We realize that our government wants more "green energy" and we both will agree with the need. We are not against windmills; they are another source of energy, but not at the expense of completely devastating an entire mountaintop and the quality of life for the people that live in the area.

Windland, Inc. states that this mountain range has the best wind, but so does every other place in Cassia County. Surely there are other locations that could be utilized for Windland, Inc./Shell Windenergy, Inc. wind farm. An area that is not located so close to a community and an area that the project will not sit on top of such a high profile mountain. The Cotterel Mountain range can be viewed from as far away as Twin Falls and as far as American Falls. On the issue of the proximity of dwellings, I have used my GPS to measure the distance from the location of the proposed windmills to the nearest homes. The windmills will be

B

RESPONSES

A. While it is true that the Proposed Action and the action alternatives are not consistent with the Cassia Resource Management Plan (RMP), it is important to recognize that the BLM planning system has a certain amount of flexibility built into it by design. RMPs are typically considered to be 10 year plans. However, due to declining budgets and increasing work loads, many existing RMPs are much older than 10 years. The Cassia RMP is currently over 20 years old. It is also important to note that the BLM is a multiple use agency which is tasked with determining the highest and best or most appropriate uses for the public lands. One of the ways BLM makes these determinations is to involve the public in the planning process. It is safe to say that when the Cassia RMP was prepared in the early 1980's, developing wind energy was not considered as a potential use on Cotterel Mountain. It is therefore appropriate that such a proposal be presented to the public, given as complete an analysis as possible and that a full disclosure be made of its potential effects. Amendments to RMPs are not taken lightly. The process to do an amendment is essentially the same as that required for the original RMP.

COMMENTS**Letter #71 (continued)**

B within 2 miles from these homes and 5 miles from the city of Albion. My home will be 5.3 miles from the site. This is not acceptable to me.

I have heard several different times that there has been no protest from the Albion valley residents. This is very untrue. The BLM & Windland, Inc. have set up several meetings that we thought that we would be able to voice our opinions. These meetings were simply informational meetings to show us what a great deal it would be for our community and county tax base. To my knowledge there hasn't been a meeting where we, as residence, could voice our opinions and get complete answers to our questions. At the open house that was held, I asked several questions and got the reply of, "That is a good question and I am not sure of the answer." How can a project of this magnitude move forward if you have not addressed all questions? I am an intelligent person and feel like my concerns and comments have fallen on deaf ears, because what I have to say does not conform to what has been suggested for the Cotterel Mountain Range. There is opposition to the proposed plan.

According to Windland, Inc. the Cotterel Mountain range is the best suited site, but look at it from their point of view...it's money in their pocket. That is what Windland, Inc. & Shell Windenergy, Inc. are all about. They do not care about the long-term impact that this project will have to this community and to the mountain and it's ecosystem. By being held, as the stewards of public lands, the BLM should be concerned enough about the impact that there should be no ROW granted to Windland, Inc./Shell Windenergy, Inc.

Windmills have their own environmental issues. They do not create dirty energy, but their effect on the landscape and the surrounding wildlife is an environmental issue. The wind turbines will impact the wildlife that live on the Cotterel Mountains; it will impact the esthetics of the Albion Valley tremendously and will be completely detrimental to the mountain's ecosystem.

D When the construction takes place and the blasting begins, what will happen to the under ground springs that are located throughout the mountain range. In the Draft Environmental Impact Statement it states that the impact to surface and groundwater quality and quantity would be low (pg. 4-7). Holes for the foundations, will be created by detonating 3 (three) charges to break up and dislodge the rock. The charges will be placed in sequence until they reach the depth of 27 to 30 feet deep. The foundation depth is 25' - 30' for the suggested 325' windmills, but 2' of additional material is removed below the foundation depth (pg.2-24). Each foundation pad will be 16' wide. Alternative B suggests that 130 wind turbines be installed. Alternative C suggests that 98 wind turbines be installed, but there are two size options being considered, with one option being 426' wind turbines, which I would imagine would require a larger foundation. Alternative D suggests that 66 wind turbines be installed. How could

