



November 27, 2013

Erin Jones

Bureau of Land Management
Greater Sage Grouse Environmental Impact Statement
2815 H Road
Grand Junction, CO 81506

Submitted via Email: blm_co_nw_sage_grouse@blm.gov

Subject: PacifiCorp Comments on the BLM Northwest Colorado Greater Sage-Grouse Draft Resource Management Plan Amendment and Draft Environmental Impact Statement for the Northwest Colorado District

Dear Ms. Jones,

PacifiCorp, doing business as Rocky Mountain Power, appreciates the opportunity to review the BLM's Northwest Colorado Greater Sage-Grouse Draft Resource Management Plan (DRMP) Amendment and Draft Environmental Impact Statement (DEIS) for the Northwest Colorado District. Rocky Mountain Power currently has a number of transmission line projects undergoing various stages of the NEPA process including the Gateway South project which has an alternative in Northwestern Colorado. The BLM's current schedule for Gateway South indicates that the DEIS will be released to the public in February 2014. NEPA efforts on this project were initiated in 2008. With the Gateway South project so far along in the NEPA process, Rocky Mountain Power requests that the BLM consider the efforts we have undertaken thus far in its RMP update. On July 24, 2013, BLM issued a preliminary agency preferred route for the Gateway South project (Attachment A). Rocky Mountain Power requests that this route be considered in the plan amendment and that BLM consider Gateway South exempt from the disturbance cap discussed in the DRMP/DEIS. Rocky Mountain Power submits the following comments for your consideration.

Current Literature Does Not Support Sage-Grouse Avoidance of Power Lines

Two recent studies have used radio-telemetry to assess impacts of energy infrastructure on sage-grouse. LeBeau (2012) investigated the impacts of wind facilities and an associated transmission line in Wyoming, and Nonne et al. (2013) released a final report of a 10-year study of a transmission line in Nevada. The Nonne study is currently the only long-term study conducted that specifically evaluates potential impacts of a power line on sage-grouse.

The LeBeau study indicated that habitat quality is a significant influencer of sage-grouse occupancy, regardless of the presence of a transmission line. Sage-grouse selected for nesting habitat closer to transmission lines at Simpson Ridge, where the lines have existed for over 10 years and are within quality habitat. Also, female survival in the study area was greatest at closer proximity to the transmission lines.

In February 2013, Nonne et al. released the final progress report of a 10-year research study of sage-grouse near the Falcon-Gondor transmission line in central Nevada. This report noted correlations between annual plant production, related to annual climatic fluctuations, and sage-grouse survival, reproductive success, and population growth. Wildfire impacts on habitat also influenced the population. The report found "no negative effects on demographic rates (i.e., male survival and movement, female

survival, pre-fledging chick survival, and nest survival) that could be explained by an individual's proximity to the transmission line".

Another recently published paper, Messmer et al. (2013), summarizes stakeholder workshop results and a literature related to sage-grouse and tall structures. The paper concludes that there are no peer-reviewed, published papers that address sage-grouse interactions with power lines using experimental design (*Note: the Nonne et al. [2013] study referenced above is the only study that has used an experimental design to assess impacts of a power line on sage-grouse, but it is not yet published*). Preliminary studies of radio-tagged sage-grouse in Utah, also conducted by Dr. Messmer, do not support a power line avoidance theory.

Rocky Mountain Power requests that the BLM consider these studies, which use current telemetry techniques and specifically investigate sage-grouse responses to power lines, when addressing power lines in its RMP update.

Current Regulatory and Voluntary Mechanisms Adequately Address Sage-grouse Conservation

There has been significant effort and progress made in recent years to incorporate sage-grouse conservation measures into state and federal agency planning documents and decisions. In addition, industry has made positive efforts to address sage-grouse conservation and minimize project impacts to sage-grouse and their habitats. In most states, industry has been an active participant in sage-grouse planning documents and positive partnerships between agencies and industry have been developed to further sage-grouse conservation. For example, Rocky Mountain Power has been actively engaged with the U.S. Fish and Wildlife Service (FWS), BLM, and state agencies on sage-grouse conservation efforts related to projects, planning documents, and utility Best Management Practices (BMPs). This has resulted in consideration of sage-grouse habitat in line siting, efforts to schedule activities to minimize disturbance impacts to sage-grouse, and other conservation measures. Rocky Mountain Power is also working with the Avian Power Line Interaction Committee (APLIC) and resource agencies (including the BLM, FWS, and state agencies) in the development of Best Management Practices for electric utilities in sage-grouse areas (see discussion below). Rocky Mountain Power encourages the BLM to reference these BMPs in the Northwest Colorado RMP.

Common Stipulations for Power Lines May Cause Negative Impacts to Sage-grouse and Other Wildlife

Because of perceived avoidance and predation impacts associated with power lines, electric utilities are often asked to either install underground power lines or install perch discouragers to reduce raptor and raven perching. Data from Rocky Mountain Power and other utilities indicates that these measures can have unintended negative consequences to habitat and wildlife.

- Installing new power lines underground or converting existing lines from overhead to underground are often raised as possible permit stipulations or mitigation options. However, underground power lines result in increased cost, reduced reliability, greater ground disturbance during construction and repairs, and longer outage periods for customers, and may not always be feasible from engineering and operations perspectives. Underground power lines require a continuous excavation through all habitat types. In sagebrush habitat, this would result in ground disturbance for the entire line route. This is in contrast to overhead lines, which result in a disturbance only at the structure locations. Underground lines would also require excavation for repairs or maintenance, which would result in ground disturbance occurring temporally over the life of the line, not just during initial construction. Ground disturbance during construction, repairs, and maintenance can result in large, permanent displacement of excavated soil and

subsequent issues with re-establishing native vegetation and preventing the overgrowth of invasive species. A University of California study (Bumby et al. 2009) found that underground power lines have more environmental impacts than overhead power lines for all categories and most scenarios in southern California. For more detailed discussion of environmental and engineering constraints associated with underground power lines, see *Reducing Avian Collisions with Power Lines: The State of the Art in 2012* (APLIC 2012), pages 62-63. Rocky Mountain Power encourages the BLM to allow overhead power lines an acceptable alternative in the Northwest Colorado Field Office and requests that requirements for placement of lines underground be removed.

- Perch discouragers were originally designed to reduce raptor electrocutions by moving birds from an unsafe (electrocution risk) perching location to a safer alternative, either on the same structure or an alternate structure located nearby. Recent data has documented poor effectiveness in perch discouragers and greater effectiveness of covers for preventing electrocutions (see *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* (APLIC 2006), pages 17-18). Despite their declining use by electric utilities, perch discouragers have been installed in attempts to dissuade raptors and corvids from perching or nesting on power poles in areas with sage-grouse or other sensitive prey species. Perch discourager research has shown limited effectiveness in preventing perching, potential for increased nesting on discouragers, and increased electrocution risk associated with perch discouragers. In areas where raven predation on sage-grouse nests is a concern, perch discouragers may aid in the accumulation of nest material (APLIC 2006), and could potentially increase raven predation pressure due to nest construction on discouragers in sensitive areas. The negative impacts of perch discouragers must be weighed against the limited benefits they may provide, particularly if they are contributing to mortalities of protected birds and facilitating increases in predator nesting populations. The avian predators of sage-grouse should also be considered, as different species exhibit different hunting strategies, and employ different hunting techniques for different prey species. For example, golden eagle diet is largely mammalian (80-90%, Kochert et al. 2002). Golden eagles prey on sage-grouse opportunistically, and typically hunt sage-grouse by stooping from a high soar or low, coursing ambush flight (Watson 1997, Kochert et al. 2002). Consequently, power poles may not play an important role in eagle predation of sage-grouse. Golden eagles are vulnerable to electrocution mortality (APLIC 2006) and perch discouragers have been correlated with increased eagle electrocution risk (PacifiCorp, *in prep.*). Common ravens are known predators of sage-grouse nests, yet ravens are able to overcome perch discouragers and may experience higher nesting rates on poles with perch discouragers.

Because of these concerns, Rocky Mountain Power requests that the BLM consider other more effective alternatives to sage-grouse conservation, such as habitat conservation or enhancement efforts that are compatible with conservation measures for other protected species (e.g. electrocution prevention measures for raptors and other migratory birds).

Rocky Mountain Power has agreements in place with FWS regarding our Avian Protection Plans (APP) and efforts to prevent electrocutions of raptors and other protected migratory birds. The use of perch discouragers is precluded in our APPs and agreements with FWS due to associated electrocution concerns. Therefore, Rocky Mountain Power recommends that the BLM remove stipulations that require or recommend perch discourager use in the Northwest Colorado RMP revision. Rocky Mountain Power also recommends that the BLM seek additional information from APLIC and FWS regarding these concerns; Rocky Mountain Power's environmental staff are also available to discuss these concerns with BLM staff and provide associated documentation. Rather than call for the use of perch discouragers, Rocky Mountain Power recommends that the BLM reference the BMPs (see below) currently being

developed for power lines in sage-grouse habitat. Likewise, current APLIC guidance should be applied to minimize avian electrocution and collision risks.

Industry is Working with Agencies to Develop Best Management Practices for Sage-grouse

APLIC has been working with a group of member utilities and state/federal agency representatives, including the BLM, to develop Best Management Practices for electric utilities in sage-grouse areas. The APLIC model of collaborative, voluntary efforts – such as the Avian Protection Plan Guidelines, short courses, and guidance documents developed in partnership with the FWS – is serving as a framework for the sage-grouse BMPs. These BMPs are intended to be a living document that is updated and refined as new research is available. Consequently, these BMPs would be easier to update (compared to a RMP) to reflect new science and technology. Rocky Mountain Power and its peers in APLIC are interested in working with the BLM, FWS, and other agencies to develop measures that are practical, effective, science-based, and justifiable to customers and public service commissions. Rocky Mountain Power applauds the BLM for its continued involvement in this BMP effort and encourages the BLM to recognize these BMPs in the Northwest Colorado RMP as a tool to address sage-grouse/power line issues.

The BLM Should Develop Incentives for Conservation Practices Implemented by Industry or Other Private Entities

A critical component to successful sage-grouse conservation is a concerted effort among all stakeholders. The electric utility industry has a long history of collaborative conservation efforts with agencies, and Rocky Mountain Power encourages the BLM to continue this collaboration to address sage-grouse concerns.

Rocky Mountain Power builds new power lines as needed to meet customer demands and increasing load growth. Existing and future power lines require inspections, maintenance, and repairs as needed to maintain the integrity of the electrical system and provide reliable service to customers. Access to utility rights-of-way (ROW) is necessary for these operations and maintenance activities. Utility regulatory commissions set rates for electric utility companies and measures implemented must demonstrate a benefit to ratepayers. Consequently, utilities often seek conservation partnerships that serve a specific conservation need, provide a benefit to the species and/or habitats considered, provide a cost-effective benefit to ratepayers, and are reasonably commensurate with the level of impact. Rocky Mountain Power encourages the BLM to develop incentives for industry that meet these conservation and customer goals. Numerous state sage-grouse plans have either included or are developing incentive programs for industry and private landowners, as these are critical to the overall conservation of sage-grouse and their habitat. Rocky Mountain Power encourages the BLM to consider mitigation banks and offsite mitigation as mechanisms to pool habitat conservation resources and target conservation efforts in highest priority areas. Because habitat is the primary factor influencing sage-grouse populations, habitat conservation and enhancement efforts should be a primary focus of minimization and mitigation efforts. For unknown impacts of power lines, Rocky Mountain Power recommends that the BLM provide opportunities and incentives to conduct additional research using the research protocols developed by Utah Wildlife in Need (UWIN) in 2012 and endorsed by the Western Association of Fish and Wildlife Agencies (WAFWA). As indicated by WAFWA, such research should be acceptable as a component of a mitigation package for unknown project impacts. In addition, Rocky Mountain Power encourages the BLM to continue to work with APLIC to identify potential sage-grouse conservation partnership opportunities with the electric utility industry.

BLM Should Consider Interstate Planning Processes

Rocky Mountain Power is concerned that this RMP revision does not adequately consider neighboring states in its planning process. The proposed Gateway South transmission line originates in Wyoming, crosses through northwest Colorado, and terminates in Utah. Rocky Mountain Power requests that BLM consider how decisions made for this RMP would affect those decisions in neighboring states. For example, BLM should consider that if the proposed avoidance and exclusion areas in Colorado require shifting, this may affect the routing efforts that have taken place between the agencies and Rocky Mountain Power in Wyoming and Utah. Additionally, Rocky Mountain Power requests that the routes proposed in our Gateway South Draft EIS be considered exempt from the decisions made in the RMP Amendment.

BLM Fails to Demonstrate that the Proposed Disturbance Caps are Feasible and Implementable

On page F-3, BLM acknowledges that it did not use site-specific information to determine the allowable disturbance (under the proposed caps) in each management zone, and instead relies on remotely sensed data which often vary greatly from site-specific conditions. Rocky Mountain Power requests that BLM explain how discrepancies in site-specific conditions and assumed conditions (per the DEIS) would be accounted for. Specifically, how would the overall disturbance “remaining” under each cap be tracked? This information is needed in order for the public and project proponents to adequately plan projects to avoid areas with no remaining cap without the burden of conducting site-specific studies for each project.

Additionally, BLM fails to account for valid existing rights under their caps, which they say cannot be voided. Valid rights must be defined and quantified (disturbance allowances) for each management zone in the FEIS. Disturbance from valid rights cannot be considered a cumulative effect because as defined in this Appendix F, valid rights are not reasonably foreseeable, they are existing rights that cannot be “consumed” as disturbance by other projects without a high risk of exceeding the specified caps. BLM must quantify what rights lease holders have to disturbance under each cap, and quantify this disturbance for each management zone.

Furthermore, BLM must account for prior decisions in Resource Management Plans in allocating remaining disturbance. Specifically, BLM has designated utility corridors and their use must be assumed by setting aside disturbance “credits” under each cap where utility corridors exist. If not, BLM is voiding implementation of a previous decision. The effects of this action must be avoided or analyzed. Without addressing the above points, alternatives using disturbance caps must be considered infeasible.

BLM Should Define a Workable Accounting Method for Tracking Disturbance, Mitigation, and Reclamation

As proposed, disturbance caps are unworkable and violate BLM’s responsibility to provide ROWs in the public interest under FLPMA. BLM must provide utilities and other entities the details of a workable system that they can use to plan and secure ROW approvals. On page F-4, BLM indicates that no formal cap-and-trade system will be established, while also indicating that the authorized officer retains the authority to “credit and reserve cap space” to specific operators. BLM must disclose the criteria for securing such “reservations” so that the criteria may be evaluated by the public and their impacts (socioeconomic, on energy security, etc.) may be addressed. This “cap reservation” system must also be made public so that ROW applicants may demonstrate that they qualify.

BLM Should Specify a Process for Determining Whether Approval can be Granted Based on a “Reasonable Presumption” that a Project will not Result in the Decline of a Sage Grouse Population

On page F-6, BLM indicates that projects would be approved where their surface disturbance would not exceed the cap and would not result in decline in the population, but fails to specify how this would be determined. BLM must specify how and who would make this “reasonable presumption” that a population would (or would not) decline, over what time period, and how external variables (e.g., annual precipitation, wild fires, etc.) would be distinguished from project-related impacts. Specifically, the BLM should explain whether or not the burden would be placed on project proponents to fund studies, or if this would be funded by BLM. Additionally, BLM should disclose if this determination would be made through the NEPA process or via Section 7 consultation.

BLM’s Failure to Provide the Criteria for Evaluating and Prioritizing Uses Invalidates its Cumulative Impacts Assessment

On page F-6, BLM reserves the right to prioritize uses with a high “value to society” but fails to define how that will be determined. BLM must describe how “value” will be defined and prioritized. Without this definition, BLM cannot reasonably assess “reasonably foreseeable future actions” and determine cumulative effects, since future actions will effectively be determined (in zones with limited cap space) by BLM’s prioritization. BLM must explain what project types will be prioritized and reflect these priorities in the cumulative effects section. Safe, reliable electrical service is extremely important in our society, particularly as the public relies increasingly on electronic devices. Consequently, Rocky Mountain Power encourages the BLM to consider the continuing and increasing need for safe, reliable electrical service as an item of high societal value.

BLM Should Allocate Disturbance Approvals by Application Date

BLM must explain the order in which applications (ROW, APD, etc.) and surface disturbing uses will be approved and prioritized, as well as managed within the surface cap. In order to reasonably conduct ongoing NEPA processes, BLM must hold disturbance cap space (sufficient for their implementation) available for long-running processes, particularly ROW applications that have been filed and where NEPA is underway. If not, projects that have been designed to fit within the available disturbance limitations (under a particular zone’s cap) could find that their disturbance can no longer be accommodated (under the cap) once BLM is ready to issue a decision at the end of the NEPA process. This is particularly the case for complex projects of national importance such as Gateway South. This type of “cap erosion” would further delay (or entirely prohibit) larger and more complex projects, and must be avoided.

Socioeconomics

Rocky Mountain Power is concerned that the BLM’s socioeconomic analysis in the DRMP is inadequate. Based on the current demand for energy in the western United States, the benefits of transmission lines outweigh impacts associated with the construction, operation and maintenance of the proposed lines, particularly since efforts will be made to avoid, minimize, and mitigate impacts as appropriate. Rocky Mountain Power recommends that the BLM revise the socioeconomics section of the DRMP to include a discussion of the benefits of enhancing the reliability and redundancy of high-voltage transmission in the west.

Rocky Mountain Power is also concerned that decisions proposed in the RMP, if implemented, would have a negative impact on the ratepayers in Rocky Mountain Power’s service territory. Rocky Mountain Power expends significant financial resources to avoid sensitive environmental resources when siting

transmission lines. When decisions are made in the middle of the project, forcing the lines to be rerouted, the cost of this rework is then passed on to ratepayers. Despite substantial costs incurred for siting lines and scheduling construction to avoid sage-grouse and their habitats, these efforts are typically not considered when analyzing project impacts and determining required mitigation, resulting in significant costs to customers for which there is not mitigation “credit”. BLM should consider these ratepayer concerns in the socioeconomics section of the RMP.

Reclamation

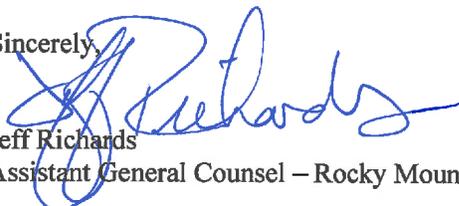
Successful reclamation of sagebrush habitat can take a considerable amount of time, depending on site conditions, annual weather variations, and the sagebrush subspecies planted. Rocky Mountain Power suggests the BLM defines a maximum timeframe or cost ceiling requirement for reclamation in sage-grouse habitat. Without this, project proponents cannot accurately plan for costs associated with reclamation.

The reclamation requirements outlined in Appendix G are predominantly targeted toward oil and gas reclamation. The appendix states once in Section 1.1 (line 20) that “all surface disturbing activities approved on BLM lands administered by the WRFO will be subject to reclamation standards described in this document;” however, reclamation standards for non-oil and gas projects are vague throughout the remainder of the appendix. RMP suggests that clarifying text is added to the appendix to be more inclusive of other project types so it is clear exactly which standards apply to each project type. For example, do the long-term maintenance plan requirements apply to transmission lines? How does the suggested timeframe for final reclamation (Section 3.2.1) apply to transmission line construction and maintenance?

It is unclear in Appendix F of the DEIS whether temporary disturbances, such as staging areas and pulling and tensioning sites associated with transmission construction, would accumulate against the disturbance cap limit. Clarification should be added to Appendix F stating that temporary disturbance in sagebrush habitat (i.e., any disturbance undergoing reclamation within one-year of vegetation clearance) is considered an exemption to the disturbance cap.

Rocky Mountain Power appreciates the opportunity to provide comments on the Northwest Colorado DRMP and DEIS document. If you have any questions or concerns, please feel free to contact me at 801.220.4734 or Robert.Richards@PacifiCorp.com.

Sincerely,



Jeff Richards
Assistant General Counsel – Rocky Mountain Power

Attachment A: Map of Gateway South, BLM Preliminary Agency Preferred Route

cc: Tamara Gertsch, Bureau of Land Management, National Project Manager

List of References Cited in Letter

Avian Power Line Interaction Committee (APLIC). 2006. Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006. Edison Electric Institute, APLIC, and the California Energy Commission. Washington, D.C. and Sacramento, CA. 207 pp.

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LeBeau, C.W. 2012. Evaluation of Greater Sage-Grouse Reproductive Habitat and Response to Wind Energy Development in south-Central Wyoming, MS, Department of Ecosystem Science and Management, University of Wyoming. August 2012.

Messmer, T., A., R. Hasenyager, J. Burruss, and S. Liguori. 2013. Stakeholder contemporary knowledge needs regarding the potential effects of tall structures on sage-grouse. *Human-Wildlife Interactions* 7(2):273-298.

Nonne, D., E. Blomberg, and J. Sedinger. 2011. Dynamics of Greater Sage-grouse (*Centrocercus urophasianus*) populations in response to transmission lines in central Nevada. Progress Report: Year 9. December 2011. Department of Natural Resources and Environmental Sciences, University of Nevada, Reno. 79pp.

_____. 2013. Dynamics of Greater Sage-grouse (*Centrocercus urophasianus*) populations in response to transmission lines in central Nevada. Progress Report: Year 10. February 2013. Department of Natural Resources and Environmental Sciences, University of Nevada, Reno. 75pp.



ATTACHMENT A

Map of Gateway South, BLM Preliminary Agency Preferred Route

ALTERNATIVE ROUTES

Energy Gateway South Transmission Project

- Alternative Route
- Pending ADEIS Preliminary Alternative Route
- Approved ADEIS Preliminary Alternative Route
- Approved ADEIS Alternative Route

Project Features

- Project Area Boundary
- Planned Substation
- Link Number
- Link Node

Utilities

- Existing Substation
- Existing Power Plant
- 500KV Transmission Line
- 345KV Transmission Line
- 230 to 345KV Transmission Line
- 138 to 151KV Transmission Line
- 115KV Transmission Line

Transportation

- Interstate Highway
- U.S. Highway
- State Highway
- Road
- Railroad

Land Jurisdictions

- Bureau of Land Management
- Bureau of Reclamation
- Indian Reservation
- National Park Service
- State Land
- Private Land
- U.S. Department of Defense
- U.S. Fish and Wildlife Service
- U.S. Forest Service

Water

- Lake or Reservoir

Administrative Boundaries

- State Boundary
- County Boundary

NOTES:
 1. This map shows the proposed transmission routes and substations as depicted in EPC.
 2. Substation symbols do not necessarily represent precise locations.
 3. Link numbers are preliminary and do not represent precise locations.
 Alternative routes last revised: October 11, 2012

Prepared by: **GHI**
 Prepared: March 25, 2013
PRELIMINARY DRAFT



ENERGY GATEWAY SOUTH TRANSMISSION PROJECT

