COMMENTS

Letter #49

BLM-ID
BURLEY FIELD OFFICE
RECEIVED
2005 SEP 16 AM 11 20

September 8, 2005

Scott Barker, Project Manager
Bureau of Land Management
15 East 200 South
Burley, Idaho 83318

Re: Proposed Cotterel Wind Power Project Draft Environmental Impact Statement

I have had the opportunity to be involved in the Proposed Cotterel Wind Power Project. This has been a long and tedious process and I appreciate the time the BLM has allocated to involve the public. I have reviewed the Draft Environmental Impact Statement (DEIS) and have recognized the collaboration required, the environmentally sensitive issues and the human impacts that would be inherent in a DEIS of this nature. At this time I would like to express my concerns and observations on this DEIS.

While the preferred Alternative C does address the possible impacts to livestock and how these impacts would be mitigated, the draft does not fully or clearly address how livestock grazing would be treated during the restoration process. This restoration process, according to the DEIS, will require 3-5 years for completion. This process will involve the re-seeding of the disturbed areas. Typically, after a restoration project is completed the BLM requires that no grazing occur on the restored areas for a minimum of 2 growing seasons. This would be a grazing impact that was not thoroughly addressed in the document. I would recommend that the BLM develop a mitigation plan that allows uninterrupted livestock grazing. This mitigation could involve the ribbon fencing of the restored sites or the use of the Dale Pierce Allotment. Granted, the long-term impacts should be minimal to livestock grazing.

There is a statement in the document that should be clarified. The statement is located under the decommissioning heading at 2-22 and 2-23. It states " the ROW would then revert back to BLM control." This implies that the ROW is in complete control or ownership of the proponent. Therefore, what control would the BLM then have over the project? In reality, the ROW would be granted to the proponent but under the guidelines and stipulations of the BLM. The statement above does not imply this.

I would recommend that the BLM consider re-locating the batch plant approx. 2 miles to the north from the proposed site in Alternative C (the preferred alternative.) The first reason being that as proposed the plant would be primarily located in a mountain mahogany site (see fig. 3.2-1 at 3-14.) This plant species, though not rare or sensitive, tend to locate themselves in very site specific areas. When disturbed due to fire, construction or other events, their regeneration is extremely slow and sometimes not at all. I realize that the proposed batch plant site was positioned to be centrally located so that the finished product can be quickly dispensed to the required locations. Re-locating the plant in closer proximity to the proposed substation (Alt. C) could possibly reduce a disturbance foot-print and would still maintain a somewhat centralized location. A

RESPONSES

Letter #49 raises the same points as Letter #48. The comments have been addressed under Letter #48. Therefore, no further responses are provided here.

COMMENTS

Letter #49 (continued)

preferred location farther north would help lessen traffic congestion of the batch plant commodities (i.e. gravel, sand, etc.) moving to the south and finished product moving north. This could possibly eliminate one turn-out site. While this re-location would not reduce truck trips it should reduce congestion.

In the event that this project comes to be, the proponent should be obligated to enter into a co-operative noxious weed management agreement to help contain the spread and further introduction of noxious weeds. The proponent should provide the funding for the control of noxious weeds in the project area. This should be separate money outside of the mitigation/compensatory off-site funds.

I support the compensatory mitigation money requirement and also the requirement for bonding. A project of this size should be held liable for decommissioning and COMPLETE restoration should the project cease. Please ensure that the compensatory/off site mitigation money is not depleted by undo analysis or administrative affairs but effectively used "on the ground."

I would ask that the above stated issues be addressed and I thank you for the opportunity to comment on the DEIS regarding the Cotterel Wind Power Project. Please send any correspondence to: Kelly Adams at P.O. Box A, Burley, Idaho 83318.

Sincerely,

Kelly B. Adams

Kelly Adams

RESPONSES

COMMENTS

Letter #50

David J. Ryzak
617 E. 18th Way
Burley, Idaho 83318

BLM-ID
BURLEY FIELD OFFICE
RECEIVED
2005 SEP 19 AM 10 34

September 15, 2005

Mr. Scott Barker
Project Manager
Bureau of Land Management
15 East, 200 South
Burley, Idaho 83318

re: Cotterel Mountain Wind Project

Dear Mr. Barker:

I support and highly recommend adoption of **Alternative B: Applicants Proposed Action** in regards to development of the proposed Cotterel Mountain Wind Project. Development of wind power resources in the United States is essential to minimize dependence of the United States on foreign supplies of fossil fuels. There is no doubt that the population of the United States will continue to increase, and along with it the need for dependable supplies of electrical energy.

A growing world population along with booming economies in China and India; the world's two most populous nations; is putting upward pressure on the price of oil. Effects from Hurricane Katrina have had a severe impact on the upward price of oil, with oil having reached $70/barrel briefly, and gasoline in this area going up to $2.99/gallon. A number of refineries are still shut down as well as offshore oil wells and drilling platforms in the Gulf region. Compare the amount of ecological damage that was caused by Hurricane Katrina with the amount of ecological damage that will be caused by the development of the Cotterel Mountain Wind Project. The ratio must be 1000's to one.

With continued political and religious turmoil in the Middle East, it is only a matter of time before the dissidents figure out how to blow up several major pipelines, refiners, and oil tankers all at the same time. It may happen in the Middle East, or if they get their wish, it will happen here. When that happens, we might be looking at $100/barrel oil and $5.00/gallon gasoline. Compare the amount of ecological damage from that kind of disruption to the amount of ecological damage that will be caused by the development of the Cotterel Mountain Wind Project. The ratio must be 1000's to one. As it is the dissidents have blown up a number of pipelines, and it is unlikely the ecological damage is being repaired.

The Clover Fire earlier this summer which was west of here burned over 200,000 acres. How many sage grouse nesting sites were destroyed by the fire? When you add the nests destroyed by the development of all those unauthorized roads/trails used to reach the fire, how many total sage grouse nests were destroyed? Surely that total is much greater that any similar destruction that could be caused by the implementation of **Alternative B**. Therefore, put everything into perspective and you will find that adoption of **Alternative B; Applicants Proposed Action** is the right action, the right alternative to support.

Sincerely,

David J. Ryzak

David J. Ryzak

RESPONSES

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. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #51

Scott Barker, Project Manager
Bureau of Land Management
15 East 200 South
Burley, Idaho 83318

September 16nd, 2005

RE: Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEIS

Dear Scott Barker,

Thank you for allowing us to comment on the Proposed Cotterel Wind Power Project DEIS. For thirty years, the Idaho Conservation League has worked to protect Idaho's clean water, wilderness, and quality of life. As Idaho's largest statewide conservation organization, we represent over 3,400 members, many of whom have a deep personal interest in ensuring that energy developments are consistent with multiple use goals of protecting our water, wildlands, and wildlife.

We would like to express our continued support for renewable, alternative forms of energy such as wind power, especially in lieu of traditional forms of energy such as coal, oil, gas, nuclear, or hydroelectric forms of energy. After reviewing the Cotterel Wind Power Project DEIS, we have decided to support a modified version of Alternative C. The details of this modification are attached in our comments. The modifications we have suggested will help to provide more alternative energy, provide more funds for off-site mitigation, and may even produce a net benefit to fish and wildlife in the region. We have also provided a description of some potential off-site mitigation opportunities.

Once again we thank you for the opportunity to submit comments on this project. Please send us any subsequent documents for this project. We look forward to continuing to work with the Burley Field Office on this project and others in the future.

Sincerely,

John Robison,
Conservation Associate

Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEIS, Page 1 of 10

Printed on 100% recycled paper

Ketchum Field Office: PO Box 2671, Ketchum, ID 83340 208.726.7485 Fax 208.726.1821 Moscow Field Office: PO Box 9783

RESPONSES

COMMENTS

Letter #51 (continued)

Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEIS

Recommended Alternative
Alternative C with revisions
The Idaho Conservation league would like to express its continued support for alternative forms of energy such a wind power as opposed to proposals for traditional forms of non-renewable energy such as coal. We also have a vested interest in insuring that energy projects are implemented in a way that minimize environmental impacts and provide a net environmental benefit. Wind energy has the potential to diversify the nation's energy portfolio and meet future demands, while still minimizing environmental impacts compared to coal, oil, gas, nuclear, or hydroelectric forms of energy. While wind energy project may result in some negative local environmental impacts, coal, oil, gas, nuclear, and hydroelectric forms of energy result in more large-scale, regional, or even global environmental impacts.

In determining our level of support for any of the alternatives analyzed in the Cotterel DEIS, we considered a number of factors. Of particular concern is the trade-off between minimizing local environmental effects and maximizing the potential for overall project success and funding for off-site mitigation. In terms of the "big picture", regional, or landscape level costs and benefits of this project proposal, we believe the potential exists to provide an alternative source of energy and, at the same time, constructively implement some off-site mitigation opportunities that will both mitigate effects and help solve other regional environmental issues.

After reviewing the DEIS, maps for the project, and hearing a presentation on the project, we support a variation of Alternative C that increases wind production and decreases impacts on sage grouse. We believe it is possible to modify Alternative C so that it takes advantage of the high wind resource potential along the west turbine string[1,2]. Failing to develop this area would result in far less compensatory funds for significant off-site mitigation opportunities and reduce the overall success of this project. Although this string was not developed due to visual concerns, there are not any significant additional wildlife issues in this area relative to the rest of the project. As such, we suggest modifying Alternative C so that this west string is included. A

The DEIS did show that there may be conflicts from the construction and operation of the four southern-most turbines of the east turbine string on wildlife. In particular, there are three sage grouse leks and a golden eagle pair nest located near these four turbines. As such, we recommend deleting these four southern-most turbines on the east string.

To summarize, we support Alternative C with the addition of the west string of turbines and the deletion of the four southern-most turbines of the east string. Under such a

[1] Heckler, Mike. August 26th, 2005. Windland, Inc. Personal communication.
[2] DEIS, Figure 1.0-2. Estimated wind speed for Cotterel Mountain area., p. 1-3.

Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEIS, Page 2 of 10

RESPONSES

A. Turbines along the west ridge were eliminated from Alternatives C and D due to visual resource impacts. The siting of turbines along the west ridge would place turbines within a mile of existing home sites. Turbines on the west ridge would also be highly visible to drivers on the Back-Country Byway and from the road to the Pomerelle Mountain Resort.

COMMENTS

Letter #51 (continued)

A proposal, there would be a net increase of three turbines compared to Alternative C and there would be additional revenue and funds available for off-site mitigation in comparison to Alternatives C or D. Although Alternative B would maximize returns, we are unable to support Alternative B in light of the fact that neither compensatory/off-site mitigation nor use of BLM BMPs would be incorporated in the project[3].

Monitoring Efforts

Sage grouse effects

B The DEIS states that it is largely unknown how sage grouse might respond to wind turbines on Cotterel Ridge[4]. We believe that the implementation of the Cotterel proposal provides an excellent opportunity to help fill the void regarding how sage grouse will respond to wind turbines. Sage grouse radio telemetry studies should continue during the construction phase as well as following the completion of the project. Windland, the BLM, the Idaho Department of Fish and Game, and possibly Idaho universities should collaborate on research studies to gather data regarding how sage grouse react to wind turbines on Cotterel Ridge.

Bird and bat mortalities

C We appreciate the fact that pre-project avian point-count surveys, bat surveys, and sage grouse radio telemetry surveys have been conducted as part of the analysis for the Cotterel proposal. In addition, Windland, Inc. and the BLM should continue to monitor the project site for post-project avian and bat mortality associated with turbines. Table 4.6-6 in the DEIS (Estimated Annual Fatality Ranges, by Alternative, for Birds ad Bats at the Proposed Project) provides mortality estimates based on the number of turbines, the number of megawatts, and based on every 3,000 m^2 of rotor swept area. These estimates vary greatly, and hence are not very useful in determining the potential impacts of the Cotterel wind energy proposal on birds and bats. This necessitates the need for continued monitoring following the implementation of the project to insure that mortality is minimized and mitigated for.

It will also be important to monitor for avian mortality including raptors, migratory birds, corvids, doves, gulls, passerines, etc. According to the DEIS, the turbines proposed for Cotterel Mountain would dimensionally have the lowest blade height 95 to 98 feet off the ground[5]. In a study of red-tailed hawks, Hoover and Morrison (2005) produced data showing that red-tailed hawks were kiting at a distance of 15-35 meters (49.2 ft.-114.8 ft.) above the ground[6]. This kiting behavior would put red-tailed hawks on Cotterel Ridge at a height within a portion of the rotor swept area of the turbines if constructed. Because of this potential, and since other raptors such as ferruginous hawks, peregrine falcons, prairie falcons, golden eagles, Swainson's hawk, Bald eagles, and other avian species such as Brewer's sparrow, grasshopper sparrow, loggerhead strike, pinyon jay, plumbeus

[3] DEIS, Table 2.8-1, p. 2-45.
[4] DEIS, p. 4-35.
[5] DEIS, p. 2-4.
[6] Hoover, S.L., and M.L. Harrison. 2005. Behavior of red-tailed hawks in a wind turbine development. *Journal of Wildlife Management*. 69(1): 150-59.

Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEIS, Page 3 of 10

RESPONSES

B. Once the project enters the operational phase, sage-grouse radio telemetry studies and lek surveys would be funded by the Compensatory Mitigation Fund. The technical steering committee would determine the allocation of funds for any continuation of sage-grouse studies.

C. Appendix D of the Draft EIS contains an overview the fatality monitoring protocol. A detailed fatality monitoring protocol will be included in the Plan of Development for the proposed project. Fatality monitoring would occur for a five year period following completion of project construction. The fatality monitoring protocol outlined in the Draft EIS is consistent with the fatality monitoring methods conducted at other operational wind power projects located in Oregon and Washington. This will allow the results of the fatality monitoring to be comparable to the findings at other wind power projects.

COMMENTS

Letter #51 (continued)

vireo, sage sparrow, sage thrasher, northern harrier, American kestrel, turkey vulture, short-eared owl, and great horned owl are likely to be found flying or kiting at a height that would be within the rotor swept area of turbines, monitoring for all avian species is necessary to minimize and mitigate mortality.

Migratory patterns
The monitoring study should investigate both seasonal and diurnal patterns of use per species. Monitoring efforts should look for any significant "pulses" of birds or bats passing through the Cotterel Mountains. Johnson et al. (2004) showed a peak in migratory bat mortality as a result of turbine collisions at the Buffalo Ridge wind plant in southwest Minnesota during the post-breeding southward migration period from mid-July through the end of August[7]. The migratory bat species at Buffalo Ridge included hoary, eastern red, and silver-haired bats. Of these three species, hoary and silver-haired bats occur on Cotterel Mountain[8].

Variables affecting mortality
The study should also examine correlations between blade speed, angle, and working turbine configuration (East turbine string, West turbine string, etc.) and bat and bird mortality. For example, a moving blade might be significantly more hazardous to birds and bats than a stationary blade or a particular string of turbines in a certain area might be responsible for a large percentage of mortalities.

Adaptive management
If monitoring shows that a significant percentage of raptors, passerines, or raptors passes through the area in a short time period, and that turbine operation is a significant mortality factor, it may be possible to adapt operations to accommodate distinct pulses of migratory wildlife. For example, the operator may be able to modify blade angles, slow blade speeds, shut down a certain percent of the turbines, or shut down certain turbine strings to significantly reduce mortalities during these limited times.

Given the sporadic nature of wind production (the operator can produce power only when the wind is above a certain minimal speed and quality), these temporary accommodations in operations may or may not result in significantly reduced mortalities. The monitoring effort should also examine the number of days that turbines are in production and see if turbine operation (active blades vs. nonactive blades) is actually a limiting factor.

If monitoring shows that modifying energy production can significantly reduce mortalities, additional studies should be conducted in how to implement these modifications most effectively. Seasonal movements of birds and bats are difficult to predict far in advance, particularly with behavioral adaptations to global warming. Monitoring stations could be set up far enough along migratory corridors to give some advanced notice (6-12 hours) when a pulse of birds or bats are moving through. Energy

[7] Johnson, G.D., Perlik, M.K., Erickson, W.P. and M.D Strickland. 2004. Bat activity, composition, and collision mortality at a large wind plant in Minnesota. *Wildlife Society Bulletin*. 32(4): 1278-88.
[8] DEIS, p. 4-20.

Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEIS, Page 4 of 10

RESPONSES

D. As stated above, fatality monitoring would occur for a five year period following the completion of project construction. Any monitoring of migratory bird patterns would be conducted under the Compensatory Mitigation Fund. The decision to conduct monitoring of migratory bird patterns on Cotterel Mountain would be made by the Technical Steering Committee. Protocols to conduct monitoring of migratory bird patterns would also be developed by the Technical Steering Committee.

E. A more comprehensive adaptive management discussion is in the FEIS. A core principal of adaptive management is to learn over time and to adapt to conditions. The operation of the Cotterel Wind Energy Project would be continuously monitored -- mechanically, electrically, meteorologically, and biologically. We would learn over time about the operations of the turbines and their relationships to the natural environment. As we understand the turbines and their relationships to the natural environment from our monitoring over a meaningful duration of time, then adaptive management can be used to address emerging problems. At the large scale of the proposed project, there would be some

COMMENTS

Letter #51 (continued)

production could be modified to reduce mortalities during these pulses. Hydroelectric operations regularly alter energy production to accommodate migratory patterns of native fish species.

E The FEIS should direct the operator to examine the environmental and economic effects of seasonal or diurnal adjustmen delete border
ts as part of their long-term monitoring program. The recommendations from this study should be used to determine a cost-effective balance between wildlife impacts and economic benefits. The FEIS should also clarify who will conduct the monitoring aspect of the project.

Other Concerns that Need to be Addressed in the FEIS

Bighorn Sheep Reintroduction

F Although the DEIS states that it will not address the potential impacts of the project on the suitability for the reintroduction of Bighorn sheep on Cotterel Ridge[9], the DEIS also states that Cotterel Mountain has been identified as potential bighorn sheep range. Furthermore, on at least on one occasion this area was used by a ewe and her lamb as a result of bighorn sheep reintroduction at Jim Sage Mountain, eight miles to the south[10]. Since Cotterel has been identified as potential range for bighorn sheep and as a site for possible reintroduction, the DEIS should address bighorn sheep reintroduction as a "foreseeable action."