RESPONSES

- B. The assertion that the wind is equally good in all areas of Cassia County is not correct. The scientific data available does show that the Cotterel Ridge is among the best wind sites in the County. In addition, its aspect, access and proximity to transmission facilities make it highly desirable. There may be other sites in the County with similar potential for commercial wind production. However, although we understand and appreciate your serious concerns about how the uniqueness and beauty of the Marsh Creek Valley and Cotterel Mountain would be affected by the proposed wind energy project, it is important to keep in mind that project proponents are able by law, regulation and policy to make application for rights-of-way to pursue projects such as this one. The proponent of any project chooses the area for which they make application and the scope of the ensuing NEPA analysis is focused on that particular area. It is also important to remember that decisions to grant rights-of-way are subject to the intense review required by NEPA, in which you are a participant. Historic establishment of energy generation and production projects shows that use of public land for that purpose has precedents and can be appropriate.
- C. BLM has never contended that there is no opposition to the Proposed Project, particularly from the Albion area. Quite the contrary, the Draft EIS clearly states that there is strong opposition from some Albion residents. That discussion has been expanded in the Final EIS to clearly disclose the extent of that opposition.

COMMENTS

Letter #71 (continued)

D | this much blasting not have a high impact on the springs and their infrastructure.
All and any work that would have to be completed to install the wind farm will
have effects that are permanent and irreversible. In 30 years when the project
has completed its life expectancy, what then?

E | I guess the bottom line is if any of the Alternatives B, C or D are approved, is the
destruction of the Cotterel Mountain range and the destruction of its ecosystem
worth a source of energy that is only 35% efficient? Is it worth putting in a
system that is decades away from becoming economically feasible?

You have our permission to make our comments public.

Thank you for your time.

Jeff & Carey Leach
Albion, ID 83311
208.673.6233

RESPONSES

In general, the purpose of a NEPA analysis (in this case, an EIS) for a Proposed Project is to identify resources that would be affected by the Proposed Project, issues that relate to those resources and to analyze and disclose as accurately as possible, the effects the Proposed Project would have on those resources. Our objective in conducting the public participation process is to gain assistance with issue identification and effects analysis that we may have missed or disclosed incorrectly.

During the 60-day public scoping period for the Proposed Project early in 2003, BLM conducted a series of three public meetings. The purpose of these meetings, which were held in an open house format, was to present the Proposed Project to the public along with all the issues that had been raised by BLM and its cooperating agencies to that point, and to solicit from the public their help in identifying additional issues and concerns. From those meetings, we received approximately 135 comments which were analyzed, categorized and used to define the scope of the NEPA analysis as well as develop alternatives to the proposed action and ultimately build the Draft EIS which you participated in reviewing.

COMMENTS

Letter #71 (continued)

RESPONSES

During the 90-day public comment period on the Draft EIS in mid 2005, BLM conducted a series of three public meetings to present the Draft including the alternatives to the proposed action. Information on all the original data that was collected in preparation of the Draft was also presented. The purpose of the meetings was to enhance the public's exposure to the Draft, answer questions and give the public an easy opportunity to provide written comments. The BLM typically uses an open house format for its public meetings primarily because people are generally more comfortable with it, but also because we are trying to obtain input from the public regarding issues and our analysis of those issues. We have found over the years that more useful information is obtained from written comments given at or following open houses than is gained from oral testimony which, more often than not, is emotional in nature.

BLM has attempted to maintain an open dialogue with the public and their cooperating agencies throughout this process. We are available at the Burley Field Office any time during working hours to answer questions or help to obtain information regarding the Proposed Project and we welcome contacts from the public.

