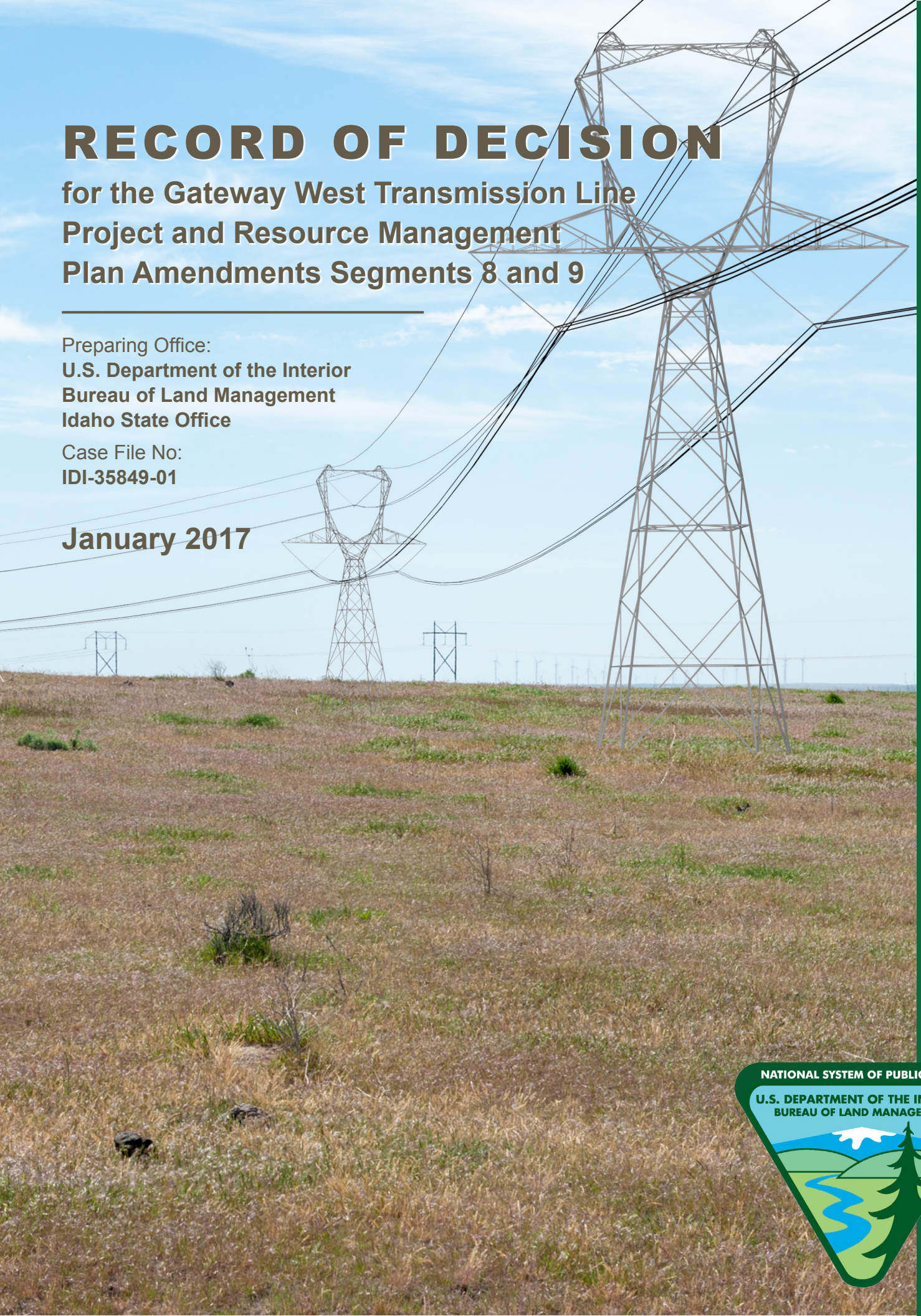

RECORD OF DECISION

for the Gateway West Transmission Line Project and Resource Management Plan Amendments Segments 8 and 9

Preparing Office:
U.S. Department of the Interior
Bureau of Land Management
Idaho State Office

Case File No:
IDI-35849-01

January 2017

BLM

Idaho State Office

NATIONAL SYSTEM OF PUBLIC LANDS
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RECORD OF DECISION

JANUARY 2017

GATEWAY WEST TRANSMISSION LINE PROJECT AND RESOURCE MANAGEMENT PLAN AMENDMENTS SEGMENTS 8 AND 9

PROPONENTS

PACIFICORP, D/B/A
ROCKY MOUNTAIN POWER

1407 W. NORTH TEMPLE, SUITE 110
SALT LAKE CITY, UTAH 84116-3187

AND

IDAHO POWER COMPANY

P.O. BOX 70
BOISE, IDAHO 83707-0070

GENERAL LOCATION

THE PROPOSED ACTION IS LOCATED ON PUBLIC, STATE, AND PRIVATE LANDS IN IDAHO.

BLM CASE FILE SERIAL NUMBER

IDI-35849-01

NEPA REGISTER FILE NUMBER

DOI-BLM-ID-B000-2014-0003-EIS

PREPARING OFFICE

U.S. DEPARTMENT OF THE INTERIOR

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ACRONYMS AND ABBREVIATIONS

ACEC	Area of Critical Environmental Concern
ACHP	Advisory Council on Historic Preservation
AO	Authorized Officer
ARMPA	Approved Resource Management Plan Amendment
BA	Biological Assessment
BLM	Bureau of Land Management
BO	Biological Opinion
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CIC	compliance inspection contractor
CWA	Clean Water Act
DOI	Department of the Interior
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
EPAct	Energy Policy Act of 2005
EPM	environmental protection measure
ESA	Endangered Species Act
FAST Act	Fixing America's Surface Transportation Act
FERC	Federal Energy Regulatory Commission
FLPMA	Federal Land Policy and Management Act
Gateway West	Gateway West Transmission Line Project (10 segments)
GHMA	General Habitat Management Area
GRSG	Greater Sage-grouse
HEA	Habitat Equivalency Assessment
HPTP	Historic Properties Treatment Plan
IBLA	Interior Board of Land Appeals
IHMA	Important Habitat Management Area
IPUC	Idaho Public Utility Commission
kV	kilovolt
LUPA	land use plan amendment
MFP	Management Framework Plan
MOU	Memorandum of Understanding
MP	milepost
NCA	National Conservation Area
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NPS	National Park Service
NTP	Notice to Proceed

PA	Programmatic Agreement
PHMA	Priority Habitat Management Area
P.L.	Public Law
POD	Plan of Development
Project	Segments 8 and 9 of the Gateway West transmission line
Proponents	PacifiCorp d/b/a Rocky Mountain Power and Idaho Power Company
RAC	Resource Advisory Council
RMP	Resource Management Plan
ROD	Record of Decision
ROW	right-of-way
RRTT	Rapid Response Team for Transmission
SEIS	Supplemental Environmental Impact Statement
SHPO	State Historic Preservation Officer
SRBOP	Morley Nelson Snake River Birds of Prey National Conservation Area
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service
VRM	Visual Resource Management
WECC	Western Electricity Coordinating Council
WWE	West-wide Energy [Corridor]

Final Agency Action

Right-of-Way Authorization

I hereby approve an electric transmission line right-of-way grant (ROW) IDI-35849-01 to PacifiCorp for the Gateway West Transmission Line Project, subject to the terms, conditions, stipulations, Plan of Development and environmental protection measures developed by the U.S. Department of the Interior (DOI) and reflected in this Record of Decision (ROD). The *Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project* (Project) associated with this decision fully analyze the impacts of the Project. It is my decision to select the Agency Preferred Alternative and authorize a ROW grant for the construction, operation, maintenance and decommissioning of the Project for electrical transmission development.

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with the Director of the Bureau of Land Management, BLM Washington Office, 1849 C Street NW, Room 5665, Washington, DC 20240 and must be in writing.

The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)) and on the Office of the Solicitor (see 43 CFR 4.413(c)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the U.S. Department of the Interior, IBLA, 801 North Quincy Street, MS 300-QC, Arlington, VA 22203 and a copy provided to the BLM Washington Office within 30 days after the notice of appeal is filed with the Director of the Bureau of Land Management.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. This decision is issued full force and effect, in accordance with the regulations at 43 CFR 2800, and may be implemented immediately. If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Associate Solicitor, Division

of Land Resources, Office of the Solicitor, U.S. Department of the Interior, 1849 C Street, NW, Rm. 6547, Washington, DC 20240.

Land Use Plan Amendments

In addition, it is my decision to amend the 1983 Bruneau and 1982 Twin Falls Management Framework Plans (MFPs) and the 2008 Morley Nelson Snake River Birds of Prey (SRBOP) National Conservation Area Resource Management Plan (RMP) to bring the Selected Alternative into conformance with the management objectives in these MFPs and RMP.

These decisions are effective on the date the ROD is signed.

January 19, 2017

Neil Kornze
Director
Bureau of Land Management

Date

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EXECUTIVE SUMMARY

This Record of Decision (ROD) constitutes the final decision of the Bureau of Land Management (BLM) for the Gateway West Transmission Line Project and associated amendments to BLM land use plans. This ROD includes both the land use plan amendment and right-of-way (ROW) grant decisions. Amendment of one resource management plan (RMP) and two management framework plans (MFPs) is required to ensure that the approved ROW grant conforms to the applicable RMPs/MFPs. These decisions reflect careful consideration and resolution of issues by the BLM and the U.S. Department of the Interior (DOI), and were thoroughly analyzed in the 2013 Gateway West Environmental Impact Statement (EIS) and the 2016 Supplemental EIS (SEIS).

This decision approves ROWs for the route alignments for Segments 8 and 9, shown in the Final SEIS as Alternative 5 with Toana Road Variation 1. This alternative is referred to as the BLM's Agency Preferred Alternative in the Final SEIS, and as the Selected Alternative in this ROD. The Selected Alternative encompasses approximately 321.5 miles of linear ROW in Cassia, Elmore, Gooding, Jerome, Lincoln, Owyhee, and Twin Falls Counties, Idaho. This ROD specifically authorizes the use of public lands for Segments 8 and 9 of Gateway West and appurtenant facilities for a total of 270.7 miles, containing a total of approximately 8,203 acres, more or less, plus access roads and spur roads for approximately 272.28 miles, containing approximately 660.07 acres, more or less.

Approval of the ROW for the Selected Alternative responds to the BLM's purpose and need for Gateway West by processing the Proponents' application under Title V of Federal Land Policy and Management Act of 1976 [FLPMA (43 United States Code § 1701)] for a ROW grant to construct, operate, maintain, and terminate 500-kilovolt electric transmission lines, fiber optical regeneration sites, distribution lines to power substations and fiber optical regeneration sites, access and spur roads, and other appurtenant facilities on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws.

This ROD applies only to BLM-administered lands. Each Federal cooperating agency is responsible for issuing its own decisions and applicable authorizations relative to the Project, the State has authority over state-managed lands, and, under Idaho state law, local governments have authority over authorizations on private lands.

The BLM must comply with the planning provisions of Section 202 of FLPMA as well as the implementing regulations for planning found in 43 Code of Federal Regulations 1601 and 1610 in considering amendments to land use plans. When considering ROW authorizations of this kind, the BLM integrates those planning requirements with the requirements for environmental review under the National Environmental Policy Act (NEPA).

The BLM was the Federal lead agency under NEPA for consideration of Gateway West and the associated plan amendments. The Revised Proposed Action/Project and the other SEIS Action Alternatives include analysis of plan amendments because the plans

affected by those alternatives contained designations that would not allow siting of transmission lines in the analyzed locations.

The Gateway West Project and the associated plan amendments have been analyzed in the 2013 Final EIS and the 2016 SEIS in compliance with NEPA. The National Park Service (NPS) and the U.S. Army Corps of Engineers were Cooperating Agencies and provided information, analysis, and comment on these documents. The process for supplementing the 2013 EIS, completed from 2014-2016, included public scoping, public review and comment on the Draft SEIS, and opportunity to protest land use plan amendments proposed in the Final SEIS. The sections of the 2013 Gateway West Final EIS that analyze Segments 8 and 9 were incorporated by reference in the Draft SEIS and the Final SEIS, and both the 2013 Final EIS and the 2016 Final SEIS are likewise referenced in this ROD.

Following publication of the Final SEIS, the Idaho Governor's Office reviewed the proposed plan amendments for consistency with State and local plans. The Governor submitted a Consistency Review dated December 6, 2016, that argued the BLM's proposed amendments are inconsistent, to the extent practicable, with the State's plans, policies and programs. On careful review of that Consistency Review, the BLM State Director found the proposed amendments seek "consistency to the extent practicable" with State and local plans, and hand delivered a decision to the Governor on December 19, 2016. In a letter received January 18, 2017, the Idaho Governor appealed the BLM Idaho State Director's decision to not accept the State's recommendations from the Governor's Consistency Review. In that appeal letter, the State of Idaho requested that the BLM Director reconsider the issues and recommendations raised in the Governor's Consistency Review letter. In a January 19, 2017, letter, the BLM Director affirmed the Idaho State Director's response to the Idaho Governor's assertion of inconsistency and respectfully denied the appeal. The reasons outlined for the Director's decision on the appeal will be published in the Federal Register pursuant to the applicable BLM regulations.

The decisions in this ROD fulfill legal requirements for managing public lands. Granting the ROW to PacifiCorp contributes to the public interest in providing reliable electric power to meet regional, State, and Federal energy goals while protecting important resources found on affected lands. Stipulations in the grant ensure that authorizing the Project will protect environmental resources and comply with environmental standards, regulations and policies, including those related to mitigation of environmental effects.

These decisions reflect the careful balancing of the many competing interests in managing public lands for multiple use, sustained yield and public benefit. These decisions are based on comprehensive environmental analysis and full public involvement. The BLM engaged highly qualified subject matter experts to analyze the environmental effects of the Project. Members of the public contributed greatly to the analysis of the environmental issues arising out of the environmental review process. The BLM, U.S. Fish and Wildlife Service, NPS, the State of Idaho, and other consulted agencies applied their expertise and used existing technologies to address the important issues of environmental resource protection.

The BLM and the DOI have determined that the measures contained in the Final SEIS, the executed Programmatic Agreement (2013) regarding the management of cultural resources under the National Historic Preservation Act, the Biological Opinion/Conference Opinion for compliance under the Endangered Species Act, and Section 404(b)(1) approvals under the Clean Water Act avoid, minimize, and/or mitigate for environmental damage and sufficiently protect resources. The agencies have also determined that measures contained in the Final SEIS and this ROD meet the requirements in Public Law 103-64 Section 3(a)(2) for management of the Morley Nelson Snake River Birds of Prey National Conservation Area.

1.0 INTRODUCTION

This Record of Decision (ROD) explains the Bureau of Land Management's (BLM) decision to authorize actions related to the Gateway West 500-kilovolt (kV) Transmission Line Project that affect BLM-administered lands and approve land use plan amendments. The decisions in this ROD are based on consideration of information generated during the analytical and public participation processes required by the National Environmental Policy Act (NEPA), Federal Land Policy and Management Act of 1976 (FLPMA [43 United States Code (U.S.C.) § 1701]), the National Historic Preservation Act (NHPA), the Endangered Species Act (ESA), the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and U.S. Department of the Interior (DOI) and BLM Tribal consultation policies. The BLM carefully considered its analysis of the proposed Project and reasonable alternatives, including potential impacts on environmental and cultural resources; practicable means to avoid, minimize, and/or mitigate those impacts; and national policy goals to promote renewable energy projects. This information was presented and analyzed in the Final Supplemental Environmental Impact Statement (SEIS).

This ROD for Segments 8 and 9 of Gateway West approves the construction, operation, maintenance, and termination (which includes decommissioning) of the proposed Project on BLM-managed public lands in Cassia, Elmore, Gooding, Jerome, Lincoln, Owyhee, and Twin Falls Counties, Idaho. The action is analyzed in both the Final SEIS, which was noticed in the October 7, 2016, *Federal Register* (81 *Federal Register* 69845), and the 2013 Gateway West Final Environmental Impact Statement (EIS).

The approval takes the form of a FLPMA right-of-way (ROW) grant, issued in conformance with FLPMA and implementing regulations found at 43 Code of Federal Regulations (CFR) 2800. In order to approve the ROW, this ROD also approves proposed amendments as needed for the Bruneau and Twin Falls Management Framework Plans (MFP) and the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP) Resource Management Plan (RMP) for conformance purposes.

2.0 BACKGROUND

In August 2014, the Proponents, PacifiCorp (dba Rocky Mountain Power) and Idaho Power Company, jointly filed with the BLM in Idaho a revised Standard Form 299 ROW application (IDI-35849-01), pursuant to Title V of FLPMA to use BLM-managed public lands in Idaho associated with Segments 8 and 9 of Gateway West. The BLM Idaho State office was designated as the Lead Office for the BLM in preparing the SEIS for the Project concerning these two ROW segments, which were deferred in the 2013 ROD for the ROW application for the larger Gateway West transmission line project.

2.1 Summary of the ROW Grant

This ROD approves the transmission line alignments for Segments 8 and 9 deferred in the 2013 Gateway West ROD. The approved ROW grant, IDI-35849-01, will allow the Project Proponents the right to use, occupy, and develop the described public lands to

construct, operate, maintain, and terminate two 500-kV electric transmission lines and appurtenant facilities for these segments.

This decision is conditioned on mitigation plans that can be monitored during implementation to ensure effectiveness and durability, as identified in the Final SEIS, and includes the final Project Plan of Development (POD), a Migratory Bird Habitat Conservation Plan, a Comprehensive Sage-Grouse Habitat Mitigation Framework Plan, Historic Property Treatment Plans (HPTPs) prepared under the guidelines in the Programmatic Agreement (PA), the Conservation Mitigation Framework and Plan for the SRBOP, and the issuance of all necessary local, State, and Federal approvals, authorizations, and permits. The Proponents may not commence construction of Project facilities or proceed with any ground-disturbing activities related to the Project on BLM-managed public lands until, in accordance with 43 CFR 2807.10, they receive from the BLM written Notice(s) to Proceed (NTPs) as appropriate. The requirements to obtain NTP(s) for this Project are discussed in Section 2.5 of this ROD.

2.2 Description of the Project

The Project includes the following components as described in the Proponents' August 2014 revised ROW application, a POD Supplement and supporting documents for a ROW authorization to use the public lands for Segments 8 and 9 of Gateway West (Figures 1a and 1b):

Gateway West 500-kV Transmission Line – The primary component consists of two new 500-kV transmission lines on steel lattice towers. The BLM ROW grant area for the transmission line will be 250 feet wide for each 500-kV line, extending to 500 feet in width where the Segment 8 and 9 lines are adjacent. Access roads located in the transmission line ROW grant area are included in the authorized use.

Distribution Lines – Overhead lines will be constructed to distribute power to the substations and optical signal regeneration stations. As stated in the 2014 POD Supplement, regeneration sites will be located either within a substation or at another location within the ROW.

Access Roads/Spur Roads – The Proponents will use existing access roads wherever possible to construct the transmission lines. There are segments of existing access roads located outside the transmission line ROW, and there are several locations where new spur roads to tower locations will be constructed. Roads outside the transmission line ROW on public land will be located within separate, temporary 50-foot-wide ROWs.

Substations – A total of three substations will be constructed on private lands along Segments 8 and 9. Two of the substations are currently in service (the Midpoint and Hemingway Substations); the third, the Cedar Hill Substation, is associated with the segments approved in the 2013 ROD and is yet to be constructed.

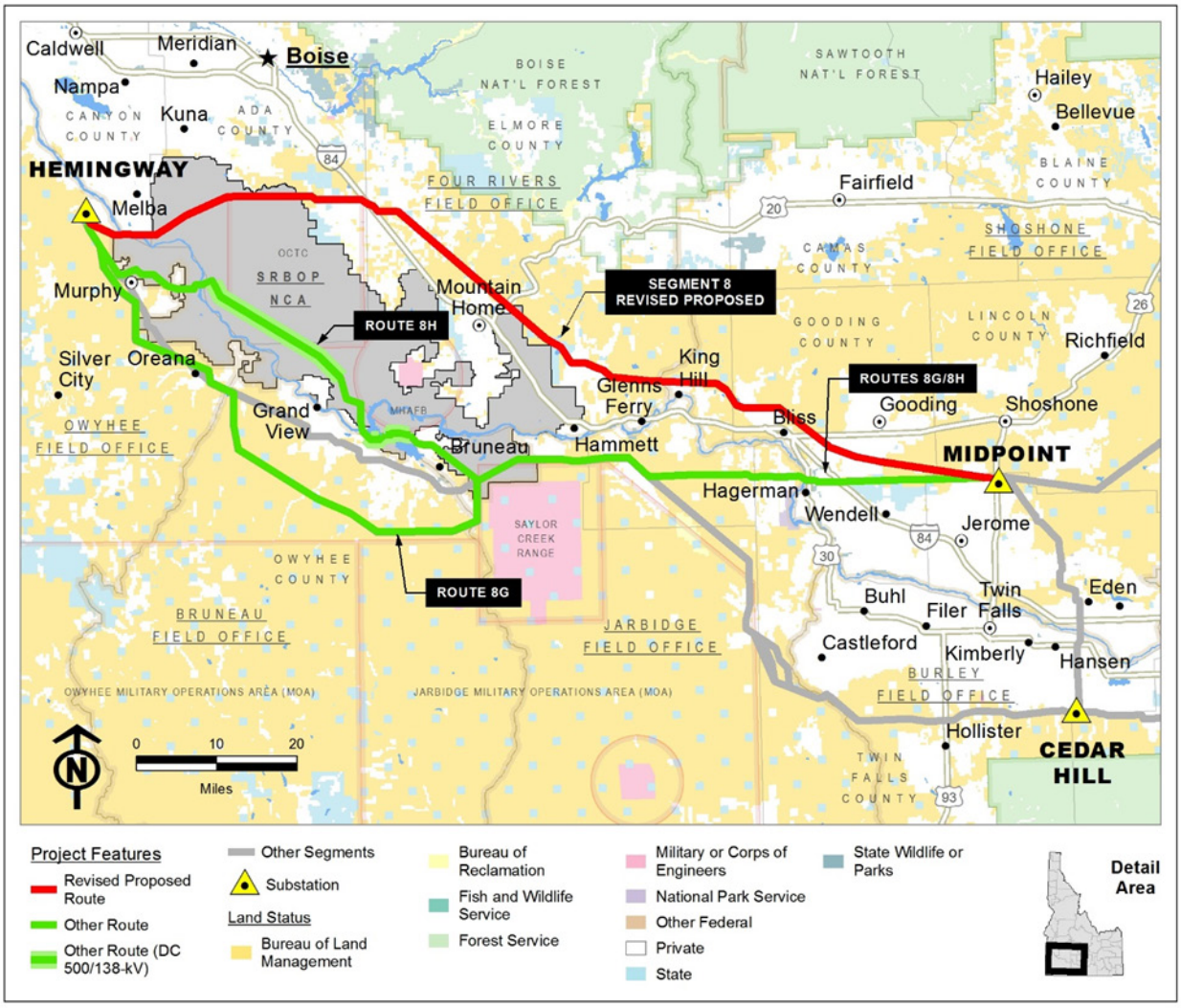

Figure 1a. Project Overview for Segment 8

Optical Signal Regeneration Sites – Regeneration sites will be located either within substations or at other locations along the routes at 55-mile intervals. Use of public land along the route for the sites is authorized under this ROW grant.

Temporary Construction Areas – Assembly and erection of new transmission line towers will require temporary laydown areas, material and equipment staging areas, and pulling and tensioning sites. Vegetation clearing and grading may be required in these areas before and/or during construction. Temporary construction areas located on public lands are authorized under this ROW grant, with a term of 5 years. Storage and laydown areas located on private lands are not included in this grant.

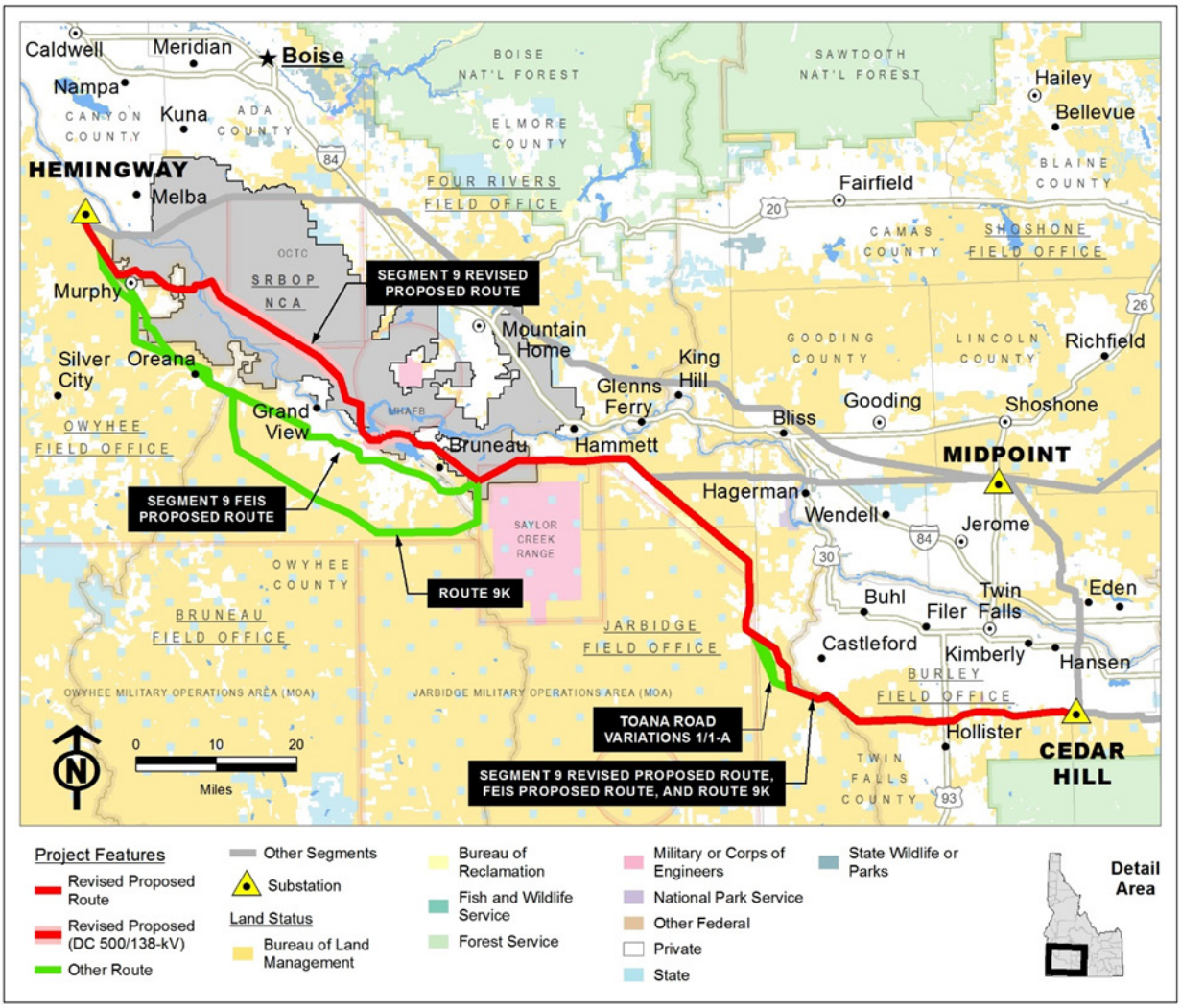

Figure 1b. Project Overview for Segment 9

2.2.1 Project Plan of Development

The 2013 POD and any updates or revisions developed by the Proponents cover construction, operation and mitigation for all areas involved with the Project. The POD contains Project maps and detailed descriptions of the transmission line and other Project components. Appendices C through S of the POD include 17 plans to avoid, minimize and/or mitigate environmental impacts that address a range of practices from reclamation to spill prevention and fire prevention. Appendices T (Preconstruction Checklist) through Z (Environmental Protection Measures) include information that will guide construction, operations, and maintenance of the Project. Table 1 in the POD lists these plans, provides a brief description of each, and indicates the plan's current status.

The Proponents included an initial POD with their initial application in May 2007, which they later revised in whole or part in August 2008, April 2009, January/February 2010,

May 2012, September 2012, January 2013, and August 2013. These PODs address all 10 segments of Gateway West. The August 2013 version of the POD is attached as Appendix B to this ROD.[1]

The Proponents submitted a Supplemental POD with their revised application in August 2014, with revised proposed alignments and changes specific to Segments 8 and 9, after these segments were deferred in the 2013 ROD. The BLM expects the Proponent-Grant Holders to submit another POD revision following this decision on Segments 8 and 9. The Final Project POD will be reviewed and accepted by the BLM Authorized Officer (AO) prior to the agency issuing any NTPs for the Project. The Proponents may add requirements to the approved Final Project POD, but the additions may require updated resource surveys or additional NEPA reviews. Approval of changes may involve issuance of a variance or amendment to the POD, and potentially amendment to the ROW grant.

2.2.2 Construction Spread PODs

Construction Spread PODs typically contain route alignment maps, construction engineering drawings and other project details, identify spatial and temporal environmental restrictions, and document the location of all required environmental protection measures (EPMs). Construction Spread PODs tier from the project-wide POD. The number and location of Construction Spread PODs will be determined after the Proponents select a construction contractor and specific construction plans are prepared. Each Construction Spread POD will be reviewed and accepted by the BLM. When accepted, an NTP issued per Construction Spread POD(s) will allow the ROW Grant Holder(s) to use the public lands covered by that POD within the terms and conditions of the ROW grant.

2.3 Purpose and Need for BLM Action

The BLM's purpose and need for Federal action is to respond to the Proponents' application for a ROW grant to construct, operate, maintain, and terminate the two 500-kV transmission lines and appurtenant facilities on public lands (described in Section 2.2 above) for Segments 8 and 9 in compliance with FLPMA, BLM regulations, and other applicable Federal laws.

The BLM also considers, as part of the purpose and need for action, guidance from the Energy Policy Act of 2005 (EPAct), which recognized the need to improve domestic energy production, develop renewable energy resources, and enhance the infrastructure (e.g., transmission lines) for collection and distribution of energy resources.

[1] The August 2013 revised POD includes construction activities for Segments 1 through 3 (which traverses lands in central and western Wyoming) and Segment 4 (which traverses lands in western Wyoming and eastern Idaho). Later revisions of the POD will address construction of Segments 5 through 10 to support issuance of NTPs for various segments at appropriate times.

2.4 Statutory and Regulatory Background

2.4.1 Authority under FLPMA

Title V of FLPMA (43 U.S.C. 1761(a)(4)) authorizes the BLM, acting on behalf of the Secretary of the Interior, to grant, issue, or renew ROWs over, under, and through the public lands for systems for generation, transmission, and distribution of electric energy. The BLM's implementation of ROW authorizations is detailed in 43 CFR Part 2800. The authority to grant and manage Title V ROWs on public lands is delegated to the respective BLM State Directors (BLM Manual 1203, Appendix 1). The delegated BLM AO will administer the ROW authorization and ensure compliance with the Terms and Conditions of the ROW grant.

The decision(s) for the approved FLPMA ROWs contained herein apply to BLM-administered public lands in Idaho, in the BLM Burley, Shoshone, Jarbidge, Bruneau, Four Rivers, and Owyhee Field Offices.

2.4.1.1 BLM Land Use Plans

FLPMA establishes policies and procedures for managing public lands. Section 202 of FLPMA (43 U.S.C. 1712) and the regulations implementing FLPMA land use planning provisions (43 CFR 1601 and 1610) guide the development, amendment and revision of land use plans for use of public lands. The BLM manages public lands under various land use plans (MFPs and RMPs) that identify management objectives, appropriate uses, restricted areas and expected practices for surface-disturbing and use activities. The BLM must consider whether the Project and alternatives are consistent with existing RMPs and MFPs as part of its decision to issue a ROW grant.

The following BLM land use plans guide management of public lands where Segments 8 and 9 of the Project are proposed:

Monument RMP – Shoshone Field Office

Bennett Hills/Timmerman Hills MFP – Shoshone Field Office

Cassia RMP – Burley Field Office

Twin Falls MFP – Burley Field Office

Jarbidge RMP (1987) – Four Rivers Field Office[2]

Jarbidge RMP (2015) – Jarbidge Field Office

Kuna MFP – Four Rivers Field Office

SRBOP RMP – Four Rivers Field Office

Bruneau MFP – Bruneau Field Office

Owyhee RMP – Owyhee Field Office

[2] Boundaries for the 2015 Jarbidge RMP do not include all lands governed by the 1987 RMP. Lands not included in the 2015 RMP are now administered by the BLM Four Rivers Field Office and will be managed under the 1987 Jarbidge RMP until the Four Rivers RMP is completed. Refer to Appendix F of the Final SEIS for details.

Portions of the proposed Project and alternatives would not conform to certain management objectives of some of these land use plans. As such, the BLM considered whether to amend land use plans to ensure that the authorized Project is in conformance. These amendments were analyzed in the Draft and Final SEISs pursuant to 43 CFR 1610.5-5.

2.4.2 National Environmental Policy Act (NEPA)

Section 102(c) of NEPA, and Council on Environmental Quality (CEQ) and DOI implementing regulations (40 CFR 1500–1508 and 43 CFR 46, respectively) provide direction for integrating NEPA into agency planning efforts. The NEPA process is intended to assist Federal officials in making decisions about a project that are based on an understanding of the environmental consequences of the project. When taking actions such as processing ROW grants, the BLM must comply with NEPA and the CEQ, and DOI regulations. This ROD, the Draft and Final SEIS, and the 2013 EIS that the SEIS supplements together document the BLM's compliance with the requirements of NEPA for the Project.

The BLM conducted scoping meetings, invited agencies with jurisdiction and/or special expertise to be Cooperating Agencies under 40 CFR 1501.6, and prepared a draft SEIS that analyzed the Proponent-proposed Project and alternatives, including a No Action Alternative. The Draft SEIS was published on March 11, 2016, with a 90-day public comment period. Public and agency comments and the BLM's responses appear as Appendix L in the Final SEIS. Comments on the Draft SEIS were utilized to revise the Final SEIS. The Final SEIS was published on October 7, 2016.

2.4.3 Other Authorities and Policies

2.4.3.1 Transmission-Related Authorities

Executive Order (EO) 13604, issued on March 22, 2012, acknowledged the critical need for improving and investing in infrastructure, including transmission, as important to maintaining the Nation's competitiveness. The BLM recognizes the need for upgraded and new electricity transmission and distribution facilities to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver electricity, as directed in EPAct and reflected in Executive policies.

On October 5, 2011, the Obama Administration announced the formation of a Rapid Response Team for Transmission (RRTT) composed of the nine Federal agencies with jurisdiction over transmission projects. This team was formed to more quickly advance the permitting for seven pilot transmission projects, including this Project. The RRTT mission is to "accelerate responsible and informed deployment of these seven key transmission facilities by:

- Coordinating statutory permitting, review, and consultation schedules and processes among involved Federal and state agencies as appropriate through Integrated Federal Planning;
- Applying a uniform and consistent approach to consultations with Tribal governments; and

- Expeditiously resolving interagency conflicts and ensuring that all involved agencies are fully engaged and meeting schedules." (CEQ 2011)

A Presidential Memorandum issued on June 7, 2013, requires modernization of the Nation's electric grid through improved siting, permitting, and review, as critical to, among other things, our efforts to make electricity more reliable and economic, promote clean energy sources and enhance energy security. The Climate Action Plan (Executive Office of The President 2013) sets a goal of developing 20,000 megawatts of renewable energy on public lands by 2020.

In December 2015, Congress enacted the Fixing America's Surface Transportation (FAST) Act. Title 41 of the Act ("FAST-41") creates a new entity – the Federal Permitting Improvement Council – to oversee the cross-agency Federal permitting and review process. It also expands the scope of projects for which reviews will be accelerated and establishes new procedures that standardize interagency consultation and coordination practices. FAST-41 requires the tracking of "covered projects" on a public electronic dashboard with coordinated project plans, a permitting timetable and a detailed schedule of all environmental reviews and authorizations. Title I and Title IX set out other provisions addressing the project delivery process and tracking environmental review and permitting milestones. Covered projects include energy production, electricity transmission, surface transportation, aviation, ports, waterways, water resource projects, broadband, pipelines, and manufacturing that generally involve a project investment of over $200 million or that may involve NEPA review or permitting by more than two Federal agencies. Gateway West is covered by the FAST Act.[3]

In acting on these transmission-related authorities, the BLM must consider whether the proposed Project conforms to BLM land use plans, in accordance with 43 CFR 1610.5-3, as discussed in Section 2.4.1.1 above.

The NEPA analysis for the Project includes information needed for determining compliance with other Federal laws and to inform and support other agency actions, including:

- NHPA – Consultation requirements with the Advisory Council on Historic Preservation (ACHP)
- Clean Water Act (CWA) Section 404 permits issued by the U.S. Army Corps of Engineers (USACE)
- ESA Section 7 consultation requirements with the U.S. Fish and Wildlife Service (USFWS)
- Fish and Wildlife Coordination Act consultation with the USFWS
- Migratory Bird Treaty Act compliance and consultation with the USFWS
- Bald and Golden Eagle Protection Act compliance and consultation with the USFWS

[3] Memo for the Federal Infrastructure Permitting Improvement Steering Council (FPISC), Establishment of Covered Project Inventory (September 22, 2016)

See Section 6.4 of this ROD for more information on the Project's relationship to other agency programs and policies. For more detail on permits, approvals, and consultation requirements for Gateway West, please see Table 1.5-1 in the Final SEIS.

2.5 BLM Notice to Proceed Process

This decision to issue a ROW grant does not authorize the Proponent-Grant Holders to commence construction of any Project facilities or proceed with other ground-disturbing activities in connection with the Project on Federal lands until the BLM AO, in accordance with 43 CFR 2807.10, issues a written Notice to Proceed (NTP), which will consist of separate work authorizations (issued as separate NTPs).

Before the BLM issues an NTP, the Proponent-Grant Holder(s) must prepare, among other items, a final Project POD that includes final engineering and design drawings. Based on the final engineering and design drawings, the Proponent-Grant Holder(s) also must complete: 1) project-wide practices and requirements in the Project POD, 2) the PODs for specific construction spreads, and 3) final mitigation plans associated with Greater sage-grouse (GRSG), migratory birds, wetlands, cultural resources, recreation, and the SRBOP.

The Project POD will demonstrate satisfaction of the required mitigation identified in this ROD and consistent with mitigation guidance and application of the mitigation hierarchy identified by the CEQ (40 CFR 1508.20), the BLM's Mitigation Manual Section 1794 and Mitigation Handbook H-1794-1, the DOI Manual, and the requirements of the Presidential Memorandum: Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment (November 3, 2015).

Measures considered to avoid, minimize, or mitigate potential environmental and cultural resource impacts include Proponent-committed EPMs and mitigation measures developed through the NEPA process. These EPMs are described in the 2013 POD, which is included as Appendix B of this ROD. Collectively, they represent measures to eliminate or reduce environmental impacts that were identified and considered in the Final SEIS. This ROD adopts these measures and requires Grant Holder actions to be consistent with the language in this ROD and its appendices, including the Project POD.

The Project POD will be further developed by the Proponent-Grant Holder(s) following final engineering design. The resulting final Project POD must demonstrate means to fulfill the mitigation requirements described in this ROD and will be subject to review and acceptance by the BLM and other agencies with regulatory authority over impacted resources. It will include provisions for site-specific mitigation and monitoring during construction, operation, maintenance, and decommissioning of the Project. Site-specific application and implementation details will include the following:

- Completion of final engineering to include final structure locations, final access road layout including field verification of structure locations and proposed access roads and ancillary facilities for the Selected Alternative;
- Acquisition of remaining Federal permits and acquisition of required state and local permits, measures, stipulations, and conditions of approval set forth in the

Final EIS and Final SEIS, RODs, and POD covering the final designed and engineered route and mapping;

- Acquisition of use authorizations (easements) on state and private lands;
- Delineation of Jurisdictional Waters of the U.S. and any other resource surveys required to support permitting;
- Review and acceptance by BLM of the GRSG habitat equivalency assessment (HEA) based on the site-specific engineered and designed transmission line including access roads and all ancillary facilities;
- Development and implementation of a complete mitigation and monitoring plan, including but not limited to appropriate mitigation for GRSG and for the SRBOP according to the Framework contained in Appendix K of the Final SEIS;
- Implementation of species-specific conservation measures through the Section 7 ESA consultation process to eliminate or minimize impacts on Federally listed species as identified in the biological assessment (BA) and biological opinion (BO) and Appendix H of the POD – the Plant and Wildlife Conservation Measures Plan.
- Inclusion of the Reasonable and Prudent Measures with Terms and Conditions required by USFWS in the BO. Species-specific conservation measures apply to ESA-listed species where they occur, regardless of jurisdiction.
- Mitigation of impacts to cultural resources and National Historic Trails as described in the Final SEIS Appendix K, with information contained in the executed PA and updated information from inventory studies, mitigation plans, and monitoring plans. A connected process is the creation of an HPTP, which will outline the mitigation plan for the Project, as well as provide for site-specific mitigation once all the cultural resource inventories have been completed.
- Adherence to the provisions in BLM Manual 6280, which lays out the agency policy for compliance with the National Trails System Act (NTSA). The Act stipulates that projects may not "…substantially interfere with the nature and purpose of [a congressionally designated National Historic] Trail." The 2016 SEIS addresses the provisions in BLM Manual 6280.

If the Proponents propose to modify the ROWs approved by this project or other requirements in this ROD, NTP(s) for the Project will be issued only after examining the existing environmental analysis and determining whether any additional environmental analysis would be needed for full NEPA compliance.

2.6 Decisions to Be Made

The BLM decisions being made in this ROD are:

- Whether to grant, grant with modification, or deny a ROW application to construct, operate, maintain, and decommission the proposed facilities for a transmission line on public lands;
- Whether one or more BLM land use plans should be amended to allow the proposed transmission line;

- What is the most appropriate location for the transmission line on public lands, considering multiple-use objectives; and
- What terms, conditions, and stipulations for the construction, operation, maintenance, and decommissioning of the transmission line should be applied to the ROW grant.

3.0 DECISION

3.1 BLM Right-of-Way Authorization

Based on review of the analysis as documented in the Draft SEIS and Final SEIS, the BLM's decision is to issue ROW grant IDI-35849-01 to PacifiCorp for two single-circuit 500-kV electric transmission lines and appurtenant facilities.

The ROW is 250 feet wide and 270.70 miles long, for a total of 8,203 acres, more or less; with additional areas for access roads and spur roads 20 feet wide, 272.28 miles long, containing 660.07 acres, more or less.

The ROW grant will permit the construction, operation, maintenance, and decommissioning of the 500-kV transmission lines on the alignments analyzed as Alternative 5 and identified as the Agency Preferred Alternative in the Final SEIS, as well as ancillary facilities as described in Section 2.2 above, and subject to the terms, conditions, and stipulations described in the grant.

The ROW for the operational area is granted for a term of 30 years. With this ROW grant, authorization for a temporary ROW for construction areas containing an additional 534.11 acres, more or less, is granted for 5 years, which is set to expire. The legal descriptions for the approved ROW are found in Appendix A of this ROD.

The BLM has the discretion to renew a ROW grant upon application if doing so is in the public interest. Renewal requests will be subject to NEPA review and the satisfaction of other applicable statutory and regulatory requirements (e.g., NHPA and ESA). Construction of the Project must commence within 5 years after the effective date of the ROW grant. The Grant Holder(s) may, on approval from the BLM, assign the ROW grant to another party in conformance with the requirements of 43 CFR 2800.

Once the grant is issued, the Proponents become Grant Holders, and as such must pay rent in accordance with 43 CFR 2806 from the date the ROW grant is issued. However, payment of rent does not entitle Holders to use the granted areas for any Project activities prior to the completion of the actions required in this ROD, and receipt of an NTP from the BLM's AO. The Holder(s) may, after BLM approval, assign the ROW grant to another party in conformance with 43 CFR 2800.

All standard terms, conditions, and stipulations found in the BLM standard ROW grant form, SF 2800-14, will apply (43 CFR 2800) to grant IDI-35849-01.