Spur Road Construction

G It is unclear in the DEIS if the total new road construction under the various alternatives presented in Tables 2.4-1, 2.5-1, and 2.6-1 includes the spur roads that would be used to access turbines for maintenance purposes. The description of the spur roads only states that spur roads would be 8 feet wide, and about 120 feet long[11]. The DEIS should clarify whether total new road construction includes these spur roads and whether these spur roads would be obliterated and revegetated.

Transmission Interconnect Lines

H Page 2-16 of the Cotterel Wind Power Project DEIS sates that transmission lines and structures would be designed to prevent the perching of avian species in accordance with "*Suggested Practices for Raptor Protection on Power Line-The State of the Art in 1996*" by Olendorff et al. (1996). Perching raptors and other avian species are generally electrocuted by phase-to-phase, phase-to-neutral, or phase-to-ground connections[12] when they spread their wings into power lines and/or transformers. Some raptor species found in the project area such as Bald eagles have wingspans of up to 80 inches in length. Power lines need to be spaced far enough apart to prevent electrocution when avian

[9] DEIS, p. 1-12.
[10] DEIS, pp. 3-25, 3-26.
[11] DEIS, p. 2-12.
[12] Harness, Rick. 2000. Technical Bulletin: Raptor electrocutions and distribution pole types. North American Wood Pole Coalition. EDM International, Inc. Fort Collins, CO.

Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEIS, Page 5 of 10

RESPONSES

level of impact on birds and bats, including fatalities. Adaptive management strategies are designed to recognize and respond to severe repetitive and recurring fatality incidents caused by individual turbines, if they occur, by analyzing long term monitoring data, in order to reduce them.

F. The reintroduction of big horn sheep to Cotterel Mountain is deemed outside the scope of this EIS because the IDFG has no current or future plans to ever reintroduce big horn sheep to Cotterel Mountain.

G. The total proposed project road miles include the spur roads that would be used to access turbines for maintenance purposes. The 8 foot wide roads would be permanent features of the proposed project and would not be obliterated or revegetated.

H. The final design of the transmission interconnect lines will be included in the Plan of Development for the proposed project. Every effort will be made to make the transmission interconnect lines as well as all other electrical components of the proposed project safe to raptors and other species.

COMMENTS

H. Letter #51 (continued)

species spread their wings. It appears that based on Figure 2.3-3[13], the power lines would be spaced about 7.5 feet apart. In addition, the power lines would be suspended from the crossarm rather than strung across the top of the crossarm. These are important design features that will minimize raptor and avian mortality as a result of perching. However, Figure 2.3-3 needs to provide more dimensions including the spacing between the power lines, the distance from the crossarm to the suspended power lines, and the height of the pole tops above the crossarm for clarification.

H

In addition, electrocution can occur where pole-mounted equipment such as transformers, capacitors, regulators, and reclosers are found[14]. The Cotterel Wind Power Project DEIS needs to describe the measures that will be taken to prevent such electrocutions. Suggested options include the use of bushing covers, insulated jumper wires, and bird spikes between cutout/arrestors[15].

Secondary and tertiary effects
We are also interested in potential secondary and tertiary effects from this project. For example, if there is a significantly increased mortality in bird and bat species, there might be a concomitant increase in populations of scavenger species such as coyotes, foxes, and ravens. The increase in predatory species may have negative effects on prey species in the greater area such as sage grouse.

I

Cumulative Effects
The cumulative effects analysis in the Cotterel Wind Power Project needs to include a discussion on the potential combined effects of the nearby Burley Butte Wind Power Project currently under construction, as well as other proposed wind power projects in Southeastern and Southern Idaho including the Windland, Inc. proposal near American Falls, the Ridgeline Project, and the Golden Valley Project.

Mitigation measures
Amount of voluntary compensation for conservation efforts
We still have some significant questions regarding the off-site mitigation proposed in the DEIS that need to be clarified in the FEIS. To fund wildlife mitigation efforts, Windland offered a cooperative agreement to provide an estimated 0.5% of gross revenues, which is roughly $150k for a 200MW project. The DEIS does not describe who will manage the fund or how it will be allocated. Furthermore, this agreement does not specify how many years this payment will be made. We believe that, given the increase in wind power demand and the 1.8-cent per kilowatt/hour production tax credit provided by Congress and the President to encourage renewable and alternative energy resources (DEIS 1-5), that the conservation contribution from gross revenues should be increased from 0.5% to between 1-2%.

J

[13] DEIS, p. 2-8.
[14] Harness, Rick. 2000. Technical Bulletin: Raptor electrocutions and distribution pole types. North American Wood Pole Coalition. EDM International, Inc. Fort Collins, CO.
[15] Harness, Rick. 2000. Technical Bulletin: Raptor electrocutions and distribution pole types. North American Wood Pole Coalition. EDM International, Inc. Fort Collins, CO.

Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEIS, Page 6 of 10

RESPONSES

I. The cumulative impacts analysis in the Draft EIS has been revised in the Final EIS. A discussion of the other wind power projects (existing and proposed) within the Snake River Plain and their potential effect on resources has been prepared.

J. 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 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 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. The $150,000 voluntary compensatory mitigation is all that can be required of the Applicant and would constitute the available off-site mitigation funds for this project.

COMMENTS

Letter #51 (continued)

K *Use of funds*
The funds generated for off-site mitigation for wildlife must be accompanied by the caveat that they are strictly to be used for the benefit of wildlife, fish, and the environment. Under no circumstance should these funds be available for other purposes. If additional measures are necessary to mitigate for local visual, community, economic or other non-wildlife concerns, funding for this mitigation should come from another source and not the percentage devoted to wildlife mitigation.

L *Effects on sage grouse*
Implementation of any alternative for wind energy development under the Cotterel Wind Power Project DEIS will result in local, micro-level declines in sage-grouse habitat. There are at least four active sage-grouse leks on Cotterel ridge[16], which are likely to be vacated by sage grouse as a result of the implementation of this project. Welch (2005) recommends that disturbances and management activities should not occur within two miles of an occupied lek and cites sources that recommend an even greater radius of exclusion of disturbances and management activities surrounding sage-grouse leks[17]. The nearest lek is 0.62 miles away from the proposed turbine string, and turbines would be visible from that lek[18]. The concern with wind turbine projects is not that sage grouse mortality would occur as a result of collisions with wind turbines but instead is associated with the fact that sage grouse will probably be uncomfortable with the presence of turbines. The security of sage grouse is likely to suffer drastically since sage grouse are likely to perceive wind turbines as perching sites for raptors and corvids, which might prey upon sage grouse. Even if wind turbines are designed in such a way as to limit the ability of raptors and corvids to perch on them, sage grouse may still perceive them as a threat to their security and will avoid these areas.

Many project proposals on BLM and Forest Service land downplay the micro-level impact of the projects on sage grouse, claiming that with respect to the larger population of sage grouse across the landscape, an individual project will result in very minor impacts to sage grouse. For example, the Cotterel DEIS states that even if all 6 known leks were abandoned on Cotterel Ridge, the loss would represent only 0.008% of the leks statewide[19]. However, when the cumulative impacts from a variety of projects on sage grouse are considered across their historical range, each individual project contributes to the overall decline of sage grouse. The summation of these impacts has translated into the observed decline in the population of this species across its historical range.

Sage grouse have been declining for several reasons, including alterations in fire regimes, excessive livestock grazing, proliferation of non-native plant species, conversion of

[16] DEIS. p. 3-47.
[17] Welch, B.L. 2005. Big sagebrush: A sea fragmented into lakes, ponds, and puddles. Gen. Tech Rep. RMRS-GTR-144. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station.
[18] DEIS, p. 4-35.
[19] DEIS, p. 4-71.

Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEIS, Page 7 of 10

RESPONSES

K. The allocation of the Compensatory Mitigation Fund will be determined by the Technical Steering Committee with final decisions on the use of these funds made by the BLM Burley Field Office Manager.

L. As stated above, the cumulative impacts analysis in the Draft EIS has been revised in the Final EIS. A discussion of the other wind power projects (existing and proposed) within the Snake River Plain and other projects (past, current, and future) and their potential effect on sage-grouse has been prepared. Section 4.16, Cumulative Effects (Pages 4-70 through 4-72) of the draft EIS Draft EIS discloses that construction of the proposed project in conjunction with other potential projects and ongoing impacts would result in an additive decline, although small, of sage-grouse across southern Idaho.

COMMENTS

Letter #51 (continued)

sagebrush habitat to seeded pastures or other agricultural uses, roads, habitat fragmentation, and degradation of existing habitat[20].

When viewed at the project area scale, the affects on sage grouse appear more concerning. There are an estimated 20 sage grouse leks in the project area and its vicinity[21]. If the 6 leks on Cotterel Mountain were vacated, this would translate into L greater than 20% of the leks in the project area and the vicinity of Cotterel being abandoned.

In light of the trade-offs associated with supporting an alternative source of energy such as the Cotterel project, we appreciate that compensatory funds will be available for off-site mitigation. In fact, we believe that there are some potential off-site mitigation options that may contribute to a net benefit for sage grouse across their historical range in Southeastern Idaho as well as other wildlife and fish species.

Scale of mitigation
Given the potential impacts on migrating birds and mammals that utilize this area, the FEIS should direct the operator to develop a long-term mitigation plan that addresses the large-scale disturbance across the total project area (approximately 18 square miles) instead of attempting to mitigate solely for the 365 acres of ground-disturbance. For example, a hydroelectric project has impacts not only at the dam site but also for species migrating up and down the river through the turbines. Requiring the operator to mitigate only for the footprint of this particular project is akin to asking a dam operator to mitigate for the fish in the volume of water displaced by the concrete of a dam. While birds and bats are not confined to a particular area as fish are in water, there are distinct migratory corridors and channels that these species use. The mitigation effort should acknowledge that species will be affected by habitat fragmentation on the ground and turbine impacts M in the air and should provide for alternate safe corridors for passage. Our offsite mitigation proposal is, in essence, the creation of a "fish ladder" for these species.

Sagebrush-Steppe Habitat Corridors
The Cotterel Mountains represent an ecologically significant biological corridor between the Raft River and Jim Sage Mountains in the south and the Minidoka National Wildlife Refuge and Craters of the Moon National Monument in the north. We are concerned that the project will significantly reduce the effectiveness of this corridor. Off-site mitigation measures should focus on reestablishing this connectivity in adjacent areas where opportunities exist.

Agricultural development and activities along the Snake River have bisected the connection of sagebrush steppe habitat in the Raft River Valley, Rockland Valley and Arbon Valley from that on the Eastern Snake River Plain. Furthermore, existing sagebrush steppe habitat has been severely fragmented into remote "islands."

[20] Crawford et al. 2004. Ecology and management of sage-grouse and sage-grouse habitat. *Journal of Range Management*. 57: 2-19.
[21] DEIS, p. 4-71.

Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEIS, Page 8 of 10

RESPONSES

M. As stated above, use of these funds would be allocated as recommended by the technical steering committee with final decisions on the use of these funds to be made by the BLM Burley Field Office Manager.

COMMENTS

Letter #51 (continued)

The compensatory funds that would be available through the implementation of the project could be used to fund the restoration efforts in the Raft River Valley, Rockland Valley, Arbon Valley, Black Pine Mountains, Sublett Mountains and adjacent areas north to the Snake River. Public and state land already exist as strategic "stepping stones" for wildlife that can be bridged by conservation efforts on private lands, as described below. Conservation efforts should focus on emphasizing wildlife use for these public lands and utilizing conservation easements or other tools on private lands to recreate habitat corridors and restore sage-grouse habitat

Private land options
Because there are procedural and legal limitations on the use of voluntary applicant funds for off-site mitigation on public lands, we believe that in many cases it may be most productive to use mitigation funds for conservation measures on private land. For example, there may be significant opportunities to either purchase private lands within the vicinity of Cotterel to be placed in conservation easements or to enter into voluntary agreements with private landowners. These opportunities and mitigation suggestions are described in detail below. M

Center Pivot Irrigation Projects
One potential mitigation idea involves retiring about 30 key central pivot irrigation projects (CPIPs) in the area from willing sellers. If these CPIPs were retired, there are several potential benefits. First, if the CPIPs were retired, restored to sagebrush steppe plant communities, and placed into conservation easements, habitat corridors for sage grouse between the Raft River Valley, Rockland Valley, Arbon Valley, and the Eastern Snake River Plain could be reestablished. Second, restoring sage grouse habitat would also provide habitat for other sagebrush obligates[22]. Third, retiring these CPIPs could help solve some of the water allocation and legal issues along the Snake River that include water for trout farms, minimum flows for resident fish in the Snake River, amd flushing flows for salmon.

Purchase and Retirement of Grazing Allotments
Excessive domestic livestock grazing on public lands has been detrimental to both the health of sagebrush steppe habitat and water quality. Once the quality of the sagebrush steppe has been degraded significantly, natural rehabilitation can be difficult due to the natural aridity of sagebrush steppe. The potential exists to identify key habitat and lek locations for both sage grouse and other sagebrush obligates on BLM land in the vicinity of Cotterel. These sites could be preserved by retiring grazing allotments from willing permittees through compensation. Retiring grazing allotments on public lands where most of the remaining sage-grouse habitat is located would be an important piece in mitigating the larger sage-grouse decline and replacing the Cotterel Mountain corridor. N

[22] Crawford et al. 2004. Ecology and management of sage-grouse and sage-grouse habitat. *Journal of Range Management*. 57: 2-19.

Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEIS, Page 9 of 10

RESPONSES

N. Retiring grazing allotments even from willing permittees would require a separate NEPA analysis. Therefore, the retiring of grazing allotments as a form of mitigation tied to the proposed project and is deemed outside the scope of this EIS.

O. Again, as stated above, use of these funds would be allocated as recommended by the Technical Steering Committee with final decisions on the use of these funds to be made by the BLM Burley Field Office Manager. The exact make up of the members serving on the Technical Steering Committee has not yet been finalized but could potentially include non-profit and conservation groups.

COMMENTS

Letter #51 (continued)

Partners in mitigation efforts
The development of this offsite mitigation program will require detailed input from interested private property owners, Windland, state and federal agencies, as well as non-profit organizations such as the Nature Conservancy, other land trusts, and conservation groups. Although the complete restoration of this corridor may be beyond the scope of this project, the compensatory funds from this project will provide important seed money to start this initiative and build the necessary partnerships and momentum. We believe that this broad-scale approach will not only address the local impacts of this project, but also help solve several pressing regional and state issues involving water allocation in the mid-Snake. This offsite program could also serve as a ready-made solution for mitigating future wind farms in southern Idaho whether located on federal, state, or private land. In this manner, we can develop much-needed alternative energy supplies, preserve our wildlife heritage, and solve one of our region's most pressing water resource issues.

Idaho Conservation League Comments Regarding the Proposed Cotterel Wind Power Project DEIS, Page 10 of 10

RESPONSES

COMMENTS

Letter #52

Idaho Wildlife Federation
P.O. Box 6426
Boise, Idaho 83707
Office: 208-342-7055
Fax: 208-342-2366
www.idahowildlife.org
IWF@idahowildlife.org

J. Kent Marlor, President
Rexburg
Bill Platts, Vice-President
Boise
Al Logosz, Secretary
Boise
Jim Munley, Treasurer
Meridian
Cherie Barton, Past President
Kuna
Fred Christensen
Caldwell
Jerry Conley
Boise
Matthew Dare
Nampa
Jack Fisher
Nampa
Kent Henderson
Lewiston
Karl Holte
Pocatello
Marty Morache
Boise
Carl Nellis
Jerome
Randy Smith
Twin Falls

The mission of the Idaho Wildlife Federation is to promote the conservation and protection of our natural resources, wildlife, and wildlife habitat for current and future generations.

IDAHO WILDLIFE FEDERATION

Affiliated with the National Wildlife Federation

-ID
BURLEY FIELD OFFICE
RECEIVED
SEP 19 AM 10 41

September 16, 2005

Scott Barker, Project Manager
Cotterel Wind Power Project DEIS
United States Department of the Interior
Bureau of Land Management, Burley Field Office
15 East, 200 South
Burley, Idaho 83318

Subject: Idaho Wildlife Federation Comments on the Draft Environmental Impact Statement for the Proposed Cotterel Wind Power Project and Draft Resource Management Plan Amendment (DEIS).

Dear Mr. Barker:

The following comments submitted by the Idaho Wildlife Federation, are to be considered in writing the Final EIS for the Cotterel Wind Power Project (Project) and as a matter of the Administrative Record when publishing the Record of Decision for the subject project. Our organization is working with the understanding that by submitting these substantive comments during the DEIS stage that it will ensure our standing when the Bureau of Land Management (BLM) responds to them in the Final EIS.

General Comments and Observations

As an organization concerned about maintaining the quality of environment and the habitats of native wildlife and plant species both nationally and more specifically in Idaho, we concur with statements made in the DEIS that "there are no similar operating wind projects located on the common landforms, in Idaho, or within specific habitats of sagebrush and mountain mahogany which exist on Cotterel Mountain" (4.14 DEIS). Further, and as a consequence, "there is no specific case history available to use in predicting the impacts of the proposed Project on wildlife." (ibid, DEIS). "Thus, this impact analysis relies on the experience and data from other western wind plants and in some cases, Midwestern plants." (4.14DEIS).

1

RESPONSES

COMMENTS

Letter #52 (continued)

In a word, the impact analysis in the DEIS is an extrapolation from other sites that do not have the unique habitat features, iconic species that represent the shrub-steppe landscape of the southern Idaho Snake River plain. This presents some unique opportunities for on-site and off-site mitigation as a result on implementing the Project to private landowners, State and Federal agencies and to the principal proponent, Windland, Inc.

Our organization is not opposed to wind energy projects, and in fact generally encourages them to be built as an alternative to the national dependency on petrochemical energy sources such as fuel oil, diesel, and coal. We support utilizing many of the alternate energy source options that capitalize on wind power, solar voltaic products, and hybrid battery technology, mobile and stationary fuel cells. As to the Project proposed for the ridgeline along the Cotterel Mountains, we find that we can only support the Project after BLM and the proponent consider and incorporate many if not all of the following mitigation features, adaptive management and effectiveness monitoring tools into the Final EIS.