COMMENTS

Letter #71 (continued)

RESPONSES

D. A discussion of the difference in sizes of turbines considered in the Proposed Action and action alternatives for the purpose of comparing foundation sizes should be limited to the size of towers not total height. Towers considered under the Proposed Action would be 65 meters (approximately 210 feet) tall and towers for the action alternatives could be up to 80 meters (approximately 260 feet) tall. Foundations for either size would not be significantly different. Depth would be the same and diameter at ground level would be similar. The diameter of tower bases is limited to approximately 14 feet because of load height restrictions on highways. Concerns over blasting have been expressed throughout this analysis process and have been primarily associated with springs. The Burley Field Office enlisted the assistance of BLM hydrogeologist from the Denver Service Center to assist in analyzing potential blasting impacts to springs. Field review of spring locations, rock outcrops and other physical geological aspects of the Cotterel Mountains, concluded that blasting would not affect rock at any great distance from proposed tower locations. In addition, any rock disturbance that might occur would most likely produce additional vertical fracturing in the bedrock without affecting the lateral flow of ground water as it moves down gradient off the mountain crest. Thus, the overall mechanism of ground water flow would not be affected by blasting operations. However, a plan for monitoring spring flow during blasting is being developed and will be included in the proposed project Plan of Development.

COMMENTS

Letter #71 (continued)

RESPONSES

If approved and constructed, the Project, when it reaches the end of its life expectancy would be decommissioned in accordance with Section 2.3.6 of the EIS and with the more specific information contained in the Applicant's Plan of Development which would be attached to and made a part of the right-of-way grant. A substantial reclamation bond would also be required of the Applicant to insure that this work is completed.

- E. BLM is constantly seeking to balance between local and regional energy needs and leaving public lands and resources undisturbed. Renewable energy, specifically wind energy, demonstrates savings per kilowatt hour in CO₂, sulfur oxide, nitrogen oxide, and particulate emissions over the life of the project, that are enormous, compared with what a comparable conventional power plant would generate. We are doing everything in our power to minimize the impact of this renewable energy project on the Albion Valley, if it is approved.

COMMENTS**Letter #72**

Dear Mr. Barker:

I respectfully submit the following comments for your consideration as you prepare the Final EIS for the Cotterel Wind Power Project (Project) and as part of the Administrative Record when publishing the ROD for it. I understand that by submitting these comments during the DEIS stage that it will ensure my standing when the BLM responds to them in the Final EIS.

I have lived on the Upper Snake River Plains of Idaho since 1983 and moved here for the primary reason of practicing falconry by hunting sage grouse with gyrfalcons. Drastic declines in sage grouse populations since then prompted me to help found the North American Grouse Partnership (NAGP). I have also participated actively and regularly in the Upper Snake River Sage Grouse Local Working Group since it began over 5 years ago and stay current with the Challis and other Sage Grouse Local Working Groups in Idaho. My concerns about our Idaho rangelands and how they are managed motivated me to become a BLM RAC member. While on the RAC, I was briefed on the Cotterel Project by BLM staff and also representatives from Windland, Inc. I maintain contact with contractors who do the sage grouse research on this site and published a feature article about the proposed Project in the last issue of Grouse Partnership News, the magazine of NAGP. I also have communicated with several Albion residents and processed their concerns with them about the proposed Project.

A You received comments on the DEIS for this Project dated September 12, 2005 from James A. Mosher, Executive Director of NAGP. I have read and fully support those comments. It was clearly pointed out that the DEIS impact analysis is an extrapolation from other sites that lack the unique habitat features of this Project. Because the Project is on the southern Idaho Snake River plain shrub-steppe landscape, unique opportunities exist for on and off site mitigation. Opportunities to not only document impact from this kind of project but also mitigate negative impacts by precedent setting example are prime. It will be a terrible if not criminal mistake to not take full advantage of these opportunities. Doing so will benefit the favorable status of Windland, Inc., BLM, many other state and federal agencies, private landowners, and especially the common good of Idaho people. BLM can take the lead by allowing this type of project to proceed in a manner that improves environmental conditions generally and the quality of life for Idaho people specifically. I can support this Project only when BLM and the principal proponent, Windland, Inc. incorporate the mitigation strategies, adaptive management, and monitoring into the final EIS as outlined specifically in the NAGP comments submitted by Mr. Mosher.