As a requirement of the ROW authorization, the Proponents will provide for an environmental compliance inspection contractor (CIC), to be approved by the BLM as lead Federal agency, to represent the BLM during the construction and reclamation phases of the Project. The CIC will report directly to the BLM. The primary role and

responsibility of the CIC is to ensure compliance with all terms, conditions, and stipulations of the ROW authorization, the POD, and other permits, approvals, and regulatory requirements, as described in Section 1.4 of the Final EIS and Section 1.5 of the Final SEIS.

In addition, the CIC shall follow the Environmental Compliance Management Plan, included as Appendix C of the POD. The Proponents will also be responsible for monitoring the reclamation of the transmission line, temporary access roads, and ancillary facilities, as described in the Reclamation Plan and Noxious Weed Plan, included as Appendices D and E of the POD.

With an approved ROW grant, the Grant Holders are authorized to construct and operate facilities, once the requirements specified in the authorizing ROD are met. The ROW grant approved with this ROD includes Terms and Conditions outlined in the 2013 Final EIS and ROD, the 2016 Final SEIS, the BO, the PA, and other applicable Federal rules and regulations. In addition, the Grant Holders must comply with applicable state and local laws and rules before beginning construction.

Use of any public lands as authorized under this ROW grant is contingent on the Grant Holders supplying final engineering design construction plans as part of a final POD, which the BLM will review and approve before issuing an NTP (see Section 2.5 above). Until the BLM issues an NTP, no surface-disturbing activities can occur. The Holders must prepare and gain BLM approval for all items detailed in Section 2.5 of this ROD before the BLM will issue an NTP. On receipt of the NTP, the Holders may begin constructing and operating the transmission line and all ancillary facilities as described in the final Project POD.

The BLM also expects the Project to receive Certificates of Public Convenience and Necessity from the appropriate State public service/utility commission. If the Project fails to obtain these approvals, the BLM will determine whether the ROW grant is still valid.

To the extent the Selected Alternative does not progress to construction or operation or is proposed to be changed so that it appears to the BLM to be a new project proposal on the approved project site, that proposal may be subject to additional NEPA review.

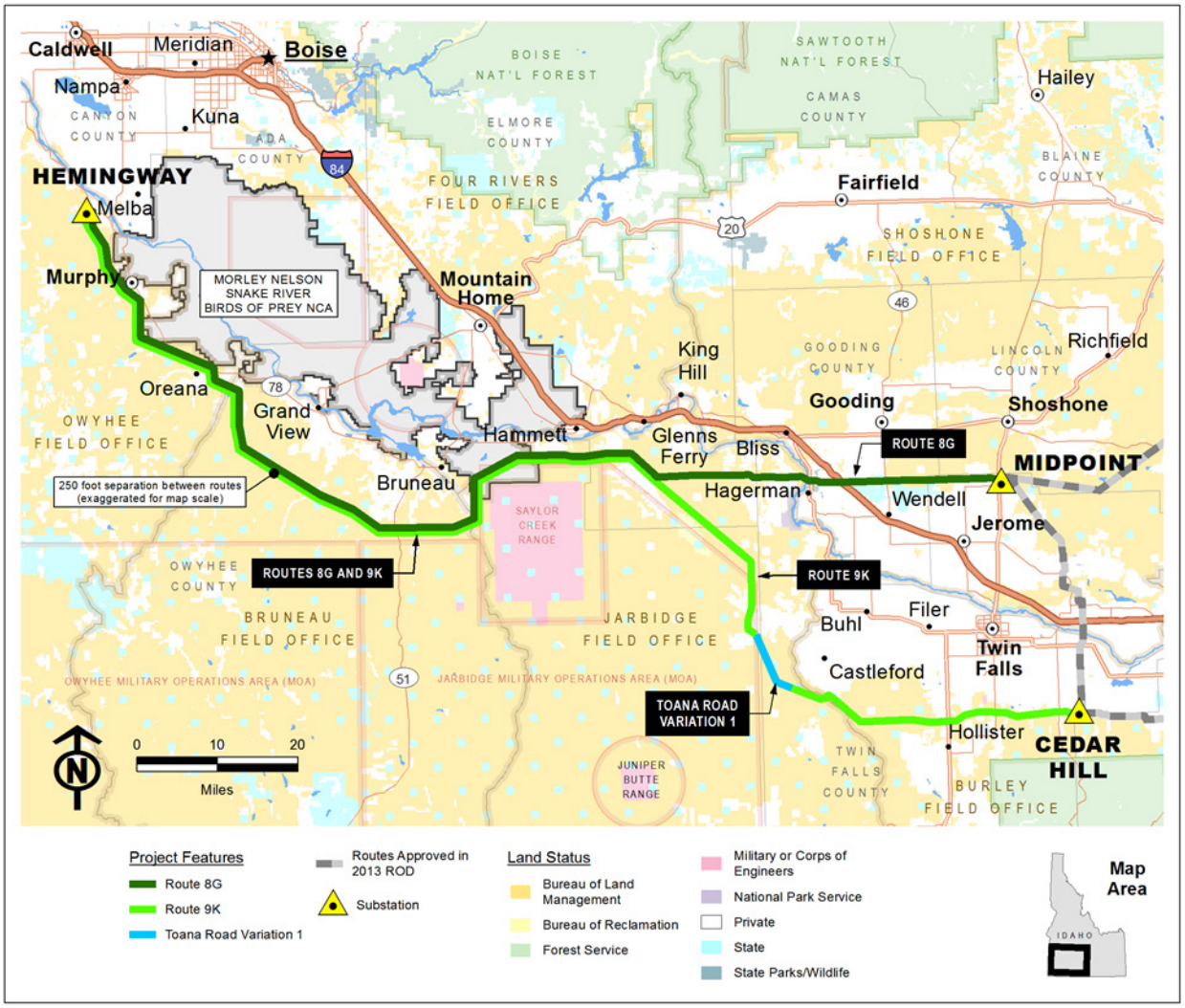

Figure 2. Selected Alternative

3.2 Decision Rationale

Approval of the ROW grant for the Selected Alternative fulfills the BLM's purpose and need for action by responding to the Proponents' application under Title V of FLPMA (43 U.S.C. 1761) as described in Sections 2.2 and 2.3 above and the Final SEIS. With the adoption of amendments to the BLM land use plans listed in Sections 2.4.1.1 and 3.3 of this ROD, the Selected Alternative as identified is consistent with all BLM RMPs and MFPs where the Project is located on BLM-managed public lands.

Effects on BLM-managed public lands, lands managed by other agencies, and private lands have been considered, along with the implications of altering those BLM land use plans that needed amendment to allow the Project.

The decision is informed by four key elements:

5. *Consideration of the purpose and need*
   The BLM developed and considered the action alternatives in the SEIS in relation

to both the purpose and need for agency action (see Sec. 2.3 above) and the Proponents' stated purpose and need for proposing the Project and submitting the ROW application (see Sec. 1.0 of the Final SEIS).

6. *Adoption of the mitigation and monitoring requirements as stipulations for the Project*
   Consideration of the SEIS action alternatives included whether adequate avoidance, minimization and compensatory measures could be developed to ensure enhancement, no net loss, or net conservation gain for resources, as appropriate.

7. *Consideration of resource issues*
   The Final SEIS analyzes in detail the direct, indirect, and cumulative effects of the action alternatives on each resource identified during the scoping process for the SEIS. The SEIS supplements the resource impact analysis for Segments 8 and 9 in the 2013 Final EIS for Gateway West. Resource impacts were then balanced with siting criteria for the Project (see Section 6.1.2 below).

8. *Consideration of comments and concerns presented in the public review process and the Governors' Consistency Review process*
   The many comments received during the original Gateway West EIS process and those submitted during the SEIS process were fully considered along with the resource impact analysis. Each substantive comment was responded to (Appendix L of the 2013 EIS and Appendix L of the SEIS), in some cases with changes to the text of the NEPA documents or additional analysis. The issues raised in the Idaho Governor's Consistency Review and Governor's appeal of that Consistency Review were also fully considered and addressed before this ROD was signed (see Section 7.1 below).

3.3 Land Use Plan Amendments Decision

As part of the decision to grant a ROW for Segments 8 and 9, the BLM approves the following five land use plan amendments in the Twin Falls and Bruneau MFPs and the SRBOP RMP. The approved plan amendments address inconsistency with VRM objectives, and allow the ROW for the Project outside corridors designated in land use plans. See Section 4.1.2 of this ROD for additional discussion of the plan amendments and Section 2.3.5 and Table 2.3-1 of the Final SEIS for analysis of the necessary amendments associated with each SEIS alternative, including the Selected Alternative.

3.3.1 Twin Falls MFP

Amendment SEIS-1 revises the "Land 4.1" decision to allow the development of this Project. The new "Land 4.1" decision provides: "*Allow future major power transmission lines (line of at least 46-138 kV which originate and terminate outside of the MFP area) to be constructed within the recommended corridors. Also allow construction of transmission lines between the corridors. Do not permit power lines to the west or the*

east of the two corridors. Allow a 500-kV transmission line ROW outside existing corridors. Exempt service lines from restriction."

Amendment SEIS-2 amends the VRM direction in the Twin Falls MFP and 1989 Plan Amendment regarding the management of the Salmon Falls Creek ACEC as follows: "*The Class I and II areas adjacent to the Roseworth Corridor (established by the 2015 Jarbidge RMP) will be reclassified to match the VRM classes in the Jarbidge RMP. Allow a 500-kV transmission line to cross Salmon Falls Canyon through the ACEC, consistent with the corridor established in the Jarbidge 2015 RMP*."

3.3.2 SRBOP RMP

Amendment SEIS-8 amends the Sensitive Species decision as follows: "Sensitive Plant Habitat Include in all BLM authorizations permitting surface disturbing activities (non-grazing), requirements that (1) affected areas be reseeded with a perennial vegetative cover, and (2) surface disturbing activities be located at least 1/2 mile from occupied sensitive plant habitat. The Gateway West transmission line and ancillary facilities will be allowed within 0.5 mile of occupied, sensitive plant habitat, with appropriate mitigation to protect sensitive plants, including slickspot peppergrass."

Amendment SEIS-13 amends the Utility and Communications Corridors Management action to allow development of this Project as follows: "*Restrict major utility developments to the two utility corridors identified (Lands Map 3) and allow additional major powerline ROWs as applicable with laws and values for which the SRBOP NCA was designated. Allow two additional 500 kV transmission line ROWs to leave the designated WWE corridor and exit the SRBOP NCA due south of Bruneau Dunes State Park.*"

3.3.3 Bruneau MFP

Amendment SEIS-12 amends the restriction for visual resource impacts in this MFP as follows: "*The area designated as VRM Class II adjacent to Castle Creek will be reclassified to VRM Class III*."

4.0 ALTERNATIVES CONSIDERED

4.1 Alternatives Analyzed in Detail in the SEIS

The BLM evaluated seven action alternatives in the SEIS, each of which consists of a different pairing of route alignments for Segments 8 and 9. Each of these alternatives are described in detail in Sections 2.3.1 through 2.3.3 of the Final SEIS; their comparative characteristics and effects are summarized in Tables 2.7-1 and 2.7-2.

Alternative 1 – The Proposed Action, the Revised Proposed Routes for Segments 8 and 9. Alternative 1 has a combined length of 295 miles. Two portions of the new 500-kV line (totaling 25.7 miles) would be double-circuited on new H-frame structures with existing 138-kV lines along the Baja Road within the SRBOP. This would require removal of an existing transmission line along a total of 25.6 miles. Approximately 83.3 miles of this alternative would be within the SRBOP.

Alternative 2 – Revised Proposed 8 and FEIS Proposed 9. Alternative 2 has a combined length of 291.9 miles, which is the shortest length among the seven alternatives. It would require removal of an existing transmission line along 1.1 miles of the route. Approximately 35.1 miles of this alternative would be within the SRBOP. This alternative maximizes use of the West-wide Energy (WWE) Corridor for Segment 9.

Alternative 3 – Revised Proposed 8 and Route 9K. Alternative 3 has a combined length of 304.3 miles and would require removal of an existing transmission line along 1.1 miles of the route. Approximately 31.3 miles of this alternative would be within the SRBOP.

Alternative 4 – Route 8G and FEIS Proposed 9. Alternative 4 has a combined length of 309.1 miles. It would require removal of an existing transmission line along 1.9 miles of the route. Approximately 23.5 miles of this alternative would be within the SRBOP.

Alternative 5 – Route 8G and Route 9K (Selected Alternative, with one variation). Alternative 5 has a combined length of 321.5 miles, which is the highest total length among the seven alternatives. However, the majority of the alignment would consist of two lines located no less than 250 feet apart, rather than two separate lines affecting different areas. It would require removal of an existing transmission line along 1.9 miles of the route. The two routes would follow the same alignment within the SRBOP for approximately 9.9 miles each regardless of land ownership (approximately 8.8 miles on lands administered by the BLM), for a combined total of approximately 19.7 miles of new transmission line in the SRBOP. This alternative minimizes crossing of the SRBOP. Inclusion of the Toana Road Variation 1 avoids impacts to the historic Toana Freight Road, which is listed on the NRHP, and minimizes impacts to GRSG habitat in the area.

Two additional variations of Alternative 5 (the Preferred Alternative) were developed for the Final SEIS (see Section 5.1.2.5): a Helicopter-Assisted Construction variation that would apply between MP 141 of Route 9K/MP 112 of Route 8G and the Hemingway Substation, and a WWE Corridor variation that would apply to the same portions of the two segments.

Alternative 6 – Route 8H Route and FEIS Proposed 9. Alternative 6 has a combined length of 299.7 miles, and would require removal of an existing 138-kV transmission line along 25.7 miles of the route as well as a 1.9-mile rebuild of an existing 500-kV line. Approximately 74.7 miles of this alternative would be within the SRBOP. Two portions of the new 500-kV line (totaling 25.7 miles) would be double-circuited on new H-frame structures with the existing 138-kV lines within the SRBOP.

Alternative 7 – Route 8H and Route 9K. Alternative 7 has a combined length of 312.1 miles. It would require removal of an existing 138-kV transmission line along 25.7 miles of the route as well as a 1.9-mile rebuild of an existing 500-kV line. Approximately 70.9 miles of this alternative would be within the SRBOP. Two portions of the new 500-kV line (totaling 25.7 miles) would be double-circuited on new H-frame structures with the existing 138-kV lines within the SRBOP.

Two route variations were developed for Segment 9 to avoid paralleling the Toana Freight Wagon Road, a National Register historic property. The BLM Jarbidge Field Office recommended Variation 1, which would parallel the Toana Road within 0.25 mile between MP 38.2 and 40.6 of the Revised Proposed Route for Segment 9, and parallel the Road within 1 mile through Blue Gulch between MPs 40.6 and 43.5. The BLM developed Variation 1-A to minimize visual impacts to the Toana Road. In addition, this variation would also utilize existing roads and minimize new road construction in the area. Either of these variations could be incorporated into any of the seven Action Alternatives.

4.1.1 No Action Alternative

The No Action Alternative analyzed in the SEIS is the predicted result of denying the ROW application. The effects of the No Action Alternative are discussed in detail in Chapter 3 of the SEIS. The cumulative effects of this alternative are presented in Chapter 4. The SEIS notes that while Project-related impacts to resources would not occur, selecting the No Action Alternative would have no effect on growth in demand for transmission capacity, and that a lack of construction of new transmission lines could result in substantial adverse impacts on economic growth, including loss of jobs, in the Pacific Northwest region, which encompasses Idaho, Washington, Oregon, Montana, and several Canadian provinces.[4]

4.1.2 Land Use Plan Amendments

BLM planning regulations (43 CFR 1610.5-3) require that Project-specific decisions, including authorized uses of land, conform to or be consistent with the applicable land use plan(s). Actions that result in a change in the scope of resource uses, terms, conditions, and decisions of Federal agency land use plans, including the approval of this proposal, may require amendment of one or more of the plans. The BLM, the Proponents, and Cooperating Agencies worked together to develop routes that would conform to existing Federal land use plans where practicable. However, this objective was not reached for a number of the alternative routes analyzed in the SEIS. As a result, the BLM has elected to amend the affected plans where the Project does not conform to applicable plan requirements. Plan amendments that would be necessary to implement each of the evaluated alternatives were identified and analyzed in the Final SEIS.

The proposed BLM plan amendments would: 1) allow a 500-kV transmission line ROW outside of existing energy transmission corridors, and 2) reclassify VRM areas from Class I to Class II or from Class II to Class III.

[4] McBride, S.A., K.S. Myers, R.F. Jeffers, M.M. Plum, R.J. Turk, and L.R. Zirker, 2008. The Cost of Not Building Transmission: Economic Impact of Proposed Transmission Line Projects for the Pacific NorthWest Economic Region. Idaho National Laboratory. Prepared for the Pacific Northwest Economic Region under DOE Idaho Operations Office Contract DE-AC07-05ID14517. Available online at: http://pnwersenergyhorizon.com/files/PNWERReport_Rev2c_Final_16Jul08_ntwtm3.pdf

The BLM's Selected Alternative is in conformance with the Monument, Cassia, 1987 and 2015 Jarbidge[5], and Owyhee RMPs and the Bennett Hills/Timmerman Hills and Kuna MFPs. It is not in conformance with the SRBOP RMP, and the Twin Falls and Bruneau MFPs. The BLM proposed five plan amendments to address these non-conformance situations and approves them as part of this ROD.

The necessary amendments to BLM land use plans (RMPs/MFPs) associated with each SEIS alternative, including the Selected Alternative, are detailed in Section 2.3.5 and Table 2.3-1 of the Final SEIS.

4.2 Alternatives Considered but Not Analyzed in Detail

Fifty alternative route variations were considered but not analyzed in detail in the Draft or Final SEIS. The reasons for not fully considering them are discussed in Section 2.5 of the Final SEIS.

4.3 Final SEIS Agency Preferred Alternative

The Agency Preferred Alternative was identified in the Final SEIS as Alternative 5 with Toana Road Variation 1.

4.4 Environmentally Preferable Alternative

Because it would cause the least damage to the biological and physical environment, the environmentally preferable alternative for the Project is the No Action Alternative (see Section 2.4 of the Final SEIS). Under the No Action Alternative, the Project would not be constructed across Federal lands. The RMPs or MFPs amendments discussed in the SEIS would not be approved, and no Project-related impacts to vegetation, soils, wildlife species or other resources would occur. There would be no impacts to the resources and values of the SRBOP. However, impacts would continue as a result of natural events (such as fire, drought, and severe weather) as well as from existing developments within the Analysis Area and from other projects or other competing land uses. There would also be no Project-related impacts to agriculture, transportation, scenery, or other aspects of the human environment. Other transmission line projects may be proposed to meet regional energy needs if the Gateway West lines are not built.

The No Action Alternative would not meet the BLM's purpose and need, which includes increasing electricity transmission capacity, reducing operational limitations and improving reliability of the national grid.

For the reasons detailed in this ROD, the BLM has not selected the No Action Alternative; however, the Selected Alternative has been designed to avoid and minimize environmental impacts wherever possible, including through required mitigation and monitoring (see Section 5.0 below), while still allowing the Project to be constructed and operated to meet the purpose and need.

[5] Portions of the area managed under the 1987 RMP are not included in the 2015 Jarbidge RMP; therefore, the 1987 RMP still applies to these areas. Refer to Appendix F of the Final SEIS for details.

Potential impacts associated with the construction, operation, and maintenance of the proposed action and alternatives (including the No Action Alternative) were identified and discussed for each resource in Chapter 3 and for cumulative impacts in Chapter 4 of the Final SEIS. Impacts identified for each resource under each alternative were analyzed and compared, in terms of potential changes in the intensity, magnitude, and spatial and temporal extent. The BLM has determined that the Selected Alternative provides the most public benefits, balances multiple resource conflicts, and avoids the most resource impacts of the alternatives analyzed.

5.0 MITIGATION AND MONITORING

5.1 Statement of All Practicable Mitigation Adopted

As the Federal lead agency, the BLM is responsible for ensuring compliance with all mitigation measures for the Project adopted in the Final SEIS. As required by NEPA (40 CFR 1505.2(c)) and as identified in the policy direction cited below, and the BLM NEPA Handbook H-1790-1 and H-1794 as updated on December 22, 2016, all practicable mitigation measures that are necessary to fully mitigate the potential effects of the Project according to Federal laws, rules, policies and regulations are adopted for the Project through this ROD.

5.2 Project-Specific Mitigation Measures

5.2.1 Policy Guidance

The November 3, 2015, Presidential Memorandum*: Mitigating Impacts on Natural Development and Encouraging Related Private Investment* (80 FR 68743) directs agencies to implement landscape-scale mitigation for project development impacts "through policies that direct the planning necessary to address the harmful impacts on natural resources by avoiding and minimizing impacts, then compensating for impacts that do occur." In addition, "Agencies' mitigation policies should establish a net benefit goal or, at a minimum, a no net loss goal for natural resources the agency manages that are important, scarce, or sensitive, or wherever doing so is consistent with agency mission and established natural resource objectives." *Id.* at 68745 (Section 3(b)).

The Presidential Memorandum instructs agencies to consider the extent to which the beneficial environmental outcomes that will be achieved are demonstrably new and would not have occurred in the absence of mitigation (i.e., additionality). It also calls for mitigation to be durable, transparent, monitored, and adaptively managed.

DOI Manual 600 DM 6, *Implementing Mitigation at the Landscape-scale*[6] calls for landscape-scale mitigation for impacts from projects proposed for lands managed by Department of the Interior agencies and further specifies the meaning and purpose of compensatory mitigation.

[6] DOI (Department of the Interior). 2015. Chapter 6: Implementing Mitigation at the Landscape-scale. Public Lands Series, Part 600, Public Land Policy. 600 DM 6. October 23, 2015. Available online at https://www.doi.gov/sites/doi.gov/files/uploads/TRS%20and%20Chapter%20FINAL.pdf.

BLM Interim Mitigation Policy (2013-WO-IM-142) provided guidance during development of the SEIS for identifying, analyzing and requiring compensatory mitigation, as appropriate, to address reasonably foreseeable residual effects to resources, values, and functions from land use activities on public lands. The mitigation requirements included in this ROD are consistent with the final BLM mitigation policy issued on December 22, 2016 (BLM Manual Section 1794; 2016-WO-IM-021).

The policies, definitions and standards in the Presidential Memorandum, the DOI Manual and the BLM Manual are among the considerations for the Gateway West Project.

Congress established the SRBOP 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 educational resources and values" (Section 3(a)(2) of Public Law [P.L.] 103-64). With development and implementation of the Compensatory Mitigation Plan for the Project, as required by BLM, the Proponents will be taking the necessary steps to compensate for residual Project impacts and achieve enhancement (i.e., net benefit) of SRBOP resources and their values, services and functions as mandated by the enabling statute.

5.2.2 Compensatory Mitigation for Greater Sage-Grouse Habitat

The Project is one of a limited number of Presidential priority projects that were well underway before the development of the GRSG approved resource management plans (ARMPAs) and associated EISs. The ROD and ARMPA for Idaho and Southwest Montana specifically indicate (LR-13) that the management directions for realty action decisions that designate PHMAs and IHMAs avoidance areas for major ROWs do not apply to Gateway West.

Nonetheless, through the Project-specific NEPA and decision making process, the BLM determined that mitigating impacts to GRSG and their habitat, including a net conservation gain, will still be necessary, and in coordination with the Proponents and Cooperating Agencies identified conservation measures for GRSG similar to those in the GRSG ROD and ARMPA for Idaho.

5.2.2.1 Comprehensive Habitat Mitigation Plan

Appendix C-3 of the 2013 Final EIS and Appendix C of the 2013 ROD outline in detail an approach for assessing the compensatory mitigation obligation for Gateway West impacts to GRSG and their habitat. The process and methods described in these appendices and the *Framework for Sage-grouse Impacts Analysis for Interstate Transmission Lines* (Appendix J-1 in the 2013 Final EIS) will guide the development of a final Comprehensive Gateway West Sage-Grouse Habitat Mitigation Plan to achieve the net conservation gain required for the species.

As required by this decision, the Comprehensive Plan must establish: 1) the process through which the BLM will assess direct and indirect impacts through the HEA process once final route alignments have been engineered; 2) the steps that the BLM and Proponents have already taken to mitigate impacts through avoidance (including siting and co-location) and minimization (application of design features and other measures,

such as seasonal buffer restrictions);[7] and 3) the steps that the ROW Grant Holders must take to identify the residual impacts that may occur even after the application of avoidance and minimization measures. The BLM will require the Comprehensive Plan to identify compensatory mitigation measures necessary to address these residual impacts to achieve a net conservation gain (specific to PHMA, IHMA and GHMA) in Idaho.

After the Comprehensive Plan is developed, the BLM and other Federal, State and local agencies with sage-grouse expertise will review it for adequacy. The BLM will not issue NTPs for the respective portions of the Project until the Plan has been accepted.

5.2.2.2 Indirect Effects to Greater Sage-Grouse Habitat

Prior to the 2015 GRSG decisions, the BLM, USFWS, and state wildlife agencies collaborated on an evaluation of the 2013 Gateway West *Draft Off-site Compensatory Mitigation to Offset Project Impacts to Greater Sage-Grouse* and found that it did not adequately address the Project's indirect effects of "behavioral avoidance" and "increased avian predator presence and predation" on GRSG. As described in the Final SEIS, the BLM will require further collaboration among the Grant Holders and state and Federal agencies to develop a compensatory mitigation framework that will allow the Proponents to develop a comprehensive Gateway West Sage-Grouse Habitat Mitigation Plan that fully compensates for all direct impacts and all potential indirect impacts to GRSG to achieve a net conservation gain.

The Proponents have committed to completing a modified HEA that incorporates a methodology to address the indirect effects of "behavioral avoidance" and "increased avian predator presence and predation." The final process and guidance may require state-specific adjustments and further collaboration with State of Idaho agencies for appropriate application in Idaho.

5.2.3 Migratory Bird Habitat Conservation

The POD commits to appropriate avoidance and minimization measures that would reduce impacts to migratory birds during construction and operation. Reclamation requirements will restore habitats within the areas disturbed during construction and appropriate seed mixes will be considered to restore the habitats back to an ecologically functioning vegetation community similar to what was disturbed for operation and maintenance. The BLM's obligations under EO 13186, Responsibilities of Federal Agencies to Protect Migratory Birds (January 17, 2001) and resulting MOU between the BLM and USFWS to Promote the Conservation of Migratory Birds (April 12, 2010) are met through the on-site mitigation that is being applied to the projects through avoidance, minimization, and reclamation of disturbed habitats. The BLM's obligations and conservation responsibilities under the MOU are also met through the many habitat improvement and restoration projects completed on BLM-managed lands to benefit multiple species.

[7] These measures and design features are analyzed in the 2013 Final EIS and the 2016 Final SEIS.

The Proponents, the BLM, and the USFWS are further developing the Migratory Bird Habitat Conservation Plan included as Appendix C to the 2013 ROD. The plan focuses on mitigating effects to migratory bird habitats in forested and woodland habitats. The Proponents may submit one or more plans to cover different portions of the Project area.

The compensatory mitigation identified in the GRSG HEA will also benefit sagebrush-obligate migratory bird species. The majority of habitat crossed in Idaho is sagebrush and will be covered by the GRSG HEA and associated mitigation. The Selected Alternative does not cross old-growth pinyon-juniper, and thus no mitigation for that habitat type will be necessary.

The BLM will review all plans, consult with the USFWS, and will not issue NTPs for the respective portions of the Project area until the applicable plan is accepted.

5.2.4 Programmatic Agreement for Cultural Resources

The PA (Appendix E of the 2013 ROD and referenced in the 2016 Final SEIS) was negotiated pursuant to the NHPA by the BLM, the SHPOs for Idaho and Wyoming, the ACHP, Shoshone-Paiute Tribes, Shoshone-Bannock Tribes, and other consulting parties and executed on September 12, 2013. It is incorporated into this ROD, and the ROW grant includes the terms and conditions in the PA.

Pursuant to 36 CFR 800.14(b), the PA provides for alternative compliance with the requirements of Section 106 of the NHPA. It specifically establishes areas of potential effect and sets forth a process for identifying and evaluating historic properties; reporting, consultation and review procedures; Tribal consultation requirements and procedures; preparation of HPTPs; and procedures for developing plans to address inadvertent discovery of cultural resources or human remains.

The need for inadvertent discovery plans and site-specific HPTPs cannot be fully known until completion of final project design and Class III (on-the-ground) surveys of cultural and historic resources typically visible at or above the ground surface. If these resources are identified and determined eligible for the NRHP, an HPTP would be prepared in coordination with the consulting parties to determine avoidance, minimization and mitigation actions appropriate for the site. The HPTP would have a corresponding NTP that would release the area to the ROW holder use only after the HPTP has been reviewed by the PA signatories and accepted by the BLM. In addition, buried cultural resources or human remains could be uncovered during Project excavations. If this occurs, work will stop immediately in the area. An inadvertent discovery plan will be developed for each discovery and NTPs issued upon acceptance of each inadvertent discovery plan.

An HPTP for National Historic Trails and contributing landscapes is being prepared separately, due to the linear nature of the trails and the expanse of the associated landscapes. A draft *Compensatory Mitigation Plan for Unavoidable Impacts to Historic Trails* is included as Appendix F to the 2013 ROD. No NTPs will be issued in the areas impacting National Historic Trails until after acceptance of the HPTP for National Historic Trails.

The Grant Holder(s) will post a BLM-approved financial security with the BLM in an amount sufficient to cover all post-fieldwork costs associated with implementing each HPTP or other treatment activities, as negotiated by the Proponents where they contract for services in support of this PA. Such costs may include, but are not limited to, treatment; post-field analyses; research and report preparation; interim and summary report preparation; the curation of Project documentation and artifact collections in a BLM- approved curation facility; and the repatriation and reburial of any human remains, sacred objects, or objects of cultural patrimony.

The Grant Holder(s) will post a financial security prior to the BLM issuing a NTP for the segment where historic property treatment is required. The security posted is subject to forfeiture if the Holders do not complete tasks within the time period established by the applicable HPTP, provided, however, that the BLM and the Holder(s) may agree to extend any such time periods. The BLM will notify the Holders that the security is subject to forfeiture and will allow the Holders 15 days to respond before action is taken to forfeit the security. The BLM will release the financial security, in whole or in part, as specific tasks are completed and accepted by the BLM.

5.2.5 Compensatory Mitigation for and Monitoring of Unavoidable Impacts to Waters of the United States – Clean Water Act

Section 404 of the CWA (33 U.S.C. 1344) authorizes the USACE to regulate the discharge of the dredged or fill materials into navigable waters of the U.S. The USACE will determine whether authorization of proposed activities by Nationwide Permits is appropriate or whether certain activities require an individual permit evaluation. The USACE has stated that it anticipates issuing Nationwide Permits that will allow construction of the Project in jurisdictional waters of the U.S. Verification by the USACE that activities are already authorized by nationwide permits is not a new Federal action requiring a ROD. The USACE would prepare a separate ROD for individual permit authorizations, if needed, because issuance of a permit would be a new Federal action.

The Framework Compensatory Mitigation Plan (Appendix G of the 2013 ROD) outlines mitigation projects on Proponent-owned properties that, when fully detailed and approved by the USACE, will compensate for impacts from construction, operation, and maintenance of all Gateway West segments, 1 through 10, and commits the Grant Holders to full compensation once routes are finalized and design engineering is completed.

5.2.6 Threatened and Endangered Species – Biological Opinion

The USFWS issued a BO for Gateway West on September 12, 2013 (Appendix H to the 2013 ROD). The effects to the relevant ESA-listed species from the Selected Alternative would be the same, fewer, or non-existent in comparison to the agency-preferred alternative routes for Segments 8 and 9 in the 2013 Final EIS. Additionally, all EPMs related to ESA-listed species identified in the 2013 Final EIS and 2016 SEIS, and required in this ROD will be implemented for the Selected Alternative.

To assure compliance with Section 7 of the ESA, the BLM received written acknowledgement from the USFWS regarding this conclusion (see Appendix C of this ROD) and requested continued acceptance of the BA and the accepted BO originally

prepared for Gateway West. The ROW grant includes the Reasonable and Prudent Measures and implementing Terms and Conditions in the BO (Appendix H of the 2013 ROD), and the BLM will not issue an NTP until the Grant Holders demonstrate compliance, as appropriate, with the terms and conditions of the BO.

5.2.6.1 Determination of No Effect on Slickspot Peppergrass (Lepidium papilliferum)

On August 17, 2016, the USFWS reinstated the threatened status of Slickspot peppergrass, effective September 16, 2016 (81 *Federal Register* 55058–55084). At the time the 2013 Final EIS was completed, Slickspot peppergrass was proposed for listing as endangered under the ESA. The USFWS concurrence determined that, while the 2013 Final EIS preferred alternative route for Segment 8 "may affect" and was "likely to adversely affect" Slickspot peppergrass and its proposed critical habitat, the Project would not jeopardize the continued existence of the species or destroy or adversely modify its proposed critical habitat.

In contrast, the Selected Alternative routes in this ROD do not cross Occupied Habitat, Slickspot Habitat, proposed Critical Habitat, or any known Slickspot element occurrences. In a December 13, 2016, memorandum to the USFWS, the BLM clarified that no Potential Habitat would be crossed by the SEIS preferred alternative routes for Segments 8 and 9 and thus, would have "no effect" on Slickspot peppergrass.

In the December 16, 2016, response memorandum, the USFWS acknowledges the BLM's "no effect" determination for the SEIS Segments 8 and 9 preferred alternative routes, based on the lack of proposed Critical Habitat within or adjacent to these routes, which are the Selected Routes in this ROD. With the replacement of the 2013 preferred Final EIS routes for Segments 8 and 9 with the Final SEIS preferred alternative routes for these segments, the effects analyses and conclusions for Slickspot peppergrass and its proposed critical habitat in the 2013 concurrence no longer apply to the Project.

5.2.6.2 Determination of No Effect on Yellow-billed Cuckoo (Coccyzus americanus)

In the December 16, 2016, memorandum, the USFWS acknowledges the BLMs "no effect" determination for the Yellow-billed cuckoo based on documentation that cuckoos have rarely been found in southwestern Idaho, and that riparian/wetland habitats along the SEIS Preferred routes for Segments 8 and 9 do not have characteristics of suitable habitat. In addition, direct and indirect impacts to the species will not occur because: 1) riparian habitats will be spanned by transmission lines, and 2) environmental protection measures will be implemented to avoid noise-disturbing activities when any individual migrating cuckoos may be present.

The BLM also determined that the Selected Alternative routes will have "no effect" on proposed Critical Habitat for the Yellow-billed cuckoo because the nearest proposed Critical Habitat for the species is found 35 miles north of the Project. The USFWS acknowledgement of the BLM's "no effect" determination for SEIS Segments 8 and 9 is based on the distance between proposed Critical Habitat and the Selected Alternative routes.

5.3 Compensatory Mitigation for Enhancing SRBOP Resources

Resource specialists from the BLM and Proponents have developed a framework for compensatory mitigation of impacts to resources and values in the SRBOP (see Final SEIS Appendix K) intended to guide the development of the Compensatory Mitigation Plan (CMP) for the Project, to meet the enhancement standard for the SRBOP required in P.L. 103-64. The CMP will become part of the final Project POD.

5.3.1 The Compensatory Mitigation Framework

The principles, standards, and technical elements in the Framework are drawn from and are consistent with DOI and BLM policy and guidance. The Framework lists categories of potential mitigation measures for the SRBOP and documents the planning completed by the BLM and the Proponents in preparing the Final EIS and SEIS to ensure that the Project complies with applicable laws, regulations, policies, and plans related to affected resources and their values, services, and functions. After final engineering and design of the Project is completed, the BLM and the Proponents will utilize the Framework to develop a CMP.

5.3.2 The Compensatory Mitigation Plan

The CMP will identify specific compensatory mitigation projects, or measures, intended to offset Project impacts across all affected land ownerships and jurisdictions. CMP implementation will be made a condition of the ROW grant and permits issued to the Proponents, and once the BLM determines that the CMP is sufficient and that implementing it will be consistent with applicable laws and policies, the BLM will use the CMP to develop individual project authorizations.

These mitigation projects and measures will be incorporated into the Project POD. No NTP will be issued for the Project until the Project POD has been reviewed and accepted by the BLM AO (see Section 2.5 above).

Any subsequent NEPA analysis required for CMP site-specific projects will be done on a case-by-case basis. Since the CMP's overall success may depend on the successful implementation of each CMP mitigation project component, the BLM will retain discretion to suspend or terminate the ROW authorization in the event that any CMP mitigation project is not successfully implemented.

5.4 Environmental Protection Measures

As part of their Proposed Action, the Proponents included EPMs designed to avoid or minimize environmental impacts. The current POD contains a list of EPMs (see Appendix B of this ROD) covering the following topics:

- Construction, operations, and maintenance;
- Visual resources;
- Cultural and paleontological resources;
- Plant and wildlife resources, including threatened, endangered, and sensitive species;

- Geologic hazards and soil resources;
- Water resources;
- Safety measures;
- Reclamation of construction disturbances;
- Land use and agriculture;
- Traffic and transportation management;
- Air quality;
- Electrical environment;
- Public safety; and
- Noise.

EPMs are required on Project segments authorized in the 2013 ROD (Segments 1-7 and 10), as appropriate to site-specific circumstances, and will be similarly required on the segments authorized in this ROD (Segments 8 and 9). Relevant EPMs and their expected effects are discussed in the resource subsections of Chapter 3 of the Final SEIS.

Additional mitigation and monitoring measures to minimize or compensate for resource impacts were developed through the NEPA process. Proposed mitigation measures for SRBOP resources were initially described in Appendix K of the Final SEIS. These measures will be incorporated into the Environmental Protection Plans contained in the Final Project POD. Additional mitigation and monitoring measures that will be developed after final engineering design will be required as a condition of the ROW grant that will be added to the Final Project POD.

5.5 Monitoring and Enforcement

NEPA (40 CFR 1505.2(c)) requires monitoring to ensure that Federal agency decisions are carried out in full. Ensuring that mitigation conditions are implemented is the responsibility of the lead agency or other appropriate consenting agencies. As lead agency for Gateway West, the BLM will:

- Include appropriate conditions in grants, permits, or other approvals;
- Condition funding of actions on mitigation;
- Upon request, inform cooperating, consenting or commenting agencies on progress in carrying out adopted mitigation measures; and
- Upon request, make available to the public the results of relevant monitoring.

An Environmental Compliance Management Plan for project construction and the monitoring of avoidance and minimization measures is part of Appendix C of the POD. Monitoring long-term, off-site, compensatory and adaptive management elements of resource-specific mitigation are components of the other mitigation plans (Appendices D through S, W, and Z of the POD) and the PA and BO (Appendices E and H,

respectively, of the 2013 ROD). Together, these plans satisfy the requirements of 40 CFR 1505.2(c).

6.0 MANAGEMENT CONSIDERATIONS IN CHOOSING THE SELECTED ALTERNATIVE

The Selected Alternative meets the BLM's purpose and need for Federal action as described in Section 2.3 of this ROD and Section 1.3.1 of the Final SEIS.

6.1 Elements of the Design

Effects on BLM-managed public lands, lands managed by other agencies, and private lands have been considered, along with the implications of altering those BLM land use plans that needed amendment to allow the Project.

6.1.1 Meeting the Applicants' Need and Objectives

The Selected Alternative meets Project objectives and is technically and economically feasible. The Selected Alternative will provide for efficient, cost-effective, and economically feasible transmission of electric power from renewable and non-renewable sources to markets in the Rocky Mountain and Pacific Northwest regions. It meets Western Electricity Coordinating Council (WECC) planning criteria and line separation requirements. A detailed description of the Proponents' objectives for the Project is presented in Section 1.1 of the Final SEIS and section 2 of the POD.

6.1.2 General Siting Criteria

In defining which alternatives and routes to analyze in detail (see Sections 4.1 and 4.2 above), as well as in choosing the Selected Alternative, the BLM applied the following general criteria:

- To reduce the proliferation of ROWs on public land, locate the proposed transmission line in or adjacent to designated corridors or existing linear facilities.
- Recognize that decisions may involve prioritizing one resource value over another. For example, the Final SEIS Preferred Alternative generally avoids most of the SRBOP, would impact the least private land, and avoids all Priority GRSG habitat, but it would utilize fewer miles of the WWE Corridor and run parallel or adjacent to existing transmission lines less than some other alternatives.
- Acknowledge other Federal, state, and local decisions and authorities. Attempt to have the BLM decision complement other authorizing entities, but recognize that some BLM policies/positions may be different from other preferences/positions.
- Avoid impacts to resources, if possible; then minimize impacts to the greatest extent practicable.
- Mitigate unavoidable impacts at the point of impact; if mitigation on-site is not practicable, compensate at a commensurable off-site location and/or in a

commensurable way, recognizing that it may not be possible to completely mitigate all impacts.

6.1.3 Resource Issues and Potential for Mitigation

The BLM also considered a series of additional resource-related siting criteria when determining which routes to analyze in detail and in choosing the Selected Alternative. Detailed information on the criteria for each resource and mitigation considerations can be found in the introductory material for each resource section of Chapter 3 in the Final SEIS.

National Historic Trails

- If impacts cannot be avoided, develop mitigation measures based on site-specific HPTPs.

Visual Resources

- Do not locate transmission line in VRM Class I areas.
- Avoid VRM Class II areas.
- Use topographic screening placement to reduce tower visibility from key observation points.
- Require non-reflective towers and conductor wires.
- Wherever possible, locate lattice towers beyond the view of a casual observer (0.5-1 mile, depending of viewing point and whether viewer is stationary or moving).

Cultural Resources

- Avoid disturbance near sites that are on or eligible for the NRHP.
- Implement appropriate mitigation for unavoidable effects, guided by an HPTP developed under the approved PA.
- If the landscape contributes to the National Register eligibility of a site, locate the transmission line to minimize the visual effects by applying visual effects criteria.

Native American Cultural and Spiritual Values

- Where known, consider Native American cultural and spiritual practices, both historical and contemporary, in siting the transmission line.

Socioeconomics

- Expect that the State of Idaho and local governments will exercise their regulatory authority and apply mitigation as appropriate within their jurisdictions based on the analysis of socioeconomic effects in the SEIS.

Vegetation, Invasive Plant Species, Soils, Wetland and Riparian Areas

- Minimize surface disturbance to these interrelated resources and ensure adequate reclamation.
- Include BMPs set out in the BLM RMPs covering the Project area as terms and conditions of the ROW grant.

- Authorize only the minimum area needed for construction activities on public land.
- Incorporate BMPs to prevent the introduction and spread of invasive plant species into the Proponents' POD (see Appendix E of the POD).
- Where wetland and riparian areas cannot be avoided, practices and mitigation are governed by CWA permits issued by the USACE.
- Species will be selected to ensure rapid stabilization of disturbed areas and return to pre-disturbance composition as quickly as environmental conditions allow, with a preference for native species wherever appropriate to achieve management goals.
- Topsoil will be preserved and handled to ensure successful reclamation (see Appendix D of the POD).

Special Status Plant and Animals

- For those species with protected status under the ESA, the BLM will apply all conditions and requirements contained in the USFWS BO, including Reasonable and Prudent Measures and implementing Terms and Conditions.
- Pre-construction surveys for special status wildlife and plants species/groups will identify occupied habitat, which will be avoided to the extent practicable. Seasonal restrictions will be applied to occupied habitat where appropriate.
- Collaboratively developed GRSG avoidance, minimization, and mitigation measures will be reviewed and accepted by the BLM before construction activities on public lands are allowed. (See section 2.5.3 above.)

Other Fish and Wildlife

- BLM RMP requirements such as seasonal construction restrictions and set-backs from specific habitat areas are incorporated into the POD.
- Procedures detailed in RMPs for exceptions to wildlife restrictions will be followed. State game and fish agencies will be consulted on exception requests.
- The Proponents will develop a Migratory Bird Habitat Conservation Plan that must be accepted by the BLM before construction activities on public lands are allowed. (See Section 5.2.3 above.)

Minerals

- Site project facilities to recognize prior surface and mineral rights.

Paleontological Resources

- Avoid known fossil-bearing areas.
- Conduct pre-construction surveys in potential fossil-bearing areas.
- Ensure the identification, protection, and mitigation of impacts to fossil resources by following the Proponents' Paleontological Resources Protection Plan (see Appendix J of the POD), which must be accepted by the BLM before construction activities on public lands are allowed.