The applicant, Windland, Inc. in partnership with ShellWind Energy, Inc. a subsidiary of the Royal Dutch/Shell Group, submitted a right-of-way application to the BLM, Twin Falls District, Burley Field Office, requesting to build a 190-240 megawatt (MW), wind-powered electrical generation facility on the ridgeline of Cotterel Mountain, located about 15 miles southeast of Burley, Idaho and situated between the towns of Albion and Malta in Cassia County, Idaho. To accommodate this proposal, the BLM must amend the Cassia Resource Management Plan (RMP). A draft environmental impact statement was prepared in accordance with the National Environmental Policy Act, 1969 (NEPA) with the intent to provide the public and agency decision makers with a complete and objective evaluation of impacts resulting from the proposed action. Based on the analysis of the proposed action, the BLM has informed the public that the agency's preferred alternative "**at this time**" is Alternative C (DEIS ES-6). In order for the RMP to be modified to accommodate the proposal, a final EIS and Record of Decision will need to be made and published in the Federal Register.

The following specific comments address the Preferred Alternative, Alternative C as described by BLM in the DEIS (DEIS ES-6-8), with some comparison to Alternative B (DEIS ES-6) which is based on the description provided to BLM by Windland, Inc. and its president Roald Doskeland. Mr. Doeskland, Governor Dirk Kempthorne, and key members of the Chamber of Commerce of Minidoka and Cassia Counties have committed to make this proposal a reality within the next year. In statements made in a July, 2002, news release by Windland, Inc., Mr. Doskeland states that "we are excited to be bringing forward Idaho's first commercial wind project." Governor Dirk Kempthorne followed in the same news release that "Wind generated electricity such as the 200MW project, Boise based Windland, Inc. has proposed in Cassia County, will provide an opportunity for economic development while offering a reliable and cost-effective addition to our States generation portfolio." Mr. Carl Hansen, President of the Chamber of Commerce on Minidoka and Cassia Counties stated, "the Cotterel Mountain wind farm is consistent with the Chamber's plans for the area. It allows us to diversify from our agricultural base and capitalize on what in our area has economic value in the global market." The news release goes on to conclude, "tapping wind resources also reduces United States reliance on imported fossil fuels, and commercial wind farms such as the one Windland plans, brings new employment opportunities to rural portions of the state" Windland, Inc. www.windland.com July 18, 2002.

Specific Comments

A The mitigation, adaptive management and funding for post-project monitoring as described in the DEIS is inadequate for a frontier energy project of this size in Idaho. Under Appendix F in the DEIS, Windland, Inc. president submitted a letter (as a Cooperative Agreement) to Wendy Reynolds, Field

2

RESPONSES

A. 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 IWF fall into the category of "off-site mitigation" and therefore cannot be required of the Applicant. As pointed out in IWF 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.

B. 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).

COMMENTS

Letter #52 (continued)

Office Manager, BLM in which Windland, Inc. will provide $150k / year. While this is a letter of intent, it does not state for how many years Windland, Inc. will make contributions. We assume it will be for five years based on statements made elsewhere in the DEIS (Appendix D DEIS).

The formula for this contribution was derived from annual gross revenues which is "approximately one-half of one percent of the gross revenues received from the Cotterel Mountain wind farm electricity sales" or about $150k for a 200MW project. First the DEIS does not describe how or where this $150k will be spent or who will have primary oversight authority. We can only assume it will be BLM and/or the Idaho Department of Fish and Game. Second, if we assume the ½ percent figure is correct and 1 percent of gross revenues are $300k then annual revenues would be about $30m. On page 4-46 of the DEIS, it states that "expected the total annual operational costs will be $4.5m." On page 4-43 of the
A DEIS, it states that "approximate construction costs under Alternative B or somewhat lesser amount under Alternative C would $200m. With the ROW permit being issues for 30 years, the total revenue from the project during this time period is about $900m. The proponent will have the project costs paid for in about eight years. Certainly, there is room for additional voluntary contributions from Windland, Inc. based on the BLM Instructional Memorandum No. 2005-069
(Appendix E DEIS) and the 1.8 cent per kilowatt/hour production tax credit provided by Congress and the President to encourage renewable and alternative energy resources (DEIS 1-5). Under Appendix D, Best Management Practices (BMP) Specific to Wildlife, the list of recommended strategies to reduce or avoid displacement and mortality of wildlife is comprehensive. Some careful thought went into developing these strategies. For an example, an important step in this direction is determining the interaction and relationships between the sage grouse populations at the Cotterel Project with those in the Raft River Valley, Albion Mountains and Jim Sage Mountains.

We also support the Effectiveness Monitoring (EM) aspects but have reservations about who will be conducting the specific tasks. Will this be done by a contractor or an agency? We feel it should be either the Idaho Department of Fish and Game or an independent contractor. Additionally, we believe there is a need for a doctoral study of the Project's impact on the wildlife resources, especially sage grouse and raptors. This should be specified somewhere in text of the DEIS. We would add that monitoring of behavioral changes and mortality of big game, greater sage-grouse and spring and fall migration of raptors and passerines should be a major focus under this section. The Habitat
B Loss/Degradation strategies listed in Appendix D seem adequate when linked with the actual footprint impacts that are associated with the Project. Again, the DEIS should identify who will be doing native plant restoration work, inspecting and monitoring on site soil storage areas, and collecting and storing native seed for site rehabilitation? Will there be adequate funding committed to all of the above efforts? We would support something between a 1 to 2 percent figure of the gross revenues to conduct adequate on-site monitoring, effectiveness monitoring, adaptive management and compensatory (off-site) mitigation. Because of the magnitude of the project, it must contain a carryover provision for the off-site mitigation to be acceptable.

Macro-mitigation proposal

While the above comments have focused on improving the funding to support a more detailed evaluation of the environmental effects resulting from the proposed Project, the following is a discussion of the offsite (compensatory) macro-mitigation needed to address both the immediate and cumulative affects of this project in south-central Idaho. This macro-mitigation proposal goes outside the box and uses the Windland, Inc. Cotterel Wind Power Project as a catalyst to integrate and resolve other major pending resource issues that are shared by several State agencies including the Idaho Department of Water Resources, Idaho Department Lands and the Idaho Department of fish and Game. Federal

3

RESPONSES

Monitoring to determine the efficacy of any off-site mitigation will be developed and implemented by the technical Steering Committee.

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 #52 (continued)

agencies that need to be engaged as part of the solution include BLM, Bureau of Reclamation, Natural Resource Conservation Service, Bonneville Power Administration and U.S. Fish and Wildlife Service.

In an April, 2005 conference sponsored by the Idaho Department of Water Resources titled the "Troubled Waters Conference," water issues across southern Idaho were highlighted, particularly the Snake River Plain water crisis and the over allocation of water shares and aquifer drilling permits. The following proposal when fully implemented can serve to satisfy a moderate portion of the mid-Snake water crisis, restore obligated flows for fish while providing critical wildlife mitigation as a result of building and operating the Cotterel Wind Power Project.

Presently, various State and Federal agencies are struggling to determine mitigation values that will be lost for greater sage-grouse and many other species that reside along the Cotterel Mountain ridgeline. 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.

C Within the DEIS, impacts to wildlife and their habitat are considered based on the spatial and temporal impacts within the immediate area of the project.
"Primary effects would occur in direct proportion to the amount of potential habitat removed by the construction of the Proposed Project" (DEIS 4-17). "Alternative B would permanently eliminate about 200 acres, or about two percent of the 11,500 acre Proposed Project area and temporarily alter an additional 164 acres" …."Alternative C would be similar to, but slightly less than those of Alternative B in terms of the permanent and temporary disturbance footprints" (DEIS 4-18). The point for developing this frame of reference is to conclude that offsite mitigation is currently minimal. The off-site mitigation should be expanded and linked to cumulative impacts of building and permitting the Project for 30 years (FR/Vol. 67, No. 244 p. 77802). Regulations for implementing the National Environmental Policy Act (NEPA) require an assessment of cumulative effects in the decision-making process for federally permitted projects (DEIS 4-2). Cumulative effects are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions" (40 Code of Federal Regulations (CFR)(1508.7). The discussion in the DEIS does describe but does not provide an assessment of cumulative effects. The description is worth noting since according to the DEIS "cumulative impacts include three other wind energy rights-of way (ROW) applications on BLM lands in Idaho, five 200 MW wind power projects and four 10 MW plants on private lands. Over 30 wind-monitoring towers are collecting data for possible site locations of additional wind power projects across southern Idaho" (DEIS 4-3), some of these projects, its safe to assume, will be developed by Windland, Inc.

D The BLM and various other Federal and State agencies should consider an integrated mitigation plan that is commensurate with the entire Cotterel Project area of 11,500 acres (DEIS 4-17) or about 17.9 square miles of Federal, State and private lands and not just the footprint area for all project features of 365 acres (DEIS ES-6).

E Consider this, there are only islands of native shrub steppe habitat extending east and north of the proposed Project to and across the Snake River and within the Raft River Valley. BLM has created extensive crested wheatgrass pastures during the past 30 years within the Raft River Valley and the State

4

RESPONSES

C. The cumulative impacts analysis in the Draft EIS has been revised in the Final EIS.

D. 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 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

COMMENTS

Letter #52 (continued)

has permitted numerous center pivot irrigation projects (CPIP) both of which contribute to the fragmented landscape and make it unsuitable for greater sage-grouse and numerous other native species. The first step of the offsite mitigation solution is the restoration of the shrub/forb/grass components in the crested wheatgrass fields. Acreage for this step approximates 4,800 acres.

The second component of this macro-mitigation plan is to retire about 15 key CPIPs (approximately 7,000 acres) in the eastern and northern area of Raft River Valley and restore this acreage to shrub steppe through interagency cooperation. The combination of the first step and the second will serve to provide habitat continuity, population and genetic exchange both north and south across the Snake River for greater sage-grouse, deer, antelope and many other avian, reptile, amphibian and mammalian species. The affects of this habitat restoration reach into Utah and Nevada and north across the Snake River to the Craters of the Moon National Monument and numerous valleys of the Snake River Plain. Consider that this 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. The 270 miles east and west of this corridor has sustained major changes during the past 100 years, mostly through habitat modifications for livestock grazing, the agriculture farm and dairy industry, hydropower projects, and build-out of urban and city centers.

E The incentives for re-establishing habitat continuity are high. First, this serves to satisfy mitigation issues for the Cotterel Wind Power Project so that it can proceed forward in the environmental review and permitting process. Second, retirement of about 15 key CPIPs will solve a major issue faced by the Idaho Department of Water Resources; to find some if not most of the 133,000 acre feet of water needed for restoring the obligated flows of the Snake River and the mid-Snake aquifer. Water retired from the CPIPs will serve to contribute restoration of spring flows for the Hagerman Valley commercial trout production industry; contribute to the flushing flows needed for salmon; and help to meet minimum flows for resident fish of the mid-Snake River, particularly sturgeon. The understatement to implementing this offsite mitigation is the reduction of litigation potentials that both the State and some Federal agencies face without a satisfactory solution.

The compensatory mitigation solution proposed is only a framework and will require cooperation from a number of State and Federal agencies, dialogue and support from the State legislature and Congressional representatives. The decisions are hard ones. The window of opportunity is open for key agencies to initiate this integrated solution. General funding for planning and initial implementation is in place but will require administrative reallocation should the BLM and other participating agencies decide to follow this strategic and historic proposal.

This concludes our comments on the DEIS for the proposed Cotterel Wind Power Project. We appreciate the opportunity to comment and look forward to further dialogue with BLM as the final EIS is formulated for the proposed Project.

Cordially,

J. Kent Marlor, PhD
President

5

RESPONSES

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.

E. The $150,000 compensatory mitigation fund is all that can be required of the Applicant and will constitute the available off-site mitigation funds for this project. Any off site mitigation would be determined by the Technical Steering Committee and funded from the compensatory mitigation fund

COMMENTS

Letter #53

DIRK KEMPTHORNE
governor

Robert L. Meinen
director

Dean Sangrey, Administrator
operations division

David Rick[illegible]ministrator
manage[illegible] division

IDAHO [illegible]ND
RE[illegible]RD

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Doug[illegible] Hancey
[illegible] six

IDAHO DEP[illegible]TMENT OF
PARKS AND [illegible]CREATION

p.o. b[illegible]3720
boise, idah[illegible]3720-0065

(208) [illegible]-4199

fax (208[illegible]4-3741

tdd 1-80[illegible]77-3529

street [illegible]dress
5657 Warm [illegible]ngs Avenue

www.parksandrecreation.idaho.gov

September 19, 2005

BLM-ID
BURLEY FIELD OFFICE
RECEIVED
2005 SEP 20 AM 9 37

Scott Barker, Project Manager
Burley Field Office, BLM
15 East 200 South
Burley, ID 83318

RE: Cotterel Wind Power Project DEIS

Dear Mr. Barker:

The Idaho Department of Parks and Recreation reviewed the Cotterel Wind Power Project Draft Environmental Impact Statement (DEIS). Windland Inc., along with Shell Wind Energy Inc. proposes to construct and operate a wind-powered electric generation facility on the ridgeline of Cotterel Mountain.

Alternative C has been identified as the BLM's preferred alternative. This alternative would construct fewer, but larger wind turbines than Alternative B. Alternative D would construct even fewer turbines than Alternative C.

We concentrated our analysis on the impacts to recreation and visuals that this project will have. Recreation was not identified as a significant issue in the planning process, but was analyzed in the DEIS.

On Pages 4-53 thorough 4-54 the DEIS concludes that the project would not change the Recreational Opportunity Spectrum (ROS). The area is currently classified as semi-primitive motorized.

A Any action alternative changes the ROS of the Cotterel Mountain from semi-primitive motorized to roaded natural or rural. Each ROS class (primitive, semi-primitive non-motorized, semi-primitive motorized, roaded natural, rural, and urban) is described by a "typical" setting based on factors such as size, naturalness, and the presence or absence of motorized vehicles and other sights and sounds of humans.

The wind turbines affect the naturalness of the project area. Constructed roads are inconsistent with a semi-primitive motorized (SPM) ROS Designation. SPM areas are classified as areas that have no roads (jeep trails ok) and receive light to moderate motorized use.

B The planning team should look closely at the Cassia Resource Management Plan (RMP) to see that the change in ROS class is not in violation with the plan. If the plan does have specific ROS standards, the plan should be amended so the project is in compliance with the ROS standards.

The DEIS states on Page 4-53 "Interpretive panels may be erected at the rest area along I-84 east of the Proposed Project area or at other locations along highways to inform drivers of the Proposed Project." The BLM, along with

RESPONSES

A. The Draft EIS has been modified in the Final EIS to disclose that construction of the proposed project would change the current Recreation Opportunity Spectrum Semi-primitive Motorized to Roaded Natural. It is true that many miles of improved roads would be necessary for construction and operation of the proposed project. However, Alternatives C and D include a plan to retain as much of the primitive public access aspect of the mountain as possible (see Figure 2.5-3). This was developed in response to the concern raised in this comment and during the public scoping process. Under this plan, traversing the ridgeline from north to south would still require a 4x4 vehicle and a certain amount of off road driving skill. The south road which accesses the communication towers is not proposed for upgrading and an increase in use associated with this road is not anticipated.

B. The Cassia RMP has been examined and such a change to the ROS class would be in conformance with said RMP.

COMMENTS

Letter #53 (continued)

Cotterel Wind Power Project DEIS
September 19, 2005
Page 2

C the applicants should consider placing interpretative panels along the City of Rocks Scenic Byway between Albion and Pomerelle. The Scenic Byway is a better choice for interpretative panels than I-84 because more travelers would be interested in learning about the area along the Scenic Byway than I-84.

In conclusion, this project affects both the recreation opportunities and visuals, no matter which action alternative is selected. The BLM has done a great job analyzing the visual impacts of the project. The FEIS needs to reexamine the impacts that this project would have to the ROS.

If you have any questions about these comments, please contact me at (208) 334-4180 ext. 230.

Sincerely,

Jeff Cook

Jeff Cook, Outdoor Recreation Analyst
Comprehensive Planning, Research, and Review

RESPONSES

C. Interpretive panels/kiosks are being considered by both the BLM and the project Applicant for several locations along the City of Rocks Back Country Byway. These will be addressed in the project Plan of Development.

COMMENTS

Letter #54

Scott Barker, Project Manager 9-20-2005
Cotterel Wind Power Project
Bureau of Land Management
Burley Field Office
15 East 200 South
Burley, Id. 83318

You have my permission to make my comments public.

I am writing in opposition to the proposed Windfarm project on the Cotterel Mountain on the east edge of the Albion Valley by Windland/Shell Inc.

My husband George and I have owned property and lived in the Albion Valley over 30 years. George has family ties to this valley that go through 6generations. We have been engaged in farming and ranching in the Albion Valley and raised our family here.

I stay active in the Cassia county community and give of my time. Some of the committees and boards I have been involved with include: Past Upper Snake River Advisory Council BLM, (Historical) 3 years, Sec/Treas. East Cassia Soil and Water Conservation District, 15 years, General Federation of Women?s? Club, 25 years. (Community Improvement). Albion Valley Planning Council, (Chairman Civic Organizations.) and most recently a member of the Committee Against Windmills in Albion.

A The Albion Valley is a very small valley with great opportunity and many unique and historic qualities. One of the most dominant and important to its residents being the view shed. In the Albion valley no matter where you are you are surrounded by its majestic mountains. This valley has retained its pristine nature and continued to sustain healthy growth. The key to this success falls directly to the residents that live here and the leadership that is within the valley. The people here are forward thinking and progressive. We know what we value and are willing to, and have put down guidelines to direct this growth in a document known as ?Albion Valley Comprehensive Plan?. The leadership of Albion Valley worked hard to become part of the Cassia County Commissioners National City of Rocks Back Country Byway. The mayor and city council made the effort to get the Gem Community Status. An industrial Windfarm is in absolute conflict with each and every guideline and goal of these achievements!

The business district, civic organizations, and city officials have worked tirelessly to promote tourism and our unique western way of life. The view shed of our Mountain ridges and peaks are an integral part of this equation. The implementation of an industrial Windfarm on the ridge of the Cotterel is in complete conflict with the goals of these entities.

As Project Manager of this B.L.M. project and living locally you would have to be in complete denial if you are truly unaware of the direct negative impact the Windland/Shell Inc. windfarm project on the Cotterel Mountain ridge will have.
I have undertaken intensive study of the Presidents Clean Wind Energy Directive and understand the charge set forth to all agencies involved. Within this document there are also checks and balances, it is my hope, as it is over80% of this valleys residents, that you and the other B.L.M.

RESPONSES

A. We understand and appreciate your concern about how the historic characteristics and values of the Albion Valley and Cotterel Mountain would be affected by the proposed wind energy project. We also take note of your concern over impacts to the Backcountry Byway. 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.

In the event the right-of-way is approved the best technology available should be used. Within the EIS alternatives, a range of turbine size and number has been analyzed to allow for changes resulting from improvements in wind energy generating technologies. Proposals to change the project characteristics beyond those discussed within the EIS would require additional analysis.

COMMENTS

Letter #54 (continued)

decision makers will take our most sincere objections into serious consideration when you make the final decision and say no to this project.

We are entering a new age of ?clean green energy?, in Idaho. Neither Idaho or its? counties and cities have had adequate time to sets guides, regulations, or zoning ordnances for windfarms.

We are on the cutting edge and have a great opportunity once again to guide the implementation of this industry. I realize the county zoning would not necessarily affect the public land, however, in the past B.L.M. has made an effort to work with local officials and its citizenry.

As is stated it is currently envisioned that the programmatic EIS will pay special attention to wildlife and wildlife habitat, proximity to military activities, ?visual environment? and proximity to wilderness or other special management areas.

B The B.L.M. Visual Resource Management Document has many statements and guides in it that absolutely reinforces the Albion Valley residents management guidelines for the valley. It is my hope the responsible parties will adhere to these documents and not amend these standards to accommodate the first windfarm project to Idaho and its? public land. (How can it be in any way feasible that a wind tower the height of a 40 story building with blinking lights multiplied by 120 or what ever the number ends up to be, not be a devastation to the Cotterel Mt. view shed not only in the day but just as remarkably at night?!!

The B.L.M. is making a decision that will forever change this entire valley and cause devastating effects to the Cotterel Mountains? Natural resources, recreation, sage grouse and their habitat, raptors and bats, historical holdings, Indian artifacts, geothermal, critical springs, and view shed. What requirements will Windland/Shell adhere to for the next 30 years to address the explosion of noxious weeds that will occur?

The proposal of this industrial project on the Cotterel indeed has already had a very negative impact among the Albion Valley residents. There have been divisions in churches, loss of friendships, and several very serious divisions among some of the valley residents. What can Albion gain from the decision to place this industrial Windfarm here that can justify what we will lose? Absolutely nothing!!!

The B.L.M. has already stated they are looking at over 40,000 acres of public land for wind energy. Most if not all of those acres are not on the edge of a town or small community. Why do you want to start here? I understand the money that is involved and all that comes with that. The one party that this project is ?best? for is Windland/Shell because of the proximity of access and transmission lines. Windland/Shell have not painted a true picture of this project to the public from the very start. The photo they show of the mountain with the towers on it is an insult to our intelligence. How can you grant aright of way to a company that changes the size and scope of their project every time the industry comes out with bigger and bigger turbines, not to mention that to date this company still has not been able to find a willing buyer for their product?? We are certainly not against wind energy but know that we can do a better job of implementing a wind farm project.

RESPONSES

B. The Visual Resource Contrast Rating Method is BLM's method for analyzing visual resource management issues. The Visual Resource Contrast Rating Method is subjective by design to incorporate the visual preferences of multiple individuals. It is not designed to define a specific level of impact but to determine potential change to key landscape features from a proposed action. Obviously, the change in the landscape resulting from the proposed project would be significant. How great the impact would be is dependant on the personal preferences and judgment of the viewer.

Tower lighting is required by State and Federal entities for the safety of aviators. Final design of tower lights is not yet complete but will include shielding to the degree possible to minimize light intrusion to non-aircraft borne viewers. Shielding technology is available and will be required in final design.

Although FLPMA does require that the public lands be managed in a manner that protects the quality of scenic values it also authorizes grant of rights-of-way for systems that generate, transmit, and distribute electric energy. Therefore BLM is required to consider application for such rights-of-way and complete appropriate NEPA analysis in doing so. Use of the Visual Resource Contrast Rating Method ensures compliance with FLPMA's visual resource management

COMMENTS

Letter #54 (continued)

The public and B.L.M. have worked together as partners for a very longtime. We have entrusted you with the management of our lands. We must live with the consequences of those management practices, as will the generations to come. There are 250 other citizens of this valley, (a major majority) that have signed a petition to support the fact that we are asking you to please consider our concerns, and objection to the implementation of this windfarm.

The placement of this windfarm is in direct conflict with every land use plan in Cassia County and one would wonder how the B.L.M. could justify it when you read on the B.L.M.s? web page regarding the Visual Resource Management Guide.

The Federal Land Policy and Management Act of 1976 (FLPMA) states, ??public lands will be managed in a manner which will protect the quality of the scenic (visual) values of these lands.? The National Environmental Policy Act of 1969 (NEPA) requires that measures be taken to ??assure for all Americans? aesthetically pleasing surroundings??

We understand the need for alternative fuels and support wind energy, but the Cotterel Mt. is just not the place to put it. As is stated by B.L.M. with the potential of 40,000 acres for wind energy projects there certainly is a better place to implement an industrial Windfarm in Idaho.

C As managers of our Public Lands, the B.L.M. has an obligation to seriously consider the desires of the citizenry that will be directly impacted by your decision. Remember, over 80% of the Albion Valley residents signed a petition to object to the implementation of this project.

Your decision, once made will change forever an entire Mountain Ridge and every thing sustained within its massiveness. There will be no going back with a Mountain as fragile and unique as the Cotterel Mountain. If Windland/Shell Inc. is turned down they will simply go to the next destination place and install their project and it will be just another business day and the end result will still just be about the money.

As Albion Valley residents and having lived under the shadows of the Cotterel Mountain for over 30 years we understand the true consequence of your decision and trust you will make the correct one and turn down this right-of-way application by Windland/Shell, Inc.

George and Gwen Montgomery
937 S. 900 E.
Albion, Idaho 83311
208-673-6644

RESPONSES

requirements. As discussed in the EIS Cotterel Mountain has been designated as visual resource management (VRM) class IV, which allows for significant changes in the landscape, which affect the viewshed.

C. We are aware that a petition opposing the proposed project was signed by a number of local citizens. 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 vote.

COMMENTS

Letter #55

Twin Falls District

Burley Field Office

COTTEREL WIND POWER PROJECT

Comments specific to the **PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT** should be sent to:

BURLEY FIELD OFFICE
RECEIVED
2005 SEP 20 AM 9 35

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

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. [ ] Yes [X] No

Please Print
Name TOM GEARY
Street Address 964 S. 950 E
City ALBION State IDAHO Zip 83311
E-mail (optional)
Comments:
This wind project is a great idea, and needs to be developed. The need for additional energy in this country is going to be in great demand, as our country grows in population and new industry.
The cost of this energy source is a good price, free, as other fuel cost continue to rise.
Very little electric power is produced in this area, we need to encourage local product.

Further comments may be written on back or on paper sheets attached to this page.

RESPONSES

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. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #55 (continued)

Twin Falls District

Burley Field Office

COTTEREL WIND POWER PROJECT

Comments Continued:

Name TOM GEARY

Wind turbins look intriguing, industrious, progressive, utilizing a renewable energy source, creating a valuable and needed commodity.
These wind turbins would attract visitors to our area and business for motels and restuants.
This project would bring employment to the community during the construction phase and permanent employment for maintance and operation.
It would bring a substancial amount of money to our schools and taxes to the county.
We need this wind project in our area.

Sincerely Tom Geary

RESPONSES

COMMENTS

Letter #56

STATE OF IDAHO

DEPARTMENT OF AGRICULTURE
DIVISION OF ANIMAL INDUSTRIES

DIRK KEMPTHORNE
Governor
PATRICK A. TAKASUGI
Director

2270 Old Penitentiary Rd.
P.O. Box 7249
Boise, Idaho 83707

(208) 332-8540

BURLEY FIELD OFFICE RECEIVED 2005 SEP 21 AM 10 11

September 19, 2005

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

Dear Mr. Barker:

Thank you for this opportunity to provide you comments from the Idaho State Department of Agriculture (ISDA) on the Draft Environmental Impact Statement For the Proposed Cotterel Wind Power Project (DEIS). One of the primary goals of ISDA's Rangeland Management Program is to provide support and expertise to livestock producers, and state and federal land management agencies on issues relating to rangelands in Idaho. Livestock grazing, biological resources, recreation, and fire are some of the many important issues facing today's rangelands. Our comments focus on these issues in the context of how they are addressed in the DEIS.

Livestock Grazing

ISDA believes that there is a lack of clarity and depth in the DEIS regarding the impacts Alternatives B, C, and D will have on current livestock grazing use in the project area.

A First, the DEIS is inconsistent in stating how many acres available to livestock and wildlife forage will be lost both temporarily and permanently during implementation and operation of the project. Page 2-57 states that there will be a temporary loss of rangeland vegetation of up to 165, 147, and 112 acres for Alternatives B, C, and D, respectively. However, under the Proposed Action and Alternatives description on pages 2-27, 2-32, and 2-40, the DEIS states that the impact area for all project features would be about 365, 352, and 282 acres for each alternative. Further discrepancies are made on pages 4-55 and 4-56 where acreage numbers again differ from what is previously stated. Please clarify exactly how many acres of rangeland vegetation will be temporarily and permanently lost.

B Second, the DEIS states on page 5-54, "Primary impacts to livestock grazing are based on how the Proposed Project could affect forage availability for livestock grazing, grazing management, and Animal Unit Months (AUMs)." Though the DEIS does address forage availability, the analysis inadequately deals with the issue of grazing management and AUMs. For example, will grazing management need to be changed during the construction phase of the project because of added vehicular traffic? Will livestock permittees have limited access to the project area during any phase of the project? There is no mention in the document of how grazing management "could" be impacted.

C If the BLM foresees any adjustment to the number of AUMs permitted on the allotment, the DEIS needs to acknowledge that. Likewise if the BLM foresees no change in AUMs, the DEIS should disclose as much. The BLM must "make a good faith effort to explain the effects that are not known but are 'reasonably foreseeable.'" (CEQ's 40 Most Asked Questions)

D Third, there are cumulative impacts to livestock grazing that the DEIS fails to recognize in Section 4.16.8. The section does recognize the potential for increased livestock concentration, rangeland deterioration (i.e. spread of noxious weeds), and altered fire regimes due to project implementation and operation, however it does not acknowledge the monetary cost of these impacts on livestock permittees and their operations. If great enough, impacts such as these may force permittees to find alternative sources of forage or decrease their herd sizes. Even the increase in recreational use of the area noted in the DEIS (Section 4.11) will incur greater costs to livestock permittees created from

ISDA Comments on DEIS, Proposed Cotterel Wind Power Project, Page 1 of 4

"Serving consumers and agriculture by safeguarding the public, plants, animals and the environment through education and regulation"

RESPONSES

A. The amount of rangeland vegetation that would be temporarily or permanently lost is addressed both in Chapter 2 and Chapter 4. When comparing the table in Chapter 2 with the narrative in Chapter 4, there is a need to clarify and reword both sections to represent those acreages in a clearer manner. These changes will be made in the Final EIS.

B. The Applicant will be required to submit a detailed Plan of Development (POD), which will be prepared with the Record of Decision and made a part of the Right-of-Way Grant, if the proposal is approved. This plan will address the specific impacts to grazing management during the construction phase as well as other phases of the project such as the installation of cattleguards to replace gates.

C. In Section 4.12.2 of the DEIS (p. 4-55), the analysis indicates no attendant loss of AUMs will be necessary in granting the right-of-way. "Based on the amount and distribution of area impacted by Alternative B, impacts to grazing operations would not be appreciable during construction and throughout the period of operation of the Proposed Project."

D. The BLM does not anticipate there will be monetary impacts to the permittees for the spread of noxious weeds, increased recreation and altered fire regimes. See C above.

COMMENTS

Letter #56 (continued)

user/livestock conflicts. ISDA recommends that these socioeconomic impacts be assessed in the Final EIS.

Biological Resources

E Section 3.2 on page 3-13 states that inventories are needed to be completed prior to construction of the Proposed Project. The DEIS does not specify what inventories are still needed. Nor does it specify what changes to the project may be required as a result of these inventories. ISDA recommends that these inventories and their consequences be documented in the Final EIS.

ISDA would also like to address the following specific resource concerns under the Biological Resources section.

Vegetation/Noxious Weeds

As with the analysis of livestock grazing, there is a lack of detailed analysis of impacts on existing vegetation and noxious weeds in the DEIS.

First, the summary of indirect impacts on vegetation and noxious weeds in the project area on Table 2.8-3 and Section 4.6.1 are incomplete. Not only can noxious weeds adversely affect fire return intervals, but there will also be a loss of habitat and forage for livestock and wildlife associated with the spread of noxious weeds and other invasive species. Noxious weeds can also negatively impact watershed values, change soil characteristics, and increase soil erosion.

Second, there are also the economic impacts of noxious weeds, particularly on BLM, and state and county land management budgets that are unaccounted for in the DEIS. Federal, state, and county noxious weed programs are currently unable to monitor and treat noxious weeds at the level necessary to prevent further spread because of financial constraints. ISDA recommends that fiscal impacts of noxious weeds be included in the Final EIS.

F Third, the BMPs in Appendix C, as presently written, lack specifics and direction for Windland to prepare a proper weed control plan. In BLM's response to ISDA's comments on the National Wind Energy EIS, BLM stated that the "scope and methods identified in [weed control] plans will be determined on a project-by-project basis in conjunction with input from other federal, state, and local agencies, and interested stakeholders". The Best Management Practices (BMPs) for noxious weed control in Appendix C mentions no such cooperation. ISDA also recommends that the following details be included in the FEIS, Resource Protection BMPs, in order to improve noxious weed control:

- Under item 3 of the Resource Protection BMPs in Appendix C, "The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way." Who will be responsible if "the holder" allows infestations to go beyond the right-of-way? ISDA recommends that "the holder" be held responsible for infestations that result from noxious weeds spreading from the project area.
- Under item 4 of the Resource Protection BMPs in Appendix C, the DEIS requires Windland, Inc. to "…locate an intermediate wash station midway through the project area to prevent lower elevation weed species from moving up the Cotterel ridgeline. Windland should also be required to wash construction equipment to prevent noxious weeds from spreading outside the project area.
- Though Integrated Weed Management (IWM) is included under the BMPs on page 2-23, they are not a part of the BMPs in Appendix C. IWM is the use of all available and feasible weed control techniques in an organized, coordinated, and mutually supportive manner. IWM is also an integral part of Idaho's Strategic Plan for Managing Noxious Weeds. BLM should also require Windland, Inc. to incorporate IWM into their weed control plan under the BMPs in Appendix C.
- BLM should require Windland, Inc. to actively participate in the Raft River Cooperative Weed Management Area (CWMA). Windland's participation in the CWMA would

ISDA Comments on DEIS, Proposed Cotterel Wind Power Project, Page 2 of 4

RESPONSES

E. Biological inventories will be included in the Plan of Development that Windland will be required to submit. In the event, an inventory prior to construction identifies an issue such as a noxious weed problem, steps would be outlined to eradicate the noxious weed population in that area. The analysis in the DEIS does not include anticipated problems that have mechanisms in place through BMP to prevent those impacts from occurring. The Applicant will be encouraged to participate in the Raft River Cooperative Weed Management Area and to communicate their actions to the appropriate individuals responsible for controlling noxious weeds.

F. If noxious weed outbreaks can be attributed to the project, the financial costs will be assessed to the Applicant. The BMP identify a wash station midway through the Proposed Project area. However, this does not state that will be the only wash station. A wash station closer to the highway and main access to the project may be added into the Applicant's POD.

G. The DEIS discloses the potential degradation of sage-grouse habitat. This impact will be mitigated through funds the proponent will provide. A Steering Committee will manage the funds and will decide how to mitigate habitat losses through measures such as the off-site purchase of intact habitat or other viable options. The options for telemetry studies will be guided by the steering committee that over-sees the mitigation funds.

COMMENTS

Letter #56 (continued)

F facilitate communication of information on noxious weeds and further aid in mitigating impacts of noxious weeds in the project area.

- Because of current budget constraints on government agencies, ISDA recommends Wildland be responsible for all costs incurred due to noxious weed management.

Sage Grouse

ISDA appreciates the BLM's recognition of the proposed action's potential negative impacts to sage grouse habitat and populations and is pleased to see a radio telemetry study initiated to study the Cotterel Mountain grouse population and that the study will "continue for several years." (page 3-49) This study will be vital to, one, studying the current unknown impacts wind farms have on sage grouse populations, and two, effectively implementing adaptive management. In order to properly determine any impacts of wind energy development will have on sage-grouse in the Cotterel project area, a baseline of population, habitat, and how the sage-grouse use that habitat must be established prior to project implementation, and must continue for 5-10 years following implementation. Because of budget constraints ISDA feels it is inappropriate for the state or federal management agencies to bear the expense of this research. Complete funding of the research should be paid by Windland.

G The DEIS fails to recognize some important cumulative impacts that wind energy development could potentially have on livestock grazing on public lands as a result of sage grouse habitat degradation. Livestock management has already changed significantly on public lands and private lands because of the decline in sage grouse populations. Ranchers continue to alter and incur substantial costs in changing their operations in order to better preserve sage grouse populations and habitat. This has happened in spite of the lack of direct evidence that livestock have contributed to sage grouse population decline (Connelly et al. 2000).

Sage grouse need large tracts of contiguous, undisturbed areas of high-quality habitat during their four distinct seasonal periods. Wind turbine energy development, as acknowledged in the DEIS, could have a potential impact on sage grouse populations by fragmenting these large tracts of habitat through increased presence of invasive species, increased incidence of wildfire, and increased human activity. More research is needed to determine the impact wind energy development will have on sage-grouse (USFWS 2003). If sage-grouse habitat is altered by wind energy development, the trickle-down effect will require BLM permit holders to make even more concessions. The BLM must address these cumulative impacts in the Final EIS.

Recreation

The DEIS states, "The improved road system would likely result in an increased number of visitors to the area…" (page 4-53). Though the DEIS acknowledges that increased numbers will have an impact on some range resources, the list is not comprehensive. Aside from leading to "…occurrences of poaching and other disturbances to big game and other wildlife," increase vehicular use will lead to greater increased incidences of livestock harassment, vehicular collisions with livestock, gates being left open, and fences cut down. This will incur greater operation costs to the livestock permittees because of the need for more intense grazing management to mitigate these consequences.

H Impacts will not be limited to livestock grazing. Increased vehicular traffic will increase collisions with wildlife (including sage-grouse), the potential for fire starts, and facilitate the spread of noxious weeds. These impacts need to be documented in the Final EIS.

The improved road system will also increase the incidence of trespass by public lands visitors traveling alternate routes stemming from primary roads that eventually find their way to private lands in the valley. Many landowners, in the interest of protecting their private property, managing livestock, and protecting their rangelands, are not interested in large numbers of travelers exiting public lands through their property. The FEIS must analyze and disclose the potential impact of increased trespass onto private lands.

ISDA Comments on DEIS, Proposed Cotterel Wind Power Project, Page 3 of 4

RESPONSES

H. The impacts identified such as increased vehicular traffic, collisions with wildlife and livestock, gates being left open, the spread of noxious weeds and the potential for fire starts are addressed in the BMP and will be further addressed in the POD. The issue of trespass on private land is a county law enforcement issue. Private landowners are able, under the law, to control and/or restrict access to their property.

I. After careful consideration of your comments, the statements used to describe the effect of grazing on fine fuels will be modified in the Finals EIS to be more specific to the Proposed Project area. The statement that grazing has increased the fine fuels will also be reviewed.

J. It is anticipated there will be more of a presence on the land with project implementation due to the Applicant's maintenance personnel. It is also possible, with gates being replaced by cattleguards, that the impacts to the permittees may be positive. Through the Plan of Development and BMP, the Applicant can outline the mechanisms to be implemented to prevent the impacts you suggest from happening. Rehabilitation of existing roads created through off road travel by the public is outside the scope of the EIS.

COMMENTS

Letter #56 (continued)

Fire

I Under Section 3.11, the DEIS presents information that is misleading in regards to fire management and rangeland resources. The DEIS says, "…grazing…on public lands from the early 1900s to the present have caused fine fuels to accumulate to higher levels than would have been present with more frequent fires…" (page 3-97). First, research has clearly documented livestock grazing actually decreases natural accumulation of fine fuels. Additionally, the citation, Keely *et al.* 1999, is used out of context as the study deals with the California brushland fire regime. ISDA recommends the evaluation of natural fuel loadings be reevaluated to accurately represent historical influences on current conditions.

Conclusion

Because of the potential impacts the wind farm will have on sage grouse habitat, livestock grazing, and other rangeland resources, ISDA encourages adopting a revised Alternative D as the preferred alternative. ISDA feels this alternative does not go far enough to afford the protection needed to maintain the integrity of rangeland resources, especially in issues relating to sage grouse. ISDA recommends Alternative D be rewritten with the following changes:

J First, Alternative D should guarantee that grazing AUM's would not be lost on the allotments affected by the project. If AUM's are lost and permitted use is decreased, then appropriate compensation would need to be given to permittees, either through monetary means, or by giving them an equitable forage source. Second, the sage grouse telemetry study must establish a baseline of information prior to implementation and then continue for longer than the 5 years proposed in the DEIS. Having the telemetry study continue for longer than 5 years will yield more reliable data on sage grouse movement and population trends in the area in relation to the project development. This, in turn, will lead to better adaptive management decisions. Finally, there needs to be better mitigation of recreational impacts to range resources, particularly illegal recreation activities that will increase with project implementation. Mitigation should include an increased law enforcement presence (this should include educating Windland employees on BLM land use regulations), increased signage, and rehabilitation of roads created illegally by OHV use.

Again, ISDA appreciates the opportunity to provide comments and suggestions to the DEIS, and we hope the BLM incorporates them into the Final EIS. If there are any questions, feel free to contact Kevin Wright at (208) 736-3073.

Sincerely,

Ken Crane

Ken Crane
Range Program Manager
Division of Animal Industries
ISDA

Literature Cited

Connelly, J.W., et al., 2000, "Guidelines to Manage Sage Grouse Populations and Their Habitats," *Wildlife Society Bulletin* 28(4):967985.

USFWS (U.S. Fish and Wildlife Service), 2003a, *Interim Guidelines to Avoid and Minimize Wildlife Impacts from Wind Turbines*, U.S. Department of the Interior, Wind Turbine Siting Working Group, Washington, D.C. Available at http://www.fws.gov/r9dhcbfa/wind.pdf. Last accessed August 1, 2005.

ISDA Comments on DEIS, Proposed Cotterel Wind Power Project, Page 4 of 4

RESPONSES

Your suggestion to revise Alternative D and make it the preferred alternative will be considered in the preparation of the Final EIS.

COMMENTS

Letter #57

FROM : MARK GRIGG GRIGG BROTHERS PHONE NO. : 208 673 5312 Sep. 21 2005 07:56AM P1

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

These comments may be publicly reviewed

Dear Mr. Barker,

We live approximately 3 miles west of this proposed project.
We are completely opposed to the Cotterel Mountain wind project and in favor of option 1, no project on BLM ground, for the following reasons.

- A This project is too close to Albion Idaho and rural residents of the valley, or any town.
- The project belongs on private ground and it has been proven that these projects work virtually anywhere in Southern Idaho.
- B The EIS has whitewashed the opposition of this project in the Albion Valley. There is approximately 80% public opposition by residents.
- C There is no information what the effects of this project would be to the microclimate of the Albion Valley and areas east of the Valley.
- D The proposed project is along a BLM designated scenic byway.
- The project will destroy a public resource, Cotterell Mountain and it can not be replaced.
- The project would turn the Albion Valley into an Industrial Park.
- E Mitigation is unclear and should not be an option to Cotterel Mountain.
- F We do not believe that the project will not adversely affect property values. There is really no data because no project, to my knowledge, has been as close to residential property as this project. Property value affects our lifestyle and retirement opportunities.
- G The project sets precedence for the Albion Valley and expansion of this project or others would surely follow.
- H The project will destroy Sage Grouse and birds of prey habitat.
- I The BLM or any government entity should not allow opportunities to compete with private enterprise, in other words private property owners.
- J The proposed lighting of the towers is intrusive.
- K There are many others alternatives for this project such as along hiway 93 in Nevada where transmission lines do exist and towns do not, if the BLM is intent on sponsoring a similar project on BLM ground.

There are many other reasons that have been stated by other opponents of this project and we agree with all of them. Please deny this project !!!!!

Mark and Debora Grigg
P. O. Box 7
Albion, Idaho 83311

RESPONSES

A. 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.

B. 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 vote.

COMMENTS

Letter #57 (continued)

RESPONSES

C. There is currently no scientific information available in the literature, or associated with existing wind energy facilities, to suggest large wind driven turbines have an affect on microclimate conditions outside of the distance equal to between 8 and 9 turbine blade diameters (2600 to 2925 feet).

D. The designation of Highway 77 as a Backcountry Byway will remain unchanged.

E. Mitigation is built into each action alternative and is further described in appendices C & D. Some changes have been made to those descriptions to better address concerns expressed on adaptive management. Mitigation measures are a requirement to implement Alternatives B, C, & D and would be built into the Plan of Development of the selected alternative.

F. Little information on the potential or actual impacts from wind power projects on property values is available. The ECONorthwest study is one of the few reports that provide any information on the subject. The Draft EIS Section 4.9.2 (Pages 4-48 and 4-49) discloses the known information on this subject, but it does not implicitly state that property values would not be affected by construction of the proposed project.

COMMENTS

Letter #57 (continued)

RESPONSES

G. Expansion of this project or establishment of other similar ones would be subject to the same NEPA review process and plan amendment process required of this proposal. The intent of the possible plan amendment associated with this EIS is specific to this project only.

H A great deal of information on sage-grouse has been collected on Cotterel Mountain including three years of lek attendance surveys, winter use surveys and 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

COMMENTS

Letter #57 (continued)

RESPONSES

of sage-grouse leks (Connelly et al. 2000). The Draft EIS concludes that sage-grouse could potentially be displaced from potentially suitable habitat within a 1.8-mile radius of proposed project facilities.

Based on the results of raptor nest studies, raptor migration studies and avian point count studies that were conducted in 2002, 2003 and 2004, it is clear that some raptor habitat would be lost as a result of the proposed project. However, this is expected to be a small percentage of the total habitat that is available on both Cotterel Mountain and the surrounding vicinity. The Draft EIS discloses that there is the potential for raptor mortality as well. The fatality monitoring plan, as described in the Draft EIS would be implemented to monitor raptor mortality and if necessary, adaptive management strategies would be applied accordingly. The specific protocol of the fatality monitoring plan will be described in detail in the proposed project Plan of Development.

I. 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,

COMMENTS

Letter #57 (continued)

RESPONSES

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. Projects such as this one that are granted ROW are required to pay fair market value rates which should allow private property owners with appropriate sites to compete fairly.

J. Tower lighting is required by State and Federal entities for the safety of aviators. Final design of tower lights is not yet complete but will include shielding to the degree possible to minimize light intrusion to non-aircraft borne viewers. Shielding technology is available and will be required in final design.

K. BLM is not a sponsor of the wind energy project but is responsible by law, regulation and policy for processing the ROW application. The proponent of any project chooses the area for which they make application. The scope of this analysis is limited to that area.

COMMENTS

Letter #58

COTTEREL WIND POWER PROJECT

Twin Falls District

Burley Field Office

Comments specific to the **PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT** should be sent to:

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

Rec'd in Burley BLM office 9-21-05

Comments may be faxed to: 208.677.6699
Comments may be emailed to: id_cotterelwind@blm.gov

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. [ ] Yes [ ] No

Please Print
Name Jeff Chatburn
Street Address 850 S 1275 E
City Albion State Idaho Zip 83311
E-mail (optional)
Comments:
~~I~~ Our family has lived in the Albion Valley for 124 years (6 generations) have operated the Chatburn Ranch. We are also grazing permit holders on North Cotterel. While I can't prove it, I am certain that if the windmills are built the cattle will be removed. I say this for several reasons. ① Not only during but after completion of the project traffic will be unreal (BLM + windfarm personel, sight-seers) the turbines and roads are going to be placed where our cattle have historically gone for

A

Further comments may be written on back or on paper sheets attached to this page.

RESPONSES

A. Analysis of potential loss of AUMs resulting from granting the project ROW (see Section 4.12, Page Number 4-54 through 4-56) indicates no attendant reduction in permitted grazing allocation would be necessary or required. No project fencing that would restrict livestock movements are proposed in project design. Information from existing wind energy developments suggests that livestock exposed to wind turbine activity become used to the action and continue to use the sites.

The presence of maintenance and operations staff will minimize the occurrence of vandalism. Some vandalism could still occur but is recognized by the proponent as a cost of maintaining such facilities on public lands, not unlike all other ROW holders. Closing the mountain to grazing and other public uses is not entertained.

B. Growth in use of the public lands is expected in the coming years. Increased traffic resulting from such use will occur whether the ROW for the wind energy project is granted or not. Private land owners continue to have the right to control access through and to their property unless easements are in place to the contrary.

COMMENTS

Letter #58 (continued)

Twin Falls District

Burley Field Office

COTTEREL WIND POWER PROJECT

Comments Continued:

Name Jeff Chatburn

A water and the best grass. I feel that because of the extra traffic the cattle will be forced back to areas with less forage and overgrazing will occur causing the cattle to be removed. (2) I feel that the amount of vandalism to the turbines is going to cause the entire mountian to be closed to the public.

B If the project is approved and the mountian is not closed to the public the amount of added traffic coming off the mountian and onto adjoining farms and ranches will be unreal, we have enough to do without policing our property 24 hours a day.

C The impact of blasting on the springs has not been addressed to my satisfaction. Until we can be assured there will be no impact NOT ONE explosive should be set off. Natural spring water is a resource that can't be replaced.

D Almost every resident of the Albion Valley signed a petion against the wind farm this fact wasint in the EIS. Cotterel mountian

E isnt the only place where the wind blows in Idaho on BLM lands, there are other options.

F We are hit by some sort of natural disater almost every day WHY should we be forced to live with a man made one. The residents of the Albion Valley deserve to meet with the preson or persons who will make the final decision. He or She needs to look at Our Valley, look at our faces, hear our concerns and see that we are more than just numbers on a sheet of paper we are Human.

RESPONSES

C. The Burley Field Office enlisted the assistance of BLM hydrogeologist from the Denver Service Center to assist in analyzing potential impacts to springs. After a day in the field spent looking at spring locations, rock outcrops and other physical geological aspects of the Cotterel Mountains, he 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.

D. We are aware that a petition opposing the proposed project was signed by a number of local citizens. 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 vote.

COMMENTS

Letter #58 (continued)

RESPONSES

E. 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. The scope of this analysis is limited to that area.

F. How should we address the desire to meet with the decision maker?

COMMENTS

Letter #59

Twin Falls District

Burley Field Office

COTTEREL WIND POWER PROJECT

Comments specific to the **PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT** should be sent to:

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

Rec'd in Burley BLM office 9-21-05

Comments may be faxed to: 208.677.6699
Comments may be emailed to: id_cotterelwind@blm.gov

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. [ ] Yes [ ] No

Please Print
Name Jamie Lynn Chatburn
Street Address 860 S 1275 E
City Albion State Idaho Zip 83311
E-mail (optional)
Comments:

A My younger brothers and I are the sixth generation of Chatburns to be born and raised on our ranch in Albion. Our family settled this pristine valley over a hundred yrs ago and continues to remain very active in the community. The Cotterel mountains border our ranch and we graze our cattle on the BLM ground where the windmill project has been proposed. Our as well as other pioneer families have dwelt and have deeply rooted in this land. We are very proud of who we are and are obligated to keep the integrity of this valley. Let us our right as residents of Albion to voice

Further comments may be written on back or on paper sheets attached to this page.

RESPONSES

A. 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.

COMMENTS

Letter #59 (continued)

COTTEREL WIND POWER PROJECT

Twin Falls District

Burley Field Office

Comments Continued:

Name Jamie Chatburn

our opinions and concerns. It is also our right to have them be heard and taken into great consideration. We believe very strongly that the land leased out on grazing permits will no longer be available for that purpose and if it is, it is even less likely that the cattle will remain on the ridge with the turbines. In addition to this the Cotterel Mtns are home to many types of wildlife and birds that are already beginning to die out. There is no doubt that the giant blades on these towers will kill a very large number of birds and run off many animals. This has been proven and shown in other areas where wind turbines are present. (Altamont, California) This type of construction will also have a great destructive impact on our mountain. It is obvious there will be erosion, disruption of water flow, and destruction of wild habitat and plant life. This will continue with the presence of access roads, power lines, transformers, and the tower sites themselves. For better wind efficiency each tower requires trees to be cleared and vegetation to be kept down with herbicides further poisoning the soil and water. Another concern is the noise that will be produced. Rotor blades over 100ft long chopping through the air over 100mph will be as loud as a motorcycle or an aircraft passing overhead. The noise will greatly affect wildlife and cattle. I also feel it will cause property value to decrease immensely. People move to the Albion Valley because of its quiet, pristine, beautiful mtn. A wind farm would make it just the opposite.

As we move into the future it is very evident that wind energy is going to be vigorously pursued in the west. As far as allowing it to happen Albion residents are going to do whatever it takes to look out for the best interest of the whole valley. Albion is our home and means so much to many people. We must preserve its beauty and legacy!

RESPONSES

B. Analysis of potential loss of AUMs resulting from granting the project ROW (see Section 4.12, Page Numbers 4-54 through 4-56) indicates no attendant reduction in permitted grazing allocation would be necessary or required. No project fencing that would restrict livestock movements are proposed in project design. Information from existing wind energy developments suggests that livestock exposed to wind turbine activity become use to the action and continue to use the sites.

C. Yes, alternatives B, C & D will destroy some sage-grouse and raptor habitat. Permanent loss of habitat is limited to that area within the project footprint of each alternative. A great deal of information on sage-grouse has been collected on Cotterel Mountain including three years of lek attendance surveys, winter use surveys and 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

COMMENTS

Letter #59 (continued)

RESPONSES

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

Based on the results of raptor nest studies, raptor migration studies and avian point count studies that were conducted in 2002, 2003 and 2004, it is clear that some raptor habitat would be lost as a result of the proposed project. However, this is expected to be a small percentage of the total habitat that is available on both Cotterel Mountain and the surrounding vicinity. The Draft EIS discloses that there is the potential for raptor mortality as well. The fatality monitoring plan, as described in the Draft EIS would be implemented to monitor raptor mortality and if necessary, adaptive management strategies would be applied accordingly. The specific protocol of the fatality monitoring plan will be described in detail in the proposed project Plan of Development.

COMMENTS

Letter #59 (continued)

RESPONSES

Post construction monitoring at operating wind power facilities has shown that big game acclimates to the presence of the wind turbines and other facilities over time.

D. Best Management Practices (BMP) as appropriate to road and site construction will be mandated to ensure control of wind and water erosion (Reference Appendix C). Such practices will provide for drainage of the area impacted by construction.

E. The tower base area will be cleared of vegetation 45 feet from the tower center during construction. After completion of construction that area will be converted to a cleared gravel base of 25-foot diameter with all other being reclaimed to native vegetation. No trees will be removed except for those present within proposed tower based sites and limiting initial construction. Use herbicides other than those necessary to control noxious weeds will not occur and did not require analysis.

COMMENTS

Letter #59 (continued)

RESPONSES

F. 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.

COMMENTS

Letter #60

Twin Falls District

Burley Field Office

COTTEREL WIND POWER PROJECT

Comments specific to the **PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT** should be sent to:

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

Rec'd in Burley BLM office 9-21-05

Comments may be faxed to: 208.677.6699
Comments may be emailed to: id_cotterelwind@blm.gov

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. [ ] Yes [ ] No

Please Print
Name Tammy Chatburn
Street Address 1275 East 850 S.
City Albion State Id. Zip 83311
E-mail (optional)
Comments:

A I am concerned because our income revolves around our cattle operation. The windmills have the ability to require the BLM to close our grazing permit or move the permit to another area. Due to fuel prices and time, a move would not be in our best interest. I am also concerned about the destruction

Further comments may be written on back or on paper sheets attached to this page.

RESPONSES

A. Analysis of potential loss of AUMs resulting from granting the project ROW (see Section 4.12, Page Number 4-54 through 4-56) indicates no attendant reduction in permitted grazing allocation would be necessary or required. No project fencing that would restrict livestock movements are proposed in project design. Information from existing wind energy developments suggests that livestock exposed to wind turbine activity become used to the action and continue to use the sites. Closing the mountain to grazing and other public uses because of the proposed project is not entertained. The presence of maintenance and operations staff would minimize the occurrence of vandalism. Some vandalism could still occur but is recognized by the proponent as a cost of maintaining such facilities on public lands, not unlike all other ROW holders.

B. The Burley Field Office enlisted the assistance of BLM hydrogeologist from the Denver Service Center to assist in analyzing potential blasting impacts to springs. After a day in the field spent looking at spring locations, rock outcrops and other physical geological aspects of the Cotterel Mountains, he 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

COMMENTS

Letter #60 (continued)

Twin Falls District
Burley Field Office

COTTEREL WIND POWER PROJECT

Comments Continued:
Name Tammy Chatburn

B of springs on Cotterel mountain as well as on our own private property.

C Vandalism to the windmills and our bordering property is a real concern. Who is liable for policing this property?

D I have concerns about the windmills extending down the mountain into our valley and out my back door. It has been my practice in the past where there is a small windmill farm a larger farm continues to grow.

E There are other areas where these windmills will not interfere w/ lives and our livelihood. Please reconsider the placement of this project.

RESPONSES

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.

C. The presence of maintenance and operations staff would minimize the occurrence of vandalism. Some vandalism could still occur but is recognized by the proponent as a cost of maintaining such facilities on public lands, not unlike all other ROW holders. Private land owners are able, under the law, to control and/or restrict access to their property. Trespassing and vandalism on private property would be issues to be taken up with Cassia County Law Enforcement personnel.

D. Expansion of this project or establishment of other similar ones would be subject to the same intense NEPA review process and plan amendment process required of this proposal. The intent of the proposed plan amendment associated with this EIS is specific to this project only.

E. The ROW application that BLM received from Windland, Inc., was for a wind energy development on Cotterel Mountain. Alternative sites or alternative energy sources were not identified in the application. Identifying potential wind energy development sites or other energy sources other than that identified in Windland's

COMMENTS

Letter #60 (continued)

RESPONSES

application is therefore outside the scope of this EIS. 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. Historic establishment of energy generation and production projects shows that use of public land for that purpose has precedents and can be appropriate. 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.

COMMENTS

Letter #61

Twin Falls District

Burley Field Office

COTTEREL WIND POWER PROJECT

Comments specific to the **PROPOSED COTTEREL WIND POWER PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT AND CASSIA RESOURCE MANAGEMENT PLAN AMENDMENT** should be sent to:

BURLEY FIELD OFFICE
RECEIVED
2005 SEP 21 AM 10 13

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

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. [ ] Yes [X] No

Please Print
Name ODEEN & DARLA PEDMAN
Street Address 1077 So. HWY 77
City ALBION State IDAHO Zip 5331
E-mail (optional) odeen@atnet.net
Comments:
ATTACHED.

Further comments may be written on back or on paper sheets attached to this page.

RESPONSES

A. Potential impacts to visual resources are disclosed in Section 4.13 (Pages 4-56 through 4-63) of the draft EIS. The Visual Resource Contrast Rating Method is BLM's method for analyzing visual resource management issues. The Visual Resource Contrast Rating Method is subjective by design to incorporate the visual preferences of multiple individuals. It is not designed to define a specific level of impact but to determine potential change to key landscape features from a proposed action. Obviously, the change in the landscape resulting from the proposed project would be significant. How great the impact would be is dependant on the personal preferences and judgment of the viewer. We are aware that a petition opposing the proposed project was signed by a number of local citizens. 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 vote.

COMMENTS

Letter #61 (continued)

September 8, 2005

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

I am writing in opposition to the proposed windmill project on Cotterel Mountain near Albion by Windland Corporation.

I was born in the Albion Valley nearly 68 years ago and have lived my entire life here. My wife Darla and I have raised a family in this valley and are part owners of ATC Communications, a small independent local exchange telephone company. This is a business that has been in my family and headquartered in the Albion Valley since 1929.

Our residence is located approximately 2 miles west of the proposed Windland project on Cotterel Mountain.

My opposition to this project is based on the following observations:

A 1. Aesthetic considerations have never been seriously considered by the BLM for the residents of the Albion Valley, in spite of the petitions opposing this project that were signed by over 80% of those of us who live here. If these towers are built, those of us who have chosen to live in this valley will be forced to look at them and listen to them every day for the rest of our lives. In addition, more towers will be built in the future until the entire west side of Cotterel Mountain will be covered with windmills. I am saddened to think that I may be forced to look out my window every day and look at over a 100 of these 450 foot tall monstrosities.

2. For large wind turbines connected to the grid, energy costs typically range between 4 and 8 cents per kWh compared to gas at 3 to 3.5 cents per kWh. For independent, stand-alone applications for smaller wind turbines, the energy costs range between 8 to 30 cents per kWh. The further development of wind energy as an economically feasible source of power will depend on continued support from state and federal incentive programs. We know that Windland and Shell are depending on these incentive programs (our tax dollars) to make this project feasible to build. They must also sell that wind energy at rates higher than we as consumers are now paying at the retail level. Therefore, that power must be shipped to places like California where wholesale rates are much higher. I think we can conclude that this power will never be used in the local area. If it becomes available to our local retail power suppliers, our electric rates will increase substantially.

B 3. Just because wind power doesn't pollute the air doesn't mean it has no environmental impact. Alameda County, Calif., placed a moratorium on new wind farms because turbines had killed hundreds of hawks, eagles and other birds of prey. The impact on wildlife on Cotterel Mountain could be substantial. Sage grouse populations may be reduced or eliminated. Deer, coyotes, raptors, and all other wildlife will surely see some impact of one kind or another. In a recent article in the Washington Post, a reporter observed that: "Thousands of bats have died at a wind project on Backbone Mountain in Maryland and another nearby wind farm in Meyersdale, PA. as a result of wind turbine blades. These bat deaths, which have baffled researchers, pose a problem for this industry that sells itself as an environmentally friendly alternative to conventional power

RESPONSES

B. Based on the results of raptor nest studies, raptor migration studies and avian point count studies that were conducted in 2002, 2003 and 2004, it is clear that some raptor habitat would be lost as a result of the proposed project. However, this is expected to be a small percentage of the total habitat that is available on both Cotterel Mountain and the surrounding vicinity. The Draft EIS discloses that there is the potential for migratory bird, including raptor, mortality and as well. The fatality monitoring plan, as described in the Draft EIS would be implemented to monitor raptor mortality and if necessary, adaptive management strategies would be applied accordingly. The adaptive management section of Alternatives C and D (see Section 2.5.4) has been significantly revised to help address this problem. Although the potential for migratory bird impacts is not eliminated, BLM and its cooperating agencies have made significant progress with the right-of-way Applicants to incorporate adaptive management strategies that would help to reduce these impacts.

COMMENTS

Letter #61 (continued)

B plants." Merlin Tuttle, president and founder of Bat Conservation International of Austin, TX stated: "Take the most conservative estimates of mortality and multiply them out by the number of turbines planned in this country and you get very large, probably very substantial kill rates. One year from now we could have a gigantic problem." To my knowledge, BLM has never considered the bat kill probability.

C 4. On a windmill project near Tehachapi, California, the following observation was made by an observer outlining a self guided tour of this area. "Throughout the Tehachapi-Mojave area look for turbines without nose cones, turbines without nacelles (blown off and not replaced), oil leaking from blade-pitch seals, oil leaking from gearboxes, road cuts in steep terrain, erosion gullies, non-operating turbines, and "bone piles" of junk parts. One Zond bone pile of abandoned fiberglass blades is visible on the east side of Tehachapi-Willow Springs Rd. near Oak Creek Pass. (Kern County doesn't permit on-ground disposal of fiberglass.) While touring wind farm sites look for blowing trash and litter (plastic bags, soft-drink cups, bottles, electrical connectors, scrap bits of metal, and so on). These all reflect management's attention to maintenance and general housekeeping. Is this what we have to look forward to after a few years of operation by this company?

D 5. I am not opposed to alternate energy sources of any kind. Wind power is an excellent source of energy and should be used to its fullest potential. I am opposed to the proposed location on Cotterel Mountain. Private land use is preferred for these projects, but if this one has to be located on public land, then there are thousands of acres of BLM land on the Minidoka desert that would work just fine. This alternate location would be far from residences and already has a number of electric transmission lines available for connection to the grid. Let Windland build this project away from residential homes and populated areas and not spoil a pristine mountain like Cotterel.

6. I will refuse to be a good neighbor to Windland. Their proposal has disregarded and ignored the concerns of the people who live in the Albion Valley. Their intention is to build this project, if approved by the BLM, irregardless of our concerns. If this project is built, Cotterel Mountain will be lost to us forever. Roads will be closed and access denied. Additional windmills will be added in the future until the visual impact will be intolerable. The land on Cotterel Mountain belongs to all of us. It is public land and its use should be enjoyed by us all. Do the right thing and deny this project!

ODeen K. and Darla Redman
1077 South Highway 77
Albion, Idaho 83311

Telephone 208 673-5353

RESPONSES

Alternatives B, C & D would destroy some sage-grouse. Permanent loss of habitat is limited to that area within the project footprint of each alternative. A great deal of information on sage-grouse has been collected on Cotterel Mountain including three years of lek attendance surveys, winter use surveys and 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 from potentially suitable habitat within a 1.8 mile radius of proposed project facilities.

COMMENTS

Letter #61 (continued)

RESPONSES

The proposed linear north – south project would occur in a narrow corridor along Cotterel Mountain occupying an area of approximately 200 acres. The majority of Cotterel Mountain would remain unaltered following project construction and during project operation. Nocturnal radar surveys conducted on Cotterel Mountain showed that over 95 percent of migrating birds and/or bats flew well above the maximum height of the proposed turbine blades. Therefore the proposed project would not interfere with the majority of night migrating birds and/or bats. The fall raptor migration survey conducted on Cotterel Mountain did not indicate a defined flight corridor along the main ridgeline of Cotterel Mountain. Flight paths were more concentrated along the lateral portions of the mountain. Although avian species utilize the area that would be occupied by the proposed project, it appears, based on the data collected, that the project would do little to block north-south avian migration.

It is likely that, as described in the analysis, wildlife, such as big game would habituate to the presence of the proposed project. Post construction monitoring at operating wind power facilities has shown that big game acclimates to the presence of the wind turbines and other facilities over time.

COMMENTS

Letter #61 (continued)

RESPONSES

C. Tours of modern scale wind farms in the west, including the Foote Creek project in Wyoming, which is predominantly on public land, have shown quite the opposite picture in terms of "housekeeping" and maintenance. They have been extremely clean and well maintained with particular attention to rehabilitation of disturbed areas not needed for operation and maintenance. In addition, if approved, the right-of-way grant would contain "Best Management Practices" (BMP) that would require the right-of-way holder to keep the facility well maintained and clean.

D. The ROW application that BLM received from Windland, Inc., was for a wind energy development on Cotterel Mountain. Alternative sites or alternative energy sources were not identified in the application. Identifying potential wind energy development sites or other energy sources other than that identified in Windland's application is therefore outside the scope of this EIS. 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.

COMMENTS

Letter #62

IDAHO FISH & GAME
MAGIC VALLEY REGION
319 South 417 East
Jerome, ID 83338

September 22, 2005

Dirk Kempthorne / Governor
Steven M. Huffaker / Director

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

Re: Draft Environmental Impact Statement and Draft Resource Management Plan Amendment for the Cotterel Wind Power Project

Dear Scott:

Idaho Department of Fish and Game (IDFG), acting under supervision of the Idaho Fish and Game Commission, is charged with the statutory responsibility to preserve, protect, perpetuate, and manage all fish and wildlife in Idaho (Idaho Code 36-103(a)). As such, we advocate fish and wildlife receive equal consideration with other resources in decisions affecting land and water management. Resident species of fish and wildlife are the property of all citizens within the state (Idaho Code 36-103(a)) and decisions affecting fish and wildlife therefore are the concern of all Idahoans.

Our review of the Cotterel Wind Power Project Draft Environmental Impact Statement (DEIS) was based on an understanding that this large wind energy project has been proposed primarily because the Cotterel Mountains apparently maintain some of the most consistent, high value wind resources in Idaho. We are also aware the proximity to transmission lines and the existing infrastructure act as catalysts to wind power development in the Cotterel Mountains.

We offer our comments and evaluation with the knowledge the Cotterel Wind Power Project offers an opportunity to diversify energy production. We are interested in implementing the project in a manner that effectively eliminates or reduces and mitigates any impacts the project might have on Idaho's wildlife resources and recreation, while helping diversify the nation's energy resources and Idaho's economy.

As explained in the DEIS, IDFG participated in the Idaho Wind Energy Technical Team (IWETT), chartered by the Bureau of Land Management (BLM) for the purpose of assessing and mitigating wildlife impacts that could result from implementation of the Cotterel Wind Power Project. Therefore, IDFG has extensive and explicit knowledge of the resources and the proposal, and is a long-term cooperator with BLM.

IWETT, consisting of BLM, U.S. Fish and Wildlife Service (USFWS), and IDFG staff, reached consensus that the Cotterel Wind Power project will have detrimental impacts to wildlife resources in the Cotterel, Albion, and Jim Sage Mountain areas. It was IWETT's determination that the project, if implemented as proposed in the DEIS, will have unavoidable and significant

RESPONSES

See comment summary on last page of letter.

A. The ROW application that BLM received from Windland, Inc., was for a wind energy development on Cotterel Mountain. Alternative sites were not identified in the application. Identifying potential wind energy development sites other than that identified in Windland's application was outside the scope of this EIS. The Purpose and Need Statement in the Notice of Intent was a brief summary of the more detailed description contained in the Draft EIS. The intent of the purpose and need statement in the NOI describing the Cotterel Mountains as "a site in Idaho" was not to suggest that BLM would be considering areas in Idaho other than those contained in Windland's application. The scope of the analysis was limited to alternatives within the application area only. The purpose of this analysis was to determine whether or not the proposed project or its action alternatives are an appropriate use of public lands on Cotterel Mountain.

B. 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

COMMENTS

Letter #62 (continued)

impacts to wildlife, especially sage-grouse. These impacts will include permanent loss of sagebrush-steppe habitats from the project footprint, mortality of bird and bat species from turbine, tower, and blades strikes, temporary loss of habitat during construction, permanent fragmentation of existing habitats through road and power line construction, and potential avoidance of large areas of preferred habitats by sage-grouse and other species.

These issues were presented to BLM by IWETT and IDFG prior to the release of the DEIS. IWETT and IDFG also made specific recommendations and identified specific actions necessary to address and balance project impacts on wildlife resources and recreation. However, these recommendations and action items have not been included in the DEIS and we find it inadequate in its plan for avoiding, minimizing, and mitigating impacts to wildlife resources and recreation. To provide a final environmental impact statement (FEIS) that balances project impacts with sustaining wildlife resources and recreation, IDFG recommends the following deficiencies are addressed and recommendations are incorporated into the FEIS in their entirety.

Purpose and Need

According to the BLM Environmental Policy Handbook (H-1790-1, Chapter 5), when preparing an Environmental Impact Statement "*BLM must define the purpose and need for the proposed action*" and "*public involvement and consultation/coordination with other government agencies are important*" in accomplishing this task. The Handbook also states "*the purpose of scoping, generally, is to focus the analysis on significant issues and reasonable alternatives in order to eliminate extraneous discussion and reduce the length of the EIS.*" We believe that development of the Purpose and Need statement for the proposed Cotterel Wind Power Project and the scoping portion of the EIS process have been flawed and created a "moving target" with respect to the EIS analysis process. This has hindered the ability of the public and other government agencies to participate in the EIS process and has greatly altered the range of alternatives needed for the analysis to comply with NEPA.

It appears the process has not complied with the BLM's own internal policy as presented in the H-1790-1 Handbook. On December 17, 2002 BLM issued a Scoping Notice for the proposed Cotterel Mountain Wind Project EIS and Cassia Resource Management Plan Amendment. Neither this newsletter nor the attached cover letter (addressed to IDFG's Magic Valley Regional Office) included a Purpose and Need Statement for the proposed project. However, the Notice of Intent (NOI) to prepare an Environmental Impact Statement/Land Use Plan Amendment released in the Federal Register on December 19, 2002 (Vol. 67, No. 244, pp. 77801 and pp. 77802) contains the following two-part Purpose and Need Statement: "*The purpose and need for the proposed project are to (1) provide wind-generated electricity from a site in Idaho to meet existing and future demands for electricity; and (2) to develop energy generation facilities that are consistent with the President's National Energy Policy which encourages the development of renewable energy resources, including wind energy, as part of an overall strategy to develop a diverse portfolio of domestic energy supplies for the nation's future.*" Neither the aforementioned newsletter nor the cover letter make any reference to the NOI (which was published only two days later) and, as mentioned earlier, neither of these documents (which presumably were also released to many members of the public and other government agencies) included the Purpose and Need Statement for the proposed project. Additional letters to the Magic Valley Regional Office dated December 20 and 23, 2002 provided information that was

RESPONSES

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 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 #62 (continued)

inadvertently omitted and corrected errors in the December 17 letter. Neither of these subsequent letters referenced the NOI or provided a Purpose and Need Statement for the proposed project. We assume these two subsequent letters were also mailed to other government agencies and interested members of the public. As a result (and counter to the BLM Environmental Policy Handbook), the public and other government agencies were not provided with a thorough description of the proposed project with which to enter the scoping process nor were they notified of the NOI publication in the Federal Register.

Section 1.2.1 (pp. 1-5) of the DEIS states "*the purpose of the Proposed Action is to develop an economically-feasible, wind-powered electric generation facility on* ***Cotterel Mountain*** *(emphasis added) that will provide an alternative renewable energy source to help supplement existing and future energy demands.*" The differences between the Purpose and Need Statements in the NOI and DEIS support our contention that the Purpose and Need of the proposed project has been a "moving target." Based on the NOI Purpose and Need Statement, the BLM would need to consider alternative site locations in Idaho for the proposed action, not just on-site alternatives as presented in the DEIS.

Given the above, the analysis presented in the DEIS differs greatly from the analysis one would expect when reading the NOI issued approximately two and a half years prior to the release of the draft. We suggest BLM has not provided clear and concise information to the public or other government agencies with which these entities were to base comments on the proposed project during the EIS scoping process. Therefore, public and agency comments provided as a result of mailed scoping announcements (the aforementioned letters and newsletter) and the NOI were based on a proposal whose purpose and need changed substantially when the DEIS was released.

Definition of Project Area and Site

BLM states unequivocally in the DEIS that "off-site" mitigation is voluntary (Section 2.5.4, pp. 2-35 and Appendix E) and the applicant makes a commitment to voluntary compensatory fund contributions for "off-site" mitigation (Appendix F). Therefore, the determination or definition of the project area or site is an extremely important decision within the DEIS and NEPA process. This decision determines the scope and scale of the analysis of affected resources, potential impacts, cumulative effects, and the determination of both on-site and off-site mitigation needs as well as the BLM's obligations and responsibilities related to decisions made within the EIS.

The project area or site boundary in the DEIS is based on a legally defined 4,545-acre right-of-way to be granted by BLM through this EIS decision. The project area boundary is not currently determined based on landownership, the purpose and need of the DEIS, the potential project impacts, or the boundaries of the inventory of the affected resources BLM is responsible for. We find the selection of the project area or site boundary in the DEIS arbitrary and capricious.

We disagree with the logic or criteria used for selection of the project area/site boundary and recommend it be expanded. First, the project area/site does not include all the transmission line or road construction and road use portions of the project (Figure 1.0-1, pp. 1-2 and others). These are clearly a necessary part of the project and its overall effects and should be included within the project area/site boundary. Second, we believe the granting of a legally defined ROW by BLM does not constitute the project area/site because the resources and management

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 determine as described above and is limited to the 4,545 acres of Windland's ROW application.

C. 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 #62 (continued)

decisions analyzed and affected by the DEIS are much broader than the legally defined ROW and should be within a boundary that includes the resources being impacted. Third, the boundary of management area 11 (Figure 3.6-2, pp. 3-84) of the Cassia RMP, which will be amended as a result of the ROD for the FEIS, is an area entirely surrounding the ROW yet the smaller ROW boundary has been defined as the "site." Defining the project area/site as the legal ROW leased by the project proponent instead of the larger RMP management area subverts the NEPA process. This definition misrepresents the project area/site impacted by the decisions to be made within the FEIS and minimizes the decision and the obligations of the BLM and the proponent to avoid, reduce, and mitigate project impacts.

The DEIS also demonstrates a confused logic on how it chose the area it analyzed and assessed within the DEIS. The "footprint" of the proposed project is defined as on-site (Section 2.5.4, pp. 2-33) but appears to exclude the transmission lines right-of-ways construction part of the project. The construction impact area is defined differently than the ROW, and for all project features is described as 365 acres for Alternative B (Section 2.4.1, pp. 2-27), with the final proposed project occupying an area of "*about 203 acres*" (Section 2.4.1, pp. 2-27). Alternative B is suggested to have the largest project footprint (Section 4.16.2, pp. 4-71) but the ROW boundary defined on pp. 2-33 as the "footprint" does not appear to change for either Alternative B or C. As such, the footprint should not vary among alternatives. The Biological Resources Section 3.2 (pp. 3-13) states "*...the BLM is responsible for conserving wildlife, plant populations, and their habitats in the Proposed Project area*" and "*...within the Proposed Project area, the potential impact on biological resources required studies of vegetation and wildlife.*" In addition, Section 3.2 states "*...to provide adequate inventory, some of the resource studies extended beyond the Proposed Project area boundary to better assess potential project impacts to wide ranging species like ferruginous hawk, sage-grouse, and mule deer.*" However, no definitive boundaries or logical protocol are presented for how biological inventories and impact assessments were defined or delimited.

Our greatest concern in this regard has to do with how sage-grouse and sage grouse habitat is addressed in the DEIS. For example, we are aware through Windland's sage-grouse studies that birds found on the Cotterel Mountains are a subgroup of a metapopulation ranging across the Cotterel, Albion, and Jim Sage Mountains area. Therefore, we feel strongly the affected area of the Cotterel Wind Power project should be defined as the area providing all seasonal habitats to the sage-grouse population affected by the project. Based on population connectivity as determined by the movements of radio-marked sage-grouse monitored during Windland's studies, the boundary of this area should be inclusive of and circumscribe the entirety of the Cotterel, Albion, and Jim Sage Mountains. We believe this area should be considered as "on-site" in terms of the effects of the project and mitigation for impacts of the project.

Similarly, we are aware through other Windland studies that song birds, raptors, and bats are seasonally dependent on areas within and outside of the defined ROW and as a result, will be affected by the proposed action. A logic for the selection of the assessment boundaries for these species is not clear in the DEIS.

We recommend the defined project area/site boundary be expanded in the FEIS to include the area that would incorporate the potential ecological and biological effects of the project on the

RESPONSES

D. 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 IDFG fall into the category of "off-site mitigation" and therefore cannot be required of the Applicant. As pointed out in IDFG 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 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. Whether the $150,000 is called compensatory mitigation or a damage payment as suggested by IDFG, it is all that can be required of the Applicant and will constitute the available off-site mitigation funds for this project. Although BLM agrees that mitigation should be described for and tied to specific impacts as suggested by IDFG, we are reluctant to assign specific mitigation to potential future impacts that may or may not occur.

E. As described above 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.

COMMENTS

F. Letter #62 (continued)

sage-grouse metapopulation encompassing the landscape of the Cotterel, Albion, and Jim Sage Mountains.

Mitigation
As the responsible federal land manager, BLM has an obligation to: 1) ensure that actions taken as a result of this decision do not result in unnecessary or undue degradation to the public lands (43 U.S.C. 302(b) and 2) evaluate the need for off-site mitigation.

The DEIS itemizes the following range of wildlife impacts due to project implementation. A permanent loss of 158-203 acres of wildlife habitat, temporary ground disturbance and habitat loss of 280-365 acres, 9.0-19.7 miles of new transmission lines, 19.3-26.6 miles of road construction, disturbance of 6 sage-grouse leks directly within the ROW, and displacement of sage-grouse from up to 26,644 acres of suitable habitat. Other impacts include disturbance of 3 golden eagle nests directly within the ROW, elimination of 105 acres of mule deer winter range, loss of 194 acres of bighorn sheep winter range, potential displacement of passerine birds from 3,700-4,485 acres of suitable habitat, and the predicted potential mortality of up to 54,000 bats and 47,320 birds and raptors every year. Because of the confusing and minimizing approach used to define the analysis area within the DEIS, we view these figures as conservative impact estimates.

For the record and perspective, the DEIS states the annual operating cost of the project will be between $4.5 million (Alternative B) and $2.3 million (Alternative D); construction costs will be $200,000,000; there will be a $1,300,000/year increase in monies to Cassia Joint School District 151; there will be a $500,000 one time increase in sales tax revenue and a $60,000 permanent increase in sales tax revenue from the project; the ROW rent will be $2,365/megawatt based on installed capacity, a capacity factor of 30%, a royalty of 3%, and an average purchase price of $0.03/kilowatt hour; minimum rent will be phased as follows: first year - 25% of total minimum fee or $591/megawatt, second year - 50% of total minimum rental fee or $1,182/megawatt, third year - 100% of total minimum rental fee or $2,365/megawatt; and production rent will be in addition to minimum rent and will be based on a percentage of gross of proceeds methodology based on actual sale prices of electricity and market supported royalty rates and will include the sale of production credits. These figures sufficiently demonstrate the monetary implications of the proposed project.

In the DEIS, the proponent has agreed to a voluntary contribution of 0.5 % of the gross revenues received by the Cotterel Wind farm electricity sales for compensatory mitigation. This is estimated in Windland's commitment letter to be an average of $150,000/year based on forecasted production and electricity rates (Appendix F). This contribution is based on BLM's policy that it does not require off-site mitigation (Appendix E), that any off-site compensatory mitigation must be voluntary (Appendix E), and that the "site" as defined in the DEIS is the legal description of the ROW proposed to be leased by the proponent.

In our view, the voluntary contribution is a damage payment or fee rather than mitigation funds to improve, restore, or replace like habitats or mitigate known impacts of the project. The value of this voluntary payment is not based on calculations of necessary mitigation needs nor is it tied to the identified and potential impacts of the project as described above. Rather it is an

RESPONSES

F. The cumulative impacts analysis in the Draft EIS has been revised in the Final EIS.

G. Section 2.3.3 (page 2-20) of the Draft EIS states "Public access to the federal and state lands would not be restricted." It further states that during construction temporary restrictions on access could be imposed for public health and safety purposes. Section 2.5.2 (Page 2-33) states that vehicle access could be restricted on a portion of the ridgeline containing new project roads. The current level of vehicle, pedestrian, and equestrian access to Cotterel Mountain will not be altered as a result of construction of the proposed project.

COMMENTS

Letter #62 (continued)

arbitrarily selected amount which the proponent feels may be sufficient to allow the project to proceed to implementation, and as such is a damage payment fee paid by the proponent rather than a voluntary contribution based on defined needs for compensatory mitigation. In fact, we are not aware of anywhere in the DEIS where a need for off-site mitigation is identified. IDFG is opposed to payment of any damage fees not based on actual impacts and tied to the identified mitigation needs of the project. We do not feel it is in the best interest of the public resource or responsible public resource managers to accept a monetary payment not connected to defined impacts and mitigation needs.

Impacts and losses identified in the DEIS are not connected in any way to the compensatory mitigation fund or the $150,000/year annual damage payment. The DEIS and BLM do not attempt to calculate the actual costs of mitigation necessary to minimize the impacts to wildlife, plants, and their habitats that BLM is responsible for conserving but instead present an itemized list of impacts in the DEIS and presumed a voluntary damage fee contribution of approximately $150K/year over 30 years is adequate compensation. We recommend the BLM rectify these deficiencies in the FEIS by estimating the monetary amounts necessary to balance or resolve identified project impacts to wildlife and wildlife recreation over the term of the project as identified in the FEIS.

In the DEIS, mitigation is defined as monitoring of wildlife mortality due to blade strike without any corresponding management response to correct potential problems and reduce future losses (Appendix D). The sage-grouse lek monitoring called for within the ROW focuses on passive data collection related to sage-grouse numbers found on leks in the ROW during the first 5 years of the project without any call for management response or mitigation if sage-grouse numbers decline (Appendix D). The DEIS also states the proponent will conduct fatality monitoring for 5 years commencing at start up (search half of the turbines once every 2 weeks in a 410 ft square plot centered on each side of each turbine, Appendix D). If monitoring identifies "hot spots" where fatalities are in excess of predicted mortality, monitoring will be extended for a term recommended by the technical committee and approved by BLM (Appendix D). As such, the DEIS does not prescribe management actions related to monitoring information collected during the 30-year life of the project. If monitoring determines sage-grouse leks decline and disappear, "hot spot" bird or bat mortality occurs, or bird/bat mortalities exceed predicted levels, the only action called for in the DEIS is a continuation of monitoring. Mitigation in the DEIS is insufficient and must be rectified in the FEIS.

To help assess a monetary value on project impacts in the FEIS, we recommend habitat avoidance and degradation mitigation be implemented through an annual mitigation payment to a mitigation trust fund. The annual payment would be based on the assessed value of impacted habitats in a radius of 1.8 miles from each turbine, a 50% level of impact to those habitats, and a 30-year impact period during which shrub-steppe conservation, restoration, and protection mitigation efforts would occur. Mitigation efforts should include, but not be limited to, fee-title land purchase, purchase of conservation easements, purchase of grazing permits, adjustment of grazing management, and implementation of other shrub-steppe restoration activities to improve sage-grouse and shrub-steppe habitats. As an incentive to provide mitigation, we recommend that failure to implement suitable and sufficient mitigation actions to balance project impacts result in revocation of the proponent's ROW permit. We also recommend the trust act as a

RESPONSES

COMMENTS

Letter #62 (continued)

funding source for monitoring and mitigation actions during the life of the project and upon expiration of the project ROW, any balance in the trust reverts back to the proponent.

To facilitate monitoring and mitigation, we recommend establishment of interagency science and management teams. The science team should consist of 1 voting member and any appropriate technical experts from each of the proponent, BLM, IDFG, U.S. Geological Survey, and USFWS. The management team should consist of 1 voting decision maker from each of the BLM, IDFG, and USFWS. The science team's responsibilities would include designing and implementing all monitoring required to assess project impacts and associated project mitigation as required by the BLM ROW and also for analyzing monitoring results and providing appropriate recommendations to the management team and others. The management team's responsibilities would include identifying and implementing all mitigation actions required and necessary for the project as well as seeking recommendations from the science team on project impacts and mitigation. The management team insures monitoring is funded and it manages the funds set aside in a trust account for monitoring and mitigation. We recommend decisions of each team be based on consensus agreement of team members.

If, at any time, the management team determines habitat avoidance and degradation impacts are higher or lower than predicted or mitigation is more or less effective than predicted, mitigation payments and financial obligations should be appropriately increased or reduced, as determined by the management team.

Permanent and temporary habitat losses as a result of project construction should be mitigated by a single financial payment to the trust fund at the onset of project operations. As presented to BLM by IWETT and IDFG prior to the release of the DEIS, we recommend payment be based on an appraised value of the land (cost/acre) and impacts be mitigated at a rate of 4:1 for acres of permanently lost habitat and 2:1 for acres of temporarily disturbed habitat. At the onset of the project, we recommend a direct payment to the trust fund for mitigation of the predicted direct mortality impacts of the project to migratory birds, bats, and raptors. The payment should be based on the predicted levels of mortality expected to occur as a result of wind power generation. We suggest the USFWS determine the value of this initial payment based on a 4:1 ratio of predicted mortalities and value by species.

We believe monitoring of sage-grouse is necessary for the life of the project. Monitoring, as devised by the science team, should determine the effect of construction and operation of the project on sage-grouse productivity, survival, and habitat use (breeding, brood rearing, and winter habitat) and should evaluate the effectiveness of actions taken to mitigate these effects. The monitoring plan should include measures of sage-grouse population status, trends, movements, and habitat use. Habitat avoidance and degradation monitoring should compare the Cotterel Mountain project with other wind energy facilities and sage-grouse and sagebrush-steppe research and conservation efforts. The science team's evaluation of the results of this monitoring should result in recommendations to the management team on mitigation action suitability and effectiveness in relation to impacts attributable to the presence and operation of the project. The management team should seek to continually fund and implement projects maximizing restoration, protection, and conservation mitigation during the life of the project. Mitigation projects should be monitored, as prescribed by the science team, to determine if they

RESPONSES

COMMENTS

Letter #62 (continued)

are effective. The management team should seek to modify these projects based on monitoring studies to most fully and effectively mitigate impacts to sage-grouse from wind power generation.

The wind turbines should be intensively monitored to determine bird and bat strike mortality for the first 5 years of operation. Science team devised monitoring should meet existing scientific protocols and be consistent and comparable with monitoring efforts at other wind energy facilities.

The upper estimates of predicted bird and bat mortality provided in DEIS (Table 4.6-6, pp. 4-30) are unacceptably high (13,926 to 54,000 bats and 12,210 to 47,320 birds and raptors per year). BLM and IDFG recognize that if actual bird and bat mortalities approached these upper estimates, the project would not be implemented. However, these ranges represent estimates and we acknowledge a level of mortality may exist that would allow the project to move forward. To maintain or reduce bird and bat mortality at or below acceptable predicted levels, we recommend an adaptive management strategy is implemented for the life of the project. Adaptive management should include, but not be limited to, modifications in project operations, including turbine removal, relocation, and/or seasonal turbine shutdown. To provide incentive for implementing recommended management team adaptive management actions, we recommend failure to take management actions result in revocation of the proponent's ROW. If, after 5 years, monitoring determines mortality rates are likely to remain either higher or lower than predicted, the management team may recommend monitoring and mitigation be respectively changed.

As part of required monitoring in the mitigation plan, we recommend the science team monitor raptor nesting response in relation to project construction and operation. This should include, but not be limited to, nest occupancy, location, productivity, and abundance.

Cumulative Effects

We find the cumulative effects analysis in the DEIS superficial and inadequate. To meet a NEPA cumulative effects analysis there should be relatively detailed and quantified information about risk and effects rather than general statements about possible effects and potential impacts.

The cumulative effects analysis for sage-grouse in the DEIS (Section 4.16.2, pp. 4-71) states "*...displacement from potential suitable habitat would represent less than one-half percent (0.005%) loss to the total estimated acres of suitable sage-grouse habitat state-wide.*" The analysis also states "*an approximate 30 percent loss to the total number of leks in the areas*" as well as "*displacement from potentially suitable habitat would represent approximately a 19 percent loss to the total estimated acres of potential suitable sage-grouse habitat from the Proposed Project area and its vicinity.*"

This cumulative effects analysis does not offer any reference for the provided information. A simple statement of percent loss is not a cumulative effects analysis but rather a simple impact statement for the proposed project. No rationale was provided for the decision to determine sage-grouse cumulative effects based on statewide information and analysis. We feel an adequate cumulative effects analysis should describe the potential outcomes and implications of

RESPONSES

COMMENTS

Letter #62 (continued)

project development and should address other projects with the potential to impact sage-grouse in the reasonably foreseeable future. For example; will the loss of habitat from the project, the potential elimination of 6 active sage-grouse leks, and the displacement of sage-grouse from 26,644 acres of suitable habitat accelerate sage-grouse declines? Will these impacts jeopardize the existence of sage-grouse populations, and if so, over what area? If these impacts reduce sage-grouse populations, could it result in populations that fall below huntable levels? If these impacts reduce sage-grouse populations to below huntable levels, what implications will this have on the status of sage-grouse populations in southern Idaho?

Based on population connectivity as revealed by the movements of radio-marked sage-grouse monitored during Windland's studies, birds found on the Cotterel Mountains are a subgroup of a metapopulation ranging across the Cotterel, Albion, and Jim Sage Mountains. We could find no specific reference to this information in the DEIS. The biological implications of implementing the proposed project extend beyond the subgroup of sage-grouse within the ROW, and include the metapopulation described above. We suggest the sage-grouse cumulative effects analysis encompass impacts expected from other reasonably foreseeable future land management actions and decisions including grazing, wild and prescribed fire, exotic and noxious plant invasions, exotic perennial grass seedings, water developments (pipelines, troughs, and impoundments), fencing, authorized and unauthorized road construction, off-road vehicle use, utility corridors, wind energy development, and habitat loss and fragmentation from agricultural development and urbanization. In addition, we suggest the sage-grouse analysis could be improved through the use of all sage-grouse movement and seasonal habitat use data collected by Windland as part of their project proposal.

In reference to raptors (Section 4.16.2, pp. 4-70) the DEIS states "*this population has been relatively unaffected for the past 30 years.*" The DEIS provides no reference or information basis for this definitive statement nor does it define the "population" it refers to (all raptors or a single species?). We question to what extent it is applicable to compare a Globally Important Bird Area located to the east and south of the Proposed Project area. Applying this logic, it would also be relevant to make comparisons to the Snake River Birds of Prey area where raptor populations are declining as a result of fire, weeds, and other habitat degradation factors that have reduced small mammal prey available to raptors. We maintain the statement "*Raptors displaced by the Proposed Project could move to other territories if suitable unused habitat is available*" (Section 4.16.2, pp. 4-70) does not constitute a cumulative effects analysis of the impacts of the proposed project on raptors.

Similarly, in reference to bats the DEIS acknowledges wind turbines are a source of migratory bat mortality, this source of mortality could result in population level impacts given the low reproductive rates of bats, and little is known about bat migration routes, corridors, or populations (Section 4.16.2, pp. 4-70). The DEIS acknowledges (Section 3.2.2, pp. 3-27 and 3-28) at least 7 species of bats, including two migratory species, are potential seasonal or year-round residents of the Cotterel Mountains, but fails to describe the potential outcomes and implications of project development.

RESPONSES

COMMENTS

Letter #62 (continued)

Recreation
Recreation access should be managed to provide the types and levels of access that currently exist on Cotterel Mountain. Motorized vehicle access via improved roads should be restricted to designated roads only and should not be expanded beyond pre-project levels. Motorized vehicle access via primitive roads and trails should be restricted to designated routes only. These routes should be designated to protect soil, vegetation, wildlife, and wildlife habitats.

The DEIS does not currently explain to what extent public access will be restricted to the area where the wind turbines will be located. Hunters and other recreationists currently have access to the entire area proposed for wind power development. Cotterel Mountain is a popular hunting area, particularly the ridgeline where the wind turbines are proposed to be located. The FEIS needs to specifically identify and analyze the impacts of restrictions to access to this public land. If access is prohibited along the 15-mile array of wind turbines, the FEIS should propose mitigation for this loss of access. No restrictions or net increases to public access, except as specified above for motorized vehicles, should occur as a result of this project.

Summary
To provide a FEIS that balances project impacts with sustaining wildlife resources and recreation, we offer the following summary of previously identified issues and recommendations for incorporation into the FEIS:

A
1. We believe that development of the Purpose and Need statement for the proposed Cotterel Wind Power Project and the scoping portion of the EIS process have been flawed and created a "moving target" with respect to the EIS analysis process.
2. Based on the Notice of Intent Purpose and Need Statement, the BLM needs to consider alternative site locations in Idaho for the proposed action, not just alternatives on Cotterel Mountain as presented in the DEIS.

B
3. We find the selection of the project area or site boundary in the DEIS arbitrary and capricious. No definitive boundaries or logical protocol are presented for how biological inventories and impact assessments were defined or delimited. Information on sage-grouse movements and area used by the sage-grouse population appear to be ignored in determining the project area. The determination or definition of the project area or site is an extremely important decision within the DEIS and NEPA process. This decision determines the scope and scale of the analysis of affected resources, potential impacts, cumulative effects, and the determination of both on-site and off-site mitigation needs as well as the BLM's obligations and responsibilities related to decisions made within the EIS.

C
4. The voluntary contribution of 0.5 % of the gross revenues or $150,000/year is a damage payment or fee rather than mitigation funds to improve, restore, or replace like habitats or mitigate known impacts of the project. The value of this voluntary payment is not based on calculations of necessary mitigation needs nor is it tied to the identified and potential impacts of the project. Mitigation in the DEIS is insufficient and must be rectified in the FEIS.

D
5. Impacts and losses identified in the DEIS are not connected in any way to the compensatory mitigation fund or the $150,000/year annual damage payment. The DEIS and BLM do not attempt to calculate the actual costs of mitigation necessary to minimize the impacts to wildlife, plants, and their habitats that BLM is responsible for conserving but instead present an itemized list of impacts in the DEIS and presume a voluntary damage fee contribution of

RESPONSES

COMMENTS

Letter #62 (continued)

D approximately $150K/year over 30 years is adequate compensation. IDFG recommends the BLM rectify these deficiencies in the FEIS by estimating the monetary amounts necessary to balance or resolve identified project impacts to wildlife and wildlife recreation over the term of the project as identified in the FEIS.

E 6. The DEIS does not prescribe management actions related to monitoring information collected during the 30-year life of the project. If monitoring determines sage-grouse leks decline and disappear, "hot spot" bird or bat mortality occurs, or bird/bat mortalities exceed predicted levels, the only action called for in the DEIS is a continuation of monitoring.

F 7. IDFG finds the cumulative effects analysis in the DEIS superficial and inadequate. To meet a NEPA cumulative effects analysis there should be relatively detailed and quantified information about risk and effects rather than general statements about possible effects and potential impacts.

G 8. The DEIS does not currently explain to what extent public access will be restricted to the area where the wind turbines will be located. The FEIS needs to specifically identify and analyze the impacts of restrictions to access to this public land. If access is prohibited along the 15-mile array of wind turbines, the FEIS should propose mitigation for this loss of access.

Thank you for the opportunity to review and provide comment on the Draft Environmental Impact Statement and Draft Resource Management Plan Amendment for the Cotterel Wind Power Project. Please contact me if you have any questions.

Sincerely,

David Parrish

David Parrish
Magic Valley Regional Supervisor

Cc: BLM, Boise (K.L. Bennett)
IDFG, Boise (S. Huffaker)
USFWS, Boise (M. Robertson)
USFWS, Chubbuck (S. Arena)
IDL, Jerome (T. Duffner)
IDL, Boise (S. Nichols)
Shoshone-Paiute Tribes (T. Dykstra)
IDFG, Boise (NRPB)
ECc: IDFG (R3, R4, R5, & R6 staff)

RESPONSES

COMMENTS

Letter #62 (continued)

Hand delivered by
Dave Parrish on 9-22-05
3:40 pm.

E. Mayes

RESPONSES

COMMENTS

Letter #63

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

September 22, 2005

Reply To
Attn Of: ETPA-088 Ref: 02-086-BLM

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

Dear Mr. Barker:

The U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed **Cotterel Wind Power Project and Draft Resource Management Plan Amendment** (CEQ No. 20050249) in Cassia County, Idaho. The review was conducted in accordance with EPA responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). This section of the CAA directs EPA to specifically review and comment in writing on the environmental impacts associated with all major federal actions. Our review considers not only the impact to the environment but also the adequacy of the NEPA document itself.

The DEIS analyzes the impact of a proposal to construct, operate and maintain a 190-240 megawatt (MW) wind-driven electric power generation facility on Cotterel Mountain, land primarily administered by the Bureau of Land Management (BLM). BLM will decide whether to grant a right-of-way (ROW) for the project and amend its 1985 Cassia Resource Management Plan (RMP).

The DEIS analyzes four alternatives, A through D. Alternative A is the **no action** alternative, under which the ROW would be denied. Alternative B is the **proposed action**, with infrastructure that would include 130 turbines of 1.5 MW output each, 2 substations, 25 miles of roads (22.1 miles for new and 4.5 reconstructed roads), and a permanent project area of about 203 acres. The BLM's **preferred alternative** is Alternative C, which is a modification of Alternative B using fewer (81-98) but larger output (2-3 MW) wind turbines, about 23 miles of roads (19.5 miles of new and 3.2 miles of reconstructed roads), 1 substation, and longer transmission lines (20 miles). Alternative D would modify alternative C to avoid a portion of sage-grouse habitat using less overall acreage (158 acres) for the project and fewer wind turbines (66-82), 1 substation, and 17.4 miles of roads (14.5 miles of new and 2.9 of reconstructed roads). Both Alternatives C and D would include effectiveness monitoring, adaptive management, compensatory off-site mitigation, and a technical steering committee. Alternatives B-D would require amendments to the Cassia RMP, which currently does not allow granting a ROW for wind energy development.

Printed on Recycled Paper

RESPONSES

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. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #63 (continued)

2

EPA supports development of alternative and environmentally sustainable sources of energy such as wind power. The DEIS for this project includes a good analysis of the potential impacts of the Cotterel Mountain Wind Power Project. We are particularly pleased that the interagency group of experts on wildlife biology (IWETT) and Technical Steering Committee are actively engaged as advisors on this project since wind power technology and configuration of wind turbines in this area are still relatively new. Effective adaptive management will be important to minimize and mitigate impacts.

The DEIS indicates that the primary impacts of this project are expected to be disruption of sage-grouse habitat and bird and bat mortality due to collisions with rotors. Water quality may be adversely affected if construction alters the hydrology of springs and surface runoff such that erosion carries sediment to tributaries and ultimately to streams already listed on the 303(d) list for sediment and/or temperature. The DEIS states that BMPs will be used to minimize these impacts. We recommend that this aspect of the project be monitored to assure that water quality is protected. A NPDES stormwater permit is required for construction projects that disturb more than one acre (40 CFR 122.26 (b)). We recommend that the final EIS include information about this permit. Air quality will be impacted in the short term due to construction activities and in the longer term due to traffic on unpaved roads, emissions from vehicles and on-site operations, and cumulative impacts from surrounding activities such as agriculture and fire. Because the project site is within the Prevention of Significant Deterioration (PSD) Class II area, it will be important to monitor the situation and take corrective action if air quality standards are not met. We recommend that the BLM continue to work closely with the U.S. Fish and Wildlife Service, Idaho Department of Fish and Game, and other experts on these issues throughout the life of the proposed project, particularly in effectiveness monitoring, adaptive management, and compensatory mitigation.

We have assigned a rating of LO (Lack of Objections) to the DEIS. This rating and a summary of our comments will be published in the Federal Register. A copy of the rating system used in conducting our review is enclosed for your reference.

Thank you for the opportunity to review this DEIS. If you have questions or comments concerning this review, please contact Mr. Theogene Mbabaliye at (206) 553-6322 or by email at mbabaliye.theogene@epa.gov.

Sincerely,

Denise Clark for

Christine B. Reichgott, Manager
NEPA Review Unit

Enclosure

cc: EPA Idaho Operations Office

RESPONSES

COMMENTS

RESPONSES

Letter #63 (continued)

U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action*

Environmental Impact of the Action

LO – Lack of Objections
The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns
EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections
EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory
EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate
EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information
The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate
EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

COMMENTS

Letter #64

Sep 22 05 07:51a Ina DiGrazia 208-673-6274 p.1

September 21, 2005

Mr., Scott Barker
Bureau of Land Management
Burley Office

Dear Scott,

When Windland Inc. approached the local civic and business leaders approximately five years ago the economic outlook in the Mini-Cassia area was bleak. Simplot had just closed their food plant, seriously affecting the livelihood of hundreds of local residents, both those who worked directly for Simplot and those who depended on their business. Downtown Burley looked all but deserted. Nothing was on the horizon to change this.

About then, along came Windland Inc. hinting at jobs for hundreds, millions of dollars into the coffers of local cities and counties. Everyone was elated just to have something positive and wow, did this sound positive. Positive to everyone except those of us who had lived with the windmills in California. We had escaped to a beautiful little valley in Idaho to get away from that type of scenic litter. Now we saw a beautiful stretch of mountains we had been told wouldn't be developed because it was BLM land and it made a heavenly view.

After several meetings held to "inform" the locals about Windland's project, their representatives left me very untrusting of the "facts" they represented. In the years since as the real facts have unfolded I realized the project would affect many more areas of life. The aesthetics of the valley were important to me but now I know the well being of the whole area could and probably would be damaged forever.

A There have been many rumored ill affects of this large project and all are detrimental to this area, such as increased lightning strikes. (Our Mt. Harrison lookout Ranger bemoans the additional wildfires that will result). The blasting that would upset the ecology on the mountains. The blades that will kill a disproportionate number of local and migrating birds. Property values will go down since outsiders won't want to move to this newly minted industrial area. The actual affects may not be able to be calculated prior to installation. Sad if we find out much too late that such things would happen. These may be rumors but there are factual downsides.

B Fact: Animals most American people only see in a zoo can be found on the Cotterel Mountains. Birds that may not be around in 20 years live in the Cotterel Mountains. These animals will no doubt be impacted by this construction in a very negative way. Although the Sage Grouse didn't quite make it to the endangered list *this year*, what about two or five or ten years from now, our population wiped out by Windland construction?

C Fact: Recently the local Cassia County weed supervisor announced "he also had concerns about the Windland, Inc. wind farm project proposed for Cotterel Mountains…whenever there is an increased use, noxious weeds increase." Our government has been making a heroic effort to rid the state of thistles, puncture vine and leafy spurge. Now the BLM could be creating it's own monster, and not for a mandatory government facility but for a private company that wants the easy, cheap way into business.

Now the latest deterrent to building these sky monsters is the "fact" that the very reason they would be built may not be valid. This is in reference to the federal laws that require Idaho Power, supposedly the user of all that Windland would produce, ***must*** buy from small users first at prices they can't make money with. Therefore, Idaho Power may not buy any wind power. According to Idaho Power's own Dan Olmstead, additionally, Idaho Power now considers wind power unreliable, making their purchase more questionable.

RESPONSES

A. Thank you for your comment on the potential for increased lighting strikes and resultant fire ignitions. The draft EIS analyzes potential lighting starts impacts in section 4.15.2 on page 4-66. Based on your comments the potential impacts are further analyzed in the FEIS (either as follows or on pages such and such)

The draft EIS discloses the potential for migratory birds to be taken by the proposed project. The adaptive management section of Alternatives C and D (see Section 2.5.4) has been significantly revised to help address this problem. Although the potential for migratory bird impacts is not eliminated, BLM and its cooperating agencies have made significant progress with the right-of-way Applicants to incorporate adaptive management strategies that would help to reduce these impacts.

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. After a day in the field spent looking at spring locations, rock outcrops and other physical geological aspects of the Cotterel Mountains, he concluded that blasting would not affect rock at any great distance from proposed tower locations. In addition, any

COMMENTS

Letter #64 (continued)

Sep 22 05 07:51a Ina DiGrazia 208-673-6274 p.2

D Scott, can you imagine the fallout for BLM if you allow this horrible scarring of the land and they stand unused for centuries? Centuries? Do you think after Windland spends the millions to build this project and then is unable to sell the power that they will have the financial liquidity to fund the removal of these towers? I don't think so. Because how can we know now what those future costs would be, with rising oil costs, wage hikes, etc. Yes they can post a bond but that will never restore the beauty to these pristine mountains.

E Now with an excellent Economic Development Director and program going on locally, many new businesses are either here or on the way into the area, many initial supports have reexamined their position. Initial support from residents of Albion was for the extra money, only to find that it will go to Burley. The people of Burley don't have to deal with windmills daily and get the money. The road maintenance money will go to Malta but Albion's roads will be used and damaged. So we sit here feeling the ill affects with no gain. All this heartache for us only to make a private, commercial business have an easier and cheaper path to business.

I am not against wind power…we need more regenerating clean power. Finding the appropriate *remote* location along the freeway for towers would be great if the power would be used. My own business may gain from the 'tourist effect' the towers may (?) provide. But I truly believe it is more important to look at the best long-term effect to the region. Windland, Inc. would not be good for Albion Valley.

Thank you for your careful study of this issue. I'm sure you want the right thing for Albion also.

Sincerely,

Ina DiGrazia
Albion

RESPONSES

rock disturbance that might occur would most likely produce additional vertical fracturing in the bedrock without affect ting 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.

Little information on the potential or actual impacts from wind power projects on property values is available. The ECONorthwest study is one of the few reports that provide any information on the subject. The Draft EIS Section 4.9.2 (Pages 4-48 and 4-49) discloses the known information on this subject, but it does not implicitly state that property values would not be affected by construction of the proposed project.

B. It is likely that, as described in the analysis, wildlife, such as big game would habituate to the presence of the proposed project. Post construction monitoring at operating wind power facilities has shown that big game acclimates to the presence of the wind turbines and other facilities over time.

COMMENTS

Letter #64 (continued)

RESPONSES

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

COMMENTS

Letter #64 (continued)

RESPONSES

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

C. Weed management is a high priority issue for the BLM. If the project is approved, the Applicant would be required to control weeds within the Proposed Project area in accordance with the BMP in Appendix C of the draft EIS. The Applicant would also be required to develop a noxious and invasive weed plan as part of the project. This would be included in the project Plan of Development. The plan would include, but not be limited to: Preconstruction weed inventories and post construction monitoring to prevent and treat the spread of weeds; the cleaning of construction equipment both entering and leaving the construction site; and the use of certified weed free seed and straw for reclamation activities.

D. BLM is not a sponsor of the wind energy project but is responsible by law, regulation and policy for processing the ROW application. The proponent of any project is responsible for determining the business financial adequacy of their proposal. BLM has completed the due diligence investigation necessary to ensure the proponent's historic and current economic viability is such as to believe their application has merit.

COMMENTS

Letter #64 (continued)

RESPONSES

E. We appreciate your concern over the maintenance of Albion Highway District roads and the importance of adequate funding. If the right-of-way is granted for this project, the grantee will pay a significant amount of property tax to Cassia County. How those dollars are distributed within the county for road maintenance is a decision that resides with that governmental entity.