B The proposed \$150k/year funding for post-project monitoring, mitigation, and adaptive management as described in the DEIS is wholly inadequate for this precedent setting Project. The DEIS fails to describe how or where this \$150k will be spent, and primary oversight authority is not identified. Something between 1-2% of gross revenues would be more reasonable for this Project instead of the proposed ½%. There simply must be adequate on-site monitoring, effectiveness monitoring, adaptive management, and compensatory (off-site) mitigation. The money must be made available to do this work

RESPONSES

- A. Mr. James A. Mosher and his North American Grouse Partnership are one of the leading organizations that have contributed significantly to the path breaking approaches in wildlife management being proposed for this wind energy project that will appear in the FEIS and the Plan of Development. Your comments add to their value. They include adaptive management, collaborative and adaptive scientific design and analysis of long term monitoring, collaborative multi disciplinary advice to management on project design and operations, and collaborative discussion of off site mitigation strategies.
- B. The FEIS generally, and the POD specifically, describe the on-site monitoring program based on the triad of adaptive management, long-term monitoring, and collaborative scientific analysis of the monitoring data by the Technical Steering Committee. The Technical Steering Committee will be made up of a joint team of scientists, agency personnel, engineers, Tribes, and other interested parties such, such as NAGP. If the proposed project is approved and built, this group will review monitoring data make recommendations on operational modifications, and determine the best use and allocation of the compensatory mitigation fund. This is the first major wind energy project on Federal Lands to create such a formal group and implement the adaptive management process.

COMMENTS**Letter #72 (continued)**

B well. It is essential for these funds to be spent wisely and effectively under appropriate oversight. This should all be clearly specified in the final EIS.

C Recommended strategies in the BMP under Appendix D to avoid or reduce wildlife impact are excellent. The final EIS should identify who will do the Effectiveness Monitoring. Monitoring behavioral changes and impacts on greater sage-grouse, big game, and spring and fall migrations of raptors and passerines should be the primary focus here. It is important to specify who will do the plant restoration work, inspect and monitor on site soil storage, and collect and store native seed for site rehabilitation. Adequate funding should be identified and committed to accomplish all of this important work.

D All the above is important, but the real opportunity is the macro-mitigation proposal outlined concisely in Mr. Mosher's NAGP comments. I encourage you to incorporate this proposal to the fullest possible extent. Please do not overlook the real potential here to set a leading example of how to allow projects like this with benefits to wildlife, the environment, and quality of life for people. Building and operating the Cotterel Wind Power Project can result in significant steps to resolve the mid-Snake water crisis and restore obligated flows for fish while providing critical wildlife mitigation in the region. As stated in Mr. Mosher's comments, "This offsite macro-mitigation proposal can provide integrated management solutions in three areas of concern: 1) substantive habitat mitigation as a result of implementing the proposed Project; 2) moderate restoration flows to the mid-Snake River and its aquifer for the Hagerman trout farming industry, resident fish and Snake River salmon; 3) reduced litigation potential; 4) leadership provisions for future wind power projects that may be built in southern Idaho without intense State and Federal regulatory and public scrutiny." Again, I urge you to consider seriously and implement this remarkable proposal to the fullest possible extent.

BLM along with other Federal and State agencies should implement an integrated mitigation plan at least equal to the Cotterel Project area of 11,500 acres (DEIS 4-17) and not just the 365-acre footprint area for project features (DEIS ES-6). The macro-mitigation proposal includes restoration of shrub/forb/grass components in nearby crested wheatgrass fields on about 4,800 acres. About 7,000 acres of center pivot irrigation projects will also be restored to shrub steppe. The beneficial effects of creating this habitat corridor cannot be overstated. As stated in the NAGP comments, "it is the only possible native habitat corridor left in the entire mid Snake River Plain for about 130 miles to the east and 140 miles to the west of Raft River Valley." Mitigation issues of the Project would be satisfied, water problems would move toward resolution, the Hagerman Valley commercial trout production industry would benefit, flushing flows for salmon would be augmented, and it would help meet minimum flows for resident fish of the mid-Snake River, particularly sturgeon. Potential Federal and State litigation over many of these issues would be reduced. Win-win outcomes are numerous and significant.

Opportunities to make positive and productive changes like this must be taken seriously. I hope and pray that BLM has the strength and fortitude to set the strong leadership example of implementing this macro-mitigation specific proposal and include specific plans to

RESPONSES

Any off-site mitigation as described in Section 2.5.4 (page 2-33) cannot be required and is strictly voluntary as described in BLM Washington Office Instruction Memorandum 2005-069. The majority mitigation measures that you recommended fall into the category of "off-site mitigation" and therefore cannot be required of the Applicant. As pointed out in your comment and described in the Draft EIS the Applicant has volunteered to contribute 0.5% of gross revenue or \$150,000 per year for the life of the project to fund off-site mitigation, monitoring, or studies. These funds would be allocated as recommended by the technical steering committee described in Section 2.5.4 (Page 2-36) of the Draft EIS. As stated in Section 2.5.4, final decisions on the use of these funds will be made by the BLM Burley Field Office Manager. As the Technical Steering Committee develops its concepts, the agency, developer and participating parties remain open to ideas.

- C. The Applicant would be required to complete on-site monitoring as a condition of the ROW grant as described in Section 2.3.7 Project Design and Best Management Practices. This monitoring would include on-site fatality monitoring associated with the operation of the turbines and on-site sage-grouse lek studies as described in Appendix D. Restoration of on-site areas of temporary disturbance will be completed by the Applicant as part of the construction of the overall project. On-site fatality monitoring will be conducted by an independent contractor hired by the Applicant.

COMMENTS

Letter #72 (continued)

accomplish these goals in the final EIS and Record of Decision to be published in the Federal Register. The Cotterel Wind Power Project would then become a real benefit for people who value the quality of life in our modern West. Anything less is simply not acceptable, because it will make the Cotterel Project just another part of an ongoing problem instead of moving toward problem resolution and better decisions that benefit people, the common good, and the landscapes that support us all.

Sincerely,

Kent L. Christopher

RESPONSES

Monitoring would include the required on-site monitoring described above and additional monitoring that could be recommended by the Technical Steering Committee. This additional monitoring would be funded by the Applicant through the compensatory mitigation fund. It could include, but is not limited to, continuing the collection of pre-construction baseline data for use in comparative analysis, off-site sage-grouse lek studies, continuing sage-grouse telemetry studies, sage-grouse nesting studies, sage-grouse winter use studies, and raptor nest surveys.

- D. As stated above, mitigation may only be required of the Applicant within the Proposed Project area. Off-site mitigation cannot be required and is strictly voluntary as described in BLM Washington Office Instruction Memorandum 2005-069. Any off-site mitigation would be funded from the voluntary compensatory mitigation fund of \$150,000 per year. The Technical Steering Committee would determine the best use of these funds whether for purchase of key habitat, restoration of shrub steep, or extended monitoring.

The BLM's final determination of a ROW area boundary, which includes negotiation with the ROW Applicant, is guided by specific laws (in this case the Federal Land Policy and Management Act [FLPMA] of 1976), regulations, and policy guidance. ROW area is

COMMENTS

Letter #72 (continued)

RESPONSES

limited to the area occupied by the facilities that constitute the project for which the ROW is granted, as required by FLPMA. The area maybe further modified by the need to protect public safety, for the Applicant to perform necessary maintenance and to limit the amount of direct environmental damage that could result from the project.

Additional guidance is provided by Instruction Memorandum 2003-020 which states that “The lands involved in the ROW grant will be defined by aliquot legal land descriptions and be configured to minimize the amount of the land involved while still allowing an adequate distance between turbine positions and reasonable ROW boundaries. In the absence of any specific local zoning and management issues, no turbine shall be positioned closer than five (5) rotor-diameters from the center of the wind turbine to the ROW boundary in the dominant upwind or downwind direction, unless it can be demonstrated that site conditions, such as topography, natural features, or other conditions such as offsets of turbine locations warrant a lesser distance.” When this ROW guideline was applied to the ROW application, an area of approximately 4,545 acres was established. Legally describing this area by aliquot parts resulted in a boundary encompassing an area approximately 11,500 acres in size.

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