Geologic Hazards

- Avoid known geologic hazard areas such as those prone to subsidence, landslides and earthquakes.
- Ensure project facilities are adequately designed to meet known geologic hazards.

Water Resources

- Recognize that many siting criteria and practices for soils and vegetation protection and reclamation also contribute to protecting water resources, including BMPs for minimizing erosion and stabilizing disturbed areas (see above).
- Use existing stream and drainage crossings whenever possible.
- If new crossings are needed, BMPs for crossing design and construction techniques will be followed.
- If the crossing affects waters of the United States, USACE CWA permit requirements will be followed.
- Water used for construction purposes will be acquired from approved sources.
- Additional mitigation practices are described in the Framework Stormwater Pollution Prevention Plan (Appendix F of the POD), the Framework Construction Spill Prevention, Containment, and Countermeasures Plan (Appendix G of the POD), and the Framework Stream, Wetland, Well, and Spring Protection Plan (Appendix I of the POD).

Land Use and Recreation

- Avoid developed recreation sites and other designated areas such as National Monuments, National Conservation Areas (NCAs), Wilderness Study Areas, Areas of Critical Environmental Concern, Wild and Scenic Rivers, National Wildlife Refuges, state and county parks, and other special management areas where practicable, consistent with Departmental and Bureau policy.
- Co-locate the Project with existing development.
- Seek accord with BLM, State, and local land use plans.
- Encourage Proponents to avoid residences, planned developments, municipal areas, agricultural facilities, pivot irrigation, advanced positioning systems used in farm equipment, industrial and mining areas, and military use areas.

Transportation

- Avoid airports and military air operations training areas.
- Ensure transmission line crossings of highways and railroads do not impede their operation.
- Use existing roads for access to project sites wherever possible (see Section 2.2 above).

- Ensure adequate traffic control during construction periods.

Electrical Environment and Safety

- Construct project components to applicable industry standards to avoid creating induced voltage or electrical interference in nearby equipment.
- Clear underlying and adjacent vegetation in accordance with standards listed in the 2006 Memorandum of Understanding among the Edison Electric Institute, U.S. Forest Service, DOI, and U.S. Environmental Protection Agency (EPA).[8]

Snake River Birds of Prey National Conservation Area

- Avoid siting the lines within NCA boundaries or minimize the number of miles sited within the NCA, consistent with BLM Manual 6220 National Monuments, National Conservation Areas, and Similar Designations.
- As required by the SRBOP enabling statute, demonstrate that any proposed ROW within the SRBOP meets the purpose for which the NCA was established (see P.L. 103-64, Section 3(a)(2)).

Based on the analysis in the SEIS, the BLM concludes that none of the route alternatives for Segments 8 and 9 would exhibit systematic bias toward minority or low-income populations or communities of shared interest covered by Environmental Justice policies and regulations. As there are no impacts in this category, no mitigation criteria have been applied.

6.1.4 Public Comments and Concerns

The BLM chose the Selected Alternative after careful consideration of public comments and concerns. The BLM received 147 individual letters submitted during the Draft SEIS comment period, and the letters included 711 individual comments. These letters and comments were reviewed by a team of analysts and logged into a database that was used to track and sort comments for response in the Final SEIS. Appendix L of the Final SEIS contains each unique substantive comment received and its associated response.

6.2 Statement of No Unnecessary or Undue Degradation

FLPMA specifies that in “managing public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands” (43 U.S.C. § 1732(b)). The process for siting and evaluating Gateway West has included extensive efforts on the part of the BLM, the States of Idaho and Wyoming, local governments, public commenters, and other agencies to identify a project that accomplishes the purpose and need for agency action while preventing any unnecessary or undue degradation of the lands, including:

[8] Edison Electric Institute. 2006. Memorandum of Understanding Among the Edison Electric Institute and the U.S. Department of Agriculture Forest Service and the U.S. Department of the Interior Bureau of Land Management Fish and Wildlife Service National Park Service and the U.S. Environmental Protection Agency. Available online at: http://www.ivmpartners.org/eei_mou.pdf

- Siting proposed facilities in or adjacent to designated corridors or existing linear facilities, and avoiding lands specifically designated for the protection of any resources;
- Evaluating alternative locations that could meet the Proponents' purpose and need for the proposed project but which would result in greater avoidance and/or minimization of impacts; and
- Developing mitigation measures, including compensation requirements, to further reduce impacts.

In addition, BLM ROW regulations require the BLM to limit the grant to those lands which the agency determines the ROW applicant will occupy with authorized facilities; are necessary for constructing, operating, maintaining, and terminating the authorized facilities; are necessary to protect public health and safety; will not unnecessarily damage the environment; and will not result in unnecessary or undue degradation.

The lands described in Appendix A of this ROD are the minimum necessary to accommodate the Project. The Proponents have identified and propose to utilize previously disturbed access routes and disturbed areas within existing ROWs and designated corridors to the extent feasible to minimize the need to disturb additional areas. All temporary disturbances associated with the Project will be restored and revegetated to minimize erosion in accordance with approved restoration and revegetation plans. Public health and safety will not be compromised by the Project because construction work areas will be posted and public access to those areas controlled to prevent possible injury to the public.

Based on the comparative analysis of each alternative's potential to meet the purpose and need, and the environmental impacts that would be associated with each alternative as discussed in the Final SEIS, the Selected Alternative does not unnecessarily damage the environment or create unnecessary or undue degradation of the lands.

6.3 Statement of Technical and Financial Capability

FLPMA and implementing regulations provide the BLM with authority to require a project application to include information on an applicant's technical capability to construct, operate and maintain the electrical transmission facilities applied for. In their ROW application and POD, the Proponents – both of which currently operate hundreds of miles of existing transmission lines in the region – have provided information on the availability of sufficient capitalization to carry out all activities identified in their ROW application for the Project, including preliminary studies, site testing and monitoring. The BLM has determined that the Proponents have the technical and financial capability required to construct, operate and maintain the approved Project.

6.4 Applicable Laws, Regulations and Policies

The BLM has met all Federal obligations requiring specific actions or reviews as part of Federal approval, as described in Section 6.7 below.

6.5 Connected Actions

One of the Proponents' purposes of Gateway West is to improve the reliability of the existing transmission grid in Wyoming, Idaho and the Intermountain-Pacific Northwest region. Independent electricity generators may arrange transmission contracts on existing transmission lines, Gateway West, or other proposed high-voltage transmission lines. To the extent that other projects may contribute to the cumulative effects, these are considered in the cumulative analysis sections of the EIS and SEIS.

6.6 Conformance with BLM Land Use Plans

The record indicates that the Selected Alternative for the Project can be authorized on BLM-administered public lands in accordance with FLPMA, BLM regulations, and other applicable Federal laws and policies for responding to applications for ROWs on BLM-managed lands, with the adoption of the identified land use plan amendments. Project construction and maintenance on the route alignments in the Selected Alternative would result in fewer significant, unmitigable impacts to biological, cultural, water and visual resources than would occur with the other alternatives analyzed in the Final SEIS, with the exception of the No Action Alternative. Selecting the No Action Alternative (i.e., denying the application for a ROW on public lands and not authorizing construction of the Project) would not meet the Proponents' stated purpose and need and would not comply with laws, regulations and policies governing energy-related ROW grants on public lands.

6.7 Required Actions

The following Federal statutes require that certain specified actions be completed prior to issuing a ROD and approving a project.

6.7.1 Endangered Species Act – Section 7 Consultation

Under Section 7 of the ESA, a Federal agency that authorizes, funds, or carries out a project that "may affect" a listed species or its critical habitat must consult with the USFWS. The USFWS served as a Cooperating Agency for the 2013 EIS and the 2016 SEIS.

The BLM submitted a BA for the entire Gateway West project in April 2013 that was found to be adequate for the USFWS to issue a BO. On September 12, 2013, the USFWS issued a BO with the following determinations applicable to Segments 8 and 9:

The Project may affect, but is not likely to adversely affect, the following species:

- Banbury Springs limpet (*Lanx* sp.);
- Bliss Rapids snail (*Taylorconcha serpenticola*);
- Bruneau hot springsnail (*Pyrgulopsis bruneauensis*);
- Snake River Physa (*Physa natricina*);
- Canada lynx (*Lynx canadensis*);
- Grizzly bear (*Ursus arctos*); and
- Bull trout (*Salvelinus confluentus*) designated critical habitat

In a December 16, 2016, Memorandum to the BLM Idaho Deputy State Director, the USFWS accepted and acknowledged the supplemental information the BLM provided in the ESA Compliance Memorandum, which documents changes to Segments 8 and 9 since the publication of the 2013 Final EIS, and updated the applicable impact assessment and effects determination found in the original BA.

The USFWS Memorandum acknowledges the continued "may affect, not likely to adversely affect" determinations for the Banbury Springs limpet, the Snake River physa, the Bliss Rapids snail, the Bruneau hot springsnail, and designated critical habitat for the Bull trout. The Memorandum goes on to state,

> "The Service acknowledges that the existing section 7 consultation adequately addresses the effects of the SEIS Segments 8 and 9 preferred alternative routes on these four listed snail species and on bull trout critical habitat. As no reinitiation triggers for section 7 consultation under the ESA, have been tripped, further section 7 consultation on the effects of SEIS Segments I and 9 on the Banbury Springs limpet, the Snake River physa, the Bliss Rapids snail, the Bruneau hot springsnail, and critical habitat for the bull trout is not necessary."[9],[10]

This ROD requires that the Grant Holder(s) comply with all species-specific conservation measures identified in the BA, and as analyzed in the BO and Informal Consultation for the Project, prior to issuance of an NTP. To support this, the ROW grant contains a standard stipulation that requires compliance with the mitigation measures resulting from the Section 7 consultation.

The BO is included in Appendix H of the 2013 ROD; the 2016 USFWS Memorandum is included in Appendix C of this ROD. Species-specific conservation measures from the ESA Section 7 consultation will be added to the Final Project POD and will apply to the range of each Federally listed species and its habitat. The Grant Holder(s) also must comply with the non-discretionary Reasonable and Prudent Measures and Terms and Conditions required by USFWS in the BO.

6.7.1.1 Yellow-billed cuckoo (Coccyzus americanus)

The BO did not include a determination for the yellow-billed cuckoo, as it was a Candidate species at the time. It has since been listed as Threatened. However, the BLM has determined that the Selected Alternative would not affect habitat for this

[9] Canada lynx and Grizzly bear could have occurred in the analysis area for the original 2013 EIS and thus were addressed in the 2013 BO. However, occurrences of these two species are unlikely in the analysis area for Segments 8 and 9 as defined in the 2016 SEIS and thus are not addressed in the 2016 Memorandum.

[10] Formal consultation re-initiation is required (50 CFR 402.16) where a Federal agency retains discretionary involvement or control over an action has been retained and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the authorized action that may affect listed species or critical habitat in a manner or to an extent not considered in the BO; (3) the authorized action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered in this BO; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, the specific action(s) causing such take shall be subject to re-initiation expeditiously.

species, and the USFWS has acknowledged this determination (see Section 5.2.6.2 above). As such, there are no required actions for the Yellow-billed cuckoo.

*6.7.1.2 Slickspot Peppergrass (*Lepidium papilliferum*)*

The USFWS has acknowledged the BLM's determination of no effect on Slickspot peppergrass for the Selected Alternative (see Section 5.2.6.1 above). As such, there are no required actions for Slickspot peppergrass.

6.7.2 Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act and Executive Order 13186

The BLM coordinated with the USFWS (see Section 5.2.3 above) concerning requirements of the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act and EO 13186. The Proponents' programmatic Avian Protection Plans (Appendix D of the 2013 ROD) address the take of all raptors and identify Project-wide steps required to ensure that migratory bird impacts are mitigated to the greatest extent possible including, but not limited to, ongoing surveys, impact monitoring, and facility design. Based on USFWS recommendations, the BLM will require the Proponents to develop a Migratory Bird Habitat Conservation Plan prior to issuing any NTP for construction activities. (See Section 2.5 above.)

6.7.3 Clean Air Act, as Amended

The emissions calculations disclosed in the SEIS indicate that none of the Gateway West facilities is to be considered stationary sources during construction, nor will they be large enough subsequent to construction to trigger the Prevention of Significant Deterioration or New Source Review requirements of the Clean Air Act.

The SEIS further concludes that emissions from the construction and operation of the Project in nonattainment areas will be below the conformity thresholds for pollutants specified in 40 CFR 93.153 (b) and therefore, the Project is exempt from comprehensive conformity analysis. In addition, violations of the National Ambient Air Quality Standards (40 CFR 50) resulting from construction and operation are not anticipated.

6.7.4 Clean Water Act, Executive Order 11988 and Executive Order 11990

The USACE, a Cooperating Agency for the SEIS, determines whether authorization of proposed activities by nationwide permits is appropriate or whether certain activities require an individual permit evaluation. The USACE anticipates issuance of Section 404 Nationwide Permits that will allow Project construction in jurisdictional waters of the United States. (See Section 2.5 above for additional information on this permit and the BLM NTP process.)

6.7.5 National Historic Preservation Act – Section 106 Consultation

In accordance with 36 CFR 800.14(b), the BLM has prepared a PA in consultation with the ACHP, the SHPO in Idaho, and other interested parties, including Native American Tribes (see Section 7.4 below). The SHPO was a Cooperating Agency for the SEIS. The executed PA is provided in Appendix E of the 2013 ROD. See also Section 5.2.4 of this ROD. The PA was developed over the course of a series of meetings between

December 3, 2009, and June 20, 2013, and outlines stipulations concerning the identification, assessment, and treatment of cultural resources for the Project. Discussions and coordination with ACHP and SHPO related specifically to Segments 8 and 9 continued during the SEIS. (See Section 2.5 above for additional information about development of the PA and how it will be implemented during the BLM NTP process.)

6.7.6 Executive Order 12898 (Environmental Justice)

As discussed in Section 3.5 of the Final SEIS, the Project overall does not appear to exhibit systematic bias toward placement in minority or low-income communities. Potential environmental justice populations are therefore not expected to be disproportionately affected by the impacts associated with Gateway West.

7.0 CONSISTENCY AND CONSULTATION REVIEW

In developing this decision, BLM line officers and resource specialists worked with Cooperating Agencies, other government officials, stakeholders, and the Proponents' managers, engineers, and environmental managers to refine implementation measures and construction techniques to reduce impacts, based on resource issues identified, at specific locations or areas. Through this collaboration, additional detailed mitigation was developed that has or will be incorporated into the POD to outline construction techniques and detail the various measures specifically developed to reduce impacts on identified natural and cultural resources during construction, operation, and maintenance of the Project that will result from this decision.

7.1 Governor's Consistency Review

The BLM's planning regulations (43 CFR 1610.3-2(e)) provides governors of states where plan amendments are proposed a 60-day consistency review period to "identify any known inconsistencies with State or local plans, policies or programs" with regard to the proposed plan amendments. The Governor's consistency review period for the SEIS project began on October 7, 2016, and ended on December 6, 2016.

On December 7, 2016, the Idaho Governor's Office submitted a Governor's Consistency Review letter to the BLM Idaho State Director asserting that the proposed plan amendments were inconsistent with State and county plans, policies, or programs.

The Idaho Governor identified in the December 6th review the following inconsistencies:

- The Governor's consistency review states that the Preferred Alternative is inconsistent with the State's plans, policies;
- The proposed land use plan amendments SEIS-12 and SEIS-13 are inconsistent with 2012 Idaho Energy Plan;
- The proposed land use plan amendments SEIS-12 and SEIS-13 are inconsistent with Owyhee County Comprehensive Plan and the Owyhee County Natural Resource Plan;

- The proposed land use plan amendments SEIS-12 and SEIS-13 are inconsistent with State's sage-grouse management plan and Executive Order 2015-04; and
- The Compensatory Mitigation Framework for the SRBOP must be released for public comment.

The proposed land use plan amendments SEIS-12 and SEIS-13 amend current land use plans to allow the ROW to leave the designated, WECC WWE Corridor.

In the December 6th review, the State's remedy is to select and approve the Alternative 1 route alignment which is the Proposed Action Alternative in place of the Agency Preferred Alternative. Alternative 1 also allows the ROW to leave the WWE Corridor and would have the greatest impact on the SRBOP among the alternatives analyzed.

In a letter dated December 16, 2016, which was sent via first-class mail and hand-delivered to the Governor's Office on December 19, 2016, the BLM Idaho State Director, after closely examining the Governor's arguments, determined that the proposed amendments seek "consistency to the extent practicable" with State and local plans, and dismissed the Governor's assertions and recommendation to select Alternative 1. The response also noted that the Idaho Governor had 30 days to submit a written appeal to the BLM Director of the BLM Idaho State Director's rejection of the Governor's recommendation pursuant to 43 CFR 1610.3-2(e).

On January 18, 2017, the Governor appealed the BLM Idaho State Director's decision to not accept his recommendations to the BLM Director. In the Governor's appeal letter, the State of Idaho requested the BLM Director to reconsider the issues and recommendations raised in the Governor's Consistency Review letter. The Governor's appeal concluded that that two of the five proposed plan amendments, SEIS-12 and SEIS-13, are inconsistent with the 2012 Idaho Energy Plan, the State's Greater Sage-grouse Plan, Owyhee County's Comprehensive Plan, Owyhee County Natural Resource Plan, and EO 2015-04 – Idaho's sage-grouse management plan.

The Idaho State Director concluded that these two amendments would allow a transmission line outside the two designated utility corridors. Amendment SEIS-13 would not be needed if the line followed the WWE Corridor, which is a designated utility corridor under the SRBOP RMP. The State has opposed placing the lines in the WWE Corridor, and so the line was moved slightly west of the WWE Corridor to avoid private land in Owyhee County. The State-preferred Alternative would also require plan amendments allowing two new corridors, totaling approximately 70 miles, within the SRBOP. Selecting the alternative with much greater adverse impacts on the SRBOP would not be consistent with Federal policies for managing the NCAs and could result in higher costs for compensatory mitigation of those impacts.

Additionally, the Idaho State Director addressed the Governor's arguments that the proposed land use plan amendments (LUPAs) are inconsistent with the 2012 Idaho Energy Plan regarding reliability and affordability, concluding that the BLM did consider these factors and acknowledged information, statements, and support from the WECC and the Federal Energy Regulatory Commission (FERC).

With respect to effects on sage-grouse, the BLM is implementing the 2015 ARMPA for sage-grouse habitat management on public lands the agency administers in Idaho. The ARMPA specifically exempts the Gateway West project from certain management decisions. Nevertheless, effects on sage-grouse are analyzed and disclosed in both the 2013 FEIS and the Final SEIS. The BLM, in conjunction with the Proponents, will develop the Gateway West Greater Sage-Grouse Habitat Mitigation Plan that will be a condition of the ROW grant.

In addition, the Governor voiced concern with the Owyhee County's preemptive refusal to issue a conditional use permit for BLM's Agency Preferred Alternative. As pointed out by the State Director, the Proponents have yet to submit a proposal for a conditional use permit for the project. It is hoped that through micrositing it may be possible to route the transmission lines in a way that gains the approval of Owyhee County and the commissioners. Moreover, whether it is through Owyhee County's Power Zoning Overlay District, a legislative solution, and/or eminent domain, there does appear to be a path forward for the issuance of a conditional use permit for BLM's Agency Preferred Alternative.

The BLM Director concurred with the State Director's analysis and issued a final response to the Governor affirming the BLM Idaho State Director's decision and concluding the proposed LUPAs are consistent with state or local plans, policies and programs to the extent practical, while also meeting Federal laws, regulations and policies, including those specifically relating to the SRBOP NCA. No modifications or corrections were made to the Proposed Plan Amendments or Preferred Alternative in response to the Governor's Consistency Review. (See Appendix D of this ROD for details on the Consistency Review process for the Project).

The Idaho Governor's Office of Energy Resources served as a Cooperating Agency for the SEIS and actively participated in all phases of the process. The Director of the Office served as a member of the Gateway West Resource Advisory Council (RAC) subcommittee (see Section 7.2 below) and coordinated the State's review of and responses to the Draft SEIS and Final SEIS, while also serving as primary public point of contact on the State's regulatory role in the Project.

7.2 Resource Advisory Council

In response to a BLM request in November 2013, the Boise RAC formed a subcommittee to examine options for siting Segments 8 and 9 of Gateway West. The subcommittee examined a number of routing options – many of which were similar to routes evaluated in the 2013 Final EIS – along with design features not previously studied in detail. The subcommittee also examined the Proponents' proposal for mitigating effects to and enhancing resources in the SRBOP.

The subcommittee presented two reports to the full RAC, which then forwarded them as presented to the BLM. The Proponents subsequently revised their proposed routes for Segments 8 and 9 and refined their mitigation package into a Mitigation and Enhancement Portfolio, which they submitted as part of a revised POD (see Sections 1.1 and 1.2.6 and Appendix B of the Final SEIS). The BLM included the two RAC

reports as information gathered during scoping for the SEIS (see Appendix H of the Final SEIS).

7.3 Cooperating Agencies

7.3.1 Federal Agencies

- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- National Park Service
- Federal Energy Regulatory Commission

7.3.2 State Agencies

- Idaho Governor's Office of Energy Resources
- Idaho Department of Fish and Game
- Idaho State Historic Preservation Office

7.3.3 Local Agencies

- Twin Falls County, Idaho
- City of Kuna, Idaho

7.3.4 Electric System Regulators

For Gateway West and the SEIS, the BLM coordinated with those bodies that regulate the reliability and rate structure of electric utility grid companies in the United States: WECC, FERC, and the Idaho Public Utility Commission (IPUC). The WECC is a self-governing board of utility companies, empowered by FERC with ensuring the operation and reliability of the Western electricity grid. Through a three-step process, the WECC determines if a project is needed and if it meets the Council's reliability criteria. Gateway West has received approvals from WECC through all steps of that group's process. Details on the Federal role in transmission planning and WECC's path rating review process are in Section 1.4.2 of the Final SEIS.

FERC is a Federal Cooperating Agency due to its jurisdiction under sections 4(e) and 15 of the Federal Power Act (FPA) and its license to Idaho Power Company to operate and maintain the C.J. Strike Hydroelectric project. The Commission also has jurisdiction with the Swan Falls Hydroelectric project. Both projects occupy Federal lands managed by the BLM. For Gateway West, the BLM has engaged FERC at several points during development of the NEPA analysis, and the Commission reviewed both the Draft and Final SEIS.

The IPUC approval process involves issuing a "Certificate of Public Convenience and Necessity." The IPUC process will not begin until after the BLM ROW grant is issued. Should a certificate be denied or the IPUC action require a route that is different from the one the BLM authorized, the BLM will review the situation to determine whether the ROW grant should be amended and whether additional environmental analysis is

needed. More information on state regulation of transmission is found in Section 1.4.3 of the Final SEIS.

7.3.5 Other Agencies

The EPA reviewed the Draft and Final SEIS and provided comments on mitigation for effects addressed under the CWA.

7.4 Government-to-Government Consultation

The BLM conducted consultation with Native American Tribes and groups that may have knowledge of the cultural resources of the proposed Project area, in accordance with Section 106 of the NHPA, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archaeological Resources Protection Act, and their associated EOs.

The Shoshone-Bannock Tribes and the Shoshone-Paiute Tribes were provided copies of both the Draft and Final SEIS. The BLM continues to consult with these Tribes on a government-to-government basis. The BLM has additional consultation commitments with the Shoshone-Paiute Tribes under a Memorandum of Agreement signed for this Project.

8.0 AGENCY AND PUBLIC INVOLVEMENT

8.1 Scoping Process

Scoping, open to the public and conducted early in the process, served to identify the range, or scope, of issues to be addressed in the SEIS. The scoping comment period for the SEIS began on September 19, 2014, and concluded on October 24, 2014.

The scoping period was announced using a variety of tools:

Federal Register – The BLM published a Notice of Intent (NOI) in the *Federal Register* on September 19, 2014 (79 *Federal Register* 56399) stating the BLM's intent to prepare an SEIS to support consideration of the Proponents' August 2014 application for a ROW grant to use public lands for Segments 8 and 9 of the Project.

News Releases – The BLM prepared and distributed news releases to local and regional newspapers and radio and TV stations in Idaho and the region to announce the scoping period and publicize the scoping meetings. The news releases were posted on the BLM Idaho Project Web site (see below) and are contained in Appendix C-2 of the Scoping Report. Postings were also made to BLM-Idaho's Facebook page and Twitter account.

BLM Gateway West Project Web site – The BLM established a Project Web site for the SEIS to publish documents, notify the public of the public meetings, provide general project overview information and take public comments. The URL http://www.blm.gov/id/st/en/prog/nepa_register/gateway-west.html was included in all news releases, newsletters and social media postings throughout the SEIS process.

The BLM hosted four public meetings in October 2014 to provide information that allowed the public and agencies to identify issues and concerns. A total of 189 members of the public attended the public scoping meetings. The formal record of scoping period activities can be found in the Scoping Summary Report, available online at the URL listed above. A total of 740 individual scoping comments were identified and coded. These letters and comments were reviewed by a team of analysts and logged into a database that was used to track and sort comments throughout the Project's NEPA process. Scoping comments were addressed in the Draft SEIS.

8.2 SEIS Public Review process

8.2.1 Draft SEIS

The availability of the Draft SEIS and the public comment period were announced using a variety of tools:

Federal Register – The BLM and the EPA published a Notice of Availability in the *Federal Register* on March 11, 2016 (81 *Federal Register* 12932), announcing release of the Draft SEIS and the beginning of a 90-day public comment period.

Newsletter – Approximately 4,670 printed newsletters and 2,800 electronic versions were sent to the Project mailing list contacts.

News releases – The BLM prepared and distributed two news releases on the Draft SEIS comment period and public open house meetings. The first news release was distributed on March 11, 2016, to announce the release of the Draft SEIS, the start of the 90-day comment period and the public open house schedule. A second news release was distributed on March 30, 2016, to announce the addition of a fifth public meeting in Hagerman, Idaho.

BLM Gateway West Project Web site – The BLM Project website was updated with the release of the Draft SEIS. An electronic version of the document was made available to the public for viewing and download, and content was added on the public meeting and comment period schedule, along with a guide to finding information related to particular resources in the document and an online comment form. The site received 1,431 views during the comment period on the Draft SEIS.

BLM Gateway West Online open house – The Project public involvement contractor maintained an online open house website for the Project from April 4, 2016, through June 9, 2016, to supplement the BLM Web site. It included all displays, materials and other information available at in-person open houses, including the Proponents' online interactive map. The site received more than 190 visits from 125 users, and 13 comments were submitted through the online open house.

The BLM hosted five public meetings in April 2016 to provide information on the document and encourage public comments on the Draft SEIS. A total of 284 members of the public attended the public meetings.

There were 147 individual letters submitted during the Draft SEIS comment period, and included in those letters were 711 individual comments. These letters and comments were reviewed by a team of analysts and logged into a database that was used to track

and sort comments for response in the Final SEIS. Comments and BLM responses appear in Appendix L of the Final SEIS.

8.2.2 Final SEIS

The availability of the Final SEIS was announced using a variety of tools:

Federal Register – The BLM and the EPA published Notices of Availability in the *Federal Register* on October 7, 2016 (81 *Federal Register* 69845), announcing the release of the Final SEIS and the beginning of the period to protest the proposed land use plan amendments.

Newsletter – The BLM prepared and distributed a newsletter using an updated mailing list.

News release – The BLM prepared and distributed a news release regarding the Final SEIS and 30-day period for protesting the proposed land use plan amendments.

BLM Gateway West Web site – The BLM Project Web site was updated to announce the release of the Final SEIS. An electronic version of the document was made available for viewing and download. Updated content included the Project newsletter and information on how to submit a Protest of the proposed land use plan amendments.

8.2.3 Protest and Resolution

During the 30-day protest period that began on October 7, 2016, and ended on November 7, 2016, any person who had participated in the planning process and believed that they would be adversely affected by the land use plan amendments associated with authorization of the Selected Alternative had the opportunity to protest the proposed amendments to the BLM Director.

Eleven formal protest letters were filed with the BLM. All protesting parties received response letters from the BLM Director conveying the Director's decision on their filings. Issues raised in protests and the Director's responses to each are detailed in Appendix D of this ROD. The report is also available online, https://www.blm.gov/programs/planning-and-nepa/public-participation/protest-resolution-reports.

The Report's determinations are summarized as follows:

1. The issues/comments presented in eight protests were denied;
2. Two protests were deemed opinions only and dismissed; and
3. One protestor was determined to have no standing in the process history.

As a result, no changes were made to the proposed plan amendments or decision.

Appendix A
BLM Legal Descriptions

Legal Descriptions[11] for Right-of-Way Grant IDI-35849-01 Gateway West Transmission Line - Segments 8 and 9 Permanent Developments

[11] The legal description includes each surveyed government lot or 40 acre aliquot part crossed by a portion of the Gateway West transmission line right-of-way and associated developments.

Boise Meridian, Cassia County, Idaho
500-kV Transmission Line ROW (30-year term)

T. 12 S., R. 19 E.,	sec. 5,	SW1/4NE1/4 and SE1/4NW1/4.

Off Transmission Line ROW Access Roads (30-year term)

T. 12 S., R. 19 E.,	sec. 5,	SW1/4NE1/4, SE1/4NW1/4, and NW1/4SE1/4.

Permanent Off Transmission Line ROW Facilities

There are none in this County for this Grant

Boise Meridian, Elmore County, Idaho
500-kV Transmission Line ROW (30-year term)

T. 6 S., R. 9 E.,	sec. 19,	Lots 2 and 3, S1/2NE1/4, SE1/4NW1/4, and NE1/4SW1/4;
	sec. 20,	N1/2;
	sec. 21,	N1/2;
	sec. 22,	W1/2NE1/4 and NW1/4;
	sec. 23,	N1/2NE1/4 and SW1/4NE1/4;
	sec. 24,	NW1/4NE1/4, S1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, N1/2SE1/4, and SE1/4SE1/4.
T. 6 S., R. 10 E.,	sec. 19,	Lots 3 and 4, and SE1/4SW1/4;
	sec. 29,	NW1/4SW1/4 and S1/2SW1/4;
	sec. 30,	Lot 1, NW1/4NE1/4, S1/2NE1/4, NE1/4NW1/4, and N1/2SE1/4;
	sec. 32,	NW1/4NE1/4, S1/2NE1/4, E1/2NW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 33,	SW1/4 and N1/2SE1/4;
	sec. 34,	N1/2SW1/4 and N1/2SE1/4;
	sec. 35,	N1/2SW1/4 and N1/2SE1/4.
T. 7 S., R. 10 E.,	sec. 2,	SW1/4SW1/4;
	sec. 3,	Lots 3 and 4, NE1/4SW1/4, NW1/4SE1/4, and S1/2SE1/4;

	sec. 4,	Lot 1;
	sec. 10,	NE1/4NE1/4;
	sec. 11,	SW1/4NE1/4, NW1/4, NE1/4SW1/4, and SE1/4;
	sec. 12,	SW1/4SW1/4;
	sec. 13,	SW1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 14,	NE1/4NE1/4.
T. 6 S., R. 11 E.,	sec. 31,	Lots 2 and 3, S1/2NE1/4, SE1/4NW1/4, NE1/4SW1/4, and N1/2SE1/4;
	sec. 32,	S1/2NE1/4, S1/2NW1/4, N1/2SW1/4, and N1/2SE1/4;
	sec. 33,	S1/2NE1/4, S1/2NW1/4, N1/2SW1/4, and N1/2SE1/4;
	sec. 34,	S1/2NE1/4, S1/2NW1/4, N1/2SW1/4, and N1/2SE1/4;
	sec. 35,	N1/2SW1/4 and N1/2SE1/4.
T. 7 S., R. 11 E.,	sec. 18,	Lots 3 and 4, and SE1/4SW1/4;
	sec. 19,	Lot 1, NW1/4NE1/4, S1/2NE1/4, E1/2NW1/4, and N1/2SE1/4;
	sec. 20,	NW1/4SW1/4 and S1/2SW1/4;
	sec. 28,	SW1/4NW1/4, SW1/4, and SW1/4SE1/4;
	sec. 29,	NE1/4, NE1/4NW1/4, and NE1/4SE1/4;
	sec. 33,	NE1/4, NE1/4NW1/4, and NE1/4SE1/4;
	sec. 34,	SW1/4NW1/4, N1/2SW1/4, SE1/4SW1/4, and SW1/4SE1/4.
T. 6 S., R. 12 E.,	sec. 31,	Lot 3, NE1/4SW1/4, and N1/2SE1/4;
	sec. 32,	N1/2SW1/4 and N1/2SE1/4;
	sec. 33,	N1/2SW1/4 and SE1/4SW1/4.

Off Transmission Line ROW Access Roads (30-year term)

T. 6 S., R. 9 E.,	sec. 7,	Lots 2 and 3, E1/2SW1/4, and SE1/4;
	sec. 14,	S1/2SW1/4 and SW1/4SE1/4;
	sec. 15,	S1/2SE1/4;
	sec. 17,	N1/2NE1/4 and N1/2NW1/4;

	sec. 18,	NE1/4NE1/4;
	sec. 19,	Lot 2, NW1/4NE1/4, S1/2NE1/4, and E1/2NW1/4;
	sec. 20,	S1/2NE1/4 and S1/2NW1/4;
	sec. 21,	N1/2NE1/4 and N1/2NW1/4;
	sec. 22,	NW1/4NE1/4 and N1/2NW1/4;
	sec. 23,	N1/2NE1/4 and SW1/4NE1/4;
	sec. 24,	SW1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, N1/2SE1/4, and SE1/4SE1/4.
T. 6 S., R. 10 E.,	sec. 19,	Lot 4, SE1/4SW1/4, and SW1/4SE1/4;
	sec. 29,	W1/2SW1/4;
	sec. 30,	Lot 1, NE1/4, NE1/4NW1/4, and N1/2SE1/4;
	sec. 32,	S1/2NE1/4, NE1/4NW1/4, and NE1/4SE1/4;
	sec. 33,	NW1/4SW1/4, N1/2SE1/4, and SE1/4SE1/4 ;
	sec. 34,	NE1/4SW1/4, N1/2SE1/4, and SW1/4SE1/4.
T. 7 S., R. 10 E.,	sec. 2,	SW1/4SW1/4;
	sec. 3,	Lot 2, E1/2SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 10,	NE1/4NE1/4, SW1/4NE1/4, E1/2NW1/4, and SE1/4;
	sec. 11,	SW1/4NE1/4, NW1/4NW1/4, NE1/4SW1/4, S1/2SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 12,	NE1/4NE1/4, S1/2NE1/4, SW1/4SW1/4, and SE1/4;
	sec. 13,	NE1/4, N1/2NW1/4, SE1/4NW1/4, SE1/4SW1/4, and SE1/4;
	sec. 14,	NE1/4, NW1/4NW1/4, S1/2NW1/4, N1/2SW1/4, SE1/4SW1/4, and SW1/4SE1/4;
	sec. 15,	NE1/4NE1/4;
	sec. 23,	N1/2NE1/4 and SE1/4NE1/4;
	sec. 24,	N1/2NE1/4, NE1/4NW1/4, S1/2NW1/4, and N1/2SW1/4.
T. 6 S., R. 11 E.,	sec. 27,	SE1/4SW1/4 and SW1/4SE1/4;
	sec. 31,	Lot 3, E1/2SW1/4, and SE1/4;
	sec. 32,	NW1/4SW1/4 and NE1/4SE1/4;
	sec. 33,	N1/2SW1/4, SE1/4SW1/4, and SE1/4;
	sec. 34,	NE1/4, NE1/4NW1/4, W1/2SW1/4, and N1/2SE1/4;

	sec. 35,	SW1/4NW1/4, NW1/4SW1/4, and NE1/4SE1/4.
T. 7 S., R. 11 E.,	sec. 4,	Lot 4 and NW1/4SW1/4;
	sec. 5,	Lots 2 and 3, and SE1/4;
	sec. 7,	Lots 1 and 2, NE1/4, and NE1/4NW1/4;
	sec. 8,	NE1/4NE1/4;
	sec. 9,	NW1/4NW1/4;
	sec. 18,	Lot 4;
	sec. 19,	Lot 1 and S1/2NE1/4;
	sec. 20,	SW1/4NW1/4 and W1/2SW1/4;
	sec. 22,	W1/2NE1/4, E1/2NW1/4, E1/2SW1/4, and W1/2SE1/4;
	sec. 27,	NW1/4, N1/2SW1/4, and SW1/4SW1/4;
	sec. 28,	SW1/4NW1/4, N1/2SW1/4, and SE1/4SW1/4;
	sec. 29,	SE1/4NE1/4 and NE1/4SE1/4;
	sec. 33,	N1/2NE1/4;
	sec. 34,	NW1/4, E1/2SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 35,	S1/2SW1/4.
T. 6 S., R. 12 E.,	sec. 31,	Lot 2, 3, and 4, S1/2NE1/4, SE1/4NW1/4, NE1/4SW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 32,	NW1/4SW1/4, S1/2SW1/4, and S1/2SE1/4;
	sec. 33,	SW1/4.
T. 7 S., R. 12 E.,	sec. 4,	Lots 1, 2, 3, and 4;
	sec. 5,	Lot 1.

Permanent Off Transmission Line ROW Facilities

There are none in this County for this Grant

Boise Meridian, Gooding County, Idaho
500-kV Transmission Line ROW (30-year term)

T. 7 S., R. 15 E.,	sec. 9,	N1/2NE1/4 and NE1/4NW1/4;
	sec. 10,	N1/2NE1/4 and N1/2NW1/4;

	sec. 11,	N1/2NE1/4 and N1/2NW1/4;
	sec. 12,	N1/2NE1/4 and N1/2NW1/4.
T. 7 S., R. 16 E.,	sec. 6,	SE1/4SE1/4;
	sec. 7,	Lot 1, N1/2NE1/4, and NE1/4NW1/4.

Off Transmission Line ROW Access Roads (30-year term)

T. 7 S., R. 14 E.,	sec. 3,	SW1/4.
T. 7 S., R. 15 E.,	sec. 2,	S1/2SE1/4;
	sec. 3,	S1/2SW1/4 and SW1/4SE1/4;
	sec. 4,	SE1/4SE1/4;
	sec. 6,	Lots 2 and 3;
	sec. 9,	N1/2NE1/4 and NE1/4NW1/4;
	sec. 10,	N1/2NE1/4, SW1/4NE1/4, and N1/2NW1/4;
	sec. 11,	N1/2NE1/4 and N1/2NW1/4;
	sec. 12,	N1/2NE1/4 and N1/2NW1/4.
T. 7 S., R. 16 E.,	sec. 6,	S1/2SE1/4;
	sec. 7,	Lot 1, N1/2NE1/4, and NE1/4NW1/4;

Permanent Off Transmission Line ROW Facilities

There are none in this County for this Grant

Boise Meridian, Jerome County, Idaho
500-kV Transmission Line ROW (30-year term)

T. 7 S., R. 16 E.,	sec. 1,	S1/2SW1/4 and S1/2SE1/4;
	sec. 2,	S1/2SW1/4 and S1/2SE1/4;
	sec. 3,	S1/2SW1/4 and S1/2SE1/4;
	sec. 4,	S1/2SW1/4 and S1/2SE1/4;

	sec. 5,	S1/2SW1/4 and S1/2SE1/4;
	sec. 8,	N1/2NW1/4;
	sec. 9,	N1/2NE1/4;
	sec. 10,	N1/2NE1/4 and N1/2NW1/4;
	sec. 11,	N1/2NE1/4 and N1/2NW1/4;
	sec. 12,	N1/2NE1/4 and N1/2NW1/4.
T. 7 S., R. 17 E.,	sec. 6,	Lot 5 and SW1/4SE1/4;
	sec. 7,	Lot 1 and NW1/4NE1/4;
	sec. 10,	N1/2NE1/4 and NE1/4NW1/4;
	sec. 11,	NW1/4.

Off Transmission Line ROW Access Roads (30-year term)

T. 7 S., R. 16 E.,	sec. 8,	N1/2NW1/4;
	sec. 9,	N1/2NE1/4;
	sec. 10,	N1/2NE1/4 and N1/2NW1/4;
	sec. 11,	N1/2NE1/4 and N1/2NW1/4;
	sec. 12,	N1/2NE1/4, SE1/4NE1/4, and N1/2NW1/4.
T. 7 S., R. 17 E.,	sec. 7,	Lot 1 and NW1/4NE1/4;
	sec. 10,	N1/2NE1/4, SE1/4NE1/4, and NE1/4NW1/4;
	sec. 11,	NW1/4NW1/4, S1/2NW1/4, and NW1/4SW1/4.

Permanent Off Transmission Line ROW Facilities

There are none in this County for this Grant

Boise Meridian, Owyhee County, Idaho
500-kV Transmission Line ROW (30-year term)

T. 4 S., R. 1 E.,	sec. 18,	Lot 4;
	sec. 19,	Lot 1, NE1/4, E1/2NW1/4, and NE1/4SE1/4;
	sec. 20,	S1/2NW1/4, N1/2SW1/4, SE1/4SW1/4, and W1/2SE1/4;

	sec. 29,	W1/2NE1/4 and NE1/4NW1/4;
	sec. 32,	NE1/4NE1/4 and S1/2NE1/4;
	sec. 33,	SW1/4NE1/4, NW1/4NW1/4, S1/2NW1/4, N1/2SW1/4, and SE1/4;
	sec. 34,	W1/2SW1/4.
T. 5 S., R. 1 E.,	sec. 2,	SW1/4NE1/4, S1/2NW1/4, NE1/4SW1/4, and W1/2SE1/4;
	sec. 3,	SE1/4NE1/4;
	sec. 11,	W1/2NE1/4 and W1/2SE1/4;
	sec. 14,	W1/2NE1/4 and W1/2SE1/4;
	sec. 23,	W1/2NE1/4 and W1/2SE1/4;
	sec. 26,	W1/2NE1/4 and W1/2SE1/4;
	sec. 35,	E1/2.
T. 6 S., R. 1 E.,	sec. 1,	SW1/4NW1/4 and W1/2SW1/4;
	sec. 2,	Lot 1, SE1/4NE1/4, and E1/2SE1/4;
	sec. 11,	E1/2NE1/4;
	sec. 12,	NW1/4NW1/4, S1/2NW1/4, N1/2SW1/4, SE1/4SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 13,	N1/2NE1/4.
T. 6 S., R. 2 E.,	sec. 7,	Lot 4;
	sec. 17,	NW1/4SW1/4, S1/2SW1/4, and SW1/4SE1/4;
	sec. 18,	Lots 1 and 2, S1/2NE1/4, E1/2NW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 20,	NE1/4 and NE1/4NW1/4;
	sec. 21,	S1/2NW1/4, N1/2SW1/4, SE1/4SW1/4, and SE1/4;
	sec. 22,	SW1/4SW1/4;
	sec. 26,	SW1/4 and SW1/4SE1/4;
	sec. 27,	NW1/4NE1/4, S1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, and N1/2SE1/4;
	sec. 28,	NE1/4NE1/4;
	sec. 35,	N1/2NE1/4, SE1/4NE1/4, and NE1/4NW1/4.
T. 7 S., R. 2 E.,	sec. 1,	Lots 1 and 2.
T. 6 S., R. 3 E.,	sec. 31,	Lot 4 and SE1/4SW1/4.

T. 7 S., R. 3 E.,	sec. 5,	NW1/4SW1/4, S1/2SW1/4, and SW1/4SE1/4;
	sec. 6,	Lots 3, 4, and 5, S1/2NE1/4, SE1/4NW1/4, NE1/4SW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 8,	NE1/4 and N1/2NW1/4;
	sec. 9,	S1/2NW1/4, N1/2SW1/4, SE1/4SW1/4, and SE1/4;
	sec. 10,	S1/2SW1/4;
	sec. 13,	NW1/4SW1/4, S1/2SW1/4, and SW1/4SE1/4;
	sec. 14,	S1/2NW1/4, N1/2SW1/4, and SE1/4;
	sec. 15,	NE1/4, N1/2NW1/4, and SE1/4NW1/4;
	sec. 24,	NE1/4 and N1/2NW1/4.
T. 7 S., R. 4 E.,	sec. 19,	Lots 1 and 2, SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 20,	NW1/4SW1/4 and S1/2SW1/4;
	sec. 28,	SW1/4NW1/4, SW1/4, and S1/2SE1/4;
	sec. 29,	Lots 1, 2, 3, and 4, S1/2NE1/4, SE1/4NW1/4, and NE1/4SE1/4;
	sec. 33,	N1/2NE1/4 and SE1/4NE1/4;
	sec. 34,	NW1/4NW1/4, S1/2NW1/4, N1/2SW1/4, and SE1/4;
	sec. 35,	S1/2SW1/4 and S1/2SE1/4.
T. 8 S., R. 4 E.,	sec. 1,	Lots 1, 2, 3, and 4;
	sec. 2,	Lots 1, 2, 3, and 4;
	sec. 3,	Lot 1.
T. 7 S., R. 5 E.,	sec. 31,	Lot 4, SE1/4SW1/4, and S1/2SE1/4;
	sec. 32,	S1/2SW1/4 and S1/2SE1/4;
	sec. 33,	S1/2SW1/4 and S1/2SE1/4;
	sec. 34,	S1/2SW1/4 and S1/2SE1/4;
	sec. 35,	S1/2SW1/4 and S1/2SE1/4.
T. 8 S., R. 5 E.,	sec. 1,	Lots 1, 2, 3, and 4;
	sec. 2,	Lots 1, 2, 3, and 4;
	sec. 3,	Lots 1, 2, 3, and 4;
	sec. 4,	Lots 1, 2, 3, and 4;
	sec. 5,	Lots 1, 2, 3, and 4;

	sec. 6,	Lots 1, 2, 3, and 4.
T. 6 S., R. 6 E.,	sec. 35,	SE1/4NE1/4 and SE1/4.
T. 7 S., R. 6 E.,	sec. 2,	Lot 2, SW1/4NE1/4, and W1/2SE1/4;
	sec. 11,	W1/2NE1/4 and W1/2SE1/4.
	sec. 14,	W1/2NE1/4, SE1/4NW1/4, E1/2SW1/4, and W1/2SE1/4;
	sec. 23,	W1/2NE1/4 and E1/2NW1/4;
	sec. 26,	SE1/4SW1/4 and W1/2SE1/4;
	sec. 27,	S1/2SE1/4;
	sec. 31,	Lot 4, SE1/4SW1/4, and S1/2SE1/4;
	sec. 32,	S1/2SW1/4, NE1/4SE1/4, and S1/2SE1/4;
	sec. 33,	S1/2NE1/4, SW1/4, and N1/2SE1/4;
	sec. 34,	N1/2NE1/4, SW1/4NE1/4, and NW1/4.
T. 8 S., R. 6 E.,	sec. 4,	Lot 4;
	sec. 5,	Lots 1, 2, 3, and 4;
	sec. 6,	Lots 1 and 2.
T. 6 S., R. 7 E.,	sec. 20,	S1/2SE1/4;
	sec. 21,	S1/2NE1/4, SW1/4, N1/2SE1/4, and SW1/4SE1/4;
	sec. 22,	N1/2 and NW1/4SW1/4;
	sec. 23,	N1/2;
	sec. 24,	NW1/4;
	sec. 28,	NW1/4NW1/4;
	sec. 29,	N1/2NE1/4, SW1/4NE1/4, NW1/4, and NW1/4SW1/4;
	sec. 30,	Lot 4, SE1/4NE1/4, E1/2SW1/4, N1/2SE1/4, and SW1/4SE1/4;
	sec. 31,	Lot 1.
T. 6 S., R. 8 E.,	sec. 19,	S1/2NE1/4;
	sec. 20,	N1/2;
	sec. 21,	N1/2;
	sec. 22,	NW1/4NE1/4, S1/2NE1/4, NW1/4, and NE1/4SE1/4;
	sec. 23,	S1/2NE1/4, S1/2NW1/4, N1/2SW1/4, and N1/2SE1/4;

	sec. 24,	S1/2NE1/4, S1/2NW1/4, N1/2SW1/4, and N1/2SE1/4.
T. 8 S., R. 11 E.,	sec. 2,	S1/2NW1/4, N1/2SW1/4, SE1/4SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 3,	Lots 1 and 2, and SE1/4NE1/4;
	sec. 11,	N1/2NE1/4 and SE1/4NE1/4;
	sec. 12,	NW1/4NW1/4, S1/2NW1/4, N1/2SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 13,	NE1/4NE1/4.
T. 8 S., R. 12 E.,	sec. 17,	S1/2SW1/4;
	sec. 18,	Lots 1 and 2, SW1/4NE1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 20,	NW1/4NE1/4, S1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 21,	NW1/4SW1/4 and S1/2SW1/4;
	sec. 27,	W1/2SW1/4;
	sec. 28,	NW1/4NE1/4, S1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, and NE1/4SE1/4;
	sec. 34,	W1/2NW1/4 and W1/2SW1/4.
T. 9 S., R. 12 E.,	sec. 3,	Lot 4, SW1/4NW1/4, and W1/2SW1/4;
	sec. 4,	Lot 1, SE1/4NE1/4, and E1/2SE1/4;
	sec. 9,	E1/2NE1/4 and E1/2SE1/4;
	sec. 10,	W1/2NW1/4 and W1/2SW1/4;
	sec. 15,	W1/2NW1/4 and W1/2SW1/4;
	sec. 21,	E1/2SE1/4;
	sec. 22,	W1/2NW1/4 and W1/2SW1/4;
	sec. 27,	Lot 3;
	sec. 28,	Lots 1, 4, 5, 6, 7, 8;
	sec. 33,	N1/2NE1/4, SW1/4NE1/4, SE1/4NW1/4, E1/2SW1/4, and W1/2SE1/4.
T. 10 S., R. 12 E.,	sec. 4,	Lot 3, SE1/4NW1/4, E1/2SW1/4, and W1/2SE1/4;
	sec. 9,	NE1/4 and NE1/4NW1/4;
	sec. 10,	Lot 3, N1/2SW1/4, and SE1/4SW1/4;
	sec. 15,	NE1/4NW1/4.
T. 4 S., R. 1 W.,	sec. 5,	NW1/4SW1/4, S1/2SW1/4, and SW1/4SE1/4;

	sec. 6,	Lots 5 and 6, SE1/4NW1/4, NE1/4SW1/4, and SE1/4;
	sec. 8,	NE1/4 and N1/2NW1/4;
	sec. 9,	S1/2NE1/4, NW1/4NW1/4, S1/2NW1/4, NE1/4SW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 10,	SW1/4 and S1/2SE1/4;
	sec. 13,	SW1/4NW1/4, N1/2SW1/4, SE1/4SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 14,	NW1/4NE1/4, S1/2NE1/4, NW1/4, and N1/2SE1/4;
	sec. 15,	N1/2NE1/4;
	sec. 24,	NE1/4NE1/4.
T. 1 S., R. 2 W.,	sec. 31,	Lot 4.
T. 2 S., R. 2 W.,	sec. 6,	Lots 4, 5, 6, and 7, and E1/2SW1/4;
	sec. 7,	Lots 1, 2, and 3, E1/2NW1/4, and E1/2SW1/4;
	sec. 18,	W1/2NE1/4, E1/2NW1/4, E1/2SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 19,	N1/2NE1/4, SE1/4NE1/4, and NE1/4SE1/4;
	sec. 20,	W1/2NW1/4, SW1/4, and SW1/4SE1/4;
	sec. 28,	W1/2SW1/4;
	sec. 29,	NW1/4NE1/4, S1/2NE1/4, NE1/4NW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 33,	SW1/4NE1/4, NW1/4, NE1/4SW1/4, and SE1/4;
	sec. 34,	SW1/4SW1/4.
T. 3 S., R. 2 W.,	sec. 2,	NW1/4SW1/4 and S1/2SW1/4;
	sec. 3,	Lots 3 and 4, S1/2NE1/4, S1/2NW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 4,	Lot 1;
	sec. 11,	W1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, E1/2SW1/4, and W1/2SE1/4;
	sec. 14,	W1/2NE1/4, E1/2NW1/4, E1/2SW1/4, and W1/2SE1/4;
	sec. 23,	W1/2NE1/4 , E1/2NW1/4, E1/2SW1/4, and W1/2SE1/4;
	sec. 26,	W1/2NE1/4, E1/2NW1/4, E1/2SW1/4, and W1/2SE1/4;
	sec. 35,	W1/2NE1/4, E1/2NW1/4, E1/2SW1/4, NW1/4SE1/4, and S1/2SE1/4.
T. 4 S., R. 2 W.,	sec. 1,	Lots 1 and 4, SE1/4NE1/4, and NE1/4SE1/4;
	sec. 2,	Lot 1.

T. 1 S., R. 3 W.,	sec. 11,	Lots 1, 2, and 3;
	sec. 14,	SW1/4NE1/4, W1/2SW1/4, and W1/2SE1/4;
	sec. 23,	Lots 2, 3, and 4, SW1/4NE1/4, S1/2NW1/4, E1/2SW1/4, and W1/2SE1/4;
	sec. 25,	SW1/4NW1/4, NW1/4SW1/4, and S1/2SW1/4;
	sec. 26,	NE1/4 and NE1/4SE1/4.
T. 2 S., R. 3 W.,	sec. 1,	Lot 1 and SE1/4NE1/4.

Off Transmission Line ROW Access Roads (30-year term)

T. 4 S., R. 1 E.,	sec. 18,	Lot 4;
	sec. 19,	Lots 1, 2, and 4, NE1/4, NE1/4NW1/4, SE1/4SW1/4, and SE1/4;
	sec. 20,	NW1/4, N1/2SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 29,	N1/2NE1/4 and SW1/4NE1/4;
	sec. 31,	S1/2SE1/4;
	sec. 32,	NE1/4NE1/4, S1/2NE1/4, S1/2NW1/4, N1/2SW1/4, SW1/4SW1/4, and N1/2SE1/4;
	sec. 33,	N1/2, N1/2SW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 34,	NW1/4NE1/4, NW1/4, N1/2SW1/4, and SW1/4SW1/4.
T. 5 S., R. 1 E.,	sec. 2,	S1/2NW1/4, N1/2SW1/4, SW1/4SW1/4, and W1/2SE1/4;
	sec. 3,	SE1/4NE1/4, SW1/4NW1/4, W1/2SW1/4; and E1/2SE1/4;
	sec. 4,	SE1/4NE1/4 and N1/2SE1/4;
	sec. 6,	Lots 3 and 4;
	sec. 10,	NE1/4NE1/4;
	sec. 11,	E1/2;
	sec. 14,	W1/2NE1/4 and W1/2SE1/4;
	sec. 23,	W1/2NE1/4 and W1/2SE1/4;
	sec. 26,	W1/2NE1/4 and W1/2SE1/4;
	sec. 35,	NE1/4 and E1/2SE1/4.
T. 6 S., R. 1 E.,	sec. 1,	SW1/4NW1/4, NW1/4SW1/4, and S1/2SW1/4;

	sec. 2,	Lot 1, SE1/4NE1/4, and E1/2SE1/4;
	sec. 12,	N1/2NW1/4, SW1/4NW1/4, N1/2SW1/4, SE1/4SW1/4, and S1/2SE1/4;
	sec. 13,	NE1/4NE1/4.
T. 6 S., R. 2 E.,	sec. 17,	NW1/4SW1/4 and S1/2SW1/4;
	sec. 18,	Lot 1, SW1/4NE1/4, E1/2NW1/4, and N1/2SE1/4;
	sec. 20,	N1/2NE1/4, SE1/4NE1/4, and NE1/4NW1/4;
	sec. 21,	SW1/4NW1/4, N1/2SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 22,	SW1/4SW1/4;
	sec. 26,	NW1/4NE1/4, S1/2NE1/4, NW1/4, NW1/4SW1/4, S1/2SW1/4, N1/2SE1/4, and SW1/4SE1/4;
	sec. 27,	NE1/4NE1/4, S1/2NE1/4, NW1/4, N1/2SW1/4, and N1/2SE1/4;
	sec. 35,	NE1/4, NE1/4SW1/4, S1/2SW1/4, and W1/2SE1/4.
T. 7 S., R. 2 E.,	sec. 1,	Lot 1;
	sec. 3,	Lots 1 and 2, S1/2NE1/4, S1/2NW1/4, and N1/2SW1/4;
	sec. 4,	SE1/4SW1/4, NE1/4SE1/4, and S1/2SE1/4;
	sec. 7,	NE1/4;
	sec. 8,	S1/2NE1/4 and NW1/4;
	sec. 9,	NW1/4NE1/4, N1/2NW1/4, and SW1/4NW1/4.
T. 6 S., R. 3 E.,	sec. 31,	Lot 4.
T. 7 S., R. 3 E.,	sec. 1,	S1/2SW1/4;
	sec. 5,	SW1/4NE1/4, S1/2NW1/4, NE1/4SW1/4, S1/2SW1/4, and W1/2SE1/4;
	sec. 6,	Lots 4 and 5, S1/2NE1/4, SE1/4NW1/4, and N1/2SE1/4;
	sec. 8,	N1/2NE1/4, SE1/4NE1/4, and NE1/4NW1/4;
	sec. 9,	SW1/4NW1/4, N1/2SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 10,	S1/2SW1/4 and S1/2SE1/4;
	sec. 11,	NE1/4, SE1/4NW1/4, N1/2SW1/4, and SW1/4SW1/4;
	sec. 12,	N1/2NW1/4;
	sec. 13,	S1/2SW1/4;
	sec. 14,	SW1/4NW1/4, N1/2SW1/4, and SE1/4;

	sec. 15,	NE1/4 and N1/2NW1/4;
	sec. 24,	N1/2NE1/4, SE1/4NE1/4, and NE1/4NW1/4.
T. 7 S., R. 4 E.,	sec. 19,	Lot 2, NE1/4NE1/4, S1/2NE1/4, SE1/4NW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 20,	NW1/4NW1/4, S1/2NW1/4, NE1/4SW1/4, S1/2SW1/4, and SE1/4;
	sec. 21,	SW1/4SW1/4;
	sec. 22,	SE1/4SW1/4;
	sec. 28,	Lots 1, 2, 3, and 4, S1/2NE1/4, N1/2SW1/4, SE1/4SW1/4, and SW1/4SE1/4;
	sec. 29,	Lots 1, 2, and 3, S1/2NE1/4, and NE1/4SE1/4;
	sec. 33,	N1/2NE1/4;
	sec. 34,	SW1/4NE1/4, NW1/4, NE1/4SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 35,	S1/2SW1/4, NE1/4SE1/4, and S1/2SE1/4.
T. 7 S., R. 5 E.,	sec. 22,	SE1/4SW1/4 and SW1/4SE1/4;
	sec. 25,	SE1/4NE1/4, SW1/4, and N1/2SE1/4;
	sec. 26,	NW1/4NW1/4, S1/2NW1/4, NE1/4SW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 27,	NE1/4, N1/2NW1/4, SW1/4NW1/4, and NW1/4SW1/4;
	sec. 28,	E1/2SE1/4;
	sec. 31,	Lots 3 and 4, E1/2SW1/4, and SE1/4;
	sec. 32,	S1/2SW1/4 and S1/2SE1/4;
	sec. 33,	E1/2NE1/4, S1/2SW1/4, and SE1/4;
	sec. 34,	SW1/4 and S1/2SE1/4;
	sec. 35,	E1/2NE1/4, S1/2SW1/4, NE1/4SE1/4, and S1/2SE1/4.
T. 8 S., R. 5 E.,	sec. 4,	Lot 4;
	sec. 5,	Lots 1, 3, and 4, and NE1/4SW1/4;
	sec. 6,	Lot 1.
T. 6 S., R. 6 E.,	sec. 34,	NE1/4, E1/2NW1/4, SE1/4SW1/4, and S1/2SE1/4;
	sec. 35,	SW1/4NE1/4, NW1/4NW1/4, S1/2NW1/4, NE1/4SW1/4, S1/2SW1/4, and SE1/4.
T. 7 S., R. 6 E.,	sec. 1,	Lots 1 and 2, SW1/4NE1/4, S1/2NW1/4, NE1/4SW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 2,	Lots 1, 2, 3, and 4, S1/2NE1/4, S1/2SW1/4, and

		W1/2SE1/4;
	sec. 3,	S1/2SE1/4;
	sec. 10,	SE1/4SE1/4;
	sec. 11,	W1/2NE1/4, NE1/4NW1/4, and W1/2SE1/4;
	sec. 14,	W1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, and W1/2SE1/4;
	sec. 15,	NE1/4NE1/4;
	sec. 20,	S1/2SW1/4 and SW1/4SE1/4;
	sec. 23,	W1/2NE1/4 and S1/2NW1/4;
	sec. 26,	SE1/4SW1/4 and W1/2SE1/4.
	sec. 27,	NE1/4SE1/4 and S1/2SE1/4;
	sec. 29,	N1/2NW1/4;
	sec. 30,	Lots 2, 3, and 4, NE1/4, E1/2NW1/4, and E1/2SW1/4;
	sec. 31,	Lots 1, 2, 3, and 4, E1/2NW1/4, E1/2SW1/4, and S1/2SE1/4;
	sec. 32,	S1/2SW1/4 and S1/2SE1/4;
	sec. 33,	NE1/4, N1/2SW1/4, SW1/4SW1/4, and N1/2SE1/4;
	sec. 34,	N1/2NE1/4, SW1/4NE1/4, and NW1/4.
T. 8 S., R. 6 E.,	sec. 4,	Lots 2, 3, and 4, and N1/2SW1/4;
	sec. 5,	Lots 2, 3, and 4, SW1/4, and N1/2SE1/4;
	sec. 6,	Lot 1 and NE1/4SE1/4.
T. 6 S., R. 7 E.,	sec. 4,	SE1/4SE1/4;
	sec. 9,	E1/2SE1/4;
	sec. 10,	W1/2NW1/4 and W1/2SW1/4;
	sec. 15,	W1/2NW1/4, SW1/4, and SW1/4SE1/4;
	sec. 20,	SE1/4SE1/4;
	sec. 21,	NE1/4, SE1/4NW1/4, SW1/4, and N1/2SE1/4;
	sec. 22,	N1/2NE1/4 and NW1/4;
	sec. 23,	N1/2NE1/4 and N1/2NW1/4;
	sec. 24,	N1/2NW1/4 and SE1/4NW1/4;
	sec. 29,	N1/2, W1/2SW1/4, and SE1/4;

	sec. 30,	Lot 4, SE1/4NE1/4, E1/2SW1/4, and SE1/4;
	sec. 31,	Lot 1, N1/2NE1/4, SE1/4NE1/4, NE1/4NW1/4, and NE1/4SE1/4;
	sec. 32,	W1/2NE1/4, SW1/4NW1/4, SW1/4, and W1/2SE1/4.
T. 6 S., R. 8 E.,	sec. 11,	S1/2NE1/4, SE1/4SW1/4, N1/2SE1/4, and SW1/4SE1/4;
	sec. 12,	S1/2NE1/4, S1/2NW1/4, N1/2SW1/4, and NE1/4SE1/4;
	sec. 13,	SW1/4SW1/4;
	sec. 14,	NW1/4NE1/4, S1/2NE1/4, and E1/2SE1/4;
	sec. 19,	SW1/4NE1/4;
	sec. 20,	N1/2NE1/4, SE1/4NE1/4, and N1/2NW1/4;
	sec. 21,	NE1/4NE1/4, S1/2NE1/4, and S1/2NW1/4;
	sec. 22,	S1/2NE1/4 and NW1/4;
	sec. 23,	S1/2NW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 24,	S1/2NE1/4, NW1/4, SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 25,	NE1/4, N1/2NW1/4, SE1/4NW1/4, E1/2SW1/4, and SE1/4.
T. 8 S., R. 11 E.,	sec. 2,	Lots 2, 3, and 4, SW1/4NE1/4, SE1/4NW1/4, SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 11,	N1/2NE1/4 and NE1/4NW1/4;
	sec. 12,	SE1/4NW1/4, E1/2SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 13,	NE1/4NE1/4.
T. 8 S., R. 12 E.,	sec. 7,	Lot 4;
	sec. 17,	SW1/4NW1/4, N1/2SW1/4, and SE1/4SW1/4;
	sec. 18,	Lots 1 and 2, and NE1/4;
	sec. 20,	S1/2NE1/4, E1/2NW1/4, and SE1/4;
	sec. 21,	SW1/4;
	sec. 27,	NW1/4SW1/4 and S1/2SW1/4;
	sec. 28,	NW1/4NE1/4, S1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, NE1/4SE1/4, and S1/2SE1/4;
	sec. 33,	NE1/4 and NE1/4SE1/4;
	sec. 34,	N1/2NW1/4, SW1/4NW1/4, NW1/4SW1/4, and S1/2SW1/4;
T. 9 S., R. 12 E.,	sec. 3,	Lots 3 and 4, S1/2NW1/4, N1/2SW1/4, and

		SW1/4SW1/4;
	sec. 4,	SE1/4SW1/4 and SE1/4;
	sec. 9,	N1/2NE1/4 and NE1/4NW1/4;
	sec. 10,	S1/2SW1/4;
	sec. 15,	N1/2NW1/4, SW1/4NW1/4, and SW1/4;
	sec. 22,	W1/2;
	sec. 27,	Lots 3, 4, 8, and 9;
	sec. 28,	Lots 1 and 4;
	sec. 33,	NE1/4, SE1/4NW1/4, N1/2SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 34,	Lot 1.
T. 10 S., R. 12 E.,	sec. 3,	Lots 5 and 6;
	sec. 4,	E1/2SW1/4 and W1/2SE1/4;
	sec. 9,	N1/2NE1/4 and SE1/4NE1/4;
	sec. 10,	Lots 1, 2, 3, and 4, N1/2SW1/4, and SE1/4SW1/4;
	sec. 15,	SW1/4;
	sec. 21,	NE1/4;
	sec. 22,	NW1/4.
T. 3 S., R. 1 W.,	sec. 29,	Lot 6 and W1/2SE1/4;
	sec. 30,	Lot 6;
	sec. 31,	Lots , 10, 11, 12, and 13, N1/2SE1/4, and SW1/4SE1/4;
	sec. 32,	NW1/4.
T. 4 S., R. 1 W.,	sec. 4,	Lots 3 and 4, and SW1/4NW1/4;
	sec. 5,	Lot 1, S1/2NE1/4, SE1/4NW1/4, SW1/4, and W1/2SE1/4;
	sec. 6,	Lots 3, 4, 5, 6, and 7, SE1/4NW1/4, E1/2SW1/4, and SE1/4;
	sec. 8,	NE1/4 and N1/2NW1/4;
	sec. 9,	S1/2NE1/4, S1/2NW1/4, and N1/2SE1/4;
	sec. 10,	NW1/4 and S1/2;
	sec. 13,	SW1/4NW1/4, N1/2SW1/4, SE1/4SW1/4, and S1/2SE1/4;

	sec. 14,	NE1/4NE1/4, S1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, and NE1/4SE1/4;
	sec. 15,	N1/2NE1/4;
	sec. 24,	N1/2NE1/4 and SE1/4NE1/4.
T. 2 S., R. 2 W.,	sec. 6,	Lots 4, 5, 6, and 7;
	sec. 7,	Lot 1, E1/2NW1/4, and E1/2SW1/4;
	sec. 18,	E1/2NW1/4, NE1/4SW1/4, and W1/2SE1/4;
	sec. 19,	N1/2NE1/4 and SE1/4NE1/4;
	sec. 20,	SW1/4NW1/4, NW1/4SW1/4, and S1/2SW1/4;
	sec. 27,	W1/2SW1/4;
	sec. 28,	S1/2;
	sec. 29,	NW1/4NE1/4, S1/2NE1/4, E1/2NW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 32,	NE1/4NE1/4;
	sec. 33,	NE1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 34,	NW1/4, NE1/4SW1/4, and S1/2SW1/4.
T. 3 S., R. 2 W.,	sec. 1,	SW1/4SE1/4;
	sec. 2,	S1/2SW1/4 and S1/2SE1/4;
	sec. 3,	Lots 3 and 4, SW1/4NE1/4, SE1/4NW1/4, and N1/2SE1/4;
	sec. 4,	Lot 1;
	sec. 11,	N1/2NE1/4, E1/2NW1/4, and E1/2SW1/4;
	sec. 12,	NW1/4NE1/4 and N1/2NW1/4;
	sec. 14,	E1/2NW1/4 and E1/2SW1/4;
	sec. 23,	E1/2NW1/4 and E1/2SW1/4;
	sec. 26,	E1/2NW1/4, NE1/4SW1/4, and S1/2SW1/4;
	sec. 35,	NW1/4, N1/2SW1/4, SE1/4SW1/4, and S1/2SE1/4.
T. 4 S., R. 2 W.,	sec. 1,	Lots 1 and 4;
	sec. 2,	Lots 1 and 2.
T. 1 S., R. 3 W.,	sec. 3,	SE1/4SW1/4 and SW1/4SE1/4;
	sec. 10,	NW1/4NE1/4, S1/2NE1/4, SE1/4NW1/4, and NW1/4SE1/4;

	sec. 11,	Lots 1, 2, and 3;
	sec. 14,	SW1/4NE1/4, W1/2SW1/4, and W1/2SE1/4;
	sec. 22,	SE1/4NE1/4;
	sec. 22,	Lot 1;
	sec. 23,	Lots 2, 3, and 4, SW1/4NE1/4, S1/2NW1/4, E1/2SW1/4, and W1/2SE1/4;
	sec. 25,	SW1/4NW1/4, NW1/4SW1/4, and S1/2SW1/4;
	sec. 26,	NE1/4 and E1/2SE1/4;
	sec. 35,	NE1/4, NE1/4NW1/4, and NE1/4SE1/4.
T. 2 S., R. 3 W.,	sec. 1,	Lot 1, SE1/4NE1/4, and NE1/4SE1/4.

Permanent Off Transmission Line ROW Facilities

T. 4 S., R. 1 E.,	sec. 29,	SE1/2NE1/4.
T. 9 S., R. 12 E.,	sec. 22,	SW1/4SW1/4;
	sec. 27,	Lot 3.

Boise Meridian, Twin Falls County, Idaho
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T. 6 S., R. 12 E.,	sec. 33,	NW1/4SE1/4 and S1/2SE1/4;
	sec. 34,	S1/2SW1/4 and S1/2SE1/4;
	sec. 35,	S1/2SW1/4 and S1/2SE1/4.
T. 10 S., R. 12 E.,	sec. 10,	Lot 8 and E1/2SW1/4;
	sec. 15,	NW1/4NE1/4, S1/2NE1/4, NE1/4NW1/4, and SE1/4;
	sec. 22,	E1/2NE1/4;
	sec. 23,	W1/2NW1/4 and SW1/4;
	sec. 26,	SW1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 35,	NE1/4 and E1/2SE1/4.
T. 11 S., R. 12 E.,	sec. 1,	Lots 3 and 4, S1/2NW1/4, E1/2SW1/4, and W1/2SE1/4;
	sec. 12,	NW1/4NE1/4, S1/2NE1/4, NE1/4NW1/4, N1/2SE1/4,

		and SE1/4SE1/4.
T. 6 S., R. 13 E.,	sec. 31,	Lot 4 and SE1/4SW1/4;
	sec. 33,	S1/2SE1/4.
T. 7 S., R. 13 E.,	sec. 2,	Lot 4;
	sec. 3,	Lots 1, 2, 3, and 4, and NE1/4SE1/4;
	sec. 6,	Lots 8 and 9.
T. 11 S., R. 13 E.,	sec. 7,	Lots 3 and 4, SE1/4SW1/4, and S1/2SE1/4;
	sec. 15,	SW1/4SW1/4;
	sec. 17,	S1/2NE1/4, NW1/4, and N1/2SE1/4;
	sec. 18,	N1/2NE1/4 and NE1/4NW1/4;
	sec. 21,	NE1/4NE1/4;
	sec. 22,	NE1/4, N1/2NW1/4, and SE1/4NW1/4;
	sec. 23,	S1/2NW1/4, N1/2SW1/4, and SE1/4;
	sec. 24,	SE1/4NE1/4, NW1/4SW1/4, S1/2SW1/4, NE1/4SE1/4, and S1/2SE1/4.
T. 11 S., R. 14 E.,	sec. 19,	Lots 2, 3, and 4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 20,	Lot 4;
	sec. 28,	SW1/4SW1/4;
	sec. 29,	SW1/4NE1/4, NW1/4, NE1/4SW1/4, and SE1/4;
	sec. 30,	NE1/4NE1/4;
	sec. 32,	NE1/4NE1/4;
	sec. 33,	SW1/4NE1/4, N1/2NW1/4, SE1/4NW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 34,	NW1/4SW1/4 and S1/2SW1/4.
T. 12 S., R. 14 E.,	sec. 1,	S1/2;
	sec. 2,	S1/2;
	sec. 3,	Lots 2, 3, and 4, S1/2NE1/4, SE1/4NW1/4, N1/2SE1/4, and SE1/4SE1/4.
T. 12 S., R. 15 E.,	sec. 1,	NW1/4SW1/4, S1/2SW1/4, and S1/2SE1/4;
	sec. 2,	S1/2;
	sec. 3,	S1/2;

	sec. 4,	S1/2;
	sec. 5,	S1/2;
	sec. 6,	Lots 6 and 7, E1/2SW1/4, and SE1/4;
	sec. 12,	NE1/4NE1/4.
T. 12 S., R. 16 E.,	sec. 1,	Lots 1, 2, 3, and 4, S1/2NE1/4, and S1/2NW1/4;
	sec. 2,	S1/2NE1/4, NE1/4SW1/4, S1/2SW1/4, N1/2SE1/4, and SW1/4SE1/4;
	sec. 3,	S1/2SW1/4 and SE1/4SE1/4;
	sec. 4,	S1/2SE1/4;
	sec. 5,	S1/2SW1/4 and SW1/4SE1/4;
	sec. 6,	Lot 7, SE1/4SW1/4, and S1/2SE1/4;
	sec. 7,	Lot 1, N1/2NE1/4, and NE1/4NW1/4;
	sec. 8,	N1/2NE1/4 and N1/2NW1/4;
	sec. 9,	NE1/4NE1/4;
	sec. 10,	N1/2NE1/4 and N1/2NW1/4;
	sec. 11,	NW1/4NW1/4.
T. 11 S., R. 17 E.,	sec. 32,	SE1/4SW1/4SE1/4 and SE1/4SE1/4;
	sec. 33,	S1/2SW1/4 and S1/2SE1/4.
T. 12 S., R. 17 E.,	sec. 1,	S1/2NW1/4, N1/2SW1/4, and N1/2SE1/4;
	sec. 2,	Lots 3 and 4, and SE1/4NW1/4;
	sec. 3,	Lots 1, 2, and 3;
	sec. 4,	Lots 1, 2, 3, and 4;
	sec. 5,	Lots 1 and 5;
	sec. 6,	Lots 3, 4, and 9.
T. 12 S., R. 18 E.,	sec. 2,	Lots 1, 2, 3, and 4, SW1/4NE1/4, and S1/2NW1/4;
	sec. 3,	Lots 1, 2, 3, and 4, SE1/4NE1/4, and S1/2NW1/4;
	sec. 4,	S1/2NE1/4 and S1/2NW1/4;
	sec. 5,	SE1/4NE1/4;
	sec. 6,	S1/2NE1/4, SE1/4NW1/4, NE1/4SW1/4, and N1/2SE1/4.

Off Transmission Line ROW Access Roads (30-year term)

T. 6 S., R. 12 E.,	sec. 33,	S1/2SE1/4;
	sec. 34,	E1/2NW1/4, SW1/4, and S1/2SE1/4;
	sec. 35,	S1/2SW1/4 and S1/2SE1/4.
T. 7 S., R. 12 E.,	sec. 1,	Lots 3 and 4;
	sec. 2,	Lot 4;
	sec. 3,	Lots 1 and 2;
T. 8 S., R. 12 E.,	sec. 27,	SW1/4SE1/4.
	sec. 34,	NW1/4NE1/4, S1/2NE1/4, and SE1/4;
	sec. 35,	S1/2NE1/4, SE1/4NW1/4, N1/2SW1/4, and N1/2SE1/4.
T. 9 S., R. 12 E.,	sec. 2,	S1/2SW1/4;
	sec. 3,	NW1/4SE1/4 and S1/2SE1/4;
	sec. 10,	S1/2SE1/4;
	sec. 11,	NE1/4, N1/2NW1/4, SE1/4NW1/4, SW1/4, and W1/2SE1/4;
	sec. 12,	S1/2NE1/4, NW1/4NW1/4, S1/2NW1/4, and N1/2SE1/4;
	sec. 15,	NW1/4NE1/4;
	sec. 22,	NW1/4NE1/4, S1/2NE1/4, and SE1/4;
	sec. 27,	Lot 1.
T. 10 S., R. 12 E.,	sec. 10,	Lots 1, 4, 7, 8, and 9, and E1/2SW1/4;
	sec. 11,	SW1/4SW1/4;
	sec. 14,	N1/2NW1/4;
	sec. 15,	NE1/4NE1/4, S1/2NE1/4, E1/2SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 22,	N1/2NE1/4;
	sec. 25,	SW1/4NW1/4 and NW1/4SW1/4;
	sec. 26,	SE1/4NE1/4, N1/2SE1/4, and SW1/4SE1/4;
	sec. 35,	N1/2NE1/4 and E1/2SE1/4.
T. 11 S., R. 12 E.,	sec. 1,	Lot 4, S1/2NW1/4, N1/2SW1/4, SE1/4SW1/4, and SW1/4SE1/4;
	sec. 12,	NW1/4NE1/4, S1/2NE1/4, E1/2NW1/4, N1/2SW1/4, and

		N1/2SE1/4.
T. 6 S., R. 13 E.,	sec. 33,	S1/2SE1/4.
T. 7 S., R. 13 E.,	sec. 3,	Lots 1, 2, 3, and 4, and SE1/4;
	sec. 6,	Lots 8 and 9;
	sec. 10,	Lot 1.
T. 9 S., R. 13 E.,	sec. 7,	Lots 2 and 3, SE1/4NW1/4, NE1/4SW1/4, and SE1/4;
	sec. 8,	SW1/4SW1/4;
	sec. 17,	NW1/4NW1/4;
	sec. 18,	NE1/4NE1/4.
T. 11 S., R. 13 E.,	sec. 7,	Lots 3 and 4, E1/2SW1/4, and S1/2SE1/4;
	sec. 17,	S1/2NE1/4, NW1/4NW1/4, S1/2NW1/4, and N1/2SE1/4;
	sec. 18,	N1/2NE1/4 and SE1/4NE1/4;
	sec. 22,	NW1/4NE1/4, S1/2NE1/4, N1/2NW1/4, and NE1/4SE1/4;
	sec. 23,	SW1/4NW1/4, N1/2SW1/4, SE1/4SW1/4, and S1/2SE1/4;
	sec. 24,	SE1/4NE1/4, NE1/4SE1/4, and S1/2SE1/4;
	sec. 25,	NE1/4, NE1/4NW1/4, S1/2NW1/4, N1/2SW1/4, and N1/2SE1/4;
	sec. 26,	N1/2NE1/4 and SE1/4NE1/4.
T. 11 S., R. 14 E.,	sec. 19,	Lots 2, 3, and 4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4, and S1/2SE1/4;
	sec. 29,	SW1/4NE1/4, N1/2NW1/4, and SE1/4NW1/4;
	sec. 30,	Lots 1 and 2, and NE1/4NE1/4;
	sec. 33,	W1/2NE1/4, N1/2NW1/4, and N1/2SE1/4;
	sec. 34,	S1/2SW1/4;
	sec. 35,	SE1/4SW1/4 and SW1/4SE1/4.
T. 12 S., R. 14 E.,	sec. 1,	Lots 1, 3, and 4, S1/2NE1/4, SE1/4NW1/4, N1/2SE1/4, and SE1/4SE1/4;
	sec. 2,	Lots 2 and 3, SW1/4NE1/4, SE1/4NW1/4, N1/2SW1/4, SE1/4SW1/4, and W1/2SE1/4;
	sec. 3,	Lot 3, S1/2NE1/4, and NE1/4SE1/4.
T. 11 S., R. 15 E.,	sec. 31,	Lot 4;
	sec. 33,	SE1/4SE1/4;

	sec. 34,	SW1/4SW1/4;
	sec. 35,	S1/2SE1/4.
T. 12 S., R. 15 E.,	sec. 1,	Lot 4, SW1/4NE1/4, S1/2NW1/4, E1/2SW1/4, and SE1/4;
	sec. 2,	Lots 1 and 2, SW1/4NE1/4, and NW1/4SE1/4;
	sec. 3,	Lot 4, SW1/4NW1/4, and NW1/4SW1/4;
	sec. 4,	Lots 1 and 2, S1/2NE1/4, N1/2SW1/4, and N1/2SE1/4;
	sec. 5,	N1/2SW1/4, and N1/2SE1/4;
	sec. 6,	Lots 4, 5, 6, and 7, NE1/4SW1/4, and N1/2SE1/4.
T. 11 S., R. 16 E.,	sec. 34,	SE1/4SE1/4;
	sec. 35,	SW1/4SW1/4.
T. 12 S., R. 16 E.,	sec. 1,	Lots 1, 2, 3, and 4, SW1/4NW1/4, and SW1/4SW1/4;
	sec. 2,	Lots 1, 3, and 4, S1/2NE1/4, S1/2NW1/4, NE1/4SW1/4, S1/2SW1/4, and SE1/4;
	sec. 3,	S1/2SW1/4;
	sec. 4,	SE1/4SE1/4;
	sec. 5,	SW1/4SE1/4;
	sec. 6,	Lots 6 and 7, SE1/4SW1/4, and SW1/4SE1/4;
	sec. 7,	NW1/4NE1/4;
	sec. 8,	N1/2NE1/4;
	sec. 11,	N1/2NW1/4.
T. 11 S., R. 17 E.,	sec. 31,	Lot 4, SE1/4SW1/4, and SW1/4SW1/4SE1/4;
	sec. 32,	SE1/4SE1/4;
	sec. 33,	S1/2SW1/4 and S1/2SE1/4;
	sec. 34,	S1/2SW1/4 and SW1/4SE1/4;
	sec. 35,	SW1/4SE1/4.
T. 12 S., R. 17 E.,	sec. 1,	Lot 1, SE1/4NE1/4, SW1/4NW1/4, W1/2SW1/4, and NE1/4SE1/4;
	sec. 2,	Lots 3 and 4, SE1/4NW1/4, SW1/4SW1/4, and NE1/4SE1/4;
	sec. 3,	Lots 1, 2, and 3;
	sec. 4,	Lots 1, 2, 3, and 4;

	sec. 6,	Lots 3, 4, and 9;
	sec. 11,	NW1/4NW1/4.
T. 12 S., R. 18 E.,	sec. 2,	Lots 1, 2, 3, and 4, SW1/4NE1/4, and SE1/4NW1/4;
	sec. 3,	Lots 1 and 2, SE1/4NE1/4, and S1/2NW1/4;
	sec. 4,	Lot 4, S1/2NE1/4, S1/2NW1/4, and N1/2SE1/4;
	sec. 5,	SE1/4NE1/4;
	sec. 6,	S1/2NE1/4 and N1/2SE1/4.

Permanent Off Transmission Line ROW Facilities

T. 6 S., R. 12 E.,	sec. 35,	SE1/4SE1/4.

End of Legal Descriptions for Permanent Developments

Legal Descriptions[12] for Right-of-Way Grant IDI-35849-01 Gateway West Transmission Line - Segments 8 and 9 Temporary Construction Sites

[12] The legal description includes each surveyed government lot or 40 acre aliquot part crossed by a portion of the Gateway West transmission line right-of-way and associated developments.

Boise Meridian, Cassia County, Idaho

T. 12 S., R. 18 E.	sec. 2,	Lots 3 and 4, and S1/2NW1/4;
	sec. 4,	SW1/4NW1/4 and NW1/4SW1/4;
	sec. 5,	SE1/4NE1/4 and NE1/4SE1/4.
T. 12 S., R. 19 E.	sec. 5,	SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, and NW1/4SE1/4.

Boise Meridian, Elmore County, Idaho

T. 6 S., R. 8 E.	sec. 21,	W1/2NE1/4 and E1/2NW1/4;
	sec. 22,	E1/2NW1/4;
	sec. 23,	S1/2NW1/4 and N1/2SW1/4;
	sec. 24,	SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, and NW1/4SE1/4.
T. 6 S., R. 9 E.	sec. 20,	W1/2NE1/4 and E1/2NW1/4;
	sec. 21,	E1/2NW1/4;
	sec. 24,	NW1/4NE1/4 and E1/2NW1/4.
T. 6 S., R. 10 E.	sec. 19,	Lot 4 and SE1/4SW1/4;
	sec. 30,	Lot 1 and NE1/4NW1/4;
	sec. 32,	NE1/4SE1/4;
	sec. 33,	NW1/4SW1/4.
T. 6 S., R. 11 E.	sec. 31,	Lots 2 and 3;
	sec. 34,	S1/2NW1/4 and N1/2SW1/4.
T. 6 S., R. 12 E.	sec. 33,	N1/2SW1/4.
T. 7 S., R. 10 E.	sec. 3,	Lots 3 and 4, and N1/2SW1/4.
T. 7 S., R. 11 E.	sec. 28,	SE1/4SW1/4 and SW1/4SE1/4;
	sec. 33,	NW1/4NE1/4 and NE1/4NW1/4.

Boise Meridian, Jerome County, Idaho

T. 7 S., R. 16 E.	sec. 1,	SE1/4SE1/4;
	sec. 6,	SE1/4SW1/4 and SW1/4SE1/4;
	sec. 7,	NW1/4NE1/4 and NE1/4NW1/4;
	sec. 12,	NE1/4NE1/4.

T. 7 S., R. 17 E.	sec. 3,	SW1/4SE1/4;
	sec. 6,	Lot 5;
	sec. 7,	Lot 1;
	sec. 10,	NW1/4NE1/4;
	sec. 11,	NW1/4.

Boise Meridian, Owyhee County, Idaho

T. 1 S., R. 3 W.,	sec. 11,	Lots 1, 2, and 3;
	sec. 23,	NE1/4SW1/4 and W1/2SE1/4;
	sec. 25,	S1/2SW1/4.
T. 2 S., R. 2 W.,	sec. 6,	Lots 4 and 5;
	sec. 18,	E1/2SW1/4 and W1/2SE1/4;
	sec. 19,	SE1/4NE1/4 and NE1/4SE1/4;
	sec. 20,	SW1/4NW1/4 and NW1/4SW1/4;
	sec. 33,	SE1/4.
T. 2 S., R. 3 W.,	sec. 1,	Lot 1.
T. 3 S., R. 2 W.,	sec. 2,	S1/2SW1/4 and SW1/4SE1/4;
	sec. 11,	NW1/4NE1/4 and N1/2NW1/4;
	sec. 12,	N1/2NW1/4;
	sec. 35,	SW1/4NE1/4, SE1/4NW1/4, E1/2SW1/4, and W1/2SE1/4.
T. 4 S., R. 1 W.,	sec. 6,	SW1/4NE1/4, SE1/4NW1/4, E1/2SW1/4, and W1/2SE1/4;
	sec. 14,	S1/2NE1/4 and N1/2SE1/4.
T. 4 S., R. 1 E.	sec. 20,	E1/2SW1/4 and W1/2SE1/4;
	sec. 29,	NW1/4NE1/4, S1/2NE1/4, and NE1/4NW1/4;
	sec. 32,	NE1/4NE1/4 and SW1/4NE1/4;
	sec. 33,	SW1/4NE1/4, SE1/4NW1/4, and NE1/4SW1/4.
T. 5 S., R. 1 E.	sec. 2,	SW1/4NE1/4, NE1/4SW1/4, and NW1/4SE1/4;
	sec. 14,	W1/2NE1/4 and E1/2NW1/4;
	sec. 26,	NE1/4SW1/4 and W1/2SE1/4.
T. 6 S., R. 1 E.	sec. 1,	Lot 4 and SW1/4NW1/4;

	sec. 2,	Lots 1 and 2, and S1/2NE1/4;
	sec. 11,	SE1/4NE1/4 and NE1/4SE1/4;
	sec. 12,	SW1/4NW1/4 and NW1/4SW1/4.
T. 6 S., R. 2 E.	sec. 21,	S1/2NW1/4 and N1/2SW1/4.
T. 7 S., R. 2 E.	sec. 1,	Lot 1 and SE1/4NE1/4.
T. 7 S., R. 3 E.	sec. 5,	E1/2SW1/4 and W1/2SE1/4;
	sec. 6,	Lots 4 and 5;
	sec. 14,	SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, and NW1/4SE1/4.
T. 7 S., R. 4 E.	sec. 19,	S1/2NE1/4 and N1/2SE1/4;
	sec. 28,	E1/2SW1/4 and W1/2SE1/4;
	sec. 34,	SE1/4SE1/4;
	sec. 35,	SW1/4SW1/4.
T. 7 S., R. 5 E.	sec. 32,	SW1/4SE1/4.
T. 8 S., R. 4 E.	sec. 2,	Lot 4;
	sec. 3,	Lot 1.
T. 8 S., R. 5 E.	sec. 1,	Lots 1 and 2;
	sec. 5,	Lot 2.
T. 6 S., R. 6 E.	sec. 35,	E1/2SW1/4 and W1/2SE1/4.
T. 7 S., R. 6 E.	sec. 26,	SE1/4SW1/4 and W1/2SE1/4;
	sec. 32,	SE1/4SW1/4 and SW1/4SE1/4.
T. 8 S., R. 6 E.	sec. 4,	Lot 4;
	sec. 5,	Lot 1.
T. 6 S., R. 7 E.	sec. 22,	W1/2NE1/4 and E1/2NW1/4;
	sec. 23,	NW1/4.
T. 6 S., R. 8 E.	sec. 21,	W1/2NE1/4 and E1/2NW1/4;
	sec. 22,	E1/2NW1/4;
	sec. 23,	S1/2NW1/4 and N1/2SW1/4;
	sec. 24,	SW1/4NE1/4, SE1/4NW1/4, NE1/4SW1/4, and NW1/4SE1/4.
T. 8 S., R. 12 E.	sec. 18,	Lots 1 and 2;

	sec. 27,	W1/2SW1/4;
	sec. 34,	SW1/4SW1/4.
T. 9 S., R. 12 E.	sec. 3,	Lot 4;
	sec. 4,	Lot 1;
	sec. 21,	SE1/4SE1/4;
	sec. 22,	SW1/4SW1/4;
	sec. 27,	Lot 3;
	sec. 28,	Lots 1 , 5, 6, 7, and 8;
	sec. 33,	E1/2SW1/4 and W1/2SE1/4.
T. 10 S., R. 12 E.	sec. 4,	SE1/4SW1/4 and SW1/4SE1/4;
	sec. 9,	NW1/4NE1/4 and NE1/4NW1/4.

Boise Meridian, Twin Falls County, Idaho

T. 6 S., R. 12 E.	sec. 33,	S1/2SE1/4;
	sec. 34,	SW1/4SW1/4;
	sec. 35,	SE1/4SE1/4.
T. 7 S., R. 12 E.	sec. 2,	Lot 4;
	sec. 3,	Lots 1 and 2.
T. 10 S., R. 12 E.	sec. 10,	Lots 6 and 9, and NE1/4SW1/4;
	sec. 11,	SW1/4SW1/4;
	sec. 14,	NW1/4NW1/4;
	sec. 15,	NE1/4NE1/4 and SE1/4.
T. 11 S., R. 12 E.	sec. 1,	SE1/4SW1/4 and SW1/4SE1/4;
	sec. 12,	NW1/4NE1/4, NE1/4NW1/4, and N1/2SE1/4.
T. 6 S., R. 13 E.	sec. 33,	S1/2SE1/4.
T. 7 S., R. 13 E.	sec. 3,	Lots 2, 3, and 4;
	sec. 6,	Lots 8 and 9.
T. 11 S., R. 13 E.	sec. 17,	S1/2NE1/4 and NW1/4SE1/4;
	sec. 23,	NE1/4SW1/4 and NW1/4SE1/4;
	sec. 24,	SE1/4NE1/4, S1/2SW1/4, and E1/2SE1/4.

T. 11 S., R. 14 E.	sec. 19,	Lots 2, 3, and 4, SE1/4NW1/4, and NE1/4SW1/4;
	sec. 29,	N1/2NW1/4 and SW1/4NW1/4.
T. 12 S., R. 14 E.	sec. 2,	W1/2SW1/4.
T. 12 S., R. 15 E.	sec. 1,	S1/2SE1/4;
	sec. 2,	E1/2SW1/4 and W1/2SE1/4;
	sec. 6,	E1/2SE1/4;
	sec. 12,	NE1/4NE1/4.
T. 12 S., R. 16 E.	sec. 1,	Lot 4 and SW1/4NW1/4;
	sec. 2,	SW1/4NE1/4, SW1/4SW1/4, and N1/2SE1/4;
	sec. 3,	SE1/4SE1/4;
	sec. 6,	S1/2SE1/4;
	sec. 7,	N1/2NE1/4;
	sec. 10,	NE1/4NE1/4;
	sec. 11,	NW1/4NW1/4.
T. 11 S., R. 17 E.	sec. 34,	SW1/4SE1/4.
T. 12 S., R. 17 E.	sec. 1,	NE1/4SW1/4 and NW1/4SE1/4;
	sec. 2,	Lot 3;
	sec. 3,	Lots 1 and 2.
T. 12 S., R. 18 E.	sec. 2,	Lots 3 and 4, and S1/2NW1/4;
	sec. 4,	SW1/4NW1/4 and NW1/4SW1/4;
	sec. 5,	SE1/4NE1/4 and NE1/4SE1/4.

End of Legal Descriptions
for Temporary Construction Sites

Appendix C

Endangered Species Act – Section 7 Consultation

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

DEC 13 2016

In Reply Refer To: 2800 (930)
WYW 174598/IDI-35849-01
Gateway West Transmission Line Project

EMS TRANSMISSION 12/13/2016
Memorandum

To: Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office, Cheyenne, WY

From: June E. Shoemaker
for Deputy State Director, Bureau of Land Management, Idaho State Office Leah A Greenberg

Subject: Endangered Species Act Section 7 Compliance Memorandum

Introduction

The Bureau of Land Management (BLM) is submitting this memorandum to the U.S. Fish and Wildlife Service (USFWS) to document changes in the Gateway West Transmission Line Project (Project) Supplemental Environmental Impact Statement (SEIS) that have occurred to Segments 8 and 9 since the publication of the Final Environmental Impact Statement (FEIS) and Biological Assessment (BA). In our 2013 BA, BLM determined that the Project "may affect, but is not likely to adversely affect" the endangered Banbury Springs limpet (*Lanx sp.*), Snake River physa (*Physa natricina),* and Bruneau hot springsnail (*Pyrgulopsis bruneauensis*); the threatened Bliss Rapids snail (*Taylorconcha serpenticola*); and designated critical habitat for the bull trout (*Salvelinus confluentus*). We also determined that the Project "may affect", and was "likely to adversely affect" slickspot peppergrass (*Lepidium papilliferum*).

This memorandum provides documentation of BLM's determination that the changes to Segments 8 and 9 of the Project do not modify the effects analyzed for the Banbury Springs limpet, Snake River physa, Bruneau hot springsnail, Bliss Rapids snail, and designated critical habitat for the bull trout in a manner or to an extent not previously considered as described through criteria[1] set forth in 50 CFR §402.16. In addition, current environmental baseline conditions for the Project area in Segments 8 and 9 have not significantly changed from those included in our effects analyses addressed in the 2013 BA. Thus, we have concluded that there will be no significant increase in the intensity or duration of any potential

[1] As provided in 50 Code of Federal Regulations §402.16, reinitiation of formal consultation is required where discretionary federal agency involvement or control over the action has been retained (or is authorized by law) and if (1) the amount or extent of incidental take is exceeded;(2) new information reveals effects of the agency action that may affect Endangered Species Act listed species or critical habitat in a manner or to an extent not considered in the Biological Opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the ESA-listed species or critical habitat not considered in the Biological Opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action.

beneficial or adverse effects of Segments 8 and 9 of the Project, inclusive of associated conservation measures, as described in our 2013 BA. Therefore, BLM has determined that the 2013 BA adequately addresses any effects of Segments 8 and 9 such that reinitiation of Endangered Species Act (ESA) section 7 consultation is not necessary. **We request USFWS acknowledgement that the existing section 7 consultation adequately addresses effects to listed species and bull trout critical habitat within Segments 8 and 9 as further described below in this memorandum.**

The SEIS preferred alternative routes for Segments 8 and 9 do not intersect with nor are they located in the vicinity of slickspot peppergrass element occurrences (EOs), Occupied Habitat, Slickspot Peppergrass Habitat, Potential Habitat, or proposed critical habitat. As described in detail below, BLM has determined that Segments 8 and 9 will have "no effect" on the species or its proposed critical habitat. **We request USFWS acknowledgement of this "no effect" determination for slickspot peppergrass and its proposed critical habitat for Segments 8 and 9 as described below in this memorandum.**

In addition, the yellow-billed cuckoo (*Coccyzus americanus*) was designated as a threatened species on November 2, 2014, which was subsequent to the completion of the 2013 BA. As described below, we have determined that implementation of Segments 8 and 9 of the SEIS will have "no effect" on the yellow-billed cuckoo or its proposed critical habitat. **We further request USFWS acknowledgement of this "no effect" determination for the yellow-billed cuckoo and its proposed critical habitat for SEIS Segments 8 and 9.** This analysis of Project-related effects to the yellow-billed cuckoo and its proposed critical habitat only addresses SEIS Segments 8 and 9 of the Project.

Project Summary and Background

The Project, as assessed in the 2013 FEIS and BA, included permanent and temporary access roads, laydown and staging areas, three substations, expansions or modifications of nine extant substations, and construction or installation of communications systems, optical fiber regeneration stations, and substation distribution supply lines. The design of the electric transmission line included self-supported steel H-frame 230-kilovolt (kV) structures and lattice steel 500-kV structures. The BA addressed only the routes selected as the preferred alternative by the BLM in 2013, which included the construction and operations of about 990 miles of new 230-kV and 500-kV electric transmission lines in 10 segments, from the Windstar Substation at Glenrock, Wyoming, to the Hemingway Substation just west of Melba, Idaho.

The BLM published the FEIS for the Project on April 26, 2013 (BLM 2013a) and a Record of Decision (ROD) on November 14, 2013 (BLM 2013b). In that ROD, the BLM deferred a decision for two of the 10 segments (i.e., Segments 8 and 9) to allow additional time for federal, state, and local permitting agencies to examine additional routing options, compensatory mitigation measures, and the enhancement standard applicable to these segments where they intersect the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP).

A BA and a request for formal consultation were submitted to the USFWS in March 2013 and April 30, 2013, respectively. In September 2013, the BLM received a Biological Opinion (BO) from the USFWS [Ref#06E13000/WY13F0033] which contained (1) acknowledgement of "no effect" and concurrence for "not likely to adversely affect" determinations; (2) a BO for potential adverse effects associated with depletions from the Colorado and Platte River Basins; and (3) an attached Conference Opinion (CO) for effects of the Project on the proposed slickspot peppergrass and its proposed critical habitat. A summary

of the ESA listed species analyzed in the 2013 BA and addressed in the 2013 BO and associated CO is provided in Attachment 1. The BO acknowledged that the Project would have "no effect" on an additional 14 ESA listed species that do not have the potential to occur in the Action Area (Attachment 2).

In November 2013, following publication of the FEIS and BA, the BLM requested that the Boise Resource Advisory Council (RAC) consider issues surrounding the siting of Segments 8 and 9 of the Project and examined a number of additional routing options. In August 2014, the Proponents of the Project (i.e., Idaho Power Company and PacifiCorp, doing business as Rocky Mountain Power) submitted a revised Project application for Segments 8 and 9 based on recommendations from the RAC. This new application for Segments 8 and 9 is assessed in the BLM's SEIS.

The BLM's SEIS assesses the Proponents' new Revised Proposed Action for Segments 8 and 9; new routes, variations, and alternatives for Segments 8 and 9; newly proposed design features and mitigation measures; as well as new information that has become available since the FEIS and ROD were published. The SEIS supplements the analysis found in the FEIS. The relevant ESA listed species or critical habitats[2] that are the addressed in this memorandum include:

- Banbury Springs limpet (*Lanx* sp.)
- Bliss Rapids snail (*Taylorconcha serpenticola*)
- Bruneau hot springsnail (*Pyrgulopsis bruneauensis*)
- Snake River physa (*Physa natricina*)
- bull trout (*Salvelinus confluentus*) critical habitat
- yellow-billed cuckoo (*Coccyzus americanus*) and its proposed critical habitat
- slickspot peppergrass (*Lepidium papilliferum*) and its proposed critical habitat

Section 1.2 of the SEIS lists in detail the changes that have occurred between the FEIS/BA and the SEIS. The major changes and differences between the FEIS/BA and the SEIS that relate to ESA listed species or critical habitats include:

- The FEIS/BA addressed Segments 1 through 10 whereas the SEIS only addresses Segments 8 and 9.
- The SEIS Agency Preferred Alternative (Alternative 5 – Route 8G and Route 9K) was selected from seven new alternatives which were composed of a combination of one route from Segment 8 and one from Segment 9. SEIS Alternative 5 has the potential to generate different impacts to ESA listed species or critical habitat compared to the Agency Preferred Alternatives considered in the FEIS/BA.
- A new mitigation framework for the SRBOP was developed for the SEIS (see Appendix K of the SEIS).
- Several species have been listed since the FEIS/BA was published.

[2] Although additional ESA listed species or critical habitat were analyzed in the FEIS and BA and addressed in FWS's 2013 BO and CO (Attachment 1 and 2), the impact assessment and effects determinations for those species remain unchanged because none of the species or critical habitat occur or have the potential to occur in the Action Areas of Segments 8 and 9.

ESA Listed Species Updates

Since publication of the 2013 FEIS/BA, several changes have occurred to the status or distribution of ESA listed species and critical habitat along Segments 8 and 9 of the Project. These changes include:

- The yellow-billed cuckoo was considered a Candidate species under the ESA during the FEIS. Effective November 2, 2014, the western distinct population segment of the yellow-billed cuckoo was listed as Threatened under the ESA (USFWS Federal Register/Vol. 79, October 2, 2014).
- Slickspot peppergrass was a proposed species under the ESA during the FEIS. Effective September 16, 2016, slickspot peppergrass was reinstated as a Threatened species under the ESA (USFWS Federal Register/Vol. 81, August 17, 2016).
- The proposal to designate critical habitat for slickspot peppergrass was amended and proposed critical habitat for the plant was expanded by 4,261 acres on February 12, 2014.

ESA Listed Species Review

ESA listed species are addressed in Sections 3.7 (Special Status Plants) and 3.11 (Special Status Wildlife and Fish Species) of the SEIS. Quantitative data was only available for several ESA listed species relevant to this memorandum (i.e., yellow-billed cuckoo and slickspot peppergrass). Impact tables for yellow-billed cuckoo are provided in Tables D.11-3, D.11-5, and D.11-7 in Appendix D of the SEIS. Impact tables for slickspot peppergrass are provided in Tables 3.7-1, 3.7-3, 3.7-4, 3.7-8, and 3.7-14 in Section 3.7 of the SEIS. Impacts for the remaining ESA listed species or critical habitat relevant to this memorandum (i.e., Banbury Springs limpet, Bliss Rapids snail, Bruneau hot springsnail, Snake River physa, and bull trout critical habitat) are provided qualitatively in Section 3.11 of the SEIS.

The following subsections describe the extent of impacts that could occur to ESA listed species and critical habitat under the agency preferred alternative routes assessed in the SEIS (Routes 8G and 9K; Attachment 3: Figure 1; Section 3.11.2.3 in the SEIS) compared to those described in the FEIS/BA (Attachment 3: Figure 2). The Project Action Area analyzed in the FEIS/BA and discussed in this memorandum includes those areas where any direct and indirect effects to ESA listed species could occur and comprises all areas within a 0.5 mile buffer around Project facilities. Areas directly impacted by the footprint of Project facilities are also included in this discussion.

Aquatic Invertebrate Species and Bull Trout Critical Habitat

Four ESA listed aquatic invertebrate species and bull trout critical habitat were originally analyzed in the FEIS/BA. Three ESA listed aquatic invertebrate species (Banbury Springs limpet, Bliss Rapids snail, and Snake River physa) occur in the Snake River or directly adjacent to the Snake River in springs or spring-fed streams. One ESA listed aquatic invertebrate species (Bruneau hot springsnail) and bull trout critical habitat occur in the Bruneau River. As reported in the BA, the Project Action Areas associated with the FEIS preferred alternative routes for Segments 8 and 9 would intersect potential or occupied habitat and/or recovery areas of the ESA listed invertebrate species and/or bull trout critical habitat to some extent. Similarly, the Project Action Areas associated with the SEIS preferred alternative Routes 8G and 9K also would intersect potential or occupied habitat and/or recovery areas and/or critical habitat of these species as well. In regards to ESA listed aquatic species and critical habitat, the SEIS preferred alternative Route 9K will only cross the Bruneau River and the proposed facilities, crossing location, and potential effects would be exactly the same as what was reported in the BA for the FEIS preferred

alternative for Segment 9. In contrast, the SEIS preferred alternative Route 8G would have a markedly different alignment than the FEIS preferred alternative route for Segment 8. Although both would cross the Snake River, the routes would cross at different locations. In addition, the SEIS Route 8G would cross the Bruneau River, whereas the FEIS Segment 8 route would not. No potential, occupied, or critical habitat or recovery areas for any of the aquatic species or critical habitat would be intersected by the Action Area associated with the SEIS preferred alternative Route 9 Toana Road Variation 1.

Banbury Springs limpet and Bliss Rapids snail

The Banbury Springs limpet and Bliss Rapids snail are associated with cold-water spring complexes along the Snake River. Although both species occur in these cold-water spring complexes, the Banbury Springs limpet is restricted to springs while the Bliss Rapids snail can also occur in the mainstem Snake River. The recovery area for these species includes tributary cold-water spring complexes within 5 miles of the river between river mile (RM) 547 to approximately 589 (584.8 to 589.3 for Banbury Springs limpet and 547 to 585 for Bliss Rapids snail; USFWS 1995). Cold-water spring complexes are restricted to the north side of the Snake River.

As disclosed in the FEIS/BA and SEIS, the Action Areas for FEIS Segment 8 and SEIS Route 8G would intersect potential habitat and the recovery areas (i.e., Snake River and/or cold-water spring complexes north of the river) of these species. Neither the transmission lines nor the access roads (i.e., Project facilities) associated with FEIS Segment 8 or SEIS Route 8G would cross through potential habitat of either of these species (Table 1). The nearest populations of Banbury Springs limpet (i.e., Thousand Springs) and Bliss Rapids snail (i.e., Malad River) are located nearly 12 miles upstream and approximately 1.3 miles downstream from the proposed SEIS Route 8G spanning of the Snake River, respectively. In addition, no Project facilities associated with FEIS Segment 8 would cross the recovery areas of these species. However, although the transmission line associated with SEIS Route 8G would not cross the recovery area of the Banbury Springs limpet, the transmission line would span the Snake River portion of the recovery area (355 feet at RM ~572) for the Bliss Rapids snail (Table 1). The shrub riparian habitat adjacent to the Snake River at the location to be spanned would not be disturbed by the construction footprint.

Additionally, the Action Areas and Project facilities for FEIS Segment 9 and SEIS Route 9K are identical in this area and do not intersect or cross potential habitat or the recovery areas of these species as the alignment of these routes are located over 5 miles from the Snake River. Therefore, the impacts to these species would not substantively differ between the preferred alternatives of the FEIS and the SEIS and are expected to result in similar impacts and the same effects determination reported in the BA (Attachment 1).

Table 1. Comparison of potential impacts that could occur to ESA listed aquatic invertebrates species under the agency preferred alternative routes described in the FEIS/BA (Segments 8 and 9) and those assessed in the SEIS (Routes 8G and 9K).

Analysis Unit	Species Management	Project Route	Species			
			Banbury Springs	*Bliss Rapids*	*Snake River*	*Bruneau hot*

	Unit		*limpet*	*snail*	*physa*	*springsnail*
Project Action Area	Potential Habitat	FEIS Segment 8	Y	Y	Y	**N**
		SEIS Route 8G	Y	Y	Y	**Y**
		FEIS Segment 9	N	N	N	Y
		SEIS Route 9K	N	N	N	Y
	Recovery Area	FEIS Segment 8	Y	Y	**N**	**N**
		SEIS Route 8G	Y	Y	**Y**	**Y**
		FEIS Segment 9	N	N	N	Y
		SEIS Route 9K	N	N	N	Y
Project Facilities	Occupied Habitat	FEIS Segment 8	N	**N**	Y	N
		SEIS Route 8G	N	**Y**	Y	N
		FEIS Segment 9	N	N	N	N
		SEIS Route 9K	N	N	N	N
	Recovery Area	FEIS Segment 8	N	**N**	**N**	N
		SEIS Route 8G	N	**Y**	**Y**	N
		FEIS Segment 9	N	N	N	N
		SEIS Route 9K	N	N	N	N

Table Notes: Potential impacts to species are reported as Species Management Unit intersected by Analysis Unit (Y) and Species Management Unit not intersected by Analysis Unit (N). Cells with shading and bolded letter indicate a difference between the FEIS and SEIS route.

Snake River physa

Since designation of the Snake River physa recovery area, surveys have revealed that the species occurs outside of the designated recovery area as far downstream as the Oregon border. As noted in the FEIS/BA, neither the Action Area nor Project facilities associated with FEIS Segment 8 would intersect or cross the Snake River physa recovery area. However, the FEIS Segment 8 Action Area and Project facilities would intersect but only span potential habitat of the species where the alignment would pass over the Snake River at RM ~441. The transmission line would span the Snake River and adjacent shrub riparian habitat in an area dominated by agricultural lands; as with any crossing considered, no in-water work would be conducted and no new roads would be constructed in riparian habitat.

Similarly, the SEIS Route 8G Action Area and Project facilities would intersect and span potential habitat where the alignment passes over the Snake River at RM ~572. However, there could be minor differences in the extent of effects because the Action Area and Project facilities would intersect and span the species' recovery area (Table 1). Although the location where SEIS Route 8G spans the Snake River is delineated as the Snake River physa's recovery area, the species has not been detected in this intensively surveyed portion of the river (Hopper and Burack 2016). The nearest population of Snake River physa (i.e., below Bliss Dam) is located approximately 13 miles downstream from the proposed SEIS Route 8G spanning of the Snake River. Identical to the Bliss Rapids snail recovery area, the shrub riparian habitat adjacent to the Snake River at the location to be spanned would not be disturbed by the construction footprint, and therefore differences in effects would be expected to be negligible.

Similar to the previous discussion for Banbury Springs limpet and Bliss Rapids snail, the Action Areas and Project facilities for FEIS Segment 9 and SEIS Route 9K are identical in the area and do not intersect or cross potential habitat or the recovery areas of the Snake River physa as the alignment of these routes are located over 5 miles from the Snake River. In summary, the impacts to this species would not substantively differ between the preferred alternatives of the FEIS and the SEIS and are

expected to result in similar impacts and the same effects determination reported in the BA (Attachment 1).

Bruneau hot springsnail

The Bruneau hot springsnail is endemic to the geothermal springs that discharge along a 5 miles stretch of the Bruneau River in southwest Idaho (USFWS 2007). The recovery area for the species begins at the point where the Bruneau River crosses the southern boundary of Township 08 South, Range 06 East, Section 12 and continues downstream (including Hot Creek from the confluence of the Bruneau River to the Indian Bathtub) to the point where the Bruneau River crosses the northern boundary of Township 07 South, Range 06 East, Section 35 (USFWS 2002).

Because the FEIS Segment 8 Action Area and Project facilities would be located north of the Snake River they would not intersect or span the Bruneau River and would not affect potential habitat or the recovery area of the species. In contrast, the SEIS Route 8G Action Area would intersect potential habitat and the recovery area of the Bruneau hot springsnail (Table 1). Nevertheless, SEIS Route 8G Project facilities would not cross potential habitat or the recovery area of the species (Hopper and Burack 2016). SEIS Route 8G would span the Bruneau River at approximately RM 13.0 in an area characterized by disturbed grassland and greasewood riparian habitat. FEIS Segment 9 and SEIS Route 9K have the same alignment therefore the impacts from this proposed route are identical to those reported in the FEIS/BA. Additionally, because SEIS Route 8G would be located 250 feet north of the FEIS Segment 9/SEIS Route 9K alignment and all would be downstream from potential habitat and the recovery area of the Bruneau hot springsnail, the impacts would be indistinguishable from those reported in the FEIS and the effects determination would be the same as reported in the BA (Attachment 1).

Bull trout Critical Habitat

The nearest bull trout occupied habitat in the Bruneau River system occurs far upstream in one of its largest tributaries, the Jarbidge River. Bull trout critical habitat extends approximately 90 downstream to the Buckaroo Ditch diversion dam on the Bruneau River (Matibag 2016).

Because the FEIS Segment 8 Action Area and Project facilities would be located north of the Snake River, they would not intersect or span the Bruneau River and would not affect bull trout critical habitat. In contrast, the SEIS Route 8G Action Area would intersect critical habitat of this species but the Project facilities would not because the alignment would span the Bruneau River below the Buckaroo Ditch diversion dam. As disclosed in the FEIS/BA, the Action Area and Project facilities of FEIS Segment 9 would intersect but span bull trout critical habitat. However, as discussed in the Bruneau hot springsnail section above, FEIS Segment 9 and SEIS Route 9K have the same alignment and therefore the impacts to bull trout critical habitat are identical to those reported in the FEIS/BA. The footprint of the Project facilities would not impact riparian habitat adjacent to critical habitat and no road would cross critical habitat. Additionally, because SEIS Route 8G would be located 250 feet north of the FEIS Segment 9/SEIS Route 9K alignment and downstream of critical habitat, the impacts would be indistinguishable from those reported in the FEIS and the effects determination would be the same as reported in the BA (Attachment 1).

In summary, the routes assessed in the SEIS would result in effects on ESA listed aquatic invertebrates and bull trout critical habitat that are similar to those disclosed in the FEIS/BA. In general, the SEIS preferred alternative Routes 8G and 9K have analogous spannings of the Snake and Bruneau Rivers as the preferred alternative routes for Segment 8 and 9 assessed in the FEIS, and would incorporate the

same Best Management Practices to avoid or minimize impacts to aquatic habitats as was required in the ROD and BO. Therefore, the impacts to ESA listed aquatic invertebrate species and bull trout critical habitat would not substantively differ between the preferred alternatives of the FEIS and the SEIS and are expected to result in similar impacts and the same effects determination reported in the BA (Attachment 1).

Terrestrial Species or Critical Habitat

As noted in the **ESA Listed Species Updates** above, the yellow-billed cuckoo and slickspot peppergrass have been listed (or reinstated) under the ESA since publication of the FEIS/BA. In addition, both species have proposed critical habitat pending designation. Because the yellow-billed cuckoo was considered a Candidate species at the time, it was not assessed in the BA. However, slickspot peppergrass and its proposed critical habitat were analyzed in the BA because the species was proposed for listing under the ESA. The Service subsequently provided a Conference Opinion for the Project because the FEIS preferred alternative route for Segment 8 "may affect", and was "likely to adversely affect" slickspot peppergrass and its proposed critical habitat.

Yellow-billed cuckoo

The western distinct population segment of the yellow-billed cuckoo prefers large patches of multi-layered riparian gallery forest comprised of cottonwoods and willows with an understory of dense, shrubby vegetation (Hughes 1999). In addition, cuckoos may require the relatively cool temperatures and high humidity that only larger patches of dense forest next to open water can provide. Nesting pairs are sensitive to patch size seldom using patches < 5 acres (Hughes 1999); habitat patches > 200 acres are considered ideal (Laymon 1998). In Idaho the yellow-billed cuckoo is at or near the limit of its range and is relatively unknown as the species is unlikely to have ever been numerous in the state (Reynolds and Hinckley 2005). Historic records and recent surveys suggest that the species is a rare migrant and summer resident most likely to occur in southeastern Idaho, particularly along the Snake River corridor (Reynolds and Hinckley 2005).

As reported in the SEIS, the preferred alternative Routes 8G and 9K could potentially impact riparian habitats that, broadly speaking and without information on fine-scale characteristics of the habitat, could support yellow-billed cuckoo. According to Tables D.11-5 and D.11-7 of the SEIS, approximately 2 acres of riparian habitat may be impacted based on the disturbance model used for the NEPA analysis that assumes impacts to all habitat within the 250 foot Right-of-Way.

Although the SEIS indicated that SEIS Routes 8G and 9K would cross through riparian habitats that could support yellow-billed cuckoo (Table D.11-1), the very limited riparian habitats that occur along the agency-preferred routes do not have characteristics of habitat typically used by the species based on site-specific, fine-scale data sets that were reviewed during the preparation of this memorandum. An examination of National Wetlands Inventory (NWI) and high resolution aerial imagery (0.3 meter) data revealed that the overwhelming majority of locations where NWI polygons occurred along SEIS Routes 8G and 9K were classified as Riverine, Intermittent, Streambed, Temporarily Flooded (R4SBA) systems which visually appeared to be sand washes with adjacent upland shrub steppe vegetation. The remaining locations were classified as Riverine, Upper Perennial, Unconsolidated Bottom (R3UB) or Palustrine, Scrub-Shrub, Seasonally Flooded (PSSC) systems and occurred adjacent to perennial rivers and creeks (i.e., Sinker Creek, Castle Creek, Bruneau River, Snake River, Salmon Falls Creek, and Rock Creek). An inspection of imagery of these areas showed riparian/wetland habitat composed of low-statured herbaceous and shrub (most likely willows) vegetation with isolated trees (primarily Russian olive with isolated cottonwoods at some locations). None of the riparian/wetland habitat areas appear to provide

the structural complexity or patch size adequate for yellow-billed cuckoo breeding. In addition, based on the local topography adjacent to these areas, direct impacts such as clearing, manipulation, or modification of these riparian/wetland habitat is not likely to occur because they would be spanned by the transmission line and access roads would not be constructed through them.

In addition to the general unsuitability of the habitat, it is highly unlikely that yellow-billed cuckoos other than rare vagrants would occur with any regularity in southwest Idaho. First, no current or historic observations records exist within the Action Areas of SEIS Routes 8G and 9K. Secondly, the three observations within the Snake River corridor in the vicinity of the Project occurred 15 to 31 years ago with the nearest observation of yellow-billed cuckoos to the SEIS Route 8G spanning of the Snake River over 50 miles downstream. And finally, the nearest proposed critical habitat for the species is found along the Big Wood River approximately 35 miles north (straight-line distance) of the Project; therefore, SEIS Routes 8G and 9K would have "no effect" on proposed critical habitat for the species.

Based on this assessment, it appears that the riparian/wetland habitats along SEIS Routes 8G and 9K do not have characteristics of adequate yellow-billed cuckoo habitat. In addition, direct and indirect impacts would not occur because, 1) riparian habitats would be spanned and 2) environmental protection measures would be implemented to avoid noise disturbing activities when migrating cuckoos may be present (SEIS Appendix M, TESWL-7, WILD-9). Because of these factors, the project is expected to have "no effect" on yellow-billed cuckoo (Attachment 4) and its proposed critical habitat.

Slickspot peppergrass

As previously mentioned, the Service provided a Conference Opinion for the Project because the FEIS preferred alternative route for Segment 8 "may affect" and was "likely to adversely affect" slickspot peppergrass and its proposed critical habitat. Although SEIS Figure 3.7-1 (Attachment 3: Figure 3) and Table 3.7-1 indicate that slickspot peppergrass Potential Habitat would be impacted by SEIS Routes 8G and 9K, the USFWS does not consider these areas as "Potential Habitat" or suitable for the species (Schmidt 2016), and therefore the reported impacts to "Potential Habitat" are over-estimated in the SEIS. In addition, SEIS Routes 8G and 9K (and the Toana Road Variation 1) do not cross any other areas of Occupied Habitat, Slickspot Peppergrass Habitat, Potential Habitat, proposed critical habitat, or any known element occurrences of slickspot peppergrass (Attachment 3: Figure 3). Based on this information, SEIS Routes 8G and 9K would have "no effect" on slickspot peppergrass or its proposed critical habitat (SEIS Table 3.7-3).

Conclusion

The effects to the relevant ESA listed species from the agency preferred alternative routes (8G and 9K) and variation (Toana Road Variation 1) assessed in the SEIS would be the same, reduced, or non-existent in comparison to the agency preferred alternative routes (FEIS Segment 8 and 9) assessed in the FEIS/BA. Additionally, all EPMs related to ESA listed species and enumerated in the FEIS and SEIS, and required in the ROD would be implemented for these new routes and variation if the Project is approved. Therefore, we conclude that any potential impacts to ESA listed species from the SEIS agency preferred alternative Routes 8G and 9K (including the Toana Road Variation 1) do not meet the threshold for reinitiation of section 7 consultation. We respectfully request acknowledgement from the USFWS regarding this conclusion and request continued acceptance of the original BO prepared for the Gateway West Transmission Line Project. As we have determined that SEIS Segments 8 and 9 will have

no effect on slickspot peppergrass, the yellow-billed cuckoo, and their proposed critical habitats, we also request USFWS acknowledgement of these "no effect" determinations.

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Attachment 1. Federally Threatened and Endangered Wildlife and Plant Species Occurring in the vicinity of the Gateway West Project (Idaho and Wyoming), Their Effect Determinations, Results, and Rationale from the 2013 BA and BO.

Species	Status	Effect Determination	Result	Rationale
Colorado River Species				
Colorado pikeminnow (*Ptychocheilus lucius*)	Endangered	May affect, likely to adversely affect	Formal Consultation: Biological Opinion	It is estimated that annual depletions would be 0.3 acre feet from the Colorado River basin for use by the Project. The Proponents have committed to purchasing enough water to cover the extent of estimated water withdrawals from the Colorado River system for which consultation has already occurred; however, because the Proponents cannot yet identify the exact location for sources or precise amount of water per location that they plan to purchase until these water source locations and amounts have been fully identified, current project estimates for water usage lead to a threat determination for this Project of "*may affect, likely to adversely affect*" for the Colorado River endangered fishes, and a "may affect, not likely to adversely affect" their designated critical habitat.
Razorback sucker (*Xyrauchen texanus*)	Endangered			
Bonytail chub (*Gila elegans*)	Endangered			
Humpback chub (*Gila cypha*)	Endangered			
Colorado pikeminnow critical habitat	Designated	May affect, not likely to adversely affect critical habitat	Formal Consultation: Biological Opinion	
Razorback sucker critical habitat	Designated			
Bonytail chub Critical habitat	Designated			
Humpback chub critical habitat	Designated			
Platte River Species				
Interior least tern (*Sterna antillarum athalassos*)	Endangered	May affect, likely to adversely affect	Formal Consultation: Biological Opinion	It is estimated that annual depletions would be 0.4 acre feet from the Platte River basin for use by the Project. The Proponents have committed to purchasing water from existing sources to cover the extent of estimated water withdrawals from the Platte River system and for which consultation has already occurred; however, the Proponents have not yet identified the sources or secured this water to date. Therefore, until these water sources and the precise amounts from each source have been fully identified, the threat determination for this Project is "may affect, likely to adversely affect" for these Platte River species, and "may affect, not likely to adversely affect" regarding their designated critical habitat.
Piping plover (*Charadrius melodus*)	Threatened		Formal Consultation: Biological Opinion	
Whooping crane (*Grus americana*)	Endangered			
Pallid sturgeon (*Scaphirhynchus albus*)	Endangered			
Western prairie fringed orchid (*Platanthera praeclara*)	Threatened			
Whooping crane critical habitat	Designated	May affect, not likely to adversely affect critical habitat	Formal Consultation: Biological Opinion	

Species	Status	Effect Determination	Result	Rationale
Mammals				
Black-footed ferret (*Mustela nigripes*)	Endangered	No effect	Informal Consultation: Acknowledged	Based on recent determination by the U.S. Fish and Wildlife Service (USFWS March 6 Letter to Scott Talbott, Director - Wyoming Game and Fish Department), the entire State of Wyoming has been block cleared, relaxing the requirements of section 7 Consultation. No surveys would be required based on the agreement for block clearance, and it is determined that because wild endangered black-footed ferret populations are no longer present outside of the reintroduced populations ferrets, wild, free-ranging endangered ferrets would not be impacted by this project
	10(j) Nonessential, experimental population	May affect, not likely to adversely affect	Informal Consultation: Concurrence	Unlikely to be encountered, and agency- required Environmental Protection Measures (EPMs) would be implemented. This species is included for agency coordination purposes.
Canada lynx (*Lynx canadensis*)	Threatened	May affect, not likely to adversely affect	Informal Consultation: Concurrence	Unlikely to be encountered, no critical habitat or LAUs impacted; however, two linkage areas would be crossed.
Grizzly bear (*Ursus arctos*)	Threatened	May affect, not likely to adversely affect	Informal Consultation: Concurrence	Unlikely to be encountered, species is highly mobile, and the Project would affect only small portion of any individual's home range which is located adjacent to an existing freeway.
Preble's meadow jumping mouse (*Zapus hudsonius preblei*)	Threatened	May affect, not likely to adversely affect	Informal Consultation: Concurrence	Unlikely to be encountered; however, surveys would be conducted in suitable habitat and occupied areas would be avoided during construction.
Fish				
Bull trout critical habitat	Designated	May affect, not likely to adversely affect	Informal Consultation: Concurrence	Critical habitat would be spanned by the transmission line, but no habitat disturbance would occur within the river and only limited disturbance in the riparian area (i.e., individual trees may be removed).
Invertebrates				
Banbury Springs limpet (*Lanx* sp.)	Endangered	May affect, not likely to adversely affect	Informal Consultation: Concurrence	A recovery area is located within the Action Area; however, this area would not be crossed by the line or any roads.
Bliss Rapids snail (*Taylorconcha serpenticola*)	Threatened	May affect, not likely to adversely affect	Informal Consultation: Concurrence	A recovery area is located within the Action Area; however, it would be spanned, with no road crossings proposed.

Species	Status	Effect Determination	Result	Rationale
Bruneau hot springsnail (*Pyrgulopsis bruneauensis*)	Endangered	May affect, not likely to adversely affect	Informal Consultation: Concurrence	A recovery area is located within the Action Area; however, this area would not be crossed by the line or any roads, and no water withdrawals would occur from hot-springs in the Bruneau River.
Snake River physa snail (*Physa natricina*)	Endangered	May affect, not likely to adversely affect	Informal Consultation: Concurrence	A recovery area is located within the Action Area; however, it would be spanned, with no road crossings proposed.
Plants				
Blowout penstemon (*Penstemon haydenii*)	Endangered	No Effect	Informal Consultation: Acknowledged	The Action Area does not intercept this species' current distribution.
Ute ladies'-tresses (*Spiranthes diluvialis*)	Threatened	May affect; not likely to adversely affect	Informal Consultation: Concurrence	The Action Area does not intercept any known occurrences of this species; however, it would cross this species known range. Surveys would be conducted and all occupied areas would be avoided during construction.
Slickspot peppergrass (*Lepidium papilliferum*)	Proposed Endangered	May affect, likely to adversely affect	Conference Opinion	Action Area intersects occupied habitat, slickspot peppergrass habitat, and potential habitat for this species, and some impacts to the species and its habitat are anticipated.
Slickspot peppergrass critical habitat	Proposed	May affect, likely to adversely affect critical habitat	Conference Opinion	Action Area intersects proposed critical habitat for this species, and some impacts to PCEs are anticipated.

Attachment 2. Federally Threatened and Endangered Wildlife and Plant Species in Idaho and Wyoming that were determined from the 2013 BA and BO to not have the Potential to Occur in the Action Area.

Species	Status	Effect Determination	Result	Rationale
Mammals				
Northern Idaho ground squirrel (*Spermophilus brunneus brunneus*)	Threatened	Not fully analyzed in the BA	Informal Consultation: Acknowledged	This species has a very restricted range, and is only found in Adams and Valley Counties in west-central Idaho. The Project is not located in either one of these counties, and so does not overlap this species' current range. The closest know occurrence of this species is located about 60 miles north of the Project's Segment 8. As a result, the Project is not expected to impact Northern Idaho ground squirrel.
Selkirk Mountains woodland caribou (*Rangifer tarandus caribou*)	Endangered	Not fully analyzed in the BA	Informal Consultation: Acknowledged	This population of caribou is found in extreme northeastern Washington, northern Idaho, and southern British Columbia (48 *Federal Register* 1722). The closest this subspecies is found to the Project is along the Pend Oreille River in northern Idaho, approximately 300 miles to the north. As a result, the Project is not expected to impact Selkirk Mountains woodland caribou.
Fish				
Bull trout (*Salvelinus confluentus*)	Threatened	Not fully analyzed in the BA	Informal Consultation: Acknowledged	The Project crosses the Bruneau River, which has the potential to be used for foraging, migration, and overwintering by the Jarbidge River DPS of bull trout (USFWS 2004). At this time, bull trout have not been documented to use the Bruneau River, although the Bruneau River has been designated as bull trout critical habitat. Use of the Bruneau River by bull trout remains unconfirmed; therefore, the Project is not expected to impact bull trout.

Species	Status	Effect Determination	Result	Rationale
Chinook salmon (*Oncorhynchus tshawytscha*)	Threatened	Not fully analyzed in the BA	Informal Consultation: Acknowledged	Two evolutionarily significant units (ESUs) of Chinook salmon occur in the vicinity of the Action Area: Snake River fall Chinook, and Snake River spring/summer Chinook. Snake River fall Chinook occur along the mainstem Snake River from the mouth in Washington to Hells Canyon Dam on the Oregon-Idaho border, and in the first few river miles of certain large tributaries, including the Tucannon, Grande Ronde, and Clearwater Rivers (Waples et al. 1991). Adult fall Chinook migrate past Bonneville Dam on the Columbia River from August to October (Waples et al. 1991). Adult spring/summer Chinook migrate past Bonneville Dam from early March through August (Good et al. 2005). Passage for both of these ESUs is blocked at Hells Canyon Dam on the Snake River, over 100 miles north of the Action Area. Hells Canyon Dam is the closest location of Snake River fall Chinook, while the Salmon River basin, approximately 70 miles to the north of the Action Area, is the closest occurrence of Snake River spring/summer Chinook.; therefore, the Project is not expected to impact Chinook salmon.
Kendall warm springs dace (*Rhinichthys osculus thermalis*)	Endangered	Not fully analyzed in the BA	Informal Consultation: Acknowledged	This species is restricted to Kendall Warm Springs, which is approximately 80 miles north of Segment 4 of the Project, and no Project activities would be taking place upstream of this species' range. Therefore, the Project is not expected to impact Kendall Warm Springs dace.
Sockeye salmon (*Oncorhynchus nerka*)	Endangered	Not fully analyzed in the BA	Informal Consultation: Acknowledged	The closest ESU of sockeye salmon to the Action Area is Snake River sockeye. The only extant population in this ESU is in Redfish Lake, approximately 80 miles to the north of Segment 8. Passage for this fish into the Action Area from the ocean is blocked by Hells Canyon Dam, approximately 100 miles north of the Action Area. Therefore, this Project is not expected to impact sockeye salmon.

Species	Status	Effect Determination	Result	Rationale
Steelhead (*Oncorhynchus mykiss*)	Threatened	Not fully analyzed in the BA	Informal Consultation: Acknowledged	The closest ESU of steelhead to the Action Area is Snake River steelhead. The passage of Snake River steelhead from the ocean into the Action Area is blocked by Hells Canyon Dam, approximately 100 miles to the north. The closest these fish can be found to the Action Area as the crow flies is in the Salmon River basin, approximately 70 miles north of Segment 8. Therefore, the Project is not expected to impact steelhead.
White sturgeon (Kootenai River population) (*Acipenser transmontanus*)	Endangered	Not fully analyzed in the BA	Informal Consultation: Acknowledged	The closest area (in comparison to the Action Area) known to contain the Kootenai River population of white sturgeon is in the northern panhandle of Idaho, over 350 miles to the north. Therefore, the Project is not expected to impact white surgeon.
Amphibians				
Wyoming toad (*Bufo baxteri*)	Endangered	Not fully analyzed in the BA	Informal Consultation: Acknowledged	This species is known only from Mortenson Lake (NatureServe 2011), which is approximately 60 miles southeast of Segment 2 in Albany County. Therefore, the Project is not expected to impact the Wyoming toad.
Plants				
Colorado butterfly plant (*Guara neomexicana* ssp. *coloradoensis*)	Threatened	Not fully analyzed in the BA	Informal Consultation: Acknowledged	This plant's range is limited to Laramie and Platte Counties in Wyoming, western Kimball County in Nebraska, and Weld County in Colorado. It is only known to occur in approximately 17 locations located in a small geographic area, measuring approximately 60 miles by 60 miles. The Action Area does not lie in either one of the Wyoming counties from which this plant is known; therefore, the Project is not expected to impact Colorado butterfly plant.
Desert yellowhead (*Yermo xanthocephalus*)	Threatened	Not fully analyzed in the BA	Informal Consultation: Acknowledged	The desert yellowhead is sparsely distributed across an area of only 50 acres in southeastern Fremont County, Wyoming (67 *Federal Register* 11442). The only known location where this species occurs, despite intensive survey efforts, is one small area of southeastern Fremont County, which is not in the Action Area. Therefore, the Project is not expected to impact desert yellowhead.

Species	Status	Effect Determination	Result	Rationale
MacFarlane's four-o'clock (*Mirabilis macfarlanei*)	Threatened	Not fully analyzed in the BA	Informal Consultation: Acknowledged	This plant occurs in Idaho and Oregon only at three sites: along the Snake River in Idaho County, Idaho; along the Salmon River in Idaho County, Idaho, and along the Imnaha River in Wallowa County, Oregon. The closest of these to the Action Area is about 130 miles to the north, and therefore the Project is not expected to impact MacFarlane's four-o'clock.
Spalding's catchfly (*Silene spaldingii*)	Threatened	Not fully analyzed in the BA	Informal Consultation: Acknowledged	The closest known occurrence of Spalding's catchfly to the Project is approximately 120 miles to the north, and therefore the Project is not expected to impact Spalding's catchfly.
Water howellia (*Howellia aquatilis*)	Threatened	Not fully analyzed in the BA	Informal Consultation: Acknowledged	Water howellia is known from Latah County, Idaho; Spokane, Clark, and Pierce Counties, Washington; and Lake and Missoula Counties, Montana (USFWS 1996b). The closest known occurrence of this plant to the Project is over 150 miles to the north, and therefore the Project is not expected to impact water howellia.

Attachment 3. Figures

Figure 1. FEIS Agency Preferred Alternative Routes for Segments 8 and 9 in Idaho Analyzed in the Biological Assessment.

Figure 2. SEIS Agency Preferred Alternative Routes 8G and 9K (including Toana Road Variation 1) Analyzed in the Supplemental EIS.

Figure 3. Slickspot Peppergrass Habitat Categories in relation SEIS Agency Preferred Alternative Routes 8G and 9K (including Toana Road Variation 1) Analyzed in the Supplemental EIS.

Figure 1. FEIS Agency Preferred Alternative Routes for Segments 8 and 9 in Idaho Analyzed in the Biological Assessment.

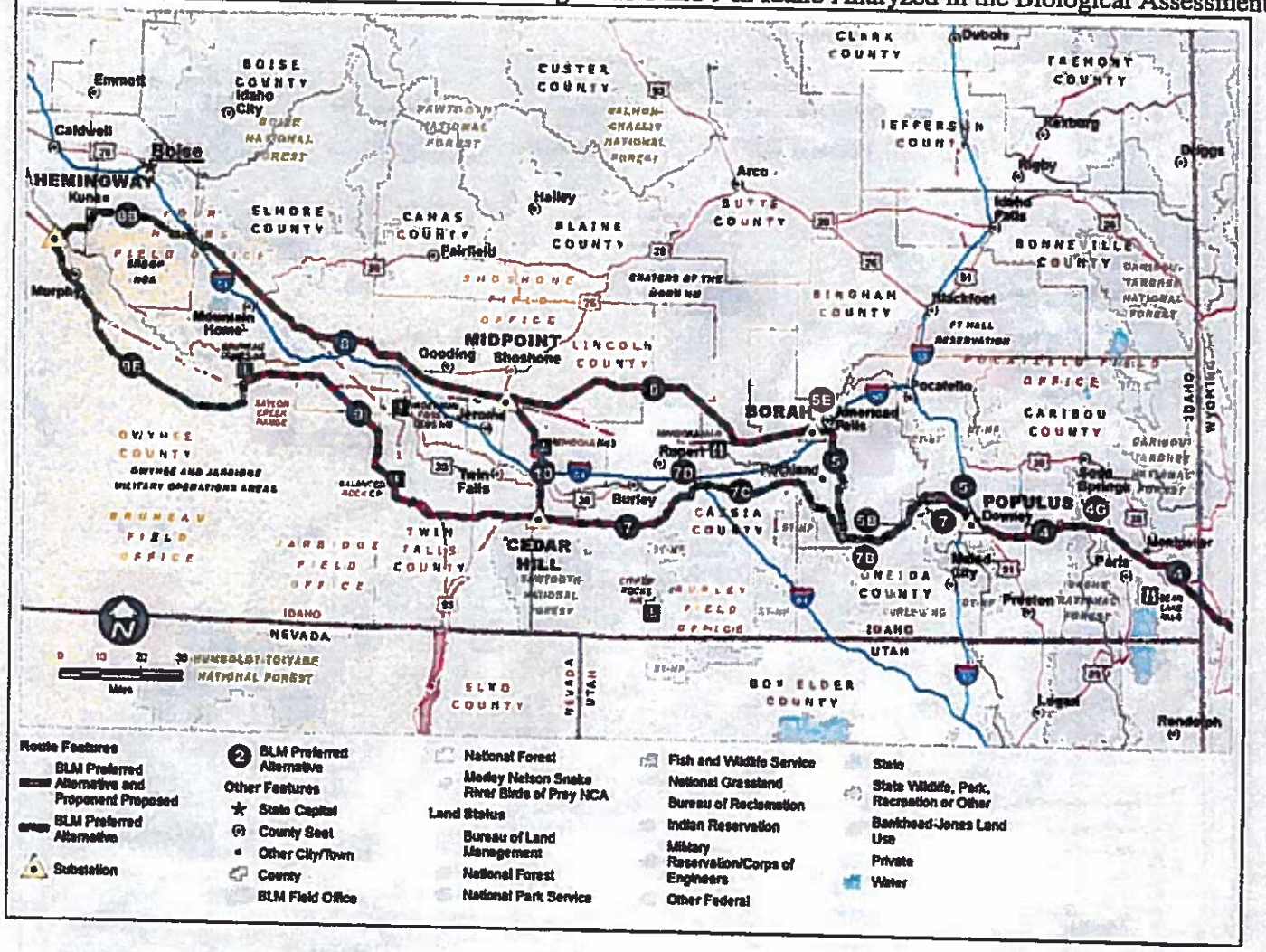


Figure 2. SEIS Agency Preferred Alternative Routes 8G and 9K (including Toana Road Variation 1) Analyzed in the Supplemental EIS.

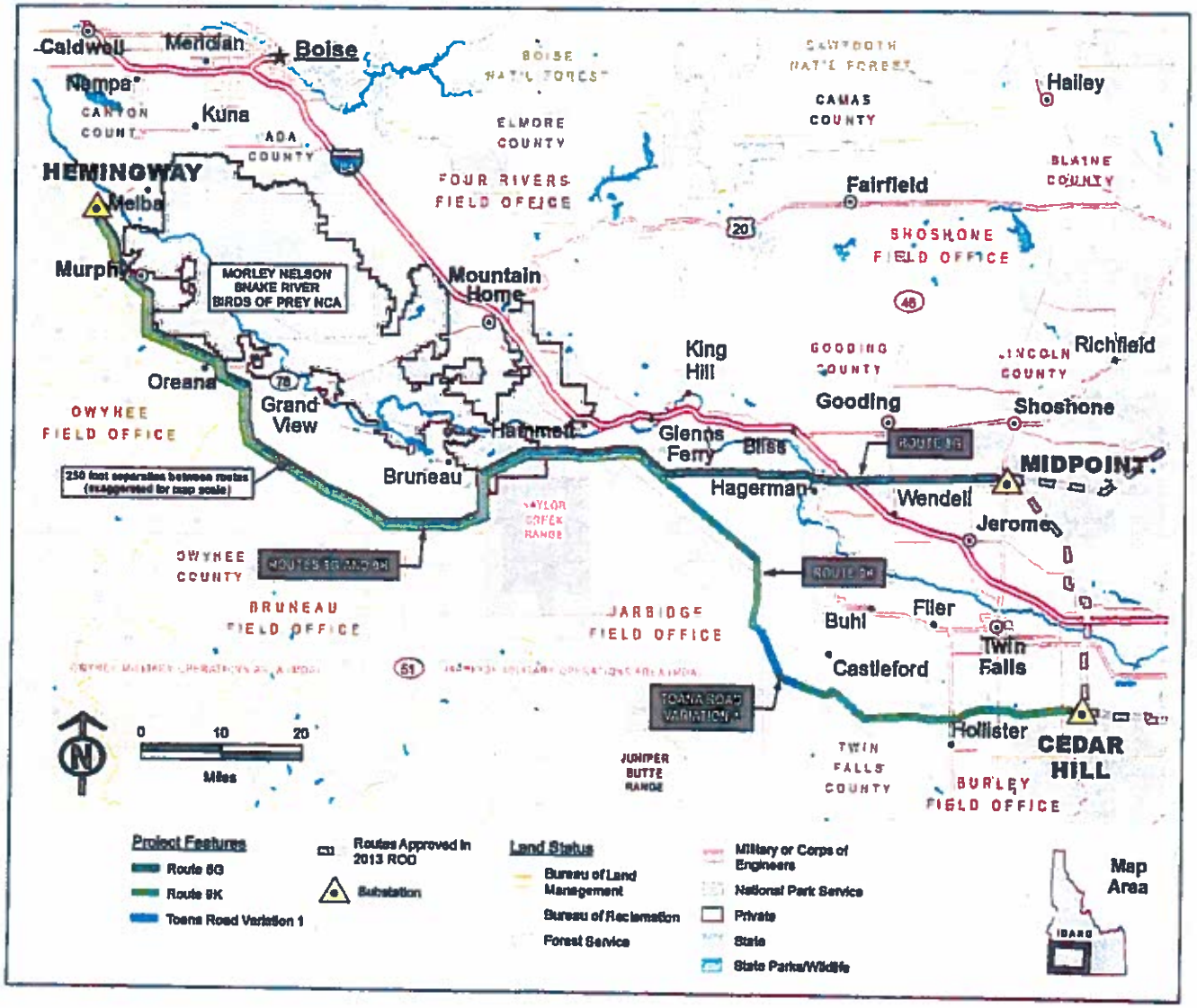
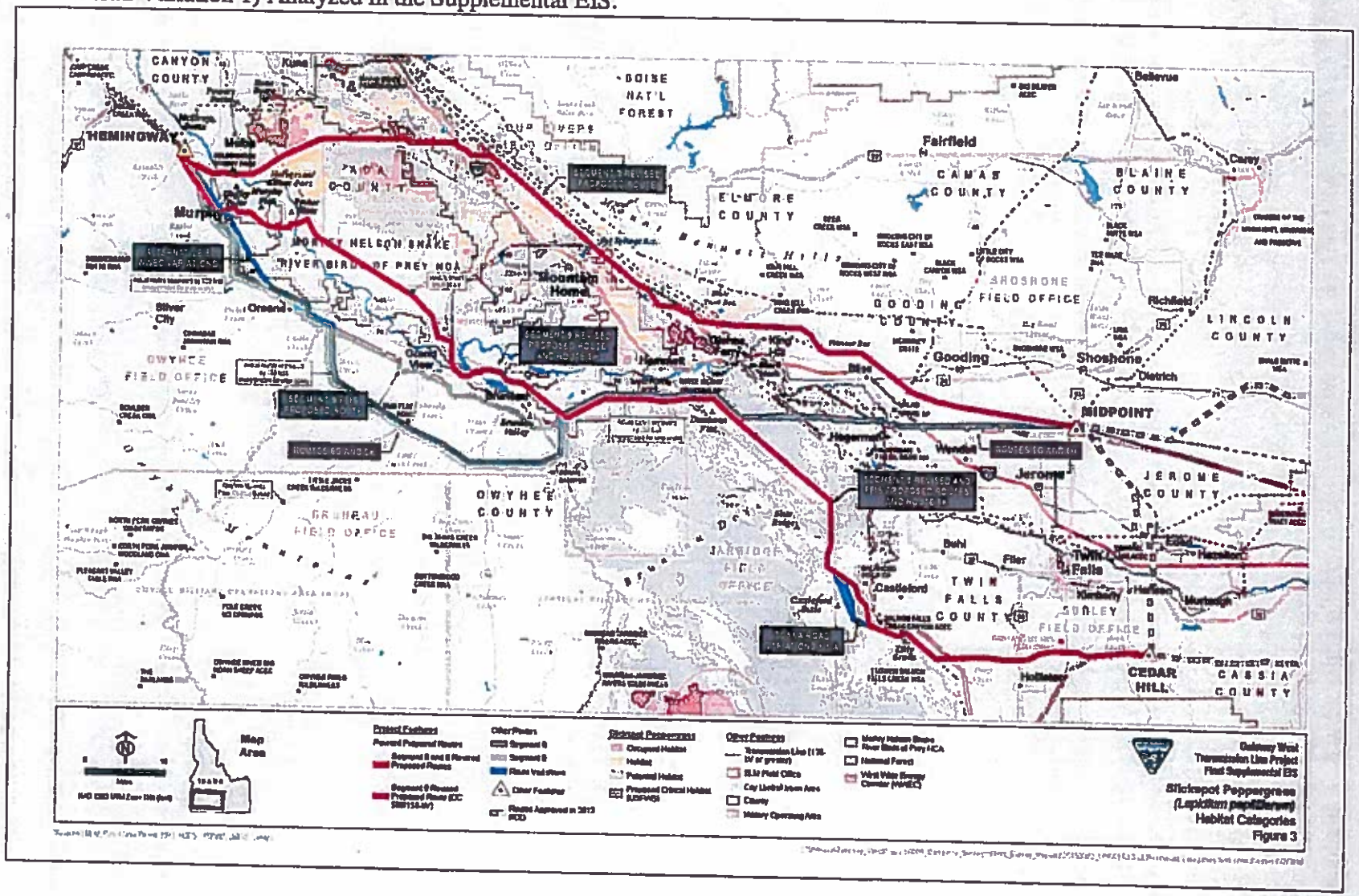


Figure 3. Slickspot Peppergrass Habitat Categories in relation SEIS Agency Preferred Alternative Routes 8G and 9K (including Toana Road Variation 1) Analyzed in the Supplemental EIS.



Attachment 4. Yellow-billed Cuckoo (*Coccyzus americanus*) Western DPS: Impact Evaluation of an Idaho BLM Proposed or Ongoing Action.

Yellow-billed Cuckoo (*Coccyzus americanus*) Western DPS: Impact Evaluation of an Idaho BLM Proposed or Ongoing Action January 14, 2015

Answer the questions in Table 1 as part of the process to evaluate whether a BLM proposed or ongoing action is likely to impact yellow-billed cuckoos or their habitat. These answers should be used to support a BLM effects determination. Provide a description of the federal action and a rationale for the determination below.

If all of the answers to questions 1-6 are "no" the federal action will have no impacts on yellow-billed cuckoo or their habitat and it is not necessary to answer question 7-10. In addition, the proposed action will have no impacts if any answer to questions 1-7 is "yes" but answers to 7-10 are "no." In either case, a "No Effect" determination should be made by the BLM, and a copy of this completed form should be placed in the project file to document the "No Effect" determination. However, if any question 8-10 is answered "yes" it will be necessary to contact the U.S. Fish and Wildlife Service.

Table. 1. Yellow-billed Cuckoo Impact Evaluation. If the response to any question 1-6 is "yes" then answer questions 7-10.

Criteria	Yes or No
1. Will the action occur within yellow-billed cuckoo proposed critical habitat?	No
2. Will the action occur outside the boundaries of proposed critical habitat but within a riparian zone that contains suitable habitat for yellow-billed cuckoo nesting or foraging? (See Hughes 1999; Federal Register vol. 79, no. 192 for suitable habitat characteristics)	No
3. Will the action occur outside the boundaries of proposed critical habitat but within a riparian area that may provide yellow-billed cuckoos with a corridor for movement between patches of suitable nesting or associated foraging habitat?	No
4. Are yellow-billed cuckoo likely to be present in habitat directly or indirectly affected by the action? This question should be answered by reviewing historic occurrence data, and it may be necessary to conduct presence/absence surveys to determine whether yellow-billed cuckoos currently occupy the footprint of the action.	No
5. Will the action alter hydrology within proposed critical habitat?	No
6. Will the action occur in areas adjacent (within 1 km) to yellow-billed cuckoo proposed critical habitat? (See Saab 1999).	No

7. Is the action likely to involve pesticides, herbicides, or other hazardous materials which may impact proposed critical habitat or yellow-billed cuckoo foraging?	NA
8. Does the action have measurable impact on vegetation within yellow-billed cuckoo suitable or proposed critical habitat? (see FR vol. 79, no. 192)	NA
9. Is the action likely to impact or inhibit processes that would expand or improve suitable vegetation characteristics within suitable or proposed critical habitat?	NA
10. Is the action likely to "take" individual yellow-billed cuckoos? (See http://www.fws.gov/midwest/endangered/glossary/index.html for a definition of take). Consider sub-lethal effects such as elevated noise or light levels.	NA

Briefly describe the federal action and provide a rationale for the effects determination. In addition, attach a map of the location of the federal action. The rationale should be based largely on answers provided in the impacts analysis, and additional features of the action that could influence the determination.

Description of Proposed or Ongoing Action:
See Section 2.0 of the Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line, Idaho.

Rationale for Determination:
No suitable habitat will be directly or indirectly impacted by the Preferred Alternative.

Construction timing restrictions (SEIS Appendix M, Environmental Protection Measure WILD-9, TESWL-7) will prevent disturbance (indirect effects of noise and human activity) near potential migration corridors (i.e., Snake River) during the time period YBCU may be present.

References

Federal Register (Vol. 79, No. 192.). 2014. Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the Western Distinct Population Segment of the Yellow-billed Cuckoo (*Coccyzus americanus*). Pages 59991-60038

Hughes, J. M. 1999. Yellow-billed cuckoo (*Coccyzus americanus*). *In* A. Poole and F. Gill, editors. The birds of North America, No. 418. The Birds of North America, Inc., Philadelphia, Pennsylvania.

Saab, V. 1999. Importance of spatial scale to habitat use by breeding birds in riparian forests: a hierarchical analysis. Ecological Applications 9:135–151.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
5353 Yellowstone Road, Suite 308A
Cheyenne, Wyoming 82009

In Reply Refer To:
06E13000-2013-F-0033a

DEC 16 2016

Memorandum

To: Deputy State Director, Idaho State Office, U.S. Bureau of Land Management, Boise, Idaho

From: Field Supervisor, U.S. Fish and Wildlife Service, Wyoming Field Office, Cheyenne, Wyoming

Subject: Gateway West Transmission Line Project Supplemental Environmental Impact Statement—Cassia, Elmore, Gooding, Jerome, Owyhee, and Twin Falls Counties, Idaho

This memorandum is provided in response to the Bureau of Land Management's (Bureau's) correspondence to the U.S. Fish and Wildlife Service (Service) dated December 13, 2016, and received by the Service on December 13, documenting changes in the Gateway West Transmission Line Project (Project) Supplemental Environmental Impact Statement (SEIS, BLM 2016, entire) to Segments 8 and 9 since the publication of the Final Environmental Impact Statement (FEIS, BLM 2013a, entire) and Bureau's Biological Assessment (Assessment; BLM 2013b, entire). The SEIS Segments 8 and 9 preferred alternative routes are located in Cassia, Elmore, Gooding, Jerome, Owyhee, and Twin Falls Counties, Idaho. This memorandum provides acknowledgement of and concurrence with the Bureau's determinations of effects on species pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (ESA; 50 CFR §402.13 and §402.14), for the proposed Project.

In the Bureau's memorandum, Service acknowledgement was requested for the Bureau's determinations that the changes to Segments 8 and 9 of the Project between the FEIS and the SEIS do not modify the effects analyzed for the Banbury Springs limpet (*Lanx* sp.), the Snake River physa (*Physa natricina*), the Bliss Rapids snail (*Taylorconcha serpenticola*), the Bruneau hot springsnail (*Pyrgulopsis bruneauensis*), and designated critical habitat for the bull trout (*Salvelinus confluentus*) in a manner or to an extent not previously considered in the Bureau's 2013 Assessment (USBLM 2013b, entire). The Bureau also requested acknowledgement that the SEIS Segments 8 and 9 preferred alternative routes will have no effect on slickspot peppergrass (*Lepidium papilliferum*) and the yellow-billed cuckoo (*Coccyzus americanus*) and its proposed critical habitat. This memorandum provides Service acknowledgement of the Bureau's

continued "may affect, not likely to adversely affect" determinations for the Banbury Springs limpet, the Snake River physa, the Bliss Rapids snail, the Bruneau hot springsnail, and designated critical habitat for the bull trout. This memorandum also provides Service acknowledgement of the Bureau's "no effect" determinations for the slickspot peppergrass, the yellow-billed cuckoo, and their proposed critical habitat.

Banbury Springs Limpet, Snake River Physa, Bruneau Hot Springsnail, Bliss Rapids Snail, and Bull Trout Critical Habitat

Service acknowledgement of the Bureau's "may affect, not likely to adversely affect" determinations for the Banbury Springs limpet, the Snake River physa, the Bliss Rapids snail, the Bruneau hot springsnail, and designated critical habitat for the bull trout is based in part on the Bureau's determination that current environmental baseline conditions for the Project area in the SEIS Segments 8 and 9 preferred alternative routes have not significantly changed from those considered in the effects analyses completed in the 2013 Assessment (BLM 2013b, entire). The Bureau also concluded that there will be no significant increase in the intensity or duration of any potential beneficial or adverse effects of Segments 8 and 9 of the Project, inclusive of associated conservation measures, as described in the 2013 Assessment (BLM 2013b, entire). Therefore, the Bureau has determined that the 2013 Assessment adequately addresses any effects of the SEIS Segments 8 and 9 preferred alternative routes. The Service acknowledges that the existing section 7 consultation adequately addresses the effects of the SEIS Segments 8 and 9 preferred alternative routes on these four listed snail species and on bull trout critical habitat. As no reinitiation triggers for section 7 consultation under the ESA, have been tripped, further section 7 consultation on the effects of SEIS Segments 8 and 9 on the Banbury Springs limpet, the Snake River physa, the Bliss Rapids snail, the Bruneau hot springsnail, and critical habitat for the bull trout is not necessary.

Slickspot Peppergrass and Its Proposed Critical Habitat

Effective September 16, 2016, slickspot peppergrass was reinstated as a threatened species under the ESA (81 FR 55058). At the time the FEIS was completed, slickspot peppergrass was proposed for listing as endangered under the Act. The Service's Conference Opinion determined that, while the 2013 FEIS preferred alternative route for Segment 8 "may affect" and was "likely to adversely affect" slickspot peppergrass and its proposed critical habitat, the Project would not jeopardize the continued existence of the species or destroy or adversely modify its proposed critical habitat. In contrast to the preferred alternative under the 2013 FEIS, the current SEIS Segments 8 and 9 preferred alternative routes do not cross Occupied Habitat, Slickspot Peppergrass Habitat, or proposed critical habitat or any known slickspot peppergrass element occurrences (EOs). The Bureau's December 13 memorandum further clarified that no Potential Habitat will be crossed by the SEIS Segments 8 and 9 preferred alternative routes; thus, the Bureau determined that SEIS Segments 8 and 9 will have "no effect" on slickspot peppergrass. The Service acknowledges the Bureau's "no effect" determination for the SEIS Segments 8 and 9 preferred alternative routes.

The Bureau has also determined that the SEIS Segments 8 and 9 preferred alternative routes do not cross proposed critical habitat for slickspot peppergrass. Service acknowledgement of the Bureau's "no effect" determination for SEIS Segments 8 and 9 is based on the lack of proposed critical habitat within or adjacent to the SEIS Segments 8 and 9 preferred alternative routes. Furthermore, with the replacement of the preferred FEIS routes for Segments 8 and 9 with the SEIS Segments 8 and 9 preferred alternative routes, effects analyses and conclusions for slickspot peppergrass and its proposed critical habitat within the 2013 Conference Opinion (USFWS 2013, entire) are no longer applicable to the Project.

Yellow-billed Cuckoo and its Proposed Critical Habitat

The Service's acknowledgement of the Bureau's "no effect" determination for the yellow-billed cuckoo in the SEIS Segments 8 and 9 is based on the Bureau's documentation that cuckoos have rarely been documented in southwestern Idaho, and that riparian/wetland habitats along SEIS Routes 8G and 9K do not have characteristics of suitable yellow-billed cuckoo habitat. In addition, direct and indirect impacts to the species will not occur because: 1) riparian habitats will be spanned by transmission lines, and 2) environmental protection measures will be implemented to avoid noise disturbing activities when any individual migrating cuckoos may be present. Because of these factors, the Bureau has concluded that the Project is expected to have "no effect" on the yellow-billed cuckoo. The Service acknowledges the Bureau's "no effect" determination for yellow-billed cuckoo within SEIS Segments 8 and 9.

The Bureau also determined that SEIS Segments 8 and 9 will have "no effect" on proposed critical habitat for the yellow-billed cuckoo because the nearest proposed critical habitat for the species is found along the Big Wood River approximately 35 miles north (straight-line distance) of the Project. Service acknowledgement of the Bureau's "no effect" determination for SEIS Segments 8 and 9 is based on the distance between proposed critical habitat and the SEIS Segments 8 and 9 preferred alternative routes.

Conclusion

This concludes the Service's technical assistance to the Bureau regarding compliance for the Gateway West Transmission Line Project SEIS Segments 8 and 9 under section 7 of the Act. If the action addressed in this memorandum is modified, environmental conditions change, or additional information becomes available regarding potential effects on listed species not already considered, the Bureau should verify with the Service that effects determination conclusions are still valid. The Service also recommends that this memorandum be included in the Bureau's Project file to ensure compliance with section 7 of the Act for this action is appropriately documented.

Thank you for your continued interest in threatened and endangered species conservation. Please contact Barbara Schmidt of the Idaho Fish and Wildlife Office at (208) 378-5259 if you require additional information regarding this memorandum.

cc: BLM, Wildlife Biologist, Idaho State Office, Boise, ID (J. Sutter) (jasutter@blm.gov)
BLM, Fishery Biologist, Twin Falls District, Twin Falls, ID (K. Crane) (kfcrane@blm.gov)
BLM, Resource Coordinator, Boise District, Boise, ID (K. Kershaw) (kkershaw@blm.gov)
BLM, Endangered Species Program Lead, Cheyenne, WY (C. Keefe) (ckeefe@blm.gov)
FWS, Fish and Wildlife Biologist, Idaho Fish and Wildlife Office, Boise, ID (B. Schmidt) (barbara_schmidt@fws.gov)
FWS, Fishery Biologist, Nevada Fish and Wildlife Office, Reno, NV (A. Starostka) (andy_starostka@fws.gov)
WGFD, Statewide Nongame Bird and Mammal Program Supervisor, Lander, WY (Z. Walker) (zack.walker@wyo.gov)
WGFD, Statewide Habitat Protection Coordinator, Cheyenne, WY (M. Flanderka) (mary.flanderka@wyo.gov)
WGFD, Habitat Protection Secretary, Cheyenne, WY (N. Stange) (nancy.stange@wyo.gov)

References Cited

Bureau of Land Management (BLM). 2013a. Final Environmental Impact Statement for the Gateway West Transmission Line Project. Wyoming and Idaho. BLM Wyoming State Office. April 2013. 1,294 pp. + appendices.

Bureau of Land Management (BLM). 2013b. Biological Assessment of Threatened and Endangered Wildlife, Fish, and Plant Species for the Gateway West Transmission Line Project. March 2013. Prepared for the Bureau of Land Management by Tetra Tech EC, Bothell, Washington. 124 pp. + appendices.

Bureau of Land Management (BLM). 2016. Final Supplemental Environmental Impact Statement for Segments 8 and 9 of the Gateway West Transmission Line Project. Idaho. BLM Idaho State Office. March 2016. 958 pp. + appendices.

U.S. Fish and Wildlife Service (USFWS). 2013. Final Biological and Conference Opinion for the Gateway West Transmission Line Right-of-Way Project. Wyoming Fish and Wildlife Office. U.S. Fish and Wildlife Service. September 12, 2013. 18 pp. + attached Conference Opinion (84 pp. + appendices).

Appendix D

Responses to Final SEIS Protests and Governor's Consistency Review

D-1
Director's Protest Resolution Report

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

BLM

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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

Direct quote taken from the submission

Issue Excerpt Text:
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.

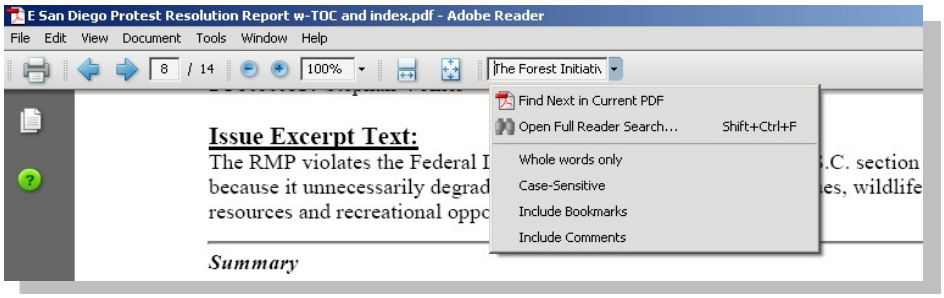
Response

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

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

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

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.

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.

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.

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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.

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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/aspen/sunrise/deir/apps/a01/App%201%20ASR%20z_Attm%201A-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"1 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

Issue Excerpt Text:
[The] BLM's analysis is insufficient because 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.
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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.
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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
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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 untrammeled 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 form 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 form 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 Revised2015 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.

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.

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."

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 (AU1) 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 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.

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

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.

D-2
Governor's Consistency Review

C.L. "BUTCH" OTTER
GOVERNOR

December 5, 2016

Mr. Tim Murphy, State Director
Bureau of Land Management
1387 S. Vinnell Way
Boise, ID 83709

RE: Idaho Governor C.L. "Butch" Otter's Consistency Review; Final Supplemental Environmental Impact Statement and Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project, Idaho (81 Fed. Reg. 69845, October 7, 2016)

Dear Tim,

I appreciate the opportunity to provide a Consistency Review to the Bureau of Land Management, pursuant to the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. § 1712(c)(9); 43 CFR § 1610.3-2, on the Final Supplemental Environmental Impact Statement (FSEIS) and Land Use Plan Amendments (LUPA) for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project (Project). My Consistency Review comments are specific to the LUPAs that are associated with the Project.

As the Governor's Consistency Review is the capstone of this extensive process, it represents the final opportunity for the federal government to achieve a meaningful partnership with Idaho – a full planning partnership that undoubtedly would benefit both federally managed lands and Idaho citizens who consume electricity, and/or recreate, work and live in the footprint of the Bureau of Land Management's proposed right of way. I urge you to seriously consider these points of inconsistency and make the necessary course corrections to reach a mutually agreeable solution on this important Project.

According to FLPMA and its regulations, such an opportunity exists. The Bureau of Land Management is required to accept the Governor's recommendations if they "provide for a reasonable balance between the national interest and the State's interest." 43 CFR § 1610.3-2(e). The Project and associated LUPAs as presented in the FSEIS represent significant inconsistencies with State laws, policies and plans.

Thank you for the opportunity to submit this Consistency Review. My Administration is fully prepared to resolve the identified inconsistencies with the Bureau of Land Management as required by federal law and regulation.

As Always – Idaho, "Esto Perpetua"

C.L. "Butch" Otter
Governor of Idaho

STATE CAPITOL • BOISE, IDAHO 83720 • (208) 334-2100

State of Idaho Consistency Review; Final Supplemental Environmental Impact Statement and Draft Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project, Idaho

December 6, 2016

I. INTRODUCTION

In accordance with 43 C.F.R. § 1712(c)(9); 43 C.F.R. § 1610.3-2, Idaho Governor C.L. "Butch" Otter has identified amendments proposed in the Bureau of Land Management's (BLM) Final Supplemental Environmental Impact Statement (FSEIS) and Proposed Land Use Plan Amendments (LUPA) for Segments 8 and 9 of the Gateway West 500-kilovolt (kV) Transmission Line Project (Project) that are inconsistent with Idaho plans, policies, and programs.

The BLM published its Notice of Availability on October 7, 2016.[1] In the Notice of Availability, BLM failed to notify the Governor of his right to a Consistency Review. In a separate, non-published email, and after an inquiry from the Governor's Office of Energy and Mineral Resources, the BLM informed the Idaho Governor's Office that the Notice of Availability initiated the Governor a 60-day review period for inconsistencies with state or local plans, policies or programs.[2] It also informed the Governor that his Consistency Review period ends on Tuesday, December 6, 2016.

The Proposed LUPAs and FSEIS address a range of alternatives based on an application from PacifiCorp (doing business as Rocky Mountain Power) and Idaho Power Company (collectively "Proponents") right-of-way application to use federally managed lands for a portion of the Gateway West Transmission Line Project, pursuant to the Federal Lands Policy Management Act (FLPMA), 43 U.S.C. § 1701 *et. seq.*

Governor Otter and the state, through the Governor's Office of Energy and Mineral Resources, have served as a Cooperating Agency with the BLM in the development of the FSEIS and Proposed LUPAs. This Project remains a priority for Idaho because of its interest in affordable and reliable electricity for Idaho ratepayers as well as protecting property owners from federal government overreach and unnecessary natural resource degradation. The state has participated at every juncture of the Project since 2006 in order to ensure these interests are protected.

Because significant portions of the proposed plan are inconsistent with state plans, policies, and programs, and significant aspects of the proposed plan are based on invalid, incomplete, or un-vetted information, BLM must reevaluate the FSEIS and allow for additional public participation.[3] In order to remedy the flaws contained in the FSEIS, the BLM must either adopt the negotiated, vetted, and sound policy agreed upon in Alternative 1, or at a minimum, complete the analysis in the FSEIS and allow for public participation on the issues raised in the Consistency Review, as well as the issues raised in the state's Protest, prior to the issuance of a final decision on the Project.

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[1] 81 Fed. Reg. 69,845.

[2] *See* Attachment 1, email from Stobaugh, James to Chatburn, John, re: Governor's Consistency Review of the Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments for the Gateway West 500-kV Transmission Line Project, Idaho (Oct. 7, 2016).

[3] *See* State of Idaho Protest; Final Supplemental Environmental Impact Statement and Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project, Idaho (81 Fed. Reg. 69,845, October 7, 2016), November 7, 2016.

II. BACKGROUND

The Project is jointly proposed by the Proponents to build and operate approximately 1,000 miles of new high-voltage transmission lines between the Windstar substation near Glenrock, Wyoming and the Hemingway substation near Murphy, Idaho. According to BLM, the Project is "needed to supplement existing transmission lines in order to relieve operating limitations, increase capacity, and improve the reliability in the existing transmission grid."[4] The Project will deliver power from existing and future electric resources, including solar, geothermal, and wind energy. In addition, the line will provide needed redundancy and reliability improvements to the region's transmission grid. Importantly, the Obama Administration named this Project, one of seven across the nation, a priority of the Interagency Rapid Response Team for Transmission with the goal of increasing reliability and integrating renewable energy.[5]

The BLM released its final environmental impact statement (FEIS) on April 26, 2013, which identified alternative routes for Segments 8 and 9 in and near the Morley Nelson Snake River Birds of Prey (SRBOP) National Conservation Area (NCA) in southwestern Idaho. The SRBOP NCA was designated by Congress in 1993 and became part of the National Landscape Conservation System in 2000, which was formally established by Public Law 111-11 in 2009.

The Record of Decision (2013 ROD), issued by BLM in November 2013, deferred the decision to grant rights-of-way on federal lands for Segments 8 and 9 to provide "additional time for federal, state and local permitting agencies to pursue a consensus regarding siting routes in these segments."[6] The phased decision allowed BLM to take a fresh look at routing opportunities. Specific direction from the 2013 ROD stated that:

> [t]he BLM will defer its decision to offer a ROW grant for Segments 8 and 9 due to the lack of complementary siting preferences among federal, state and local authorizing entities in Idaho. The BLM will immediately coordinate with these entities and the Proponents to seek a *consensus* agreement on the transmission line alignment for these segments. Upon conclusion of this coordination, the BLM will prepare any needed additional environmental analysis, hold a public review and comment period, and issue another ROD for Segments 8 and 9.[7]

In addition, the 2013 ROD indicated that BLM required additional time to evaluate and refine the Draft Enhancement Portfolio Proposal prepared by the Proponents in order to ensure sufficiency with the enhancement requirement of the enabling legislation.[8]

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[4] 2013 FEIS, Purpose and Need 1-1, April 23, 2013.
[5] *See*, MEMORANDUM OF UNDERSTANDING AMONG THE U.S. DEPARTMENT OF AGRICULTURE, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, ENVIRONMENTAL PROTECTION AGENCY, THE COUNCIL ON ENVIRONMENTAL QUALITY, THE FEDERAL ENERGY REGULATORY COMMISSION, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND DEPARTMENT OF THE INTERIOR, REGARDING COORDINATION IN FEDERAL AGENCY REVIEW OF ELECTRIC TRANSMISSION FACILITIES ON FEDERAL LAND, (Oct. 23, 2009).
[6] 2013 ROD at 20.
[7] *Id.* at 3 (emphasis added).
[8] *Id.* at 19-20.

After issuance of the 2013 ROD, and at the request of the BLM Boise District Manager, the Boise District Resource Advisory Council (RAC) established a subcommittee to determine what new information and/or modifications to existing alternatives for siting Segments 8 and 9 of the Project might be available. The subcommittee was made up of local and national conservationists, citizens of Owyhee County, local and state government officials, a biologist, and citizens with particularized expertise of the impacted environment. The subcommittee was advised by local BLM officials and the Proponents.

The group met 11 times in public sessions to gather and develop further information on the various considerations. The subcommittee conducted significant public outreach to ensure that anyone who might be potentially affected by ongoing work to site Segments 8 and 9 was notified of the process. The subcommittee presented the results of its evaluation of potential routes, and recommendation for a consensus route for the two segments to the RAC on June 5, 2014, as directed by the 2013 ROD.[9] The RAC adopted the subcommittee's report and recommendations and forwarded their work to the BLM.

After the RAC submitted its final report, BLM closed ranks and began its internal environmental review processes. On March 11, 2016, BLM issued the Draft Supplemental EIS (DSEIS), and announced that it was selecting Alternatives 2 and 5 as co-preferred alternatives. BLM did this without disclosing a clear rationale for selecting these preferred alternatives over the RAC recommendations.

The state commented on the DSEIS, indicating that the BLM's selection was inconsistent with the directives of the 2013 ROD and asked for clarification on several different points. Again, BLM failed to meaningfully respond and engage with the state in any way, closing ranks in order to prepare the FSEIS. The state offered to lend its special expertise to the BLM in preparing and completing its environmental analysis on several occasions, but the BLM refused to even acknowledge the offer.

BLM issued the FSEIS on October 7, 2016. The BLM Preferred Alternatives for Segments 8 and 9 largely avoid the SRBOP NCA, erroneously relying on guidelines and manuals developed in 2012 pursuant to Public Law 111-11. However, the BLM-preferred routes have potential impacts on the sage-grouse, scenic resources in Owyhee County, local communities, and private landowners. The State of Idaho submitted a protest to BLM Director Kornze on November 7, 2016 and again requested that the BLM reconsider the errors made in identifying its agency preferred route alignments as well as their failures to comply with the National Environmental Policy Act (NEPA).[10] As the last opportunity for the state to inform the BLM of their errors, Governor Otter has identified several inconsistencies with Idaho plans, policies, or procedures in the following comments.

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[9] *See* 2013 ROD at 3.

[10] *See* State of Idaho Protest; Final Supplemental Environmental Impact Statement and Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project, Idaho (81 Fed. Reg. 69,845, October 7, 2016), November 7, 2016.

III. THE PROPOSED LAND USE PLAN AMENDMENTS ARE MATERIALLY INCONSISTENT WITH IDAHO PLANS, POLICIES, AND PROGRAMS

BLM's significant departure from the vetted, sound policy option provided by the RAC and listed as Alternative 1 in the DSEIS has created material inconsistencies with various Idaho plans policies and procedures. The selection of Alternative 5 as BLM's Agency Preferred Alternative necessitates several land use plan amendments. Since BLM claims that Consistency Reviews can only address land use plan amendments, this Consistency Review will focus primarily on proposed amendments SEIS-12 and 13. There is serious misalignment between the effect of SEIS-12 and 13, and the necessary and appropriate Idaho plans, policies and programs.

This Consistency Review will also point out areas of inconsistency with other federal laws and policies, such as the Western Electricity Coordinating Council's separation criteria, the Interagency Memorandum of Understanding that created the Interagency Rapid Response Team for Transmission, greater sage-grouse, and the NEPA.

a. Proposed LUPAs SEIS-12 and 13 are inconsistent with the 2012 Idaho Energy Plan.

The 2012 Idaho Energy Plan provides "the policy framework that will help enable a secure, reliable, affordable energy supply network . . . and establish[es] the process by which sound data and debate is regularly engaged to help Idaho stakeholders respond to energy challenges and opportunities."[11] A policy of the 2012 Idaho Energy Plan is to "[e]ncourage a stable, robust, reliable transmission system in order to provide reliable low-cost energy to Idaho consumers."[12]

BLM's proposed amendment to the SRBOP NCA RMP to allow for two 500 kV transmission line rights-of-way (ROW) to leave the West Wide Energy corridor and exit the SRBOP NCA south of Bruneau Dunes State Park (SEIS-13) and the amendment to allow for the ROW to continue through the Owyhee Front (SEIS-12) are both inconsistent with the 2012 Idaho Energy Plan in several ways.[13] BLM's proposed amendments to accommodate for the Agency Preferred Alternative significantly undermine the "stable, robust, [and] reliable" aspects of the transmission system and the Idaho Energy Plan's policy. SEIS-12 and 13 adversely affect the Proponents, ratepayers, citizens of Idaho, and electricity users in the Western Interconnection by forcing both segments of the Gateway West project to be sited in such proximity that they become susceptible to outages caused by severe weather events or wildfire.

BLM is well aware of the risk and severity of wildfires that impact northern Owyhee County, where SEIS-12 and 13 direct the Proponents to site nearly 100 miles of Segments 8 and 9. As exemplified in 2015 by the largest wildfire ever recorded in northern Owyhee County, the Soda Fire, wildfires in southwestern Idaho and southeastern Oregon are forecasted to increase in frequency and size.[14] If Gateway West would have been in operation at the time of the Soda

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[11] 2012 Idaho Energy Plan at 7.
[12] 2012 Idaho Energy Plan at 10.
[13] See 2016 FSEIS at Appendix F at F-32 (The amendment is identified in the FSEIS as SEIS-12 and 13).
[14] U.S. Bureau of Land Mgmt., U.S. Dep't of the Interior, 2016 BLM Soda Fuel Breaks Project Environmental Assessment at 1.

Fire, the fire would have significantly impacted both segments of the transmission line, likely resulting in substantial impacts to the Western Interconnection.

Knowing this, BLM still proposes SEIS-12 and 13 which co-locate both segments of this Presidential Priority Project a mere 250-feet apart in a region with an extremely high risk of wildfire, which as BLM admits, are increasing frequency and size. BLM's 2016 Soda Fire Environmental Assessment indicates that the fire has left the region "vulnerable to the spread/increase in invasive annual grasses, the creation of continuous fuel loads that will be more likely to catch and carry fire, in turn, create the high potential for an increase in fire frequency and fire size in the area."[15]

Wildfire's impact on transmission lines is not a random anomaly. In fact, wildfire has had an impact on several transmission lines since 2000. Below are examples of transmission lines that have been recently been impacted:

- 2000 - Fires in the corridor of Emery-Camp Williams and Huntington-Spanish Fork 345 kV lines forced lines out of service.

- 2002-2003 - Multiple fires in the corridor between Mona and Camp Williams forced lines out of service due to smoke and to protect fire fighters in the area.

- 2007 - A fire caused both the Mona to Huntington and the Mona to Bonanza 345 kV lines in Central Utah to be de-energized for fire crew safety.

- 2007 - Three 345 kV lines connecting Jim Bridger Wyoming to southeast Idaho experienced a fire that forced multiple lines out of service.[16]

The primary impacts are the fires themselves, smoke contamination that will cause transmission lines to fail, and health and safety impacts to fire suppression crews and equipment including BLM and Rangeland firefighters.[17] These risks are exacerbated by the 250-foot separation proposed by BLM in SEIS-12 and 13. In the event that an outage occurs, the path, which would now contain two major transmission lines, could be de-rated by WECC and this Project would no longer meet the Proponents purpose and need.[18] Additional facilities would be required in order to obtain the rating sought by the Proponents.

Federal agencies have historically understood the risks of siting transmissions lines in close proximity for long distances, and the agencies have also historically understood that simply meeting minimum separation requirements is not adequate to capture the redundancy component

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[15] U.S. Bureau of Land Mgmt., U.S. Dep't of the Interior, 2016 BLM Soda Fuel Breaks Project Environmental Assessment at 3.
[16] Affidavit of Darrell T. Gerrard, *Testimony before the Utah Facility Review Board,* Rocky Mountain Power v. Tooele County, Aug 4, 2010.
[17] *See*, RAC Subcommittee Report on WECC Separation Criteria, January 5, 2013.
[18] *Id.*

of reliability. For example, BLM and the Department of Energy recognized these criteria while designating the West Wide Energy Corridor, stating that:

> [B]y far the most cost effective preemptive strategy against multiple simultaneous line loss involves *ensuring adequate distance separation* between lines at the planning stage. Experience among WECC system operators has also shown that the nature of the land between lines...should dictate safe separation distances on a case-by-case basis... However, in forested areas or areas where vegetation provides substantial amounts of fuel for fires, greater line spacing (up to five miles) may be necessary to prevent adjacent lines from becoming simultaneously involved in faults caused by ionized smoke.[19]

BLM acknowledges that this information exists, and is important. Between the 2013 FEIS and 2016 FSEIS, BLM produced countless pages of information on this subject, and many of the routes identified by the RAC Subcommittee were eliminated as not meeting the Proponents' purpose and need because of reliability and redundancy objectives.[20] To reiterate the proponents' position:

> The most prudent way to reduce the risk of multiple transmission line outages is by physical separation to reduce common mode outages. This is true for the most common outage causes fire, smoke, high winds, and external interference man caused. By maximizing the capacity and utilization of new and existing facilities reduces the need for additional lines and additional corridors.[21]

BLM's claim that its Preferred Alternative "meets Western Electricity Coordinating Council (WECC) planning criteria," is inaccurate because it insufficiently utilizes specific reliability considerations in place of the overarching redundancy concerns. Indeed, WECC has relaxed its minimum separation criteria to 250 feet. However, WECC acknowledges that wildfire poses a risk to transmission infrastructure, indicating that a separation of 250 feet in an area with multiple circuits would impact all circuits in the event of a wildfire, and utilities would need to mitigate for disruptions to all segments impacted by fire.[22] Accordingly, BLM's analysis is insufficient because it fails to account for the potential damage or long-term load disruptions that would occur if Segments 8 and 9 are affected by fire.

It appears that BLM has simply decided to punt on this important issue, claiming that "[e]valuating system reliability is primarily the responsibility of the Proponents and technical regulatory agencies."[23] This is particularly troubling when considering that the Department of Energy and the Federal Energy Regulatory Commission, who could have easily assisted in the technical evaluation of this Project and the impacts of SEIS-12 and 13, are members of the Rapid

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[19] U.S. Bureau of Land Mgmt., U.S. Dep't of the Interior, FINAL WEST WIDE ENERGY CORRIDOR PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT, 2-57-58 (2008) (emphasis added).
[20] DSEIS at 2-42, 2-45-2-47; see also DEIS at 1.4.5.
[21] BLM Data Request 27 - Attachment A at 5.
[22] *See* Reliability Subcommittee, Western Electricity Coordinating Council, White Paper: Separation of Multiple Circuits in a Corridor (2013).
[23] FSEIS at L-72.

Response Team for Transmission. However, because these sister-agencies to the BLM would have advised against siting the Project in such close proximity as allowed by SEIS-12 and 13, BLM refused to coordinate with them on the issue.

Moreover, the reliability issue overall appears to not have met BLM's predetermined political preference when it acknowledges in the FSEIS that, "[s]election of both routes (as would be the case under Alternative 5) *would not meet the Proponents' goal of redundancy*, but provides an alternative that avoids much of the SRBOP."[24] By selecting Alternative 5 as the Agency Preferred Alternative, and subsequently proposing SEIS-12 and 13, with the only justification appearing to be avoiding the SRBOP, BLM failed in its obligation to find consistency with the Idaho Energy Plan.

In addition to the reliability and redundancy issues with SEIS-12 and 13, the Amendment also fails to meet the policy of the Idaho Energy Plan regarding affordability. The Idaho Energy Plan indicates a legislative intent to maintain low energy costs for Idaho citizens.[25] The Agency Preferred Alternative and associated LUPA SEIS-12 and 13 is approximately 26 miles longer than Alternative 1.[26] These costs associated with the Agency Preferred Alternative, which are estimated at two to five million dollars per mile, will unnecessarily be passed on to ratepayers.[27]

b. Proposed LUPAs SEIS-12 and 13 for the SRBOP RMP are inconsistent with the Owyhee County Comprehensive Plan, the Owyhee County Natural Resource Plan and the Idaho Energy Plan.

Although BLM does not have authority to permit construction of Gateway West on non-federal land, BLM recognizes in the FSEIS that its decision affects private lands adjacent to or between federal areas and "that decisions on siting and construction requirements on non-federal lands are under the authority of state and local governments."[28] In noting the federal, state, and local regulatory framework, BLM further recognizes that in order for Gateway West to be built, county commissions must issue a conditional use permit for the construction of the transmission line. However, BLM fails to consider Owyhee County's preemptive refusal to issue a conditional use permit for BLM's Agency Preferred Alternative.

The Owyhee County Comprehensive Plan (Comprehensive Plan), required by Idaho Code 67-6508, is a tool and ordinance used to guide the County's growth, development, and landscape decisions. The Comprehensive Plan is directly applicable to planning for private lands in the County.[29] The intent of the Comprehensive Plan is to "preserve and protect the historic customs, traditions, and way of life unique to Owyhee County in so far as this is consistent with a reasonable and orderly rate of growth and development and with the protection of private

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[24] FSEIS Appendix F at F-57 (emphasis added).
[25] Idaho Legislature, 2012 IDAHO ENERGY PLAN 10.
[26] FSEIS Table 2.2-1 at 2-2.
[27] *See* Affidavit of Darrell T. Gerrard (Aug. 4, 2010).
[28] FSEIS at 2-31.
[29] Owyhee County Board of County Commissioners, OWYHEE COUNTY COMPREHENSIVE PLAN at 4 (2010).

property rights."[30] Owyhee County participated in the development of the Gateway West environmental analysis, and was represented on the Boise District RAC subcommittee, to ensure that planning on lands of differing ownership is coordinated to protect private property rights due to the checkerboard nature of private, state and federally managed lands.[31]

The Planning and Zoning Commission is appointed by the Board of County Commissioners (Board) to hear and decide all requests for conditional use permits, with final decision-making authority unless appealed to the Board."[32] Decisions of the Planning and Zoning Commission and the Board regarding land use must be consistent with the Comprehensive Plan.[33] As the Board has reiterated throughout the EIS process, SEIS-12 and 13 are not consistent with the Comprehensive Plan. The Planning and Zoning Commission and the Board are required to "[p]rotect the property rights of Owyhee County citizens and not allow the infiltration of public utilities and energy corridors to negatively impact those citizens or their private property."[34] The construction of Gateway West, in compliance with SEIS-12 and 13 will negatively impact the private property of Owyhee County citizens. Accordingly, the Planning and Zoning Commission and the Board will not issue a conditional permit to construct the transmission line using the route designated by the Agency Preferred Alternative.

In addition to the Comprehensive Plan, Owyhee County has also adopted the Owyhee County Natural Resources Plan (Natural Resources Plan). The Natural Resources Plan was developed by the Owyhee County Natural Resources Committee, a citizen group appointed by the Board to serve as its advisors on matters relating to management of federal and state land in the County by federal and state agencies.[35] The Natural Resources Plan was adopted to ensure proper planning for the entire County and the protection of private property rights which are critical to the custom, culture, and economic stability of Owyhee County.[36]

A goal of the natural resources plan is to "preserve and maintain the custom and culture of Owyhee County that is manifest in the long heritage of livestock ranching and to preserve the opportunity for an economically viable ranching industry that in turn maintains an open space landscape in Owyhee County."[37] This goal is to be carried out by the County by assuring that actions of federal agencies do not jeopardize the economic viability of ranches.[38] The Planning and Zoning Commission and the Board are required by the Comprehensive Plan to insist federal and state land management agencies comply with the Natural Resources Plan.[39] Consequently, the Planning and Zoning Commission and the Board will also not issue a conditional use permit for Gateway West if it follows the path dictated by SEIS-12 and 13 because the transmission line will interfere with the open space landscape.

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[30] *Id.* at 3.
[31] *Id.*
[32] *Id.*
[33] *Id.*
[34] *Id.* at 31.
[35] *Id.* at 4.
[36] *Id.*
[37] Owyhee County Natural Resources Committee, OWYHEE COUNTY NATURAL RESOURCES PLAN at 3.1 (2009).
[38] *Id.*
[39] *Id.*

Because, if built in compliance with SEIS-12 and 13, Gateway West will interfere with Owyhee County's open space landscape, SEIS-12 and 13 are also inconsistent with policy in the 2012 Idaho Energy Plan which requires the Idaho Legislature to protect Idaho's natural environment.[40] Owyhee County's natural open spaces are a landscape that must be maintained in order to sustain agriculture development, the base of the area's economy, and preserve the way of life unique to Owyhee County.[41]

While BLM acknowledges that it must coordinate with Owyhee County and the state, it fails to find "consistency to the extent practicable," as required by its own handbook and federal regulations.[42] The Board has emphatically and repeatedly stated to the BLM that they will not issue a permit to construct Gateway West on County or private land associated with the Agency Preferred Alternative. Accordingly, BLM failed coordinate with state and local governments to "identify reasonable routes that would result in complementary siting decisions by all authorizing entities."[43]

c. Proposed LUPAs SEIS-12 and 13 are inconsistent with the state's sage grouse management plan and Executive Order 2015-04.

On May 27, 2015, Governor C.L. "Butch" Otter signed Executive Order 2015-04, giving the full force and effect of the law to Idaho's Sage-Grouse Plan (Idaho Plan). The Idaho Plan adopted a three-tiered habitat management approach, which provides a high level of protection to the species within core habitat, and on the other end, a relatively flexible approach for general habitat allowing for more multiple-use activities. Unfortunately, the Idaho Plan was largely disregarded in the final land use plan amendments for sage-grouse adopted by the BLM in September 2015.

Under the Idaho Plan, infrastructure activity on federal lands within the core habitat zone (CHZ) was generally prohibited with limited exceptions. This was designated to protect and enhance 5.68 million acres that represents the best of the best sage-grouse habitat in Idaho. Limited exceptions would be granted for conduct pursuant to valid existing rights and incremental upgrades. The important habitat zone (IHZ) included over 4 million acres of high quality habitat and provides a management buffer between CHZ and general habitat. Projects in IHZ may be permissible subject to meeting specified criteria and mitigating for unavoidable impacts. On the other hand, proposed projects within the general habitat zone (GHZ) were presumptively allowed, as habitat within this zone included few active leks and marginal habitat.

Although Alternative 5, including SEIS-12 and 13, 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.[44] Raptors and

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[40] Idaho Legislature, 2012 IDAHO ENERGY PLAN at 8 (2012).
[41] Owyhee County Board of County Commissioners, OWYHEE COUNTY COMPREHENSIVE PLAN 2-3 (2010).
[42] 43 C.F.R. 1610.3-2.
[43] FSEIS 2-31; *see also* 2013 ROD at 20.
[44] FSEIS at Tables D.11-11 – D.11-15.

corvids utilize transmission lines and associated lattice towers for nesting, roosting, and perching.[45] Accordingly, BLM's Preferred Alternative will lead to increased raptor and corvid predation on sage-grouse and sage-grouse eggs.

The Gateway West Transmission project was listed as an exempted project in the recently released Great Basin ROD.[46] Importantly, sage-grouse remains a BLM-designated sensitive species. BLM continues to be required, by its *Manual,* to ensure that its actions conserve sage-grouse and its habitat, promote removal of sage-grouse from the list of sensitive species, and avoid contributing to the need to list the sage-grouse as a threatened or endangered species.[47]

Moreover, BLM has been ambiguous about how impacts to sage-grouse are analyzed for this project. The BLM stated in its response to the state's DSEIS comments that, "[s]age-grouse habitat impacts are one factor the BLM will consider when formulating a decision on Segments 8 and 9."[48] In another section, the BLM notes that:

> [A]ll of the RMPs applicable to this Project would be affected by BLM IM 2012-04 (i.e., the BLM national Greater Sage-Grouse Land Use Planning Strategy [BLM 2011d]) [and] it can be assumed that these amendments/revisions to the RMPS, once finalized and enacted, would provide additional protection for sage-grouse and their habitats on BLM-managed lands.[49]

It appears that BLM is only treating the Gateway Transmission Line Project as exempt from the Great Basin ROD when it is politically beneficial to justify its inexplicable decision to avoid the SRBOP NCA. Unfortunately, BLM failed to analyze the impacts on state and private land, and SEIS-12 and 13 are therefore *per se* inconsistent with the Idaho Plan and Executive Order 2015-04.

d. The Compensatory Mitigation Framework for the SRBOP must be released for public comment.

Any proposed amendment to the SRBOP NCA RMP, specifically SEIS-13, to allow for an additional right-of-way in the NCA requires mitigation.[50] Knowing this, the Proponents developed a Mitigation and Enhancement Proposal (MEP).[51] The 2016 DSEIS specified that the Proponent's proposed MEP was inadequate, and provided a Compensatory Mitigation

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[45] K.A. Engel, L.S. Young, K. Steenhof, J.A. Roppe & M.N. Kochert, Communal Roosting of Common Ravens in Southwestern Idaho, Wilson Bulletin 104, 105-121 (1992). See also K. Steenhof, M.N. Kochert & J.A. Roppe, Nesting by Raptors and Common Ravens on Electrical Transmission Line Towers, Journal of Wildlife and Management at 57, 271-281 (1993).
[46] FSEIS 1-10; the Great Basin ROD (Management Decisions, Lands & Realty #12: PHMA (Idaho and Montana) and IHMA (Idaho), and GHMA (Montana only) are designated as avoidance areas for high voltage transmission line and large pipeline ROWs, except for Gateway West and Boardman to Hemmingway Transmission Projects.
[47] *See* BLM Manual, §§ 6840.01, 6840.02, 6840.06, 6840.12 and 6840.22 (Rel. 6-121 (1/19/01).
[48] FSEIS Appendix L-75.
[49] FSEIS at 4-49.
[50] 40. CFR §§ 1502.14(f), 1502.16(h), and 2016 FSEIS at ES-11-13.
[51] *See* 2016 DSEIS at Appendix C.

Conceptual Model Example (Appendix K) as a framework "to ensure that offsetting impacts to the SRBOP will lead to a net benefit to resources and values, i.e., achieve the enhancements required by the SRBOP enabling legislation."[52]

BLM policy requires the agency to notify the applicant as early as possible if mitigation is inadequate, and that the BLM must "identify and evaluate in the NEPA document an alternative(s) to the applicant's proposal."[53] The BLM indicated post-2016 DSEIS that it "didn't feel comfortable" selecting the Proposed Alternative as a Preferred Alternative due to an inadequate MEP.[54]

The state, in its comments on the DSEIS, remarked that the BLM failed to notify the Proponents of the inadequacies until the release of the DSEIS in March of 2016, and that the time between the 2013 ROD and release of the 2016 DSEIS should have been spent collaborating with the Proponents and Cooperating Agencies to develop a MEP proposal that would meet the requirements of the enabling legislation and also accounted for appropriate public participation.

Between October 2013 and November 2015, new guidance regarding mitigation was released and utilized to develop what is now BLM's Compensatory Mitigation Framework. The BLM was aware that the Compensatory Mitigation Framework provided in the 2016 DSEIS was incomplete prior to releasing the document. BLM should have either: (1) delayed the release of the 2016 DSEIS in order to finalize the framework so that the public had an opportunity to participate in its development, or (2) released a revised draft SEIS that incorporated this information.

BLM's response to the State of Idaho shifted the framework for analysis because the BLM now considers the Proponents MEP as a design feature, and that BLM plans to analyze it as part of the Proponents' Plan of Development. BLM claims that the collaboration with the Proponents between the release of the Draft and Final SEIS to develop a more detailed framework for mitigation and enhancement, identified in the FSEIS as Appendix K, satisfies its NEPA obligations.[55] Importantly, the state was shut out of the development of the framework between draft and final, even after offering to contribute its special expertise.

The Compensatory Mitigation Framework presented to the public in the DSEIS was 14 pages long, compared to the 52 pages presented in the FSEIS, and did not include any mitigation details regarding cultural resources, historic trails, recreation, or visitor services. The proposed RMP amendments and corresponding Compensatory Mitigation Framework for the SRBOP NCA (identified in the FSEIS as Appendix 5) fail to meet the requirements of NEPA.[56]

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[52] 2016 DSEIS at 1-9.
[53] U.S. Bureau of Land Mgmt., U.S. Dep't of the Interior, 2013-WO-IM-142 REGIONAL MITIGATION MANUAL SECTION 1794 §§17(b)(e) (BLM Manual1794).
[54] Scott Streater, *BLM conservation policy threatens key power line,* E&E NEWS, Apr. 15, 2016.
[55] *See* 2016 FSEIS at Appendix L.
[56] 40 C.F.R. §§1502.9 (a)(c).

BLM's own regulations require a SEIS to be prepared if "[t]he agency makes substantial changes in the proposed action that are relevant to environmental concerns".[57] A SEIS is also required when "[t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." [58] BLM's failure to adhere to these requirements is a failure to comply with NEPA.

IV. REMEDY

The state has invested significant time and resources to assist BLM in its environmental analysis, only to be once again ignored as a co-manager of the land. The Preferred Alternative, as currently written, has significant potential to erode the longstanding relationship between the state and federal agencies. Alternative 1 will result in the least amount of construction and operation disturbance, fewest impacts on sage grouse, natural vegetation, waterbody crossings, prime farmland, and the fewest impacts on undisturbed land by falling within land already disturbed by existing infrastructure.

Prior to issuing the ROD, Governor Otter respectfully requests that the authorizing officer open a productive dialogue with Idaho to resolve the numerous inconsistencies with Idaho plans, policies, and programs. The Consistency Review process provides the final opportunity to achieve and preserve a meaningful state-federal partnership on this issue consistent with FLPMA. Adherence to a politically motivated alternative that is harmful to Idaho values cannot dictate the outcome on such an important issue.

Accordingly, because Alternative 1 is compliant with federal law and the purposes of FLPMA; and because the Agency Preferred Alternative is not, the only way the BLM can legally comply with its consistency obligations is to immediately withdraw the proposed action, and adopt Alternative 1. We look forward to your positive consideration.

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[57] 40 C.F.R. §1502.9(c)(l)(i) (emphasis added).
[58] 40 C.F.R. § 1 502.9(c)(l)(ii).

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Mr. Tim Murphy, State Director
Bureau of Land Management
1387 S. Vinnell Way
Boise, ID 83709

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D-3
Letter from BLM Idaho State Director Rejecting Governor's Consistency Review

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

In Reply Refer To:
2800 (930)
WYW 174598/IDI-35849-01
Gateway West Transmission Line Project

C.L. "Butch" Otter
Office of the Governor
PO Box 83720
Boise, ID 83720

Dear Governor Otter:

I am responding to your letter dated December 6, 2016 which provides your Consistency Review of the *Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project* (Final SEIS), noticed in the October 7, 2016, *Federal Register* (81 FR 69845). The Bureau of Land Management (BLM) appreciates you taking the opportunity to review the Final SEIS and deliver your Governor's Consistency Review.

As you indicate in your letter, this review represents the capstone of an extensive process in considering the Gateway West Transmission Line Project right-of-way (ROW) application. The BLM shares the State's view that the project represents important infrastructure for Idaho and the region. I value our working relationship, and while we may differ regarding some parts of this project and its environmental review, I am always receptive to and respectful of your expression of Idaho's interests. The BLM has given serious consideration to the points in your consistency review of the Final SEIS and proposed plan amendments for this project.

The Preferred Alternative selected for the Gateway West Final SEIS for Segments 8 and 9 is consistent with federal laws, including the Public Law 103-64 that established the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP) and the regulations established to implement federal laws and policies. The route alignment favored by the State, Alternative 1, would have a much greater impact on the SRBOP. Selecting the alternative with the greatest impact on the SRBOP is not consistent with federal policies for managing the National Conservation Areas (NCAs) as units of the congressionally established BLM National Conservation Lands system.

Your review states that because the Preferred Alternative is not consistent with State plans, policies and programs, the BLM must reevaluate the Final SEIS. However, nothing in either 43 CFR 1712(c)(9) or 43 CFR 1610.2-3 gives state or local plans or

policies priority over federal laws, or requires the BLM to undertake additional analysis in an environmental impact document to resolve inconsistencies. In fact, as your review cites, 43 CFR 1610.3-2 directs the BLM to seek "consistency to the extent practicable," which recognizes that some inconsistencies may remain unresolved. On balance, the BLM believes that the Preferred Alternative best meets the requirements of Federal laws and regulations, including those governing the SRBOP and the National Conservation Lands system, by avoiding to the greatest extent practicable siting new 500-kV transmission lines in the SRBOP, while also avoiding and minimizing other impacts, including crossing of private lands.

Your review maintains that placing two lines 250 feet apart would be unwise because the area is fire-prone and a fire could result in the two lines being shut down, which is one issue of reliability affecting redundancy for delivering power. While the Preferred Alternative would place two lines close together, under the alignment alternative favored by the State, Segment 8 would be sited 250 feet north of the existing Summer Lake 500-kV transmission line for about 30 miles, and Segment 9 would run along with an existing 138-kV transmission line on new double-circuit towers for approximately 26 miles. As you know from experience and from environmental analysis in the Final SEIS and developed for other projects, fire frequency in the SRBOP is also very high, and so there would be similar risks for interruption from fire associated with the Alternative 1 alignments.

At the Reliability Subcommittee meeting of the Western Electricity Coordinating Council (WECC) in December 2012, PacifiCorp had expressed it believed that with a reduced separation, from 500 feet to 250 feet centerline, there is the potential for building more transmission lines within a common right-of-way, potentially resulting in more lines along a transmission corridor. The discussion involved the changes to the definitions that were approved by the WECC Board of Directors on December 1, 2011, and the definition became effective April 1, 2012. In a report *Separation of Multiple Circuits in a Corridor*, the WECC Subcommittee stated, "The reason for the new Adjacent Transmission Circuits definition with a separation distance between centerlines of 250 feet is to encourage transmission owners and transmission site regulators to consider placing circuits on separate tower structures rather than using double-circuit towers."

The Subcommittee report also provides that "(t)he Reliability Subcommittee recognizes there may be some reliability benefit by increasing the distance between circuits to address wildfires as recommended in the PacifiCorp comments. In our research we found that the wildfire forward-rate-of-spread varies depending upon fuel, moisture, humidity, topography, and temperature.' The research indicates that the risk involving fire with a transmission system occurs at interconnection (substations) where lines are sited close in location.

The WECC Subcommittee adds, "Requiring a separation distance between circuit centerlines greater than 250 feet such as the old 500 to 1500 feet separation distance may increase the time between the circuits lost as a result of fire. It may also allow system

operators more time to adjust transfers and generation. But, the increased separation distance does not reduce the number of circuits lost."

Your review states that the Federal Energy Regulatory Commission (FERC) was not engaged in the SEIS process, but FERC has been engaged with BLM and reviewed the Draft and Final SEIS. During the planning process they had several opportunities to address any concerns with reliability and did not indicate that as an issue in any of their review correspondence.

Your review concludes that two of the five proposed plan amendments, SEIS-12 and -13, are inconsistent with the 2012 Idaho Energy Plan, the State's Greater Sage-grouse plan, and Owhyee County's Comprehensive Plan. These amendments would allow a transmission line outside the two designated utility corridors. Amendment SEIS-13 would not be needed if the line followed the West-wide Energy Corridor (WWEC), which is a designated utility corridor under the SRBOP Resource Management Plan (RMP). The State has opposed placing the lines in the WWEC, and so the line was moved slightly west of the WWEC to avoid private land in Owyhee County. The State-preferred Alternative would also require plan amendments allowing two new corridors, totaling approximately 70 miles, within the SRBOP. Selecting the alternative with much greater adverse impacts on the SRBOP would not be consistent with Federal policies for managing NCAs and could result in higher costs for compensatory mitigation of those impacts.

Your review states that BLM failed to consider Owyhee County's preemptive refusal to issue a conditional use permit for BLM's Agency Preferred Alternative. Moreover, it goes on to state that Owyhee County's Planning and Zoning Commission (Commission) and the Board of County Commissioners (Board) will not issue a conditional use permit for Gateway West. It is true that decisions on siting and construction requirements on non-federal lands are under the authority of state and local governments. It is also true that 43 CFR 1610.3-2 directs the BLM to seek "consistency to the extent practicable" with state and local plans or policies.

The Proponents have yet to submit a proposal for a conditional use permit for Gateway West. As such, the Commission and the Board have not issued a decision with respect to the siting of the transmission lines. Through micro siting it may very well be possible to route the transmission lines in a way that is acceptable to the Commission and the Board but that has yet to be seen. Moreover, Owyhee County Ordinance 9-15A-2: Establishment of Power Zoning Overlay District, establishes a Power Zoning Overlay District "where power transmission lines east of range 3 west, and greater than 230kV nominal shall be located." The Power Zoning Overlay District covers virtually all of Agency Preferred Alternative in Owyhee County with the remainder located on public lands. In addition, the State may consider legislative options to resolve the siting of the transmission lines. Last and certainly not a preferred option, the State can exercise eminent domain pursuant to the Idaho Constitution, Article I, Section 14 and Idaho Code §§ 7-701, et seq. Therefore, Owyhee County certainly has the ability, authority, and arguably the obligation under its own zoning ordinance to issue a conditional use permit.

Your review states that Proposed Plan Amendments SEIS-12 and -13 would not be consistent with the State's Greater Sage-grouse plan. While we share a sensitivity to this species, the BLM's primary responsibility is implementing the 2015 Approved RMP Amendment (ARMPA) for sage-grouse habitat management on public lands the agency administers in Idaho, which exempts Gateway West and some other projects from certain management decisions but not from the ARMPA's compensatory mitigation requirements or full disclosure of the project's effects to sage-grouse habitat.

Effects on sage-grouse are analyzed and disclosed in both the 2013 FEIS and the FSEIS. The analysis includes a detailed Habitat Equivalency Analysis for sage-grouse habitats. As you indicate in your review, the Preferred Alternative routes avoid sage-grouse federal Priority Management Areas (see Table D.11-11 through -15 in Appendix D to the Final SEIS). As shown in Table D 11-17 in Appendix D of the Final SEIS, the BLM Preferred Alternative would impact eight fewer sage-grouse leks within 11 miles of the lines than Alternative 1, consistent with the mitigation principles of avoidance and minimization.

In addition, the Record of Decision (ROD) for Segments 8 and 9 will stipulate that the Proponents develop mitigation measures to achieve a "net conservation gain" for sage-grouse in constructing and operating the Project. Appendix H – Plant and Wildlife Conservation Measures Plan of the 2013 ROD presents the measures for avoiding and minimizing impacts to plant and wildlife species during construction activities and outlines specific conservation measures to be implemented in the event that state or federally listed species or BLM sensitive species or their habitats are identified within or adjacent to the Project ROW. The ROD for Segments 8 and 9 will require the Proponents to flesh out the process and methods in the 2013 ROD to address Idaho-specific needs in a final Gateway West Greater Sage-Grouse Habitat Mitigation Plan that will be a condition of the ROW grant.

This same process is true for compensatory mitigation that the BLM will require for effects to resources and values in the SRBOP. The Framework presented in the Draft and Final SEIS outlines the system the BLM will use to quantify the effects and establish the amount of mitigation necessary to meet the enhancement standard set in P.L. 103-64. It also establishes the categories of mitigation actions that the Proponents can develop into site-specific projects to compensate for residual effects to the SRBOP. It does not authorize any actions on the part of the BLM or the Proponents. Rather, as described in Appendix K of the Final SEIS, it establishes the process for developing a Compensatory Mitigation Plan (CMP) that will contain specific mitigation projects that the BLM may subsequently authorize. This process will involve the Proponents, and other stakeholders, and the ROD makes clear that some projects may require additional NEPA analysis, which would provide opportunities for direct public review and comment. In any case, the CMP will be incorporated into the Gateway West Project Plan of Development and will be a pre-condition of the BLM issuing Notices to Proceed (NTPs) before any surface disturbing activities can occur.

Thank you for your consistency review of the Final SEIS Per 43 CFR 1610.3-2(e), you have 30 days to submit a written request for reconsideration (appeal) to the Director of the BLM for changes in the land use plan amendments proposed in the published Final SEIS. As I stated earlier, I value our working relationship and always am respectful of your expression of Idaho's interest. If you have questions, please contact Jim Stobaugh, National Project Manager at jstobaug@blm.gov or (775) 861-6478.

Sincerely,

Timothy M. Murphy
State Director

cc: Jim Stobaugh, National Project Manager

D-4
Governor's Appeal of Rejected Consistency Review

C.L. "Butch" Otter
Governor

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January 18, 2017

Director
U.S. Bureau of Land Management
1849 C Street NW, Rm. 5665
Washington, DC 20240

RE: Idaho Governor C.L. "Butch" Otter's Consistency Review Appeal; Final Supplemental Environmental Impact Statement and Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project, Idaho (81 Fed. Reg. 69845, October 7, 2016)

Dear Director,

On behalf of the State of Idaho, I hereby appeal the response and rejection of the recommendations contained in the Governor's Consistency Review for the Final Supplemental Environmental Impact Statement (FSEIS) and Land Use Plan Amendments (LUPAs) for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project (Project). *See* Governor Otter's Consistency Review (filed December 6, 2016) (Attachment 1).

Tim Murphy, Bureau of Land Management (BLM) State Director for Idaho, responded to my Consistency Review in a letter dated December 16, 2016 and received by my office on December 19, 2016 (Attachment 2). As Director Murphy notes in his response, and pursuant to 43 CFR 1610.3-2(e), I am allowed 30 days from receipt of BLM's response to submit a request for reconsideration (appeal) of the decision.

I reluctantly submit this appeal to you, and ensure its receipt by January 18, 2017. Project manager Jim Stobaugh informed my Office of Energy and Mineral Resources that according to BLM's interpretation of 43 CFR 1610.03-2(e), my appeal will only be considered timely if it is received by you on January 18, 2017, rather than postmarked by January 18, 2017 (*see* Attachment 3). As noted by my chief of staff, David Hensley, in a response to Mr. Stobaugh, this claim is not substantiated by the Code of Federal Regulations or the BLM handbooks (*see* Attachment 4). In fact, this claim is contrary to the plain language of the regulation and violates the doctrines of fairness and equity. BLM's interpretation implies that a governor does not actually have 30 days to make an appeal because he must account for the time that the appeal spends in transit in addition to recognizing that timeliness is left solely to the discretion of BLM.

The claim also is inconsistent with the course of performance between the State of Idaho and BLM. In fact, BLM accepted my Consistency Review as timely and valid upon postmark date rather than its received-by date.

BLM refused during development of the environmental analysis to do a site-specific analysis on the Snake River Birds of Prey National (SRBOP) Conservation Area (NCA), specifically focusing on the effects of transmission lines on the values for which the NCA was designated. Instead, BLM relies on generic manuals and handbooks, motivated by political outcomes, and created as a biased interpretation of federal law.

Had BLM done the requisite analysis, it would have clearly found that the SRBOP NCA enabling legislation states that "the purposes for which the conservation area is established, and shall be managed, are to provide for the conservation, protection, and enhancement of raptor populations and habitats."[1] Alternative 1 is consistent with this language. BLM's own science demonstrates that 500-kV transmission lines within the NCA are compatible with raptors.[2] BLM-issued, peer-reviewed, scientific studies on the relationship of raptors with transmission lines report that 500-kV transmission lines enhance opportunities for raptors to perch, nest, and roost.[3] Further, raptors and ravens are attracted to 500-kV lines, and the productivity of hawks and eagles nesting on transmission towers is equal to or better than those nesting in the canyon.[4] BLM is not using high-quality scientific analysis to make the decision to avoid the SRBOP NCA, but rather a political agenda.

In fact, it is more likely that the infrastructure prohibition in BLM Manual 6100 is not consistent with the SRBOP NCA enabling legislation.[5] The enabling legislation dictates that the Secretary of the Interior "shall review the plan at least once every 5 years and shall make such revisions as may be necessary or appropriate."[6] This language indicates that the SRBOP NCA is to be managed on an individual basis and that management decisions must be made on information specific to the SRBOP NCA. Congress intended to force BLM and the Department of the Interior to make SRBOP NCA management decisions based on the enabling legislation, available science, and NCA specific factors, not on generic guidance manuals.

As a result of BLM's predetermined insistence that it not issue a right-of-way (ROW) through the SRBOP, the BLM forced the agency preferred alternative through the pristine green-fields of

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[1] 16 U.S.C. § 460iii-2 (2012).
[2] K.A. Engel, L.S. Young, K. Steenhof, J.A. Roppe &M.N. Kochert, Communal Roosting of common Ravens in Southwestern Idaho, WILSON BULLETIN 104, 105-121 (1992). See also K. Steenhof, M.N. Kochert & J.A. Roppe, Nesting by Raptors and Common Ravens on Electrical Transmission Line Towers, JOURNAL OF WILDLIFE AND MANAGEMENT 57, 271-281 (1993).
[3] *Id.*
[4] *Id.*
[5] BUREAU OF LAND MANAGEMENT, U.S. DEP'T OF INTERIOR, 6100 – NATIONAL LANDSCAPE CONSERVATION SYSTEM MANAGEMENT MANUAL § I(3)(2012).
[6] 16 U.S.C. § 460iii-3 (2012).

Owyhee County. In order to do this, BLM issued LUPAs to which the State objected (Attachment 5), which were determined to be inconsistent with state plans, policies and programs in the consistency review, and is the subject of this appeal. These LUPAs are plainly inconsistent with the Idaho Energy Plan, the Owyhee County Comprehensive Plan, the Owyhee County Natural Resource Plan, and Executive Order 2015-04 – Idaho's sage-grouse management plan. In addition, BLM's failure to provide any time at all for the public, including the state, to comment on the Compensatory Mitigation Framework is a clear violation of NEPA. For more information about these grievances, please see Attachment 1.

Prior to issuing the Record of Decision (ROD), I reiterate my request to open a productive dialogue with Idaho to resolve these numerous inconsistencies. This appeal is the final opportunity to achieve and preserve a meaningful state-federal partnership. Adherence to your politically motivated alternative is harmful to Idaho values and cannot dictate the outcome on such an important issue.

As Always – Idaho, "Esto Perpetua"

C.L. "Butch" Otter
Governor of Idaho

Attachment 1

C.L. "BUTCH" OTTER
GOVERNOR

December 5, 2016

Mr. Tim Murphy, State Director
Bureau of Land Management
1387 S. Vinnell Way
Boise, ID 83709

RE: Idaho Governor C.L. "Butch" Otter's Consistency Review; Final Supplemental Environmental Impact Statement and Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project, Idaho (81 Fed. Reg. 69845, October 7, 2016)

Dear Tim,

I appreciate the opportunity to provide a Consistency Review to the Bureau of Land Management, pursuant to the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. § 1712(c)(9); 43 CFR § 1610.3-2, on the Final Supplemental Environmental Impact Statement (FSEIS) and Land Use Plan Amendments (LUPA) for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project (Project). My Consistency Review comments are specific to the LUPAs that are associated with the Project.

As the Governor's Consistency Review is the capstone of this extensive process, it represents the final opportunity for the federal government to achieve a meaningful partnership with Idaho – a full planning partnership that undoubtedly would benefit both federally managed lands and Idaho citizens who consume electricity, and/or recreate, work and live in the footprint of the Bureau of Land Management's proposed right of way. I urge you to seriously consider these points of inconsistency and make the necessary course corrections to reach a mutually agreeable solution on this important Project.

According to FLPMA and its regulations, such an opportunity exists. The Bureau of Land Management is required to accept the Governor's recommendations if they "provide for a reasonable balance between the national interest and the State's interest." 43 CFR § 1610.3-2(e). The Project and associated LUPAs as presented in the FSEIS represent significant inconsistencies with State laws, policies and plans.

Thank you for the opportunity to submit this Consistency Review. My Administration is fully prepared to resolve the identified inconsistencies with the Bureau of Land Management as required by federal law and regulation.

As Always – Idaho, "Esto Perpetua"

C.L. "Butch" Otter
Governor of Idaho

STATE CAPITOL • BOISE, IDAHO 83720 • (208) 334-2100

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Attachment 1

State of Idaho Consistency Review; Final Supplemental Environmental Impact Statement and Draft Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project, Idaho

December 6, 2016

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Attachment 1

I. INTRODUCTION

In accordance with 43 C.F.R. § 1712(c)(9); 43 C.F.R. § 1610.3-2, Idaho Governor C.L. "Butch" Otter has identified amendments proposed in the Bureau of Land Management's (BLM) Final Supplemental Environmental Impact Statement (FSEIS) and Proposed Land Use Plan Amendments (LUPA) for Segments 8 and 9 of the Gateway West 500-kilovolt (kV) Transmission Line Project (Project) that are inconsistent with Idaho plans, policies, and programs.

The BLM published its Notice of Availability on October 7, 2016.[1] In the Notice of Availability, BLM failed to notify the Governor of his right to a Consistency Review. In a separate, non-published email, and after an inquiry from the Governor's Office of Energy and Mineral Resources, the BLM informed the Idaho Governor's Office that the Notice of Availability initiated the Governor a 60-day review period for inconsistencies with state or local plans, policies or programs.[2] It also informed the Governor that his Consistency Review period ends on Tuesday, December 6, 2016.

The Proposed LUPAs and FSEIS address a range of alternatives based on an application from PacifiCorp (doing business as Rocky Mountain Power) and Idaho Power Company (collectively "Proponents") right-of-way application to use federally managed lands for a portion of the Gateway West Transmission Line Project, pursuant to the Federal Lands Policy Management Act (FLPMA), 43 U.S.C. § 1701 *et. seq.*

Governor Otter and the state, through the Governor's Office of Energy and Mineral Resources, have served as a Cooperating Agency with the BLM in the development of the FSEIS and Proposed LUPAs. This Project remains a priority for Idaho because of its interest in affordable and reliable electricity for Idaho ratepayers as well as protecting property owners from federal government overreach and unnecessary natural resource degradation. The state has participated at every juncture of the Project since 2006 in order to ensure these interests are protected.

Because significant portions of the proposed plan are inconsistent with state plans, policies, and programs, and significant aspects of the proposed plan are based on invalid, incomplete, or un-vetted information, BLM must reevaluate the FSEIS and allow for additional public participation.[3] In order to remedy the flaws contained in the FSEIS, the BLM must either adopt the negotiated, vetted, and sound policy agreed upon in Alternative 1, or at a minimum, complete the analysis in the FSEIS and allow for public participation on the issues raised in the Consistency Review, as well as the issues raised in the state's Protest, prior to the issuance of a final decision on the Project.

[1] 81 Fed. Reg. 69,845.
[2] *See* Attachment 1, email from Stobaugh, James to Chatburn, John, re: Governor's Consistency Review of the Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments for the Gateway West 500-kV Transmission Line Project, Idaho (Oct. 7, 2016).
[3] *See* State of Idaho Protest; Final Supplemental Environmental Impact Statement and Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project, Idaho (81 Fed. Reg. 69,845, October 7, 2016), November 7, 2016.

II. BACKGROUND

The Project is jointly proposed by the Proponents to build and operate approximately 1,000 miles of new high-voltage transmission lines between the Windstar substation near Glenrock, Wyoming and the Hemingway substation near Murphy, Idaho. According to BLM, the Project is "needed to supplement existing transmission lines in order to relieve operating limitations, increase capacity, and improve the reliability in the existing transmission grid."[4] The Project will deliver power from existing and future electric resources, including solar, geothermal, and wind energy. In addition, the line will provide needed redundancy and reliability improvements to the region's transmission grid. Importantly, the Obama Administration named this Project, one of seven across the nation, a priority of the Interagency Rapid Response Team for Transmission with the goal of increasing reliability and integrating renewable energy.[5]

The BLM released its final environmental impact statement (FEIS) on April 26, 2013, which identified alternative routes for Segments 8 and 9 in and near the Morley Nelson Snake River Birds of Prey (SRBOP) National Conservation Area (NCA) in southwestern Idaho. The SRBOP NCA was designated by Congress in 1993 and became part of the National Landscape Conservation System in 2000, which was formally established by Public Law 111-11 in 2009.

The Record of Decision (2013 ROD), issued by BLM in November 2013, deferred the decision to grant rights-of-way on federal lands for Segments 8 and 9 to provide "additional time for federal, state and local permitting agencies to pursue a consensus regarding siting routes in these segments."[6] The phased decision allowed BLM to take a fresh look at routing opportunities. Specific direction from the 2013 ROD stated that:

> [t]he BLM will defer its decision to offer a ROW grant for Segments 8 and 9 due to the lack of complementary siting preferences among federal, state and local authorizing entities in Idaho. The BLM will immediately coordinate with these entities and the Proponents to seek a *consensus* agreement on the transmission line alignment for these segments. Upon conclusion of this coordination, the BLM will prepare any needed additional environmental analysis, hold a public review and comment period, and issue another ROD for Segments 8 and 9.[7]

In addition, the 2013 ROD indicated that BLM required additional time to evaluate and refine the Draft Enhancement Portfolio Proposal prepared by the Proponents in order to ensure sufficiency with the enhancement requirement of the enabling legislation.[8]

[4] 2013 FEIS, Purpose and Need 1-1, April 23, 2013.
[5] *See*, MEMORANDUM OF UNDERSTANDING AMONG THE U.S. DEPARTMENT OF AGRICULTURE, DEPARTMENT OF COMMERCE, DEPARTMENT OF DEFENSE, DEPARTMENT OF ENERGY, ENVIRONMENTAL PROTECTION AGENCY, THE COUNCIL ON ENVIRONMENTAL QUALITY, THE FEDERAL ENERGY REGULATORY COMMISSION, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND DEPARTMENT OF THE INTERIOR, REGARDING COORDINATION IN FEDERAL AGENCY REVIEW OF ELECTRIC TRANSMISSION FACILITIES ON FEDERAL LAND, (Oct. 23, 2009).
[6] 2013 ROD at 20.
[7] *Id.* at 3 (emphasis added).
[8] *Id.* at 19-20.

After issuance of the 2013 ROD, and at the request of the BLM Boise District Manager, the Boise District Resource Advisory Council (RAC) established a subcommittee to determine what new information and/or modifications to existing alternatives for siting Segments 8 and 9 of the Project might be available. The subcommittee was made up of local and national conservationists, citizens of Owyhee County, local and state government officials, a biologist, and citizens with particularized expertise of the impacted environment. The subcommittee was advised by local BLM officials and the Proponents.

The group met 11 times in public sessions to gather and develop further information on the various considerations. The subcommittee conducted significant public outreach to ensure that anyone who might be potentially affected by ongoing work to site Segments 8 and 9 was notified of the process. The subcommittee presented the results of its evaluation of potential routes, and recommendation for a consensus route for the two segments to the RAC on June 5, 2014, as directed by the 2013 ROD.[9] The RAC adopted the subcommittee's report and recommendations and forwarded their work to the BLM.

After the RAC submitted its final report, BLM closed ranks and began its internal environmental review processes. On March 11, 2016, BLM issued the Draft Supplemental EIS (DSEIS), and announced that it was selecting Alternatives 2 and 5 as co-preferred alternatives. BLM did this without disclosing a clear rationale for selecting these preferred alternatives over the RAC recommendations.

The state commented on the DSEIS, indicating that the BLM's selection was inconsistent with the directives of the 2013 ROD and asked for clarification on several different points. Again, BLM failed to meaningfully respond and engage with the state in any way, closing ranks in order to prepare the FSEIS. The state offered to lend its special expertise to the BLM in preparing and completing its environmental analysis on several occasions, but the BLM refused to even acknowledge the offer.

BLM issued the FSEIS on October 7, 2016. The BLM Preferred Alternatives for Segments 8 and 9 largely avoid the SRBOP NCA, erroneously relying on guidelines and manuals developed in 2012 pursuant to Public Law 111-11. However, the BLM-preferred routes have potential impacts on the sage-grouse, scenic resources in Owyhee County, local communities, and private landowners. The State of Idaho submitted a protest to BLM Director Kornze on November 7, 2016 and again requested that the BLM reconsider the errors made in identifying its agency preferred route alignments as well as their failures to comply with the National Environmental Policy Act (NEPA).[10] As the last opportunity for the state to inform the BLM of their errors, Governor Otter has identified several inconsistencies with Idaho plans, policies, or procedures in the following comments.

[9] *See* 2013 ROD at 3.
[10] *See* State of Idaho Protest; Final Supplemental Environmental Impact Statement and Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project, Idaho (81 Fed. Reg. 69,845, October 7, 2016), November 7, 2016.

III. THE PROPOSED LAND USE PLAN AMENDMENTS ARE MATERIALLY INCONSISTENT WITH IDAHO PLANS, POLICIES, AND PROGRAMS

BLM's significant departure from the vetted, sound policy option provided by the RAC and listed as Alternative 1 in the DSEIS has created material inconsistencies with various Idaho plans policies and procedures. The selection of Alternative 5 as BLM's Agency Preferred Alternative necessitates several land use plan amendments. Since BLM claims that Consistency Reviews can only address land use plan amendments, this Consistency Review will focus primarily on proposed amendments SEIS-12 and 13. There is serious misalignment between the effect of SEIS-12 and 13, and the necessary and appropriate Idaho plans, policies and programs.

This Consistency Review will also point out areas of inconsistency with other federal laws and policies, such as the Western Electricity Coordinating Council's separation criteria, the Interagency Memorandum of Understanding that created the Interagency Rapid Response Team for Transmission, greater sage-grouse, and the NEPA.

a. Proposed LUPAs SEIS-12 and 13 are inconsistent with the 2012 Idaho Energy Plan.

The 2012 Idaho Energy Plan provides "the policy framework that will help enable a secure, reliable, affordable energy supply network . . . and establish[es] the process by which sound data and debate is regularly engaged to help Idaho stakeholders respond to energy challenges and opportunities."[11] A policy of the 2012 Idaho Energy Plan is to "[e]ncourage a stable, robust, reliable transmission system in order to provide reliable low-cost energy to Idaho consumers."[12]

BLM's proposed amendment to the SRBOP NCA RMP to allow for two 500 kV transmission line rights-of-way (ROW) to leave the West Wide Energy corridor and exit the SRBOP NCA south of Bruneau Dunes State Park (SEIS-13) and the amendment to allow for the ROW to continue through the Owyhee Front (SEIS-12) are both inconsistent with the 2012 Idaho Energy Plan in several ways.[13] BLM's proposed amendments to accommodate for the Agency Preferred Alternative significantly undermine the "stable, robust, [and] reliable" aspects of the transmission system and the Idaho Energy Plan's policy. SEIS-12 and 13 adversely affect the Proponents, ratepayers, citizens of Idaho, and electricity users in the Western Interconnection by forcing both segments of the Gateway West project to be sited in such proximity that they become susceptible to outages caused by severe weather events or wildfire.

BLM is well aware of the risk and severity of wildfires that impact northern Owyhee County, where SEIS-12 and 13 direct the Proponents to site nearly 100 miles of Segments 8 and 9. As exemplified in 2015 by the largest wildfire ever recorded in northern Owyhee County, the Soda Fire, wildfires in southwestern Idaho and southeastern Oregon are forecasted to increase in frequency and size.[14] If Gateway West would have been in operation at the time of the Soda

[11] 2012 Idaho Energy Plan at 7.
[12] 2012 Idaho Energy Plan at 10.
[13] See 2016 FSEIS at Appendix F at F-32 (The amendment is identified in the FSEIS as SEIS-12 and 13).
[14] U.S. Bureau of Land Mgmt., U.S. Dep't of the Interior, 2016 BLM Soda Fuel Breaks Project Environmental Assessment at 1.

Fire, the fire would have significantly impacted both segments of the transmission line, likely resulting in substantial impacts to the Western Interconnection.

Knowing this, BLM still proposes SEIS-12 and 13 which co-locate both segments of this Presidential Priority Project a mere 250-feet apart in a region with an extremely high risk of wildfire, which as BLM admits, are increasing frequency and size. BLM's 2016 Soda Fire Environmental Assessment indicates that the fire has left the region "vulnerable to the spread/increase in invasive annual grasses, the creation of continuous fuel loads that will be more likely to catch and carry fire, in turn, create the high potential for an increase in fire frequency and fire size in the area."[15]

Wildfire's impact on transmission lines is not a random anomaly. In fact, wildfire has had an impact on several transmission lines since 2000. Below are examples of transmission lines that have been recently been impacted:

- 2000 - Fires in the corridor of Emery-Camp Williams and Huntington-Spanish Fork 345 kV lines forced lines out of service.

- 2002-2003 - Multiple fires in the corridor between Mona and Camp Williams forced lines out of service due to smoke and to protect fire fighters in the area.

- 2007 - A fire caused both the Mona to Huntington and the Mona to Bonanza 345 kV lines in Central Utah to be de-energized for fire crew safety.

- 2007 - Three 345 kV lines connecting Jim Bridger Wyoming to southeast Idaho experienced a fire that forced multiple lines out of service.[16]

The primary impacts are the fires themselves, smoke contamination that will cause transmission lines to fail, and health and safety impacts to fire suppression crews and equipment including BLM and Rangeland firefighters.[17] These risks are exacerbated by the 250-foot separation proposed by BLM in SEIS-12 and 13. In the event that an outage occurs, the path, which would now contain two major transmission lines, could be de-rated by WECC and this Project would no longer meet the Proponents purpose and need.[18] Additional facilities would be required in order to obtain the rating sought by the Proponents.

Federal agencies have historically understood the risks of siting transmissions lines in close proximity for long distances, and the agencies have also historically understood that simply meeting minimum separation requirements is not adequate to capture the redundancy component

[15] U.S. Bureau of Land Mgmt., U.S. Dep't of the Interior, 2016 BLM Soda Fuel Breaks Project Environmental Assessment at 3.
[16] Affidavit of Darrell T. Gerrard, *Testimony before the Utah Facility Review Board,* Rocky Mountain Power v. Tooele County, Aug 4, 2010.
[17] *See*, RAC Subcommittee Report on WECC Separation Criteria, January 5, 2013.
[18] *Id.*

of reliability. For example, BLM and the Department of Energy recognized these criteria while designating the West Wide Energy Corridor, stating that:

> [B]y far the most cost effective preemptive strategy against multiple simultaneous line loss involves *ensuring adequate distance separation* between lines at the planning stage. Experience among WECC system operators has also shown that the nature of the land between lines…should dictate safe separation distances on a case-by-case basis… However, in forested areas or areas where vegetation provides substantial amounts of fuel for fires, greater line spacing (up to five miles) may be necessary to prevent adjacent lines from becoming simultaneously involved in faults caused by ionized smoke.[19]

BLM acknowledges that this information exists, and is important. Between the 2013 FEIS and 2016 FSEIS, BLM produced countless pages of information on this subject, and many of the routes identified by the RAC Subcommittee were eliminated as not meeting the Proponents' purpose and need because of reliability and redundancy objectives.[20] To reiterate the proponents' position:

> The most prudent way to reduce the risk of multiple transmission line outages is by physical separation to reduce common mode outages. This is true for the most common outage causes fire, smoke, high winds, and external interference man caused. By maximizing the capacity and utilization of new and existing facilities reduces the need for additional lines and additional corridors.[21]

BLM's claim that its Preferred Alternative "meets Western Electricity Coordinating Council (WECC) planning criteria," is inaccurate because it insufficiently utilizes specific reliability considerations in place of the overarching redundancy concerns. Indeed, WECC has relaxed its minimum separation criteria to 250 feet. However, WECC acknowledges that wildfire poses a risk to transmission infrastructure, indicating that a separation of 250 feet in an area with multiple circuits would impact all circuits in the event of a wildfire, and utilities would need to mitigate for disruptions to all segments impacted by fire.[22] Accordingly, BLM's analysis is insufficient because it fails to account for the potential damage or long-term load disruptions that would occur if Segments 8 and 9 are affected by fire.

It appears that BLM has simply decided to punt on this important issue, claiming that "[e]valuating system reliability is primarily the responsibility of the Proponents and technical regulatory agencies."[23] This is particularly troubling when considering that the Department of Energy and the Federal Energy Regulatory Commission, who could have easily assisted in the technical evaluation of this Project and the impacts of SEIS-12 and 13, are members of the Rapid

[19] U.S. Bureau of Land Mgmt., U.S. Dep't of the Interior, FINAL WEST WIDE ENERGY CORRIDOR PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT, 2-57-58 (2008) (emphasis added).
[20] DSEIS at 2-42, 2-45-2-47; see also DEIS at 1.4.5.
[21] BLM Data Request 27 - Attachment A at 5.
[22] *See* Reliability Subcommittee, Western Electricity Coordinating Council, White Paper: Separation of Multiple Circuits in a Corridor (2013).
[23] FSEIS at L-72.

Response Team for Transmission. However, because these sister-agencies to the BLM would have advised against siting the Project in such close proximity as allowed by SEIS-12 and 13, BLM refused to coordinate with them on the issue.

Moreover, the reliability issue overall appears to not have met BLM's predetermined political preference when it acknowledges in the FSEIS that, "[s]election of both routes (as would be the case under Alternative 5) *would not meet the Proponents' goal of redundancy*, but provides an alternative that avoids much of the SRBOP."[24] By selecting Alternative 5 as the Agency Preferred Alternative, and subsequently proposing SEIS-12 and 13, with the only justification appearing to be avoiding the SRBOP, BLM failed in its obligation to find consistency with the Idaho Energy Plan.

In addition to the reliability and redundancy issues with SEIS-12 and 13, the Amendment also fails to meet the policy of the Idaho Energy Plan regarding affordability. The Idaho Energy Plan indicates a legislative intent to maintain low energy costs for Idaho citizens.[25] The Agency Preferred Alternative and associated LUPA SEIS-12 and 13 is approximately 26 miles longer than Alternative 1.[26] These costs associated with the Agency Preferred Alternative, which are estimated at two to five million dollars per mile, will unnecessarily be passed on to ratepayers.[27]

b. Proposed LUPAs SEIS-12 and 13 for the SRBOP RMP are inconsistent with the Owyhee County Comprehensive Plan, the Owyhee County Natural Resource Plan and the Idaho Energy Plan.

Although BLM does not have authority to permit construction of Gateway West on non-federal land, BLM recognizes in the FSEIS that its decision affects private lands adjacent to or between federal areas and "that decisions on siting and construction requirements on non-federal lands are under the authority of state and local governments."[28] In noting the federal, state, and local regulatory framework, BLM further recognizes that in order for Gateway West to be built, county commissions must issue a conditional use permit for the construction of the transmission line. However, BLM fails to consider Owyhee County's preemptive refusal to issue a conditional use permit for BLM's Agency Preferred Alternative.

The Owyhee County Comprehensive Plan (Comprehensive Plan), required by Idaho Code 67-6508, is a tool and ordinance used to guide the County's growth, development, and landscape decisions. The Comprehensive Plan is directly applicable to planning for private lands in the County.[29] The intent of the Comprehensive Plan is to "preserve and protect the historic customs, traditions, and way of life unique to Owyhee County in so far as this is consistent with a reasonable and orderly rate of growth and development and with the protection of private

[24] FSEIS Appendix F at F-57 (emphasis added).
[25] Idaho Legislature, 2012 IDAHO ENERGY PLAN 10.
[26] FSEIS Table 2.2-1 at 2-2.
[27] *See* Affidavit of Darrell T. Gerrard (Aug. 4, 2010).
[28] FSEIS at 2-31.
[29] Owyhee County Board of County Commissioners, OWYHEE COUNTY COMPREHENSIVE PLAN at 4 (2010).

corvids utilize transmission lines and associated lattice towers for nesting, roosting, and perching.[45] Accordingly, BLM's Preferred Alternative will lead to increased raptor and corvid predation on sage-grouse and sage-grouse eggs.

The Gateway West Transmission project was listed as an exempted project in the recently released Great Basin ROD.[46] Importantly, sage-grouse remains a BLM-designated sensitive species. BLM continues to be required, by its *Manual,* to ensure that its actions conserve sage-grouse and its habitat, promote removal of sage-grouse from the list of sensitive species, and avoid contributing to the need to list the sage-grouse as a threatened or endangered species.[47]

Moreover, BLM has been ambiguous about how impacts to sage-grouse are analyzed for this project. The BLM stated in its response to the state's DSEIS comments that, "[s]age-grouse habitat impacts are one factor the BLM will consider when formulating a decision on Segments 8 and 9."[48] In another section, the BLM notes that:

> [A]ll of the RMPs applicable to this Project would be affected by BLM IM 2012-04 (i.e., the BLM national Greater Sage-Grouse Land Use Planning Strategy [BLM 2011d]) [and] it can be assumed that these amendments/revisions to the RMPS, once finalized and enacted, would provide additional protection for sage-grouse and their habitats on BLM-managed lands.[49]

It appears that BLM is only treating the Gateway Transmission Line Project as exempt from the Great Basin ROD when it is politically beneficial to justify its inexplicable decision to avoid the SRBOP NCA. Unfortunately, BLM failed to analyze the impacts on state and private land, and SEIS-12 and 13 are therefore *per se* inconsistent with the Idaho Plan and Executive Order 2015-04.

d. The Compensatory Mitigation Framework for the SRBOP must be released for public comment.

Any proposed amendment to the SRBOP NCA RMP, specifically SEIS-13, to allow for an additional right-of-way in the NCA requires mitigation.[50] Knowing this, the Proponents developed a Mitigation and Enhancement Proposal (MEP).[51] The 2016 DSEIS specified that the Proponent's proposed MEP was inadequate, and provided a Compensatory Mitigation

[45] K.A. Engel, L.S. Young, K. Steenhof, J.A. Roppe & M.N. Kochert, Communal Roosting of Common Ravens in Southwestern Idaho, Wilson Bulletin 104, 105-121 (1992). See also K. Steenhof, M.N. Kochert & J.A. Roppe, Nesting by Raptors and Common Ravens on Electrical Transmission Line Towers, Journal of Wildlife and Management at 57, 271-281 (1993).
[46] FSEIS 1-10; the Great Basin ROD (Management Decisions, Lands & Realty #12: PHMA (Idaho and Montana) and IHMA (Idaho), and GHMA (Montana only) are designated as avoidance areas for high voltage transmission line and large pipeline ROWs, except for Gateway West and Boardman to Hemmingway Transmission Projects.
[47] *See* BLM Manual, §§ 6840.01, 6840.02, 6840.06, 6840.12 and 6840.22 (Rel. 6-121 (1/19/01).
[48] FSEIS Appendix L-75.
[49] FSEIS at 4-49.
[50] 40. CFR §§ 1502.14(f), 1502.16(h), and 2016 FSEIS at ES-11-13.
[51] *See* 2016 DSEIS at Appendix C.

Conceptual Model Example (Appendix K) as a framework "to ensure that offsetting impacts to the SRBOP will lead to a net benefit to resources and values, i.e., achieve the enhancements required by the SRBOP enabling legislation."[52]

BLM policy requires the agency to notify the applicant as early as possible if mitigation is inadequate, and that the BLM must "identify and evaluate in the NEPA document an alternative(s) to the applicant's proposal."[53] The BLM indicated post-2016 DSEIS that it "didn't feel comfortable" selecting the Proposed Alternative as a Preferred Alternative due to an inadequate MEP.[54]

The state, in its comments on the DSEIS, remarked that the BLM failed to notify the Proponents of the inadequacies until the release of the DSEIS in March of 2016, and that the time between the 2013 ROD and release of the 2016 DSEIS should have been spent collaborating with the Proponents and Cooperating Agencies to develop a MEP proposal that would meet the requirements of the enabling legislation and also accounted for appropriate public participation.

Between October 2013 and November 2015, new guidance regarding mitigation was released and utilized to develop what is now BLM's Compensatory Mitigation Framework. The BLM was aware that the Compensatory Mitigation Framework provided in the 2016 DSEIS was incomplete prior to releasing the document. BLM should have either: (1) delayed the release of the 2016 DSEIS in order to finalize the framework so that the public had an opportunity to participate in its development, or (2) released a revised draft SEIS that incorporated this information.

BLM's response to the State of Idaho shifted the framework for analysis because the BLM now considers the Proponents MEP as a design feature, and that BLM plans to analyze it as part of the Proponents' Plan of Development. BLM claims that the collaboration with the Proponents between the release of the Draft and Final SEIS to develop a more detailed framework for mitigation and enhancement, identified in the FSEIS as Appendix K, satisfies its NEPA obligations.[55] Importantly, the state was shut out of the development of the framework between draft and final, even after offering to contribute its special expertise.

The Compensatory Mitigation Framework presented to the public in the DSEIS was 14 pages long, compared to the 52 pages presented in the FSEIS, and did not include any mitigation details regarding cultural resources, historic trails, recreation, or visitor services. The proposed RMP amendments and corresponding Compensatory Mitigation Framework for the SRBOP NCA (identified in the FSEIS as Appendix 5) fail to meet the requirements of NEPA.[56]

[52] 2016 DSEIS at 1-9.
[53] U.S. Bureau of Land Mgmt., U.S. Dep't of the Interior, 2013-WO-IM-142 REGIONAL MITIGATION MANUAL SECTION 1794 §§17(b)(e) (BLM Manual1794).
[54] Scott Streater, *BLM conservation policy threatens key power line,* E&E NEWS, Apr. 15, 2016.
[55] *See* 2016 FSEIS at Appendix L.
[56] 40 C.F.R. §§1502.9 (a)(c).

BLM's own regulations require a SEIS to be prepared if "[t]he agency makes substantial changes in the proposed action that are relevant to environmental concerns".[57] A SEIS is also required when "[t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." [58] BLM's failure to adhere to these requirements is a failure to comply with NEPA.

IV. REMEDY

The state has invested significant time and resources to assist BLM in its environmental analysis, only to be once again ignored as a co-manager of the land. The Preferred Alternative, as currently written, has significant potential to erode the longstanding relationship between the state and federal agencies. Alternative 1 will result in the least amount of construction and operation disturbance, fewest impacts on sage grouse, natural vegetation, waterbody crossings, prime farmland, and the fewest impacts on undisturbed land by falling within land already disturbed by existing infrastructure.

Prior to issuing the ROD, Governor Otter respectfully requests that the authorizing officer open a productive dialogue with Idaho to resolve the numerous inconsistencies with Idaho plans, policies, and programs. The Consistency Review process provides the final opportunity to achieve and preserve a meaningful state-federal partnership on this issue consistent with FLPMA. Adherence to a politically motivated alternative that is harmful to Idaho values cannot dictate the outcome on such an important issue.

Accordingly, because Alternative 1 is compliant with federal law and the purposes of FLPMA; and because the Agency Preferred Alternative is not, the only way the BLM can legally comply with its consistency obligations is to immediately withdraw the proposed action, and adopt Alternative 1. We look forward to your positive consideration.

[57] 40 C.F.R. §1502.9(c)(l)(i) (emphasis added).
[58] 40 C.F.R. § l 502.9(c)(l)(ii).

Attachment 2

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Idaho State Office
1387 South Vinnell Way
Boise, Idaho 83709-1657

DEC 16 2016

RECEIVED
DEC 19 2016
IDAHO OFFICE OF
ENERGY & MINERAL RESOURCES

In Reply Refer To:
2800 (930)
WYW 174598/IDI-35849-01
Gateway West Transmission Line Project

C.L. "Butch" Otter
Office of the Governor
PO Box 83720
Boise, ID 83720

Dear Governor Otter:

I am responding to your letter dated December 6, 2016 which provides your Consistency Review of the *Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project* (Final SEIS), noticed in the October 7, 2016, *Federal Register* (81 FR 69845). The Bureau of Land Management (BLM) appreciates you taking the opportunity to review the Final SEIS and deliver your Governor's Consistency Review.

As you indicate in your letter, this review represents the capstone of an extensive process in considering the Gateway West Transmission Line Project right-of-way (ROW) application. The BLM shares the State's view that the project represents important infrastructure for Idaho and the region. I value our working relationship, and while we may differ regarding some parts of this project and its environmental review, I am always receptive to and respectful of your expression of Idaho's interests. The BLM has given serious consideration to the points in your consistency review of the Final SEIS and proposed plan amendments for this project.

The Preferred Alternative selected for the Gateway West Final SEIS for Segments 8 and 9 is consistent with federal laws, including the Public Law 103-64 that established the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP) and the regulations established to implement federal laws and policies. The route alignment favored by the State, Alternative 1, would have a much greater impact on the SRBOP. Selecting the alternative with the greatest impact on the SRBOP is not consistent with federal policies for managing the National Conservation Areas (NCAs) as units of the congressionally established BLM National Conservation Lands system.

Your review states that because the Preferred Alternative is not consistent with State plans, policies and programs, the BLM must reevaluate the Final SEIS. However, nothing in either 43 CFR 1712(c)(9) or 43 CFR 1610.2-3 gives state or local plans or

policies priority over federal laws, or requires the BLM to undertake additional analysis in an environmental impact document to resolve inconsistencies. In fact, as your review cites, 43 CFR 1610.3-2 directs the BLM to seek "consistency to the extent practicable," which recognizes that some inconsistencies may remain unresolved. On balance, the BLM believes that the Preferred Alternative best meets the requirements of Federal laws and regulations, including those governing the SRBOP and the National Conservation Lands system, by avoiding to the greatest extent practicable siting new 500-kV transmission lines in the SRBOP, while also avoiding and minimizing other impacts, including crossing of private lands.

Your review maintains that placing two lines 250 feet apart would be unwise because the area is fire-prone and a fire could result in the two lines being shut down, which is one issue of reliability affecting redundancy for delivering power. While the Preferred Alternative would place two lines close together, under the alignment alternative favored by the State, Segment 8 would be sited 250 feet north of the existing Summer Lake 500-kV transmission line for about 30 miles, and Segment 9 would run along with an existing 138-kV transmission line on new double-circuit towers for approximately 26 miles. As you know from experience and from environmental analysis in the Final SEIS and developed for other projects, fire frequency in the SRBOP is also very high, and so there would be similar risks for interruption from fire associated with the Alternative 1 alignments.

At the Reliability Subcommittee meeting of the Western Electricity Coordinating Council (WECC) in December 2012, PacifiCorp had expressed it believed that with a reduced separation, from 500 feet to 250 feet centerline, there is the potential for building more transmission lines within a common right-of-way, potentially resulting in more lines along a transmission corridor. The discussion involved the changes to the definitions that were approved by the WECC Board of Directors on December 1, 2011, and the definition became effective April 1, 2012. In a report *Separation of Multiple Circuits in a Corridor*, the WECC Subcommittee stated, "The reason for the new Adjacent Transmission Circuits definition with a separation distance between centerlines of 250 feet is to encourage transmission owners and transmission site regulators to consider placing circuits on separate tower structures rather than using double-circuit towers."

The Subcommittee report also provides that "(t)he Reliability Subcommittee recognizes there may be some reliability benefit by increasing the distance between circuits to address wildfires as recommended in the PacifiCorp comments. In our research we found that the wildfire forward-rate-of-spread varies depending upon fuel, moisture, humidity, topography, and temperature.' The research indicates that the risk involving fire with a transmission system occurs at interconnection (substations) where lines are sited close in location.

The WECC Subcommittee adds, "Requiring a separation distance between circuit centerlines greater than 250 feet such as the old 500 to 1500 feet separation distance may increase the time between the circuits lost as a result of fire. It may also allow system

operators more time to adjust transfers and generation. But, the increased separation distance does not reduce the number of circuits lost."

Your review states that the Federal Energy Regulatory Commission (FERC) was not engaged in the SEIS process, but FERC has been engaged with BLM and reviewed the Draft and Final SEIS. During the planning process they had several opportunities to address any concerns with reliability and did not indicate that as an issue in any of their review correspondence.

Your review concludes that two of the five proposed plan amendments, SEIS-12 and -13, are inconsistent with the 2012 Idaho Energy Plan, the State's Greater Sage-grouse plan, and Owhyee County's Comprehensive Plan. These amendments would allow a transmission line outside the two designated utility corridors. Amendment SEIS-13 would not be needed if the line followed the West-wide Energy Corridor (WWEC), which is a designated utility corridor under the SRBOP Resource Management Plan (RMP). The State has opposed placing the lines in the WWEC, and so the line was moved slightly west of the WWEC to avoid private land in Owyhee County. The State-preferred Alternative would also require plan amendments allowing two new corridors, totaling approximately 70 miles, within the SRBOP. Selecting the alternative with much greater adverse impacts on the SRBOP would not be consistent with Federal policies for managing NCAs and could result in higher costs for compensatory mitigation of those impacts.

Your review states that BLM failed to consider Owyhee County's preemptive refusal to issue a conditional use permit for BLM's Agency Preferred Alternative. Moreover, it goes on to state that Owyhee County's Planning and Zoning Commission (Commission) and the Board of County Commissioners (Board) will not issue a conditional use permit for Gateway West. It is true that decisions on siting and construction requirements on non-federal lands are under the authority of state and local governments. It is also true that 43 CFR 1610.3-2 directs the BLM to seek "consistency to the extent practicable" with state and local plans or policies.

The Proponents have yet to submit a proposal for a conditional use permit for Gateway West. As such, the Commission and the Board have not issued a decision with respect to the siting of the transmission lines. Through micro siting it may very well be possible to route the transmission lines in a way that is acceptable to the Commission and the Board but that has yet to be seen. Moreover, Owyhee County Ordinance 9-15A-2: Establishment of Power Zoning Overlay District, establishes a Power Zoning Overlay District "where power transmission lines east of range 3 west, and greater than 230kV nominal shall be located." The Power Zoning Overlay District covers virtually all of Agency Preferred Alternative in Owyhee County with the remainder located on public lands. In addition, the State may consider legislative options to resolve the siting of the transmission lines. Last and certainly not a preferred option, the State can exercise eminent domain pursuant to the Idaho Constitution, Article I, Section 14 and Idaho Code §§ 7-701, et seq. Therefore, Owyhee County certainly has the ability, authority, and arguably the obligation under its own zoning ordinance to issue a conditional use permit.

Your review states that Proposed Plan Amendments SEIS-12 and -13 would not be consistent with the State's Greater Sage-grouse plan. While we share a sensitivity to this species, the BLM's primary responsibility is implementing the 2015 Approved RMP Amendment (ARMPA) for sage-grouse habitat management on public lands the agency administers in Idaho, which exempts Gateway West and some other projects from certain management decisions but not from the ARMPA's compensatory mitigation requirements or full disclosure of the project's effects to sage-grouse habitat.

Effects on sage-grouse are analyzed and disclosed in both the 2013 FEIS and the FSEIS. The analysis includes a detailed Habitat Equivalency Analysis for sage-grouse habitats. As you indicate in your review, the Preferred Alternative routes avoid sage-grouse federal Priority Management Areas (see Table D.11-11 through -15 in Appendix D to the Final SEIS). As shown in Table D 11-17 in Appendix D of the Final SEIS, the BLM Preferred Alternative would impact eight fewer sage-grouse leks within 11 miles of the lines than Alternative 1, consistent with the mitigation principles of avoidance and minimization.

In addition, the Record of Decision (ROD) for Segments 8 and 9 will stipulate that the Proponents develop mitigation measures to achieve a "net conservation gain" for sage-grouse in constructing and operating the Project. Appendix H – Plant and Wildlife Conservation Measures Plan of the 2013 ROD presents the measures for avoiding and minimizing impacts to plant and wildlife species during construction activities and outlines specific conservation measures to be implemented in the event that state or federally listed species or BLM sensitive species or their habitats are identified within or adjacent to the Project ROW. The ROD for Segments 8 and 9 will require the Proponents to flesh out the process and methods in the 2013 ROD to address Idaho-specific needs in a final Gateway West Greater Sage-Grouse Habitat Mitigation Plan that will be a condition of the ROW grant.

This same process is true for compensatory mitigation that the BLM will require for effects to resources and values in the SRBOP. The Framework presented in the Draft and Final SEIS outlines the system the BLM will use to quantify the effects and establish the amount of mitigation necessary to meet the enhancement standard set in P.L. 103-64. It also establishes the categories of mitigation actions that the Proponents can develop into site-specific projects to compensate for residual effects to the SRBOP. It does not authorize any actions on the part of the BLM or the Proponents. Rather, as described in Appendix K of the Final SEIS, it establishes the process for developing a Compensatory Mitigation Plan (CMP) that will contain specific mitigation projects that the BLM may subsequently authorize. This process will involve the Proponents, and other stakeholders, and the ROD makes clear that some projects may require additional NEPA analysis, which would provide opportunities for direct public review and comment. In any case, the CMP will be incorporated into the Gateway West Project Plan of Development and will be a pre-condition of the BLM issuing Notices to Proceed (NTPs) before any surface disturbing activities can occur.

Thank you for your consistency review of the Final SEIS Per 43 CFR 1610.3-2(e), you have 30 days to submit a written request for reconsideration (appeal) to the Director of the BLM for changes in the land use plan amendments proposed in the published Final SEIS. As I stated earlier, I value our working relationship and always am respectful of your expression of Idaho's interest. If you have questions, please contact Jim Stobaugh, National Project Manager at jstobaug@blm.gov or (775) 861-6478.

Sincerely,

Timothy M. Murphy
State Director

cc: Jim Stobaugh, National Project Manager

Attachment 2

Attachment 3

Scott Pugrud

From: Stobaugh, James <jstobaug@blm.gov>
Sent: Wednesday, January 04, 2017 4:06 PM
To: John Chatburn; Scott Pugrud
Cc: Timothy Murphy; June Shoemaker; Michael Smith; Amanda Leiter; Janice Schneider; Karen Kelleher; Scott Hulbert; Peter Ditton; Jenna Whitlock
Subject: Idaho Governor's Consistency Review Response Deadline for Appeal

Hello John,
Happy New Year Greetings to you!

For communications purpose, I want to inform you, in representing the Idaho Governor's Office, of the BLM expectations relative to the Idaho Governor's deadline for appeal concerning the BLM Consistency Review response. A Governor has 30 days from receipt of a State Director's letter to submit a consistency appeal to the BLM Director.

Concerning the Gateway West Transmission Project Idaho Governor's Consistency Review, the BLM Idaho State Director's response to Governor Otter's consistency letter (dated December 5, 2016) was hand-delivered to the State of Idaho on December 19, 2016. This constitutes receipt of the letter and thus Governor Otter has until January 18, 2017 to submit a written appeal to the BLM Director.

To ensure that the 30-day period is understood, BLM wants to communicate to Governor Otter's office with this email that the BLM Director must receive in-hand the appeal (within 30 days) on or before January 18, 2017.

The Idaho Governor would have alternative methods to cover receipt of his appeal letter to the BLM Director by direct postal mail or overnight mail as long as the appeal is received in-hand by January 18, 2017. The Governor may also choose emailing the letter to the BLM Director.

Lastly, the BLM in Idaho, if notified timely, can offer to pick-up the Governor's appeal letter in Boise, Idaho no later thanh close of business January 18, 2017.

All of these options would need to be exercised on or before January 18, 2017. Otherwise, the timeframe for the Director receiving an appeal would be viewed as expired after January 18th.

Thanks for your prompt attention on this matter.

Jim Stobaugh
National Project Manager (WO350)
BLM Nevada State Office
1340 Financial Blvd
Reno, NV 89502
775-861-6478 (ph)
775-857-9768 (c)
775-861-6712 (f)

Attachment 4

Scott Pugrud

From: David Hensley
Sent: Tuesday, January 10, 2017 3:33 PM
To: jstobaug@blm.gov
Cc: John Chatburn; Scott Pugrud
Subject: RE: Idaho Governor's Consistency Review Response Deadline for Appeal

Mr. Stobaugh,

While we agree that Governor Otter has 30 days from receipt of State Director Murphy's denial of Idaho's consistency review to appeal it, we disagree with your conclusion that Director Kornze must receive the Governor's appeal, "no later than close of business January 18, 2017."

After receiving your email, we have done extensive research and find no support in either the Code of Federal Regulations, or the BLM Cooperating Agency Handbook for your position. Moreover, past practices clearly indicate that the opposite is true. BLM has historically accepted comments, protests and even the Gateway West consistency review recently submitted by Governor Otter as valid upon postmark. If the directive you describe in your email is in fact the law of the land or even the policy of the BLM, Idaho's consistency review, dated December 5, 2016 would not have been accepted or responded to by BLM. It clearly was both received and responded to as indicated by State Director Murphy's response. In fact, your own NEPA document for the Gateway West Transmission Line Project indicates that a protest must only be postmarked by the due date to be considered valid.

Since you provide no support for your conclusion, we choose to interpret your letter as a request that the Governor provide BLM with a copy of the appeal he intends to submit. If you consider your email as more than a mere request, please provide support for the assertions contained therein.

Not only is your request inconsistent with the course of performance between the state of Idaho and BLM for the Gateway West Transmission Line Project, but your request is also at odds with the plain language of the provisions in the Code of Federal Regulations and BLM's handbook. Your request implies that a governor does not actually have 30 days to appeal the denial of a consistency review. Rather, you indicate that, in this case, the time the consistency review appeal spends in transit necessarily reduces the time that governor Otter has to challenge Director Murphy's decision. This is an abridgment of the rights afforded to governors by Congress, and unacceptable.

While it is clear that this BLM National Director has already determined the outcome for the consistency review appeal, I believe that the BLM and Department of Interior should proceed with caution in issuing the Record of Decision. It is clear that Director Kornze has a conflict of interest, by both his close personal relationship with the former Executive Director of the Conservation Lands Foundation and his widely reported future employment with the same organization. As you know, a National Conservation Area is the epicenter of the controversy surrounding this transmission line project.

You also direct that Director Kornze must receive the appeal "in-hand on or before January 18, 2017." Idaho would only be able speculate as to whether or not the Director has the appeal in the manner you indicate is required by BLM. Idaho is certainly not willing to spend significant tax-payer dollars to hand deliver our appeal to Director Kornze, so that he can issue his pre-ordained decision. Equity demands that an appeal be recognized as timely by looking to its postmark. Otherwise timeliness is left to the discretion of BLM to determine the timeliness of the appeal.

Attachment 4

I cannot express how disappointed Governor Otter, the citizens of Idaho, and I personally are in your attempt to intimidate the state into responding using the tactic of a schoolyard bully. Your email is emblematic of the unfortunate erosion in the relationship between BLM-WO and Idaho.

David Hensley | Chief of Staff
Office of Governor C. L. "Butch" Otter
Phone (208) 334-2100 | Fax (208) 334-3454
David.Hensley@gov.idaho.gov

Sign up to receive regular updates from Governor Otter

From: Stobaugh, James [mailto:jstobaug@blm.gov]
Sent: Wednesday, January 04, 2017 4:06 PM
To: John Chatburn; Scott Pugrud
Cc: Timothy Murphy; June Shoemaker; Michael Smith; Amanda Leiter; Janice Schneider; Karen Kelleher; Scott Hulbert; Peter Ditton; Jenna Whitlock
Subject: Idaho Governor's Consistency Review Response Deadline for Appeal

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All of these options would need to be exercised on or before January 18, 2017. Otherwise, the timeframe for the Director receiving an appeal would be viewed as expired after January 18th.

Thanks for your prompt attention on this matter.

Jim Stobaugh
National Project Manager (WO350)
BLM Nevada State Office
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Reno, NV 89502
775-861-6478 (ph)
775-857-9768 (c)
775-861-6712 (f)

Attachment 5

C.L. "BUTCH" OTTER
GOVERNOR

November 7, 2016

BLM Director (210)
Attention: Protest Coordinator
P.O. Box 71383
20 M St. SE, Room 2134LM
Washington, DC 20024-1383

RE: State of Idaho Protest; Final Supplemental Environmental Impact Statement and Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project, Idaho (81 Fed. Reg. 69845, October 7, 2016)

Dear Director Kornze,

As you know, on October 7, 2016 the U.S. Bureau of Land Management (BLM) issued the Final Supplemental Environmental Impact Statement (FSEIS) and Proposed Land Use Plan Amendments for Segments 8 and 9 of the Gateway West Transmission Line Project. This letter and its enclosures should be considered the formal protest by the State of Idaho. As required by 43 C.F.R. § 1610.5-2(a)(2)(i), my mailing address and telephone number are stated in the letterhead.

I am extremely disappointed that the BLM once again has ignored the commonsense collaborative solution of Alternative 1, and I am frustrated that the BLM chose to ignore the advice of its own local Resources Advisory Council. My Office of Energy and Mineral Resources, as the Cooperating Agency representing the state, continues to use significant resources, including time and money, to assist the BLM in its decision-making process. By issuing this decision, it is clear that the BLM does not want input from the State of Idaho and is refusing to consider the State as an equal partner and co-manager of the land.

This protest, the Governor's Consistency Review, and the time between the issuance of the FSEIS and the Record of Decision, are the last opportunities for the BLM to cure the egregious errors in its analysis. I hope the agency will take the time to reconsider its decision and remedy its flawed analysis in the FSEIS. BLM must abandon its Agency Preferred Alternative and adopt the negotiated, vetted, and sound policy of Alternative 1.

As Always – Idaho, "Esto Perpetua"

C.L. "Butch" Otter
Governor of Idaho

STATE CAPITOL • BOISE, IDAHO 83720 • (208) 334-2100

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Attachment 5

State of Idaho Protest; Final Supplemental Environmental Impact Statement and Draft Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project, Idaho

October 7, 2016

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INTRODUCTION

In accordance with 43 C.F.R. § 1610.5-2, the state of Idaho (Idaho or State) timely protests the Bureau of Land Management's (BLM) Final Supplemental Environmental Impact Statement (FSEIS) and Proposed Land Use Plan Amendments (LUPA) for Segments 8 and 9 of the Gateway West 500-kilovolt (kV) Transmission Line Project (Project).

The BLM published its Notice of Availability on October 7, 2016. The Proposed LUPAs and FSEIS address a range of alternatives based on an application from Idaho Power Company and PacifiCorp (doing business as Rocky Mountain Power) (collectively "Proponents") right-of-way application to use federally managed lands for a portion of the Gateway West transmission line project, pursuant to the Federal Lands Policy Management Act (FLPMA), 43 U.S.C. § 1701 *et. seq.*

The State, through the Governor's Office of Energy and Mineral Resources, has served as a Cooperating Agency with the BLM in the development of the FSEIS and Proposed LUPAs. This Project remains a priority for Idaho because of its interest in affordable and reliable electricity for Idaho rate-payers as well as protecting property owners from government overreach. The State has participated in every juncture of the Project since 2006 in order to ensure these interests are protected.

As discussed below, and pursuant to 43 C.F.R. § 1610.5-2(a)(2)(iii), the State protests the Proposed LUPAs within the FSEIS, which violates the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4231 *et. seq.*, and FLPMA 43 U.S.C. §§ 1701 *et. seq.*

Because significant portions of the proposed plan do not comply with applicable laws, regulations, policies and planning procedures, and significant aspects of the proposed plan are based on invalid and incomplete information, BLM must uphold this protest. In order to remedy the flaws contained in the FSEIS, the BLM musts either adopt the negotiated, vetted, and sound policy agreed upon in Alternative 1, or at a minimum, complete the analysis in the FSEIS and allow for public comment on the mitigation and enhancement portfolio discussed below, prior to the issuance of a final decision on the Project.

BACKGROUND

The Project is jointly proposed by the Proponents to build and operate approximately 1,000 miles of new high-voltage transmission lines between the Windstar substation near Glenrock, Wyoming and the Hemingway substation near Murphy, Idaho. The Proponents are proposing to build this new transmission line to provide electricity to meet increasing customer needs. It will deliver power from existing and future electric resources, including coal and wind energy. In addition, the line will provide strength and reliability to the region's transmission grid.

The BLM released its final environmental impact statement (FEIS) on April 26, 2013, which identified alternative routes for Segments 8 and 9 in and near the Morley Nelson Snake River Birds of Prey (SRBOP) National Conservation Area (NCA) in southwestern Idaho. The SRBOP NCA was designated by Congress in 1993 and became part of the National Landscape Conservation System in 2000, which was formally established by Public Law 111-11 in 2009. The BLM Preferred Alternatives for segments 8 and 9 largely avoid most of the SRBOP NCA,

based on guidelines and manuals developed in 2012 pursuant to Public Law 111-11. However, the BLM-preferred routes have potential impacts on the sage-grouse, scenic resources in Owyhee County, local communities, and private landowners.

The Record of Decision (ROD), issued by BLM in November 2013, deferred the decision to grant rights-of-way on federal lands for Segments 8 and 9 because the principal siting issue involves a requirement in the enabling legislation (Public Law 103-64) that the SRBOP NCA be managed "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 educational resources and values of the public lands in the conservation area."[1] This requirement differs from some state and local government objectives to avoid private lands and site the Project on public land in the SRBOP NCA.

The intent for deferring the decision in the 2013 ROD was to provide "additional time for federal, state and local permitting agencies to pursue a consensus regarding siting routes in these segments."[2] The phased decision allowed BLM to take a fresh look at opportunities. Specific direction from the ROD stated that:

> [t]he BLM will defer its decision to offer a ROW grant for Segments 8 and 9 due to the lack of complementary siting preferences among federal, state and local authorizing entities in Idaho. The BLM will immediately coordinate with these entities and the Proponents to seek a *consensus* agreement on the transmission line alignment for these segments. Upon conclusion of this coordination, the BLM will prepare any needed additional environmental analysis, hold a public review and comment period, and issue another ROD for Segments 8 and 9.[3]

In addition, the ROD stated that the BLM needed additional time to evaluate and refine the Draft Enhancement Portfolio Proposal prepared by the Proponents to "ensure that it is sufficient" to meet the enhancement requirement of the enabling legislation.[4]

After issuance of the ROD, and at the Request of BLM Boise District Manager, the Boise District resource advisory council (RAC) established a subcommittee to determine what new information and/or modifications to the alternatives for siting segments 8 and 9 of the Project might be available. The group met 11 times in public sessions to gather and develop further information on the various considerations. The subcommittee conducted significant public outreach to ensure that anyone who might be potentially affected by ongoing work to site segments 8 and 9 was notified of the process. The subcommittee presented the results of its evaluation of potential routes, and recommendation for a consensus route for the two segments to the RAC on June 5, 2014. The RAC adopted the subcommittee's report and recommendations and forwarded their work to the BLM and the Secretary.

After the RAC submitted the final report, BLM closed ranks and began its internal environmental review processes. On March 11, 2016, BLM issued the Draft Supplemental EIS (DSEIS), and announced that it was selecting Alternatives 2 and 5 as co-preferred alternatives.

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[1] *See* Public Law 103-64, Section 3(2).
[2] 2013 ROD at 20.
[3] *Id.* at 3 (emphasis added).
[4] *Id.* at 19-20.

BLM did this without disclosing a clear rationale for selecting these preferred alternatives over the RAC recommendations.

The State commented on the DSEIS, indicating that the BLM's selection was inconsistent with the directives of the 2013 ROD and asking for clarification on several different points. Again, BLM failed to respond and meaningfully engage with the State in any way, closing ranks in order to prepare the FSEIS. The State, on several occasions has offered to lend its special expertise to the BLM in preparing and completing its environmental analysis, to which the BLM has refused.

BLM then issued the FSEIS, to which the State responds with the following protest points.

PROTEST POINTS

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.

The State protests the SRBOP NCA RMP amendment to allow for two 500 kV transmission line ROWs to leave the West Wide Energy corridor and exit the SRBOP NCA south of Bruneau Dunes State Park.[5] This proposed amