

Director's Protest Resolution Report

**Gateway West Transmission
Line Project Final
Supplemental
Environmental Impact
Statement and Associated
Land Use Plan Amendments
(FSEIS/LUPAs)**

January 19, 2017



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Reader's Guide

How do I read the Report?

The Director's Protest Resolution Report is divided into sections, each with a topic heading, excerpts from individual protest letters, a summary statement (as necessary), and the Bureau of Land Management's (BLM) response to the summary statement.

Report Snapshot

Issue Topics and Responses

NEPA

Topic heading

Submission number

Issue Number: PP-ID-GATEWAYWEST-15-01-11

Protest issue number

Organization: The Forest Initiative

Protesting organization

Protestor: John Smith

Protestor's name

Issue Excerpt Text:

Direct quote taken from the submission

Rather than analyze these potential impacts, as required by NEPA, BLM postpones analysis of renewable energy development projects to a future case-by-case analysis.

Summary

General statement summarizing the issue excerpts (optional).

There is inadequate NEPA analysis in the PRMP/FEIS for renewable energy projects.

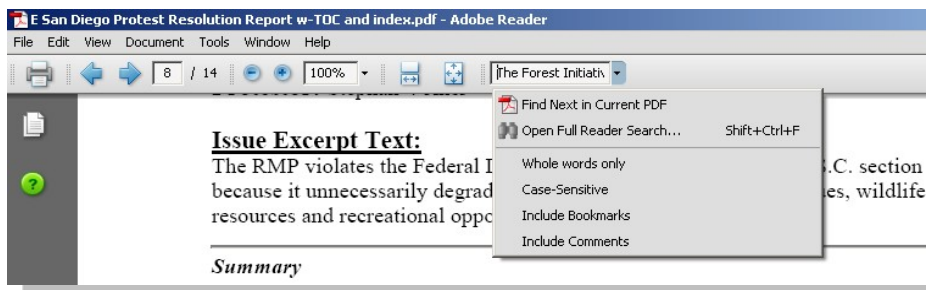
Response

BLM's response to the summary statement or issue excerpt if there is no summary.

Specific renewable energy projects are implementation-level decisions rather than RMP-level decisions. Upon receipt of an application for a renewable energy project, the BLM would require a site-specific NEPA analysis of the proposal before actions could be approved (FEIS Section 2.5.2, p. 2-137). Project specific impacts would be analyzed at that time (including impacts to surrounding properties), along with the identification of possible alternatives and mitigation measures.

How do I find my Protest Issues and Responses?

1. Find your submission number on the protesting party index which is organized by the order in which protests were received (submission number).
2. In Adobe Reader search the report for your name, organization or submission number.
3. Key word or topic searches may also be useful.



List of Commonly Used Acronyms

ACEC	Area of Critical Environmental Concern	GIS	Geographic Information Systems
APD	Application for Permit to Drill	IB	Information Bulletin
BA	Biological Assessment	IM	Instruction Memorandum
BLM	Bureau of Land Management	MOU	Memorandum of Understanding
BMP	Best Management Practice	NEPA	National Environmental Policy Act of 1969
BO	Biological Opinion	NHPA	National Historic Preservation Act of 1966, as amended
CAA	Clean Air Act	NOA	Notice of Availability
CEQ	Council on Environmental Quality	NOI	Notice of Intent
CFR	Code of Federal Regulations	NRHP	National Register of Historic Places
COA	Condition of Approval	NSO	No Surface Occupancy
CSU	Controlled Surface Use	OHV	Off-Highway Vehicle (has also been referred to as ORV, Off Road Vehicles)
CWA	Clean Water Act	RFDS	Reasonably Foreseeable Development Scenario
DM	Departmental Manual (Department of the Interior)	RMP	Resource Management Plan
DOI	Department of the Interior	ROD	Record of Decision
EA	Environmental Assessment	ROW	Right-of-Way
EIS	Environmental Impact Statement	SHPO	State Historic Preservation Officer
EO	Executive Order	SO	State Office
EPA	Environmental Protection Agency	T&E	Threatened and Endangered
ESA	Endangered Species Act	USC	United States Code
FEIS	Final Environmental Impact Statement	USGS	U.S. Geological Survey
FLPMA	Federal Land Policy and Management Act of 1976	USGS	U.S. Geological Survey
FO	Field Office (BLM)	VRM	Visual Resource Management
FWS	U.S. Fish and Wildlife Service	WA	Wilderness Area
		WSA	Wilderness Study Area
		WSR	Wild and Scenic River(s)

Gateway West FEIS Protesting Party Index

Protestor	Organization	Submission Number	Determination
James T. Carkulis	Cat Creek Energy, LLC	PP-ID-GATEWAYWEST-17-01	No Standing
Katie Fite	Wildlands Defense	PP-ID-GATEWAYWEST-17-02	Denied – Issues/Comments
Sarah K. Friedman / Karimah Schoenhut	Sierra Club / Defenders of Wildlife	PP-ID-GATEWAYWEST-17-03	Denied – Issues/Comments
Karen Steenhof	Individual	PP-ID-GATEWAYWEST-17-04	Denied – Issues/Comments
Paul Nettleton	Joyce Livestock Company	PP-ID-GATEWAYWEST-17-05	Dismissed – Comments/Opinion Only
Chad Nettleton	Individual	PP-ID-GATEWAYWEST-17-06	Denied – Issues/Comments
Kelly Aberasturi / Jerry Hoagland / Joe Merrick	Owyhee County	PP-ID-GATEWAYWEST-17-07	Denied – Issues/Comments
Nanci Halverson	Individual	PP-ID-GATEWAYWEST-17-08	Dismissed – Comments/Opinion Only
Erik Molvar	Western Watersheds Project	PP-ID-GATEWAYWEST-17-09	Denied – Issues/Comments
Butch Otter	Governor of Idaho	PP-ID-GATEWAYWEST-17-10	Denied – Issues/Comments

Issue Topics and Responses

NEPA Public Participation

Issue Number: PP-ID-GATEWAYWEST-17-06-1

Organization: Individual

Protestor: Chad Nettleton

Issue Excerpt Text:

I'm protesting this decision for many reasons. The biggest, being that it completely ignored local input. Local citizens, land owners, commissioners, state officials, Idaho power and even environmental groups came together and made it clear where we wanted this transmission line cited.

Issue Number: PP-ID-GATEWAYWEST-17-07-5

Organization: Owyhee County

Protestor: Kelly Aberasturi

Issue Excerpt Text:

The Director's Decision ignored or overrides the input of hundreds of landowners who will be affected by the new power lines.

Summary:

The BLM has ignored or overridden public input when preparing the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments (Gateway West Final SEIS/PLUPAs).

Response:

The BLM followed all applicable laws and regulations in considering public input for the planning and NEPA process for the Gateway West Final SEIS and PLUPAs. As a result of public comment, the BLM made several changes between the Draft SEIS and Final SEIS. In addition to original public scoping conducted for the FEIS in 2008 (the details of which may be found on page 1-40), the BLM conducted public outreach on issues, potential impacts, mitigation measures and alternatives for Segments 8 and 9 that were not addressed in the original EIS. The BLM held four (4) open house meetings between October 7-9, 2014, the results of which were incorporated into the environmental analysis of the Final Supplemental EIS ("New Information Developed Between the FEIS and the DSEIS", p. 1-9). The BLM also held five (5) public meetings for the Draft SEIS between April 18 and 21, 2016 (p. 1-39). Several issues were addressed in the SEIS, including effects on communities, the State, Counties, and other issues of importance to the landowners and other local, regional, and interest-based groups. See p. 1-41 for a list of issues identified from public scoping conducted for the SEIS. Finally, Appendix L contains the responses to comments the BLM received on the Draft SEIS to show how each comment was addressed.

The decision about where to site the line is non-protetable, as it is an implementation decision, not a planning decision.

Purpose and Need

Issue Number: PP-ID-GATEWAYWEST-17-09-1

Organization: Western Watersheds Project

Protestor: Erik Molvar

Issue Excerpt Text:

THE PURPOSE AND NEED STATEMENT IS INADEQUATE/ FAILURE TO CONSIDER SINGLE-LINE ALTERNATIVE.

Issue Number: PP-ID-GATEWAYWEST-17-09-2

Organization: Western Watersheds Project

Protestor: Erik Molvar

Issue Excerpt Text:

The Purpose and Need statement here appears to have been arbitrarily constricted around the proponent's proposal to build two separate transmission lines through the project area for the purpose of creating redundancy. FSEIS at 1-8 – 1-9, 1-19 – 1-21. The FSEIS claims this is needed to protect line security from problems leading to outages such as fires, wind, geological, and related issues. Id.

Issue Number: PP-ID-GATEWAYWEST-17-10-3

Organization: State of Idaho

Summary:

The Bureau of Land Management (BLM) failed to follow the purpose and need requirements under the National Environmental Policy Act (NEPA).

Response:

Contrary to the comments received from the protests, the BLM's purpose and need for federal action, including consideration to amend applicable resource management plans (RMPs) to ensure that the proposed action and alternatives conform to the RMPs, was adequate. In

Protestor: CL "Butch" Otter

Issue Excerpt Text:

[The] BLM's Preferred Alternative decision in the FSEIS fails to address this important issue. It appears that BLM has simply decided it is no longer a decision factor, claiming that "[e]valuating system reliability is primarily the responsibility of the Proponents and technical regulatory agencies".

Issue Number: PP-ID-GATEWAYWEST-17-10-5

Organization: State of Idaho

Protestor: CL "Butch" Otter

Issue Excerpt Text:

The BLM and the Director must consider the monumental amount of information supporting the need for reliable transmission infrastructure, the role that redundancy plays in supporting that reliability, and the necessity of physically separating the transmission lines by the maximum amount of feet feasible. The Director cannot approve this amendment because it fails to meet the Proponents' purpose and need/or the project and adversely affects the Proponents, ratepayers, citizens of Idaho, and electricity users of the Western Interconnection.

accordance with NEPA, the BLM shall identify the purpose and need for a proposed action (40 CFR 1502.13). The BLM has flexibility in defining the purpose and need, but should construct the purpose and need to conform to existing decisions, policies, regulation, or law (BLM Handbook H-1790-1, Section 6.2 at 35). However, the purpose and need may not be so narrow that only one alternative becomes a foreordained outcome, and may not be so broad that an infinite number of possibilities could accomplish the goals of the project.

The BLM established the purpose and need for the Gateway West Transmission Line Final SEIS and Proposed Land Use Plan Amendment for Segments 8 and 9, which is described in Chapter 1, pages 1-1 and 1-11, to meet its land use planning mandate under FLPMA. The BLM received right-of-way applications from the proponents seeking to use BLM-managed lands for the construction and operation of a transmission lines within portions of Segments 8 and 9 of the Gateway West transmission project. A number of these alternatives required amendments to RMPs to ensure that a ROW grant for certain lands would conform to the RMPs pursuant to 43 CFR 1610.5-3. In accordance with FLPMA and the BLM's right-of-way regulations, 43 CFR 2800, the BLM must manage public lands for multiple uses that take into account the long-term needs of future generations for renewable and nonrenewable resources. The application included two separate lines for reliability purposes; therefore, the BLM analyzed alternatives that included separate lines (see pages 1-1 – 1-2). Furthermore, the BLM's purpose and need does not include determining whether the proponents are correct in believing that the project is needed to upgrade the reliability of the power grid and/or to meet the needs of its customers. Finally, per the BLM NEPA Handbook (H-1790-1, Section 6.2 at page 35), the purpose and need statement for an externally generated action must describe the BLM purpose and need and not an applicant's purpose and need (40 CFR 1502.13). The applicant's purpose and need may provide useful background information, but this description must not be confused with the BLM purpose and need for action. The purpose and need provided the appropriate scope to allow the BLM to analyze a reasonable number of alternatives that represent a range of alternative approaches for managing the public lands in the planning area. Also, because the BLM's purpose and need does not include determining whether the proponents are correct in believing that the project is needed to upgrade the reliability of the power grid and/or to meet the needs of its customers, related alternatives were not analyzed.

NEPA – Range of Alternatives

Issue Number: PP-ID-GATEWAYWEST-17-02-16

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the Inadequacy of Alternatives and Mitigation analyses, and there are significant unaddressed issues.

Issue Number: PP-ID-GATEWAYWEST-17-02-29

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the failure to consider and Alternative with a Line Heading North from Cedar Hill. Maps available at the public meeting show that an alternative heading north from Cedar Hill must be considered. This is made even more practical now since Idaho Power has admitted it can bundle lines much closer, and/or co-site.

Issue Number: PP-ID-GATEWAYWEST-17-02-4

Organization: Wildlands Defense

Protestor: Katie Fite

Summary:

The BLM failed to analyze a reasonable range of alternatives. The BLM did not consider:

- an alternative with a line heading north from Cedar Hill;
- alternatives that maximized paralleling existing lines, major roads, disturbed land areas, and other related alternatives that did not go through significant habitats, viewsheds, cultural sites, historical trails, scenic river areas and other important public lands; and
- a single line alternative or a conservation alternative where increased demand is addressed through energy conservation without the need of new powerlines.

Issue Excerpt Text:

We Protest the lack of consideration of an adequate range of alternatives, and the failure to properly analyze and mitigate the alternatives that were considered. BLM should have denied consideration of many of the alternatives that punch through significant habitats, viewsheds, cultural sites, historical trails, scenic river areas and other important public lands areas protected under existing Land Use Plans from the start, due to conflicts known upfront. A route that maximizes paralleling existing lines, major roads, the disturbed land areas of WWEC segments, lands north of I-84, combined with energizing Idaho Power and other Power company's existing line, has still has not been adequately developed and assessed.

Issue Number: PP-ID-GATEWAYWEST-17-09-3

Organization: Western Watersheds Project

Protestor: Erik Molvar

Issue Excerpt Text:

In addition to failing to consider the reasonable alternative of a single line, BLM failed to consider a conservation alternative in which increased demand in this region is addressed through energy conservation, without the need for new powerlines.

Response:

Contrary to the comments received by protestors, the BLM considered a reasonable range of alternatives in the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Associated Land Use Plan Amendments (Gateway West FSEIS/LUPAs) in compliance with NEPA. When preparing an EIS, NEPA requires an agency to rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, to briefly discuss the reasons for their having been eliminated (40 CFR 1502.14(a)). For example, an alternative may be eliminated from detailed study if it is: determined not to meet the agency's purpose and need for federal action; determined to be unreasonable given the BLM mandates, policies, and programs; substantially similar in design to an alternative that is analyzed; speculative or remote; or technically or economically infeasible (BLM Handbook H-1790-1, Section 6.6.3, at 52). When there are potentially a very large number of alternatives, the BLM may only analyze a reasonable number to cover the full spectrum of alternatives (BLM Handbook H-1790-1, Section 6.6.1 (quoting Question 1b, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981)).

The BLM developed and considered a reasonable range of alternatives that meet the purpose and need of the Gateway West FSEIS/LUPAs for Segments 8 and 9 and that adequately address resource issues identified during the scoping period. The proponent's right-of-way applications included two separate lines for reliability purposes, and therefore, the BLM analyzed alternatives that include separate lines. Over 50 routes have been considered for Segments 8 and 9 to find alternatives that meet the project objectives in the least impactful way. Of these, the Gateway West FSEIS/LUPAs analyzed 7 alternatives for Segments 8 and 9, which are described in Chapter 2. The alternatives analyzed in the Gateway West FSEIS/LUPAs cover the full spectrum by varying in: 1) degrees of protection for each resource and use; 2) approaches to management for each resource and use; 3) mixes of allowable, conditional, and prohibited uses in various geographic areas; and 4) levels and methods for restoration. The Gateway West FSEIS/LUPAs includes routes that follow existing transmission lines and roads to varying degrees. The Gateway West FSEIS/LUPAs attempted to site the Gateway West lines along existing infrastructure where practicable to avoid new impacts to open space. It also considered routing the lines in other areas as part of the range of alternatives.

NEPA – Hard Look

Issue Number: PP-ID-GATEWAYWEST-17-02-15

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the significant failure of the EIS to take a hard look at the climate change and carbon footprint of gateway segments and B2H.

Issue Number: PP-ID-GATEWAYWEST-17-02-3

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the failure to take a candid and hard look at the DOE West wide Corridor impact (direct indirect and cumulative), as well as the full destructive environmental footprint of very foreseeable energy development sprawl that will take place in Wyoming and Idaho as a result of this unnecessary and segmented Gateway line. The line's impacts have been wrongly segmented under NEPA.

Issue Number: PP-ID-GATEWAYWEST-17-02-50

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text: We Protest the very significant failure of the EIS to take an adequate current and hard look at all impacts of the project and its segmented and linked lines and developments on fish and wildlife, and sensitive and imperiled plants and animals.

Issue Number: PP-ID-GATEWAYWEST-17-02-7

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the lack of a hard look at the need for this project and environmental effects and ecological repercussions.

Issue Number: PP-ID-GATEWAYWEST-17-02-70

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the failure of the EIS to take a hard look at the precedent routing sets for future projects plowing on through in the same area – worsening the rare species, viewshed, trails, and other harmful aspects of the project.

Summary:

The Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Associated Land Use Plan Amendments (Gateway West FSEIS/LUPAs) fails to take a “hard look”, as required by NEPA, for the following issues:

- Climate change and the carbon footprint of the Gateway West Transmission Line and other reasonably foreseeable development;
- Department of Energy West-wide Corridor direct and cumulative impacts, as well as the impacts of reasonably foreseeable energy development that will occur as a result of approving the project;

- Impacts of the project on biological resources, including sensitive fish, wildlife, and plant species;
- The need for the project; and
- The precedent set for future projects.

Response:

The BLM took the required “hard look” at the environmental impacts associated with authorizing the ROW grant to use BLM-managed lands for the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Associated Land Use Plan Amendments (Gateway West FSEIS/LUPAs). NEPA directs that data and analysis in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that “NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail” (40 CFR 1500.1(b)). The BLM is required to take a "hard look" at potential environmental impacts of adopting the Gateway West FSEIS/LUPAs.

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2 at 55). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

Climate change and carbon footprint

The BLM adequately considered climate change in the Gateway West FSEIS/PLUPAs. Greenhouse gas emissions, per alternative, are discussed in Section 3.20 of the FSEIS. Section 4.2.2.1 recognizes the Boardman to Hemingway project as a reasonably foreseeable action; however, the analysis of greenhouse gas emissions associated with this project is outside the scope of this analysis. The cumulative effects of the proposed action on air quality are discussed in Section 4.4.22. As concluded in this section, "construction and operations of Gateway West would not add substantially to the cumulative effects of past, present, and reasonably foreseeable future projects in terms of GHG emissions," (Gateway West FSEIS/PLUPAs, p. 4-55).

West-wide Energy Corridors

The BLM considered WWE corridors in the development of the FSEIS/PLUPAs, and discussions of these corridors can be found throughout the document. Further, the impacts associated with these corridors have been analyzed previously under NEPA. As discussed in Section 1.6.3 of the FSEIS/PLUPAs, the BLM participated in a programmatic EIS for the designation of energy corridors on federal land in the 11 western states, commonly known as WWE corridors. A Final Programmatic EIS was published on November 28, 2008, and a ROD was signed January 14, 2009.

Reasonably foreseeable actions, including proposed transmission lines and renewable energy facilities, are discussed in Section 4.2.2. While NEPA requires analysis of “reasonably foreseeable” future actions (40 CFR 1508.7), the BLM is not required to speculate about unknown future events. Therefore, the cumulative effects analysis presented in the FSEIS/PLUPAs is generally limited to projects with known locations and descriptions, usually those for which a permit application has been filed or other public announcement made with enough detail to allow for comparison (Gateway West FSEIS/PLUPAs, p. 4-24).

The BLM issued a ROD for the Gateway West FEIS on November 14, 2013, which authorized routes on Federal lands for Segments 1 through 7 and Segment 10. In the ROD, the BLM deferred offering a ROW grant for two of the 10 segments (Segments 8 and 9) to allow additional time for Federal, State, and local permitting agencies to examine additional options regarding siting route segments and mitigation and enhancement measures for those segments. In accordance with 40 CFR 1502.9(c), agencies shall prepare supplements to draft or final environmental impact statements if the agency makes substantial changes in the proposed action that are relevant to environmental concerns or if there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. Undertaking a SEIS to analyze new routes and mitigation measures is consistent under NEPA, and does not wrongly segment the project's impacts.

Impacts to biological resources

Contrary to the Protestors' comments, the BLM adequately analyzed the direct, indirect, and cumulative impacts to wildlife and fish in the Gateway West FSEIS/PLUPAs (Sections 3.10.2 and 4.4.12). Direct, indirect, and cumulative impacts for special status wildlife and fish species can be found at sections 3.11.2 and 4.4.13, respectively. For example, it was found that streams that support BLM special status fish species could be impacted by the project as it would span stream habitats with transmission lines and cross these habitats with access roads. Mitigation measures, therefore, were developed that would limit impact of stream crossings by access roads, limit the risk of introducing aquatic invasive species into aquatic habitats, and establish requirements for water withdrawals in streams that contain sensitive fish to limit the risk of impingement. Direct, indirect, and cumulative impacts to special status plant species can be found at sections 3.7.2 and 4.4.9, respectively.

Need for the project

The purpose and need for an externally-generated project must describe the BLM purpose and need, not an applicant's or external proponent's purpose and need (BLM Handbook H-1790-1, p. 35), and it is the BLM's purpose and need for action that will dictate the range of alternatives and provide a basis for the rationale for the eventual selection of an alternative in a decision. In regards to the Gateway West FSEIS/PLUPAs, "...taking into account the BLM's multiple use mandate, the BLM's purpose and need is to respond to a FLPMA ROW [right-of-way] application submitted by Idaho Power Company and PacifiCorp to construct, operate, maintain, and decommission the Gateway West transmission line and associated infrastructure on public lands administered by the BLM in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws and policies" (Gateway West FSEIS/PLUPAs, Section 1.3.1). The BLM is not required to analyze the need for externally-generated projects, but is required to demonstrate that it took a "hard look" at the impacts of a proposed project and the reasonable alternatives which would avoid or minimize adverse impacts (40 CFR 1502.1).

Precedent for future projects

As previously stated, the BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable cumulative effects of the proposed action. Analyzing the potential precedent that the proposed route sets for future projects would be purely speculative. Chapter 4 of the FSEIS/PLUPAs discloses the cumulative effects of the project, including any reasonably foreseeable actions. FSEIS Section 4.2.2 states that the "cumulative effects analysis is generally limited to projects with known locations and descriptions, usually those for which a

permit application has been filed or other public announcement made with enough detail to allow for comparison provided". The Gateway West FSEIS/PLUPAs adequately analyzed the cumulative impacts of the project, including reasonably foreseeable impacts.

NEPA – Impacts Analysis – Wildlife, Fish & Plants

Issue Number: PP-ID-GATEWAYWEST-17-02-12

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the lack of detailed (and honest) analysis of the effects that existing lines and wind farms are having on many wildlife populations, - migratory bird populations, bats populations, etc.

Issue Number: PP-ID-GATEWAYWEST-17-02-26

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the greatly deficient baseline data, scientific analysis, of the EIS in regards to slickspot peppergrass, a species that is now Listed under the ESA, and whose existence is jeopardized by construction, access routes, and activities associated with maintenance and operation of the Gateway Project. Gateway expands roading disturbance, is likely to alter and intensify livestock grazing impacts, expands weed invasions that are likely to be made worse by large-scale livestock grazing disturbance in the SRBOPA and elsewhere that has never undergone full and integrated NEPA analysis, further alters and impairs pollinator habitats, promotes more disturbance which promotes more harvester ant seed predators, and increases fire risk which greatly threatens slickspot peppergrass – as well as the sagebrush and salt desert ecosystem along the entire length of the line. The impacts to slickspot habitats and populations are inadequately addressed in the EIS. Species viability is further threatened.

Issue Number: PP-ID-GATEWAYWEST-17-02-28

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

Detailed plans must be provided, and the full degree of impacts examined. Minimal protective measures and failure to adequately address construction, grazing and other disturbances in EIS Section 3.7 pages jeopardizes slickspot peppergrass EO viability and species persistence. Mitigation ES-11 to 13 is deficient and highly uncertain. It greatly ignores the interaction between grazing and other disturbances and climate change stress. Also EIS 3.24-1 to 3-24-45, 1-42, 3.7-1 to 3.7-40. Beschta et al. 2012. WLD 28 to 33, PFA 1 to 4.

Issue Number: PP-ID-GATEWAYWEST-17-02-30

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

Necessary baseline surveys have not been conducted for avian migration pathways, the serious impacts of the proliferation of wind farms and powerlines in the region on local and regional populations, flyways, wintering habitats, the actual occupancy of habitats in the path of all alternatives by migratory birds and sensitive species and many other effects and concerns.

Issue Number: PP-ID-GATEWAYWEST-17-02-39

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the lack of analysis of the impacts to animals and plants of the high amounts of electrical energy associated with these lines. All of the electrical energy and similar issues raised are of significant concern to the public. This includes voltage build-ups, EMF health effects, low frequency electric and magnetic fields, audible noise, stray voltage, interference with electronic equipment, interference with wild and domestic animals behavior and health.

Issue Number: PP-ID-GATEWAYWEST-17-02-43

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt:

We Protest the lack of adequate and detailed analysis of line-affected vegetation communities, their current ecological condition, and their occurrence and dispersion in the landscape – including relative scarcity of occurrence.

The vegetation areas impacted in Table 3.6-1 and others are much too limited. The potential for invasive species, fires, etc. are not considered. The effects of fragmentation on making plant communities more susceptible to exotic weed infestation must also be assessed. So must the effects on native biota that inhabit these communities.

Issue Number: PP-ID-GATEWAYWEST-17-02-44

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt:

We Protest special status plant deficiencies. The SEIS refers to effects to individuals and populations, changes in habitat for TES species, potential for spread of Noxious weeds (why not ALL exotic species like cheat, medusahead, Vulpia, bur buttercup) and altered hydrology. Yet the EPM methods in Table 2.7-1 do not adequately avoid or minimize the impacts. The conclusion (3.7-9) that “the implantation of EPMS could affect individuals but is not likely to contribute towards a trend toward federal listing” is not

warranted. What is the quality of the habitat known to date? The CCAA was very inadequate to control construction practices and to protect populations over time. The EIS does not adequately protect and conserve the Threatened slickspot peppergrass.

Issue Number: PP-ID-GATEWAYWEST-17-02-55

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt:

BLM sensitive species listed include: Cassin’s finch, golden eagle, green-tailed towhee, pinyon jay, numerous bats and others. This list does not include those already on the list in 2013, i.e. Brewer’s sparrow, sage sparrow, loggerhead shrike and many others. This further demonstrates how inadequate the SEIS is, in that it even tries to slit species off.

Issue Number: PP-ID-GATEWAYWEST-17-02-56

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt:

We strongly disagree that the 2013 FEIS wildlife analysis was adequate. BLM received extensive public comments describing numerous flaws and shortcomings, and Appeals, which have been ignored in the SEIS.

Issue Number: PP-ID-GATEWAYWEST-17-02-57

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt:

3-11-5 claims there will be no impacts from LUP amendments to wildlife as none are specifically related to wildlife. This is absurd, as the amendments will allow the line to tear apart and fragment habitats for sensitive species and migratory birds in locations that otherwise would be secure habitat.

Issue Number: PP-ID-GATEWAYWEST-17-02-66

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt:

Additionally, the methods described for HEA and other analysis are greatly inadequate. These include BLM using a DDC “tool” to automatically sum up disturbances within the DDC analysis area, and determine how many occur there.

Issue Number: PP-ID-GATEWAYWEST-17-06-3

Organization: Chad Nettleton

Protestor: Individual

Issue Excerpt:

If for no other reason this transmission line needs cited through the birds of prey because of the adverse impacts it would have on the sage grouse if it were put through the southerly routes. The construction, maintenance, and overall disruption of the area would destroy a vast swath of sage grouse habitat. Additionally it would provide a perch for predators to hunt sage grouse from. The cumulative effect would be devastating to a bird that is on the verge of being placed on the endangered species list.

Issue Number: PP-ID-GATEWAYWEST-17-09-11

Organization: Western Watersheds Project

Protestor: Erik Molvar

Issue Excerpt:

However, the FSEIS fails to grapple with the biological impacts of this encroachment upon so many leks, in an already depleted, small and isolated local population. For the Northern Great Basin Management Zone as a whole, the best available science indicates a 92.3% risk of dropping below a minimum viable population size of 500 birds over the long term. See Attachment 5. The BLM has failed to disclose for any alternative the magnitude of negative of direct, indirect, and cumulative impacts on the Owyhee Front/Triangle population in terms of how large a population

reduction will result under each alternative, and also has failed to analyze whether sufficient habitat of all types (breeding, nesting, brood-rearing, and wintering) will remain to this population to sustain its continued survival once the line is built. See FSEIS at 3.11-12 –14.

Issue Number: PP-ID-GATEWAYWEST-17-09-5

Organization: Western Watersheds Project

Protestor: Erik Molvar

Issue Excerpt:

The FSEIS adopts the analysis in the 2013 FEIS and states it only adds new information (FSEIS at 3-1). The FSEIS then claims that no significant new information has emerged on TES species since 2013—specifically, that “general impacts that could potentially occur to TES wildlife and fish considered in the FEIS have not changed, and that the potential qualitative effects that could occur as a result of the quantitative impacts reported in this SEIS have not changed from what is reported in the FEIS” (FSEIS at 3.11-1). However, it fails to disclose or analyze a wealth of new information about the status of Greater sage-grouse that has emerged since 2013.

Issue Number: PP-ID-GATEWAYWEST-17-09-6

Organization: Western Watersheds Project

Protestor: Erik Molvar

Issue Excerpt:

Dinkins et al. (2015) determined that sage-grouse priority habitats designated on the basis of lekking and nesting habitat use during the spring excluded significant amounts of habitat critical to the survival of sage-grouse during the winter. See Attachment 3. Sage-grouse congregate at low elevations along the Owyhee Front in winter (SFEIS at 3.11-13, footnote 7), and winter habitat is a potentially limiting factor for this population (SFEIS at 3.11-14). Yet the BLM has failed to take a hard look at the impacts of locating the proposed transmission line in close proximity to important winter habitats, in violation of NEPA.

Issue Number: PP-ID-GATEWAYWEST-17-10-9

Organization: State of Idaho

Protestor: CL “Butch” Otter

Issue Excerpt:

The State of Idaho protests Proposed LUPA SEIS-13 for the SRBOP RMP on the basis that the Amendment will adversely impact sage-grouse, a special status species.

Although Alternative 5 has been modified to

avoid some sage-grouse habitats and leks in the vicinity of Oreana, this alternative will have greater impacts to Important Habitat Management Areas, as designated in BLM's Land Use Plan Amendments for Greater Sage-Grouse, than the revised Proposed Route for both Segments 8 and 9.24 Raptors and corvids utilize transmission lines and associated lattice towers for nesting, roosting, and perching. Accordingly, BLM's Preferred Alternative will lead to increased raptor and corvid predation on sage-grouse and sage-grouse eggs.

Summary:

With regard to the environmental analysis of fish, wildlife and plants:

- The FSEIS fails to adequately analyze the impact of the decision on slick spot peppergrass, a species protected as threatened under the ESA, including impacts from invasive species introduction and livestock grazing.
- Other impacts: The FSEIS fails to adequately analyze the impacts of the decision on plants and wildlife, including impacts from electromagnetic exposure and habitat fragmentation.
- Sage Grouse: The FSEIS fails to adequately analyze the impact of the decision on Greater Sage-Grouse populations and habitat management areas, including a failure to quantify population reductions to the GRSG for each alternative. Additionally, the BLM did not select the alternative that had the least impact overall to GRSG populations.

Response:

- The BLM complied with NEPA's requirement to analyze the environmental consequences/impacts to special status plant species, such as the slickspot peppergrass, in the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments (Gateway West FSEIS/PLUPAs). NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a “hard look” at potential environmental impacts of adopting Gateway West FSEIS/PLUPAs.

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2 at 55). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

Section 3.7 of the Gateway West FSEIS/PLUPAs analyzes the impacts of segments 8 and 9 of the Gateway West project to special status plants, including the slickspot peppergrass. The 37-page section includes a broad overview of the types of impacts expected, a summary of survey results for different special status plant species, an alternative-by-alternative breakdown of potential impacts, and a discussion of mitigation measures for impacts. Additionally, the section notes that the project's Biological Assessment contains a “more detailed discussion of impacts to slickspot peppergrass from project construction and operation.” The ultimate finding of the BA is that the project could affect individuals but is not likely to contribute towards a trend toward federal listing or loss of viability

(Gateway West FSEIS/PLUPAs, 3.7-9).

With respect to the impact of invasive species on special status plant species, the FSEIS notes on page 3.7-8 that many of the impacts are not different than what was analyzed in the FSEIS/PLUPAs, and that those impacts would not be restated in the FSEIS/PLUPAs. The FSEIS/PLUPAs notes on pages 3.7-9 that the potential for invasive species introduction and impact to special status plant species would be minimized through the Project's Framework Reclamation Plan, which would include pre-construction, construction, and post-construction weed control measures. The plan is included as Appendix B to the FSEIS/PLUPAs.

While the FSEIS/PLUPAs analyze the impact of the Gateway West project on livestock grazing (3.18-3), it does not analyze the impact of livestock grazing on slickspot peppergrass.

- The FSEIS/PLUPAs fails to adequately analyze the impacts of the decision on plants and wildlife, including impacts from electromagnetic exposure and habitat fragmentation.

Contrary to the protestors' comments, the BLM did comply with NEPA's requirement to analyze the environmental consequences/impacts to the electrical environment and from habitat fragmentation. NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a "hard look" at potential environmental impacts of adopting the Gateway West FSEIS/PLUPAs.

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2 at 55). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

The BLM complied with NEPA's requirement to analyze the environmental impacts to the electrical environment. The FSEIS contains a section of analysis (3.21) dedicated to the electrical environment. This section of the FSEIS contains descriptions of the power line types, their electric field profiles, and noise and potential radio interference from the project. The analysis in the FSEIS tiers from the analysis in the FEIS which determined that impacts to wildlife, if any, are not likely to cause population-level impacts (Gateway West FSEIS/PLUPAs, p. 3.10.53).

The BLM also complied with NEPA's requirement to analyze the impact of the project in terms of habitat fragmentation. The FSEIS reiterates that Section 3.10 FEIS has a detailed discussion of the effects of habitat fragmentation. Tables D.10-3 and D.10-5 in the FEIS show the levels of fragmentation that would result from the various routes assessed in the FEIS. In the FSEIS/PLUPAs, habitat loss and degradation due to fragmentation is identified and analyzed for as both an effect common to all alternatives and on an alternative-by-

alternative basis. This analysis is found in FSEIS/PLUPAs, Sections 3.10, General Fish and Wildlife, and 3.11, Special Status Wildlife and Fish Species.

- The FSEIS/PLUPAs fails to adequately analyze the impact of the decision on Greater Sage-Grouse populations and habitat management areas, including a failure to quantify population reductions to the Greater Sage-grouse (GRSG) for each alternative. Additionally, the BLM did not select the alternative that had the least impact overall to GRSG populations.

Contrary to the protestor's comments, the BLM did comply with NEPA's requirement to analyze the environmental consequences and impacts to greater sage-grouse in the Gateway West FSEIS/PLUPAs. NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a "hard look" at potential environmental impacts of adopting the Gateway West FSEIS/PLUPAs.

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

Section 3.11 of the FSEIS/PLUPAs contains the analysis of the project on the special status fish and wildlife species, including the GRSG. The section also contains a detailed description of the changes in GRSG management since the publication of the FEIS. The analysis of impacts to GRSG is focused on quantifying the impacts to the different kinds of habitat designations, such as Priority Habitat Management Areas (PHMA), General Habitat Management Areas (GHMA), and Important Habitat Management Areas (IHMA). The analysis provides an alternative-by-alternative description of the potential impact to different types of habitat designations, as well as a large-format table in Appendix D with a more detailed account of the alternative-by-alternative quantitative analysis of impact (FSEIS/PLUPAs, Appendix D). Additionally, the FSEIS/PLUPAs notes that while Alternative 8H would result in fewer impacts across all GRSG habitat types, it would have more impacts to the habitat designations that are considered moderate to high value to the sage-grouse (IHMAs) (Gateway West FSEIS/PLUPAs, 3.11-15). Table D.11-11 lists the miles of each agency designated sage-grouse habitat type that would be crossed by Alternative 8H and tables D.11-14 and D.11-15 list the acres that would be impacted during construction and operation of the Project, respectively. Furthermore, table D.11-17 shows the number of sage-grouse leks located at various distances from the line for each of the 7 action alternative. (Gateway West FSEIS/PLUPAs, Appendix D). Finally, the effects on seasonal habitats of GRSG are also analyzed. For example, Route 9K was found to have potential project-related impacts to local populations because the current condition of breeding, summer, and winter seasonal habitats is currently limiting suitability in many areas occupied by the Owyhee Front/Triangle local population. The route could introduce an additional stressor to this relatively isolated, small, local population (Gateway West

FSEIS/PLUPAs, 3.11-23).

NEPA – Impacts Analysis – Fire and Fuels

Issue Number: PP-ID-GATEWAYWEST-17-02-14

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the failure to assess the very significant fire and safety issues with the line, its routes, and the materials used in construction and operation of the line. High voltage lines and expanded human access and disturbance increase wildfire danger– including from increased flammable weeds that proliferate in areas of disturbance, from increased human intrusion of all types including vehicle/OHV use and potential catalytic converter and cigarette fires, target shooting on access routes, raptor electrocutions igniting wild land fires, and other mishaps. There is also fire risk from the lines. Transistors may cause fires, resulting in much more frequent fires. Full and detailed analysis of all of these factors must take place, including understandable analysis of the transistor and other line equipment types to be used, and their likelihood of causing fires. Equipment that minimizes fire risk must be evaluated and required. There is no hard look taken at this, or alternatives to minimize and mitigate adverse effects. All analysis must provide detailed comparative information about the characteristics of transistors and other components of the lines, and the likelihood of fire.

http://www.cpuc.ca.gov/environment/info/asp/sunrise/deir/apps/a01/App%20%20ASR%20z_Attn%20A-Fire%20Report.pdf. Transmission lines located in areas with high fire risk and high occurrence of lightning strikes creates a reliability risk. Dense smoke

from wildfires can “trip” a circuit, causing it to go out of service. Outages can result from emergency shut-downs during a nearby fire in order to prevent thermal damage to the line, to prevent a smoke-caused trip, or to meet the safety needs of firefighters.

Issue Number: PP-ID-GATEWAYWEST-17-02-40

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the lack of full analysis of the footprint and effectiveness of fire prevention measures are inadequate. We are very concerned the BLM will use the line path as a reason to seed even more forage kochia or exotics that will then invade neighboring areas and degraded sensitive species and other habitats– because the line increases fire risk. No construction activities (blasting, motorized equipment use) should be allowed during periods of “High” fire danger on public lands.

Issue Number: PP-ID-GATEWAYWEST-17-10-2

Organization: State of Idaho

Protestor: CL “Butch” Otter

Issue Excerpt Text:

The State of Idaho protests the Proposed LUPA SEIS-13 because BLM failed to analyze the adverse effects that wildfire will have on two transmission lines located within close proximity to each other, as required by NEPA.

Issue Number: PP-ID-GATEWAYWEST-17-10-4

Organization: State of Idaho

Protestor: CL “Butch” Otter

BLM fails to account for the potential damage or long-term load disruptions that would occur if Segments 8 and 9 are affected by fire.

Issue Excerpt Text:

[The] BLM’s analysis is insufficient because

Summary:

The BLM failed to adequately analyze impacts on human safety, transmission lines, and natural resources from wildfire by:

- failing to disclose the change in ignition probability resulting from increased invasive species resulting from the alternatives, human, and equipment caused fires;
- failing to disclose the effects of fires on transmission line reliability; and
- failing to provide a full analysis of the effectiveness of fire prevention measures.

Response:

Contrary to the protestor’s comments, the BLM has complied with NEPA’s requirement to analyze the environmental consequences/impacts on human safety, transmission lines, and natural resources from wildfire in the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments (Gateway West FSEIS/PLUPAs).

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a “hard look” at potential environmental impacts of adopting the Gateway West FSEIS/PLUPAs. The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2 at 55). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

A land use planning-level decision is broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. The baseline data provides the necessary basis to make informed land use plan-level decisions. As the decisions under consideration by the BLM are programmatic in nature and would not result in on-the-ground planning decision or actions, the scope of the analysis was conducted at a regional, programmatic level. The analysis focuses on the direct, indirect, and cumulative impacts that could potentially result from on-the-ground changes. This analysis identifies impacts that may result in some level of change to the resources, regardless of whether that change is beneficial or adverse.

The BLM disclosed and analyzed the change in ignition probability resulting from increased invasive species (Gateway West FSEIS/PLUPAs, pp. 3.6-12, 2013), humans (Gateway West FSEIS/PLUPAs, pp. 3.22-9, 2013), and equipment (Gateway West FSEIS/PLUPAs, pp. 3.22-11, 2013) caused fires. Furthermore, the BLM disclosed the effects of fires on transmission line reliability (Gateway West FSEIS/PLUPAs, p. 1-16).

The BLM is only required to take a “hard look” at potential environmental impacts of adopting the Gateway West FSEIS/PLUPAs; impacts from fire to transmission line reliability between the alternatives are outside of the scope of analyses required by NEPA and instead are addressed by the NERC and WECC standards.

The BLM disclosed the analysis of the effectiveness of fire prevention measures:

As described in the introduction paragraph, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. On pages 3.6-17 of the 2013 FEIS, the BLM provides the following qualitative analysis of the effects of prevention efforts: “To minimize the potential for wildfires, state and federal fire prevention requirements would be followed. [...]Implementing these measures would reduce the risk of fire under all alternatives” (2013 FEIS, pp. 3.6-17).

NEPA – Impacts Analysis – Trails and Travel Management

Issue Number: PP-ID-GATEWAYWEST-17-02-23

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the EIS's inadequate historical analyses, avoidance and minimization of project impacts. Analysis and actions necessary to adequately protect irreplaceable cultural and historic values and sites is not adequate.

BLM fails to:

- Describe the values, characteristics, and

settings of trails under study and trails recommended as suitable in the affected environment section of the NEPA document;

- Analyze and describe any impacts of the proposed action on the values, characteristics, and settings of trails under study or trails recommended as suitable; and

Consider an alternative that would avoid adverse impacts to the values, characteristics, and settings of the trail under study or recommended as suitable and/or incorporate and consider applying design features to avoid adverse impacts. SEIS 31.1 to 31.57. WLD 26-17.

Summary:

The BLM failed to adequately analyze impacts to National Historic Trails from the proposed action.

Response:

Contrary to the Protestors' comments, the BLM's compliance with NEPA's requirement to analyze the environmental consequences/impacts to National Historic Trails from a right-of-way grant for portions of the Gateway West Transmission Line Project Segments 8 and 9 in the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments (Gateway West FSEIS/PLUPAs) was adequate. NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a "hard look" at potential environmental impacts of adopting the Gateway West Transmission Line. The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2 at 55). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action. Finally, BLM Manual 6280 requires the BLM to evaluate and disclose potential impacts of agency undertakings on national scenic or historic trails on BLM-administered lands.

A land use planning-level decision is broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. The baseline data provides the necessary basis to make informed land use plan-level decisions. As the decisions under consideration by the BLM are programmatic in nature and would not result in on-the-ground planning decision or actions, the scope of the analysis was conducted at a regional, programmatic level. The analysis focuses on the direct, indirect, and cumulative impacts that could potentially result from on-the-ground changes. This analysis identifies impacts that may result in some level of change to the resources, regardless of whether that change is beneficial or

adverse.

In Chapter 3, pages 3.1-1 through 3.1-57 of the Gateway West FSEIS/PLUPAs, the BLM describes the baseline as well as the direct and indirect effects to the Oregon National Historic Trail, including the Visual, Cultural/Historic, and Natural setting. In addition, the inventory and impact assessment technical report, as required by BLM Manual 6280, can be found in Appendix J.

NEPA – Impacts Analysis – Livestock Grazing

Issue Number: PP-ID-GATEWAYWEST-17-02-17

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

BLM also failed to consider amending Land Use Plans to allow retirement of grazing allotments.

Issue Number: PP-ID-GATEWAYWEST-17-02-31

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the failure of the EIS to take a science-based and hard look at the significant adverse direct, indirect and cumulative disturbance footprint of livestock grazing in the gateway alternatives landscape - and the direct indirect and synergistic effects of grazing disturbance in making rehab and mitigation much more risky.

Summary:

The BLM fail to adequately analyze impacts to vegetation communities from grazing.

Response:

The BLM complied with NEPA’s requirement to analyze the environmental consequences/impacts on vegetative communities from grazing in the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments (Gateway West FSEIS/PLUPAs) because the alternatives do not change grazing management and therefore a detailed analysis of the effects of grazing is not required. NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a “hard look” at potential environmental impacts of adopting the Gateway West Transmission Line. The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

A land use planning-level decision is broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. The baseline data provides the necessary basis to make informed land use plan-level decisions. As the decisions under consideration by the BLM are programmatic in nature and would not result in on-the-ground planning decision or actions, the scope of the analysis was conducted at a regional, programmatic level. The analysis focuses on the direct, indirect, and cumulative impacts that could potentially result from on-the-ground changes. This analysis identifies impacts that may result in some level of change to the resources, regardless of whether that change is beneficial or adverse.

The BLM adequately described the cumulative effects of permitted grazing on vegetation in Chapter 4, page 4-36 of the Gateway West FSEIS/PLUPAs. Because altering or retiring of grazing permits would not have addressed the project purpose and need, this was not included in any of the alternatives and therefore analysis of grazing impacts are appropriately addressed in cumulative effects. Therefore, the BLM met its obligations under NEPA with respect to the cumulative effects analysis.

NEPA – Impacts Analysis – Water and Water Resources

Issue Number: PP-ID-GATEWAYWEST-17-02-58

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

There is no analysis of the magnitude of degraded ecological conditions in these

drainages and watersheds, the effects of land uses, how little progress has been made with addressing water quality or if water quality has worsened – or in regards to cumulative effects on both BLM and private or other lands. The levels of pollution in these drainages, and the waters that they are tributary to them, must be studied.

Summary:

The Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments (Gateway West FSEIS/PLUPAs) fail to adequately describe the degraded hydrological conditions, particularly water quality, and how the decision will impact those conditions.

Response:

Contrary to the Protestors' comments, the BLM adequately analyzed the environmental consequences/impacts to water resources in the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments (Gateway West FSEIS/PLUPAs) as required by NEPA. NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a "hard look" at potential environmental impacts of adopting the Gateway West FSEIS/PLUPAs.

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2 at 55). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

A land use planning-level decision is broad in scope. For this reason, analysis of land use plan alternatives is typically broad and qualitative rather than quantitative or focused on site-specific actions. The baseline data provides the necessary basis to make informed land use plan-level decisions.

As the decisions under consideration by the BLM are programmatic in nature and would not result in on-the-ground planning decision or actions, the scope of the analysis was conducted at a regional, programmatic level. The analysis focuses on the direct, indirect, and cumulative impacts that could potentially result from on-the-ground changes. This analysis identifies impacts that may result in some level of change to the resources, regardless of whether that change is beneficial or adverse.

In particular, the BLM adequately describes and analyzes the current hydrological conditions insofar as they relate to the impacts of the decision being made in the FSEIS/PLUPAs. Section 3.16 identifies the area of analysis, the issues related to water resources that were brought up in scoping, the methods of analysis, the existing conditions, and the direct and indirect effects of each alternative. The analysis includes appropriate quantification of water resources that are currently degraded for each alternative (those streams meeting a section 303(d) total maximum daily limit (TMDL) restriction for sedimentation). From a cumulative impacts perspective, sections 4.4.11 and 4.4.18 of the FSEIS/PLUPAs supplements the analysis of the FEIS for wetlands, riparian, and water resources.

NEPA – Impacts Analysis – Recreation

Issue Number: PP-ID-GATEWAYWEST-17-02-59

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the lack of adequate analysis of the significant adverse effects of this ugly land disturbing line on recreational uses and enjoyments and the lines are potentially hazardous to health.

Summary:

The BLM failed to adequately analyze impacts to recreation and human health.

Response:

NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a "hard look" at potential environmental impacts of adopting the Final Supplemental Environmental Impact Statement.

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2 at 55). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action. Section 3.17 of the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments (Gateway West FSEIS/PLUPAs) addresses the potential impacts of land use and recreation for each of the action alternatives. In addition, Section 3.5 analyzes the potential for project activities to have disproportionately high or adverse human health or environmental effects on minority and/or low-income populations in accordance with Executive Order 12898.

NEPA – Impacts Analysis – Socioeconomics

Issue Number: PP-ID-GATEWAYWEST-17-02-42

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

The Socioeconomics section fails to adequately assess the values harmed, and the impacts of the project. This includes to ratepayers across the region as Idaho Power increases rates to pay for this dinosaur of a project. Many of the impacts will be long-lasting and/or irreversible, such as new road gashes, destroyed but ‘salvaged’ cultural sites, and new flammable weed infestations. The EIS relies on 2009 scoping issues. This is a bygone era when it comes to rooftop solar and other alternatives not considered. It is impossible to assess the elements in 3-42.2, based on old info as well, such as effects on tourism and quality of life, condemnations, etc. This also does not take into account linked or foreseeable projects and developments. The population increase in the impact area is continuing, making untrammled open space land and trail settings, wildlife viewing

opportunities, etc. become more valuable by the minute.

The tourism figures appear outdated. Idaho BLM’s 2015 Fact Sheet shows recreation on BLM lands accounting for \$358 million in economic output, greater than the value of extraordinarily subsidized and below market grazing on public lands, for example. SEIS 1-43. WLD 50-54, PFA 1 to 4.

Issue Number: PP-ID-GATEWAYWEST-17-07-7

Organization: Owyhee County

Protestor: Kelly Aberasturi

Issue Excerpt Text:

The Director's Decision failed to adequately identify, and consider in the analysis, impacts to future uses and/or values of the private property impacted by the placement of the line caused either by the actual location on or near those lands or by the visual impact of the placement on adjoining or nearby lands.

Summary:

The BLM failed to perform adequate analyses and to utilize best available information on socioeconomic impacts. Property values, tourism, viewshed, and general quality of life will be affected by the SEIS. BLM failed to use best available information in its analyses of socioeconomics.

Response:

Contrary to the Protestor's comments, the BLM has evaluated the impacts of the proposed transmission line on socioeconomic conditions, including property values, viewshed, tourism, and other quality of life matters such as economic conditions, housing, education, public services, and tax revenues in the FSEIS. NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b)). The BLM is required to take a “hard look” at potential environmental impacts of adopting the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Associated Land Use Plan Amendments (Gateway West FSEIS/LUPAs).

The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2 at 55). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action. In addition, the analyses of socioeconomic impacts are identified in NEPA regulations (40 CFR 1508.14).

The BLM has analyzed the socioeconomic impacts in the FSEIS. Chapter 3 ("Affected Environment") describes the full suite of potential impacts to Socioeconomics. Section 3.4, in particular, describes potential impacts of each action alternative on population, economic conditions, housing, property values, education, public services, and tax revenues. Section 3.4.2.5 discusses the general measures that would be taken to avoid or minimize project-related impacts, additional measures proposed by the project proponents, as well as the existing compensatory mitigation plans. The section also describes the process that would be followed to determine if additional mitigation is required and how it would be implemented to address any impacts that remain once all the existing avoidance, minimization, and existing compensatory mitigation is implemented.

NEPA – Impacts Analysis – Cumulative Effects

Issue Number: PP-ID-GATEWAYWEST-17-02-11

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the lack of a hard look under NEPA at the adverse impacts of potential linked or foreseeable development of new energy or other projects (wind, geothermal, fossil fuel, more transmission, nuclear energy, mining, communication towers, etc.) resulting from any potential route of the Gateway lines and B2H lines has not been provided. This is part of understanding the full range of connected, linked, and foreseeable actions, and the project's complete environmental footprint.

Issue Number: PP-ID-GATEWAYWEST-17-02-3

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the failure to take a candid and hard look at the DOE Westwide Corridor impact (direct indirect and cumulative), as well as the full destructive environmental footprint of very foreseeable energy development sprawl that will take place in Wyoming and Idaho as a result of this unnecessary and segmented Gateway line. The line's impacts have been wrongly segmented under NEPA.

Issue Number: PP-ID-GATEWAYWEST-17-02-36

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the lack of adequate disclosure of energy and other development sprawl linked to this line, and the connected B2H and of course the eastern segmented leg of Gateway. It is impossible to believe that Idaho Power is not aware of potential additional projects that may be developed once these new behemoth lines gets green-lighted. This EIS must fully examine the large-scale deleterious effects of foreseeable development and other corridors/projects, as well as other foreseeable linked powerlines, and provide some sizable mitigation funding and significant mitigation actions – not just giving agencies some funds to study species decline or kill some junipers, and fragment more habitats.

Issue Number: PP-ID-GATEWAYWEST-17-02-38

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the failure of the EIS to adequately examine the existing leases and rights-of-way as a baseline and to understand harmful development that could be enabled by the line. Vast areas of the public lands have been leased, or rights of way granted, by BLM (and some by the Forest) for oil, gas, geothermal energy, wind MET towers or sites, communication towers, etc. Where are all leases located along the Footprint of Gateway or any Alternatives? And what foreseeable development might be spawned by Gateway? All of this must be considered in cumulative and foreseeable effects analyses of a valid EIS. SEIS 4-14 to 4-23, 4-24 to 4-29, 4-30 to 4-56. WLD 49-50.

Issue Number: PP-ID-GATEWAYWEST-17-09-15

Organization: Western Watersheds Project

Protestor: Erik Molvar

Issue Excerpt Text:

In addition, the FSEIS fails to consider

the reasonably foreseeable development of additional wind farms within and adjacent to the transmission line as a result of easy access to electrical transmission capacity.

Summary:

The cumulative effects analysis did not adequately analyze potential linked or foreseeable solar, wind, geothermal, fossil fuel, mining, nuclear energy or transmission development; as well as the development of existing leases and rights of way.

Response:

The only protestable sections of the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments (Gateway West FSEIS/PLUPAs) are those related to the proposed plan amendments, not the proposed project. The possible cumulative effects of the amendments are addressed separately from the Project cumulative effects, because the decision whether to approve plan amendments is a separate decision for the BLM. Within section 4.1.3 of the Gateway West FSEIS/PLUPAs, the BLM examined the possible cumulative effects to resources of the various plan amendments that would be necessary to permit the Project. These amendments are connected actions to the Project (“but for” the Project, these amendments would not be considered). In most cases, the amendments to the land management plans are designed to allow the Project to be constructed and operated without changing the underlying land allocations. Where that is the case, there are no cumulative effects of the plan amendments that are not fully captured in the cumulative effects of the project itself. The effects of those amendments are considered in detail by resource in section 4.1.3 of the Gateway West FSEIS/PLUPAs. Where that is not the case, the resultant plan amendment could have cumulative effects to be considered as part of the overall Project cumulative effects. The impacts of the underlying land use allocation revision are across the extent of the polygon proposed for revision. For example, if a polygon mapped as VRM Class II is proposed to be changed to VRM Class III, the impact of that change is taken into consideration as part of the cumulative effects of the Project. As discussed in the Gateway West FSEIS/PLUPAs, several commenters on the Gateway West Draft SEIS and Draft LUPAs requested that the analysis of cumulative effects include possible future projects that might be facilitated if Gateway West were constructed. NEPA requires analysis of “reasonably foreseeable” future actions and does not require speculation about unknown future events.

Therefore, the cumulative effects analysis is generally limited to projects with known locations and descriptions, usually those for which a permit application has been filed or other public announcement made with enough detail to allow for comparison. All the reasonably foreseeable future actions related to proposed transmission lines, pipelines, roads, energy generation facilities, natural gas-fired power plants, geothermal, wind energy, hydroelectric, biomass, and solar facilities are outlined in section 4.2.2 of the Gateway West FSEIS/PLUPAs. These reasonably foreseeable futures actions were then taken into account during the development of the cumulative effects analysis on various resources (including the various habitat types the protestor references) in Section 4.4 of the Gateway West FSEIS/PLUPAs.

NEPA – Best Available Information

Issue Number: PP-ID-GATEWAYWEST-17-02-49

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

There is no mapping of areas surveyed, rare plants detected, the locations and status rare plants in the surrounding landscape, and much other information necessary for informed analysis and alternatives development. SEIS 3.7-1 to 3.7-40, WLD 56-57, 63, 64, 39, others.

Issue Number: PP-ID-GATEWAYWEST-17-02-68

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

There is significant new biological information on sage-grouse, showing that the presence of livestock in lands increases raven presence.

Issue Number: PP-ID-GATEWAYWEST-17-02-69

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

There is significant new information confirming cattle as a vector for medusahead weed dispersal.

Issue Number: PP-ID-GATEWAYWEST-17-09-10

Organization: Western Watersheds Project

Protestor: Erik Molvar

Issue Excerpt Text:

The failure to consider and incorporate this new information into the analysis means that BLM failed to take a hard look at the impacts on sage-grouse, and additionally failed to ensure the scientific accuracy of the analysis.

Issue Number: PP-ID-GATEWAYWEST-17-10-11

Organization: State of Idaho

Protestor: CL “Butch” Otter

Issue Excerpt Text:

The State of Idaho protests Proposed LUPA SEIS-13 for the SRBOP RMP on the basis that the Amendment fails to consider the new, scientific information that was the result of the robust Boise District RAC process as required by NEPA, nor does it reflect the recommendation of the majority of the RAC.

Issue Number: PP-ID-GATEWAYWEST-17-10-12

Organization: State of Idaho

Protestor: CL “Butch” Otter

Issue Excerpt Text:

Unfortunately, BLM chose to ignore the advice of the RAC and designated Alternative 5 as the preferred alternative in the FSEIS. In doing so, BLM violated NEPA by failing to disclose its rationale for selecting the preferred alternative over the RAC recommendations in the FSEIS and did not adequately analyze the new information gathered by the RAC Subcommittee.

Summary:

The Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments (Gateway West FSEIS/PLUPAs) failed to use the best available information regarding rare plants, Greater Sage-grouse, and invasive plant species, as well as information provided by the Boise District Resource Advisory Council (RAC).

Response:

Contrary to the Protestor's comments, the BLM relied on high quality data and the best available information in the preparation of the Gateway West FSEIS/PLUPAs. The CEQ's regulations implementing NEPA require that agencies use "high quality information" (40 CFR 1500.1(b)). NEPA regulations require the BLM to "insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements" (40 CFR 1502.24). The BLM NEPA Handbook also directs the BLM to "use the best available science to support NEPA analyses, and give greater consideration to peer-reviewed science and methodology over that which is not peer-reviewed" (BLM Handbook H-1790-1, p. 55). Under BLM's guidelines for implementing the Information Quality Act, the BLM applies the principle of using the "best available" data in making its decisions (BLM Information Quality Act Guidelines, February 9, 2012).

The GIS datasets for special status plants used in the FSEIS analysis are presented on page 3.7-2, and citations for these datasets can be found in Chapter 7. As discussed in Section 3.7.1.1 of the FSEIS/PLUPAs, "the extent of the analysis area that was used for this FSEIS is restricted to that portion of the Analysis Area crossed by Segments 8 and 9; therefore, not all threatened and endangered plant species discussed in the FEIS would be affected by the routes being considered in the FSEIS. As a result, threatened and endangered plant species not found within the Analysis Area for Segments 8 and 9 (but which may be included in the FEIS for other segments' Analysis Areas) are not discussed or analyzed in this document". Of the special status plants that occur in the analysis area, slickspot peppergrass is the only threatened or endangered plant species known to occur. Maps showing slickspot peppergrass occupied habitat, potential habitat, and proposed critical habitat are provided in Appendix E, Figures E.7-1 and E.7-2.

The FSEIS/PLUPAs recognizes that cattle can spread weeds. Section 4.4.10 of the FSEIS/PLUPAs states that in addition to future and present activities that could introduce or spread noxious weeds and invasive plants, "livestock grazing . . . can also result in introduction and spread of weeds and invasive plants". Weed and invasive plant vectors are further discussed in Section 3.8. The level of information presented in the FSEIS/PLUPAs is sufficient in analyzing the proposed action.

The FSEIS/PLUPAs provides a sufficient amount of information needed to support the analysis of the proposed action and its effects on Greater Sage-grouse. Further, the FSEIS/PLUPAs discloses that increased predation may occur as a result of approving the action. For example, "powerline structures also provide perches and nesting substrates for raptors and ravens, potentially facilitating predation for some species (e.g., prairie dogs and grouse)" (FSEIS/PLUPAs, Section 4.4.12).

New data for Greater Sage-grouse used in the impacts analysis are identified on page 3.11-2 of the FSEIS/PLUPAs. Such information includes sage grouse lek data (IDFG 2014) and sage grouse designated habitats from the BLM's ROD for the Great Basin Region (BLM 2015c). The Gateway

West FSEIS/PLUPAs includes a bibliography in Chapter 7, which further lists the information considered by the BLM in preparation of the FSEIS. The protestor provides multiple references to studies on Greater Sage-grouse, including Shirk et al., 2015, Dinkins et al., 2015, Mainier et al., 2014, and Garton et al., 2015. The Idaho and Southwestern Montana Proposed Land Use Plan Amendments and FEIS and the subsequent ROD for the Great Basin Region (BLM 2015c) incorporated this information in its analysis, and it helped form the basis for the sage grouse protections that the 2015 amendment provides. Therefore, it is unnecessary to incorporate all of these articles into the Gateway West FSEIS/PLUPAs. The BLM reviewed the suggested articles to determine if the information is substantially different than the information considered and cited in the Gateway West FSEIS/PLUPAs; however, the suggested articles do not provide additional information that would result in effects outside the range of effects already discussed in the FSEIS/PLUPAs.

Section 2.5.2.1 of the FSEIS/PLUPAs discusses the RAC subcommittee routes for Segment 8, which were considered but eliminated from detailed study. As described in this section, route options for Segment 8 were eliminated from further consideration because “upon closer examination, it became clear that they did not differ greatly from routes analyzed in the 2013 FEIS; they provided no environmental benefit over the Proposed Action; they were not feasible for environmental, physical, or economic reasons; and/or they did not meet the objectives of the Proponents”, (Gateway West FSEIS/PLUPAs, Section 2.5.2.1). Further, RAC subcommittee routes for Segment 9 were considered in the FSEIS but eliminated from detailed study because, similar to recommended routes for Segment 8, they "did not differ greatly from routes analyzed in the 2013 FEIS; they provided no environmental benefit over the Proposed Action; they were not feasible for environmental, physical, or economic reasons; and/or they did not meet the objectives of the Proponents," (Gateway West FSEIS/PLUPAs, Section 2.5.2.2). The BLM fully considered the Boise District RAC's recommendations in the FSEIS.

NEPA – Baseline

Issue Number: PP-ID-GATEWAYWEST-17-02-35

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the lack of an adequate current ecological baseline. A solid current site-specific baseline is necessary to understand the magnitude of Gateway and B2H effects, and the manner and type of any mitigation that may be applied or considered effective. There is no adequate discussion or analysis of the current ecological health or importance of all the lands (BLM, state, private, military at OTA and Saylor Creek) that will be affected.

Issue Number: PP-ID-GATEWAYWEST-17-02-45

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

Where are the years of surveys needed to detect LEPA along and in the landscape surrounding all routes? Where are surveys for all the sensitive plants? The SEIS uses the word “could” and does not seem to even have conducted necessary baseline site-specific intensive surveys in spring. SEIS 37.1 to 37.4. WLD 54 to 58

Issue Number: PP-ID-GATEWAYWEST-17-02-48

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the lack of adequate baseline data and analysis on Invasive plant species, especially exotic annual and perennial grasses. We are concerned that the “invasive plant

species” section focuses overwhelmingly on noxious weeds, and not ecosystem-dooming flammable invasive exotic grasses.

Issue Number: PP-ID-GATEWAYWEST-17-02-5

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

Of particular concern is the serious impact Gateway and other energy infrastructure and Corridor projects would have on migratory birds, sage-grouse, and other increasingly rare and imperiled native species. Habitats in this region have already been greatly altered and fragmented from many other land uses, including often chemical intensive irrigated agriculture, chronic public lands livestock grazing disturbance, fences and a battery of other harmful livestock facilities, water developments and livestock infrastructure, agency “treatments” that destroy native woody species, etc. The combined effects of these disturbances and desertification processes have not been provided as a baseline or in a proper cumulative effects analysis.

Issue Number: PP-ID-GATEWAYWEST-17-02-72

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the still-incomplete basic biological surveys that are necessary to properly analyze impacts of routes on habitats and populations, as well as to apply proper mitigation and minimization measures.

Issue Number: PP-ID-GATEWAYWEST-

17-02-76

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the lack of basic information on grazing levels and use.

in the FSEIS. In doing so, BLM violated NEPA by failing to disclose its rationale for selecting the preferred alternative over the RAC recommendations in the FSEIS and did not adequately analyze the new information gathered by the RAC Subcommittee.

Issue Number: PP-ID-GATEWAYWEST-17-02-9

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

A valid ecological baseline was never established. Site-specific biological and other surveys have not been conducted to enable full and fair comparison between route segments.

Summary:

The Gateway West FSEIS/PLUPAs failed to establish adequate ecological and biological baselines, and particularly lacks baseline information for grazing, invasive plant species, and slickspot peppergrass (LEPA).

Response:

The BLM provides adequate baseline information for grazing, invasive plant species, and slickspot peppergrass in the affected environment section of the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments (Gateway West FSEIS/PLUPAs) section succinctly describes the existing condition and trend of issue-related elements of the human environment that may be affected by implementing the proposed action or an alternative. As recommended in BLM's NEPA Handbook (H-1790-1), the descriptions of the specific elements should be quantitative wherever possible, and of sufficient detail to serve as a baseline against which to measure the potential effects of implementing an action. The affected environment section of the environmental analysis is defined and limited by the identified issues (BLM Handbook H-1790-1, Section 6.7.1).

Baseline information for the Gateway West SEIS can be found in Chapter 3 of the FSEIS/PLUPAs. As stated in this chapter, "although the BLM has no authority to either permit or prohibit construction of the project on non-federal land, NEPA requires an analysis of the effects of federal actions on all lands. Therefore, the EIS makes assumptions on where Segments 8 and 9 of the Gateway West project would be sited on non-federal lands and on how it would be designed and constructed", (Gateway West FSEIS/PLUPAs, p. 3-1). The baseline information provided in the FSEIS/PLUPAs for all lands is sufficient in supporting the effects analysis for the proposed action.

The affected environment and impact analysis for special status plants, including slickspot peppergrass, are described in Section 3.7 of the FSEIS/PLUPAs. The datasets that were used in the FSEIS/PLUPAs analysis for threatened, endangered species, or other special status species are presented in Section 3.7.1.3, and citations for these datasets can be found in Chapter 7 of the FSEIS/PLUPAs. The BLM used the best available information for threatened and endangered plant species to establish a baseline for analysis. Further, Section 3.7.1.4 discloses that slickspot peppergrass is known to occur in the analysis area, and Table 3.7-1 presents the miles of slickspot peppergrass occurrences and habitat along Segment 8 and 9 proposed routes, other routes, and route variations. In addition to the baseline information provided for slickspot peppergrass, mitigation measure TESPL-4 provides that monitors survey for and mark slickspots and aboveground populations of slickspot peppergrass within 50 feet of the construction area prior to ground disturbance (including roads) in potential or occupied slickspot peppergrass habitat. Under this

measure, no construction shall occur within 50 feet of known occurrences of slickspot peppergrass (based on BLM and Idaho Natural Heritage data) even if aboveground plants are not observed during the surveys (Gateway West FSEIS/PLUPAs, p. 3.7-34).

Section 3.8 of the FSEIS/PLUPAs provides the baseline information used in the affects analysis for invasive plant species, and defines the two terms that are used in this section: “invasive plant species” and “noxious weeds”. Section 3.8.1.3 of the FSEIS/PLUPAs provides the datasets that were used in the SEIS analysis. The FSEIS discloses that the invasive species presented in Table D.8-1 contain only designated noxious weed species known or expected to occur within the Analysis Area, and that additional invasive species that are not listed in Table D.8-1 likely occur within the Analysis Area. "These species would also need to be considered if encountered during project construction and operations, because the introduction or spread of other invasive species not listed in Table D.8-1 may need to be minimized to comply with federal, state, and county requirements," (Gateway West FSEIS/PLUPAs, Section 3.8.1.4). Mitigation measures for invasive plant species are identified in Appendix M of the FSEIS/PLUPAs.

The affected environment for agriculture, which includes livestock grazing, is described in Section 3.18 of the FSEIS. As stated on page 3.18-6 of the Gateway West FSEIS/PLUPAs, “no amendments specific to agriculture are proposed for the project and no impacts to agriculture resulting from approving the amendments beyond the impacts of the project are anticipated”. The level of baseline information provided for livestock grazing in the Gateway West FSEIS/PLUPAs is sufficient in supporting the impacts analysis for the project.

Finally, Section 3.10 of the FSEIS provides baseline information used in the affects analysis for general wildlife and fisheries, including but not limited to, bighorn sheep habitat, elk winter range, mule deer winter range, pronghorn winter range, and raptors. In the analysis for the FSEIS/PLUPAs, new or updated GIS datasets were used from what was used in the 2013 FEIS. These new data were incorporated into the analysis and used as part of the impact assessment methods described in detail in Section 3.11.1.4.

NEPA – Visual Resources

Issue Number: PP-ID-GATEWAYWEST-17-02-18

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the tremendous Visual resource deficiencies. Also, the JRMP established an NHT protective zone, and it is very unclear the degree to which Gateway may violate this protective zone designation. We strongly oppose the VRM amendment, and the shoddy and incomplete analysis in SEIS Appendix G.

Issue Number: PP-ID-GATEWAYWEST-17-07-6

Organization: Owyhee County

Protestor: Kelly Aberasturi

Issue Excerpt Text:

The Director's Decision failed to adequately consider the recently acquired Visual Resources Inventory information

submitted by Owyhee County on December 10, 2012 in response to a BLM request for Comment dated October 24, 2012. BLM's request for comment specifically addressed the agency's responsibilities under both FLPMA and NEPA.

Issue Number: PP-ID-GATEWAYWEST-17-07-9

Organization: Owyhee County

Protestor: Kelly Aberasturi

Issue Excerpt Text:

The Director's Decision disregarded both the visual impact associated with the preferred route on private property impacted and the laws requiring the Agency to protect the quality of the scenic [visual] values of the lands they manage and to assure for all Americans ... aesthetically pleasing surroundings.

Summary:

BLM failed to address visual resources concerns, including the National Historic Trails (NHT) Protective zones established in the Jarbidge Resource Management Plan, as well as localized effects on private property, abrogating its responsibilities under FLPMA and NEPA.

Response:

The BLM adequately analyzed visual impacts associated with the proposed land use plan amendments in compliance with applicable requirements under FLPMA and NEPA.

The Gateway West FSEIS/PLUPAs details project development and constraints, including visual, that limited the development of the transmission line routes. Key observation point (KOP) analyses were provided for private and county lands, including cultural KOPs. KOP analyses in the FEIS provide assessments of existing scenic character as well as likely impacts from the proposed Project. While the focus was generally on BLM managed land, it also includes some sensitive private and county/state resources.

With regards to the December 10, 2012 Owyhee County visual resource inventory submission, the BLM has nothing in the planning record indicating it received such a recommendation from the

County.

Nevertheless, the notes from that meeting state, "a Motion was made by Commissioner Hoagland to send a letter to the Bureau of Land Management and Logan Simpson Design Inc. commenting on the Visual Resources Inventory being conducted. Commissioner Aberasturi seconded the motion. Motion carried." From the date of this discussion, it appears that this VRI was conducted to cover the area affected by the Boardman to Hemingway (B2H) Transmission line and had nothing to do with the Gateway West alternatives. In fact, the B2H VRI only collected a small area within Idaho and the Owyhee Field Office area.

KOP 338 - represent those of residents on State Highway 78 looking south

KOP 353 - represents travelers along US 26, is located approximately 3.5 miles east of I-84 on US 26, just south of a railroad

KOP 358 - located on the west side of US 93 south of Shoshone and about 1 mile southwest of the Midpoint Substation, and represents residential viewers.

KOP 591 - represent those of travelers on the Snake River Canyon Scenic Byway (Map Rock Road) east of the Snake River

KOP 1118 - represent the views of residents traveling on Pleasant Valley Road

KOP 1208 - 1208 represent the views of residences on Bennett Road looking southwest toward the broad Snake River Valley Plain.

KOP 1137 - represent the views of residences and visitors to the Hot Springs Cemetery on Hot Springs Road

KOP 1148 - represent the views of residences adjacent to public lands south of Murphy, Idaho

KOP 1417 - represent the views of residences and Rimrock Junior and Senior High School

KOP 1420 - represent the views of residents at the courthouse in Murphy

KOP 1597 - represent the views of residential viewers on Warrick Road

KOP 454 - represent the views of a residence adjacent to North 2800 East Road looking south

KOP C104 - KOP represent those of recreational viewers visiting the historic Our Lady Queen of Heaven Catholic Church

When looking at the list of KOPs in the analysis in section 3.2, a substantial portion of the KOPs comprise views from areas other than BLM-managed land. Table 3.2-2 lists KOPs for the revised proposed route for Segment 8 and includes 5 on BLM land, 12 on private land, 1 on Bureau of Reclamation (BOR) land and 1 on State land. Table 3.2-3 lists KOPs for Route 8G and includes 12 on BLM land, 17 on private land, and one on State land. Table 3.2-4 lists KOPs for Route 8H and includes 15 on BLM land, 21 on private land, and 7 on State land. Table 2.3-5 lists KOPs for Revised Proposed Route for Segment 9 and includes 16 on BLM land, 14 on private land, 6 on state land. Table 3.2-6 lists KOPs for DEIS proposed 9 and includes 11 on BLM land and 13 on private land. Table 3.2-7 lists KOPs for Route 9K and includes 13 on BLM land, 13 on private land, and 2 on State land. Table 3.2-8 lists KOPs for Toana Road Variation 1 and includes 2 on BLM land and 3 on private land. Table 3.2-9 lists KOPs for Toana Road Variation 1-A and includes 2 on BLM land and 3 on private land

Please refer as well to Supplemental FEIS section 2.5.3 (Other Routes/Alternatives eliminated from detailed study). This section describes other routes and restrictions that made them infeasible, such as concerns about visual resources impacts on land not managed under the BLM.

Some examples include:

- Page 2-47 discusses scenic by-ways, page 2-50 and 2-54 discuss scenic buffers, including around US 30.
- Pages 2-43 and 2-44 discuss Baja Road – Murphy Flat North Option 1 and Option 2 discuss that the routes would be within the viewshed of private residences.
- Page 2-54 discusses that the route would pass through Bruneau Dunes State Park for 0.3 mile, and would have a greater impact on the view from the park.

Regarding Comment 17-02-18:

The BLM thoroughly reviewed the Gateway West Transmission Line Project and determined that it was consistent with the 2015 revised Jarbidge RMP. The 2015 Jarbidge RMP ROD specifically states that one of the primary management decisions is to “Establish the Oregon NHT National Trail Management Corridor and protective zone” (ROD-7). It also states, however, that “New surface or overhead ROWs will follow existing ROW or disturbance corridors, as practicable. Underground ROWs will be allowed with mitigation for disturbance within the protective zone and corridors. Where the alignment of a new large-scale linear ROW with multi-jurisdictional impacts is constrained or determined by external factors which make avoidance impractical or infeasible, the ROW grant will require mitigation commensurate with impacts” (ROD-14).

Within the Jarbidge FO, the Project complies with the 2015 RMP, and therefore no amendments were necessary. Detailed descriptions in appendices F and G were generally saved for where the Project was not consistent with the RMPs. The 1987 Jarbidge RMP does not have the NHT protective zones (they were developed for the Revised 2015 RMP), but does have protective measures. These measures were proposed for amendment in appendix F, in order to allow the Project).

The Supplemental FEIS includes a discussion of concerns regarding Project consistency with the RMP management designations in the Project Record, as it was necessary to review the Revised 2015 Jarbidge RMP (2015) for consistency when reexamining amendment needs. The main body of the SEIS does not go into detail on the new designations within the Jarbidge Planning area, but does mention some of the changes in management (such as the area being VRM Class III) and the new utility corridor designation.

While the Final SEIS does not specifically discuss the NHT Protective Zones, it does mention NHT visual protective measures as described in the 2015 Revised Jarbidge RMP, which is basically the area in the Jarbidge FO where the Project crosses (now VRM Class III). Appendix J mentions the 2015 RMP, but does not discuss the NHT Protective zone specifically. It mentions other protective corridors discussed in the 1987 RMP and some protective measure in the 2015 RMP for the SRBOP. The visual mitigation measure proposed by the proponents include micrositing measures, such as in Vis-11:

VIS-11: Site-specific “micrositing,” within the limits of standard engineering design, will be required near certain sensitive areas, as identified by the agencies, where proposed transmission facilities would impact visual quality; these situations include:

- Crossings over major highways; and
- Crossings of high quality historic trails.

The BLM fulfilled its obligations under NEPA to address visual resources concerns appropriately in the Gateway West FSEIS/PLUPAs.

FLPMA

Issue Number: PP-ID-GATEWAYWEST-17-02-24

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

As an illustration of how badly Gateway violates FLPMA protections: The line should not be placed across Salmon Falls Creek. A change was snuck in at the last minute in a western segment of the eastern portion of Gateway. Prairie Falcon Audubon (PFA) has long been expressing deep concern about this inexplicable change. Please see PFA comments.

Gateway would impair, degrade and permanently alter the aesthetic, scenic and biological values including sensitive migratory bird and bats species habitats of Salmon Falls Creek. With increasing development, open space lands and undeveloped wild river areas have become ever more scarce in this region. The public places high value on wild open space areas. Lines will also kill and injure birds and bats in area of the proposed Salmon Falls Creek crossing.

Summary:

In violation of FLPMA:

- the Gateway West FSEIS/PLUPAs would impair, degrade and permanently alter the resources and species habitats of Salmon Falls Creek and lessen high values afforded by wild open space areas; and
- there is no indication that the Gateway West Transmission Line is part of “the combination of land uses that best meets the present and future needs of the American people” (FLPMA requirement).

Response:

As noted in response to comments in FSEIS/PLUPAs, Appendix L, p. L-137, “There is nothing illegal in making changes to a route between a draft and final EIS. The routes considered in the DEIS changed between draft and final in many places. It is a normal part of the EIS process to make changes to routes or to add or drop routes. In fact, two new variations have been added to this FSEIS.”

Issue Number: PP-ID-GATEWAYWEST-17-02-41

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest and oppose reclassification of VRM II sites to VRM III, and all VRM Land Use Plan amendments. The SEIS previously recited a litany of existing intrusions into the viewsheds, and now Gateway proposes to strip protections for the sites it would impact. How much has the quality been degraded since protection was required under the Land Use Plan? This change runs counter to FLPMA. There is no indication that Idaho Power’s transmission line is part of the combination of land uses that best meets the present and future needs of the American people, as described by FLPMA. The project is an outdated dinosaur --- unnecessary, extraordinarily expensive, and will impair and/or degrade some of the last bits of non-degraded area and remnant habitats in this landscape that the existing Land Use Plans promises the American people would be protected.

Additionally, “The DEIS disclosed that the BLM cannot authorize crossing in the eligible scenic portion of the river. The route was moved between draft and final in order to avoid crossing in an eligible WSR. This was disclosed in the FEIS”.

Last, “The change to the west side of the Salmon Falls Creek was made in the 2015 Jarbidge RMP. The Twin Falls MFP specifically states that the east side of the creek will be managed as directed in the Jarbidge RMP”.

FLPMA permits amendments to RMPs so as to allow for conformance for a specific project, as spelled out in 43 CFR 1610.5-5 (Amendment of Land Use Plans). As noted in the BLM Land Use Planning Handbook H-1601-1, page45: “Plan amendments are most often prompted by the need to: Consider a proposal or action that does not conform to the plan; Implement new or revised policy that changes land use plan decisions, such as an approved conservation agreement between the BLM and the USFWS; respond to new, intensified, or changed uses on public lands; and consider significant new information from resource assessments, monitoring, or scientific studies that change land use plan decisions.”

As noted in comment response section on L-105, "The Project includes alternatives that avoid general sage-grouse habitats as well as agency designated sage-grouse habitats. The SEIS also discloses the impacts that would occur to sage-grouse and their habitats along each alternative, including the agency designated habitats listed in this comment."

Through the mitigation framework, the Project will not cause unnecessary or undue degradation, in conformance with FLPMA.

FLPMA – Consistency with Local Plans

Issue Number: PP-ID-GATEWAYWEST-17-07-2

Organization: Owyhee County

Protestor: Kelly Aberasturi

Issue Excerpt Text:

The Director's Decision is inconsistent with County Plans.

Issue Number: PP-ID-GATEWAYWEST-17-10-7

Organization: State of Idaho

Protestor: CL “Butch” Otter

Issue Excerpt Text:

The State of Idaho protests Proposed LUPA SEIS-13 for the SRBOP RMP on the basis that the Amendment requires that the Project be constructed through Owyhee County in an area that the County has preemptively refused to issue a permit to construct the transmission

line.

Issue Number: PP-ID-GATEWAYWEST-17-10-8

Organization: State of Idaho

Protestor: CL “Butch” Otter

Issue Excerpt Text:

The 2013 ROD, consistent with FLPMA Section 202(c)(9), directed the BLM to “[a]cknowledge other federal, state, and local decisions and authorities [and] attempt to have the BLM decision complement other authorizing entities.” Although the BLM did in fact recognize that siting preferences on public versus private lands is an important issue for Segments 8 and 9, it falsely claimed to coordinate with state and local governments to “identify reasonable routes that would result in complementary siting decisions by all authorizing entities.”

Summary:

The BLM violated the requirements of the Federal Land Policy and Management Act (FLPMA) for consistency with state and local plans.

Response:

The BLM satisfied FLPMA’s consistency requirement in preparation of the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments (Gateway West FSEIS/PLUPAs). Section 202 (c)(9) of FLPMA requires that “land use plans of the Secretary under this section shall be consistent with state and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.”

However, BLM land use plans may be inconsistent with state, local, and Tribal plans where it is necessary to meet the purposes, policies, and programs associated with implementing FLPMA and other Federal laws and regulations applicable to public lands (43 CFR. 1610.3-2(a)). In accordance with this requirement, the BLM has given consideration to state, local, and Tribal plans that are germane to the development of the Gateway West FSEIS/PLUPAs for Segments 8 and 9. The BLM has worked closely with state, local, and Tribal governments during preparation of the Gateway West FSEIS/PLUPAs. The Gateway West FSEIS/PLUPAs, Chapter 5, describes coordination that has occurred throughout the development of the Gateway West FSEIS/PLUPAs. A reference to the local, state, and Tribal plans that the BLM considered can be found in Chapter 3, Sections 3.3 and

3.17.1.3.

The BLM believes that the preferred alternative best meets the requirements of Federal laws and regulations, including those governing the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP) and the National Conservation Lands, by avoiding to the greatest extent practicable siting 500-kV transmission lines in the SRBOP, while also avoiding and minimizing other impacts, including crossing private lands. Regarding Owyhee County plans, the proponents have yet to submit a proposal for a conditional use permit for Gateway West; therefore, the Commission and the Board have not issued a decision with respect to the siting of the transmission lines. Through micro-siting, it may be possible to route the transmission lines in a way that is acceptable to the Commission and the Board. Moreover, Owyhee County Ordinance 9-15A-2: Establishment of Power Zoning Overlay District, establishes a Power Zoning Overlay District that covers virtually all of the agency preferred alternative in Owyhee County with the remainder located on public lands. Owyhee County, therefore, has the authority and arguably the obligation under its own zoning ordinance to issue a conditional use permit.

The BLM will discuss why any remaining inconsistencies between the Gateway West FSEIS/PLUPAs and relevant local, state, and Tribal plans cannot be resolved in the Record of Decision (ROD) for the Gateway West FSEIS/PLUPAs.

National Conservation Lands

Issue Number: PP-ID-GATEWAYWEST-17-07-3

Organization: Owyhee County

Protestor: Kelly Aberasturi

Issue Excerpt Text:

The Director's Decision ignored or overrides

the language of the Public Law 103-64, which established the Snake River Birds of Prey Area, and Public Law 109-58, and opts instead to follow an in-house regulation that became effective in 2012. The Director has no authority to simply ignore established law.

Summary:

The Gateway West FSEIS/PLUPAs ignores the Energy Policy Act (Public Law 109-58) and Public Law 103-64, which established the Snake River Birds of Prey Area, and instead follows regulations that became effective in 2012.

Response:

The BLM considered the Snake River Birds of Prey (SRBOP) enabling statute, Public Law 103-64, as well as the Energy Policy Act in the development of the Gateway West FSEIS/PLUPAs. Table 1.5-1 of the FSEIS/PLUPAs provides a list of major permits, approvals, and consultations for the Gateway West Transmission Line project. In accordance with Public Law 103-64 Sections 3(a)(2) and 4(a)(2), the BLM must determine that any use authorization in the SRBOP furthers the purposes for which it was established, including “to provide for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith, and of the scientific, cultural, and education resources and values of the public lands in the conservation area” (Gateway West FSEIS/PLUPAs, p. 1-24). In regards to Public Law 103-64, the preferred alternative identified in the Gateway West FSEIS/PLUPAs best meets the purposes of this law.

The BLM also considered West-Wide Energy (WWE) Corridors, which were established pursuant to the Energy Policy Act of 2005 (P.L. 109-58). WWE corridors are discussed throughout the FSEIS. While Section 368 of the Energy Policy Act directed Federal agencies to designate, under their respective authorities, corridors electricity transmission and distribution on Federal land in the eleven contiguous Western States, it does not require that new transmission be developed in these corridors. As stated in the FSEIS/PLUPAs, “designation of corridors does not require their use nor does such designation exempt the federal agencies from conducting an environmental review of the project” (Gateway West FSEIS/PLUPAs, p. 1-33). For further discussion on the relationship between the FSEIS/PLUPAs and WWE corridors, please see Section 1.6.3 of the FSEIS/PLUPAs.

National Scenic and Historic Trails

Issue Number: PP-ID-GATEWAYWEST-17-02-22

Organization: Wildlands Defense

Protestor: Katie Fite

Issue Excerpt Text:

We Protest the easements and ROWS and southern and other routes violating the NTSA Act, as they “substantially interfere with the nature and purpose of the trail” (16 U.S.C. § 1246).

There is already tremendous encroachment on the visual and aesthetic setting and locale of Trails. Please identify all existing areas where

viewsheds are minimally impacted by development, and identify how this project will change these conditions. The full current baseline of intrusion, and adverse cumulative effects, including of eastern Gateway West routes, and foreseeable B2H impacts on other trail areas in Oregon, must be fully revealed. There is a great scarcity of Trail Routes maintained in a natural setting and manner. We oppose the numerous Plan amendments necessary to punch Gateway West in, as well as B2H. This all is on top of the significant adverse impacts of the eastern segmented leg of Gateway. SEIS 31.1 to 31.57, PFA 1 to 4.

Summary:

The proposed easements and rights of way violate the National Trails System Act (NTSA) by substantially interfering with the nature and purpose of the Oregon National Historic Trail (NHT).

Response:

The Oregon NHT, established as provided in section 5 of the NTSA, has as its purpose “the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment”.

In Chapter 3, pages 3.1-1 through 3.1-57 of the Gateway West Transmission Line Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments (Gateway West FSEIS/PLUPAs), the BLM evaluates potential to interfere with the nature and purpose of the Oregon NHT. Adverse impacts from the preferred alternative are specifically identified on page 3-53:

“Alternative 5 would have a total of three adverse impacts on the Oregon NHT, all located within Analysis Unit 1 (AUI) and associated with Route 8G. Two of these adverse impacts affect Key Observation Points (KOPs) located on the Oregon NHT North Trail high potential route segments. None of the adverse impacts would be caused by trail crossings on BLM-managed land. Alternative 5 would have no adverse impact on the 13 KOPs from which the alternative would be visible. Alternative 5 would have no adverse impact on the four KOPs in the Snake River Birds of Prey from which the alternative would be visible.[...]Alternative 5[...]would have the least number of adverse impacts on the Oregon NHT (3), with 14 fewer impacts. [...]Alternative 5 would not cross the Oregon NHT on BLM-managed land, whereas Alternative 1 would cross the Oregon NHT seven times on BLM-managed land.”

The BLM’s preferred alternative would have no adverse impacts on portions of the Oregon NHT

and does not substantially interfere with the nature or purpose of the Oregon National Historic Trail.

FACA

Issue Number: PP-ID-GATEWAYWEST-17-06-2

Organization: Individual

Protestor: Chad Nettleton

Issue Excerpt Text:

Unfortunately Washington DC bureaucrats who don't have to live with it know better and completely ignored local input. You formed a Resource Advisory Council and you said you would abide by their decision. Obviously this wasn't the truth. A lot of time and money was wasted going through the motions when the

Summary:

The BLM failed to take into consideration the recommendations of the Boise Resource Advisory Committee.

Response:

Contrary to the Protestor's comments, the BLM followed the requirements of the Federal Advisory Committee Act (FACA). Section 3(2) of FACA defines an "advisory committee" as "any committee, board, commission, council, conference, panel, task force, or other similar group" that is "established or utilized" by the President or any agency "in the interest of obtaining advice or recommendations" for one or more federal agencies or officers. Current BLM planning regulations (43 CFR 1610) emphasize the importance of working with federal and state agencies and local and tribal governments during land use planning, in addition to and alongside cooperating agency involvement required in CEQ and U.S. Department of the Interior (DOI) regulations (43 CFR 46). The BLM is not required by law, policy, or regulation to adopt all recommendations of a FACA-chartered advisory committee – i.e., Resource Advisory Council (RAC). When an advisory council has been formed under section 309 of FLPMA for the area addressed in a resource management plan or plan amendment, the responsible official shall inform that council, seek its views, and consider them throughout the planning process (43 CFR 1610.3-2(d), "Coordination of planning efforts").

In November 2013, the BLM requested the Boise Resource Advisory Council (RAC) to consider issues surrounding siting Segments 8 and 9 of the Project. In response, the Boise District RAC formed a subcommittee to evaluate these segments, and provided input that was used to revise information between publication of the FEIS for this Project in April 2013, and the DSEIS in March 2016. A chronology of events linking the BLM and the RAC are found in Chapter 1 of the FSEIS/PLUPAs ("Purpose and Need", under Section 1.2, "New Information Developed Between the FEIS and the DSEIS", p. 1-5). On June 5, 2014, the RAC Subcommittee submitted recommendations on route options and resource considerations in the form of two reports, included as Appendix H in the FSEIS/PLUPAs. The BLM did not accept the RAC's

decision now seems predetermined.

Issue Number: PP-ID-GATEWAYWEST-17-07-4

Organization: Owyhee County

Protestor: Kelly Aberasturi

Issue Excerpt Text:

The Director's Decision ignored or overrides the recommendations of the Boise District RAC subcommittee which consisted of BLM-appointed stakeholders and experts.

recommendations for route options because they did not differ greatly from routes analyzed in the 2013 FEIS, they provided no environmental benefit over the Proposed Action, they were not feasible, and/or they did not meet the objectives of the Proponents. The BLM considered resource management options suggested by the RAC and in response, the Proponents submitted a Mitigation and Enhancement Portfolio (MEP) that offers mitigation and enhancement for resource and values found in the SRBOP (e.g., p. 2-10; p. 2-41-52) and revised the Proposed Action within the Morley Nelson Snake River Birds of Prey (SRBOP) National Conservation Area in response to the new Western Electricity Coordinating Council (WECC) guidelines for spacing of transmission lines and route options evaluated by the RAC (e.g., p. 1-9, 1-20). No other, new information has been identified that would require additional analysis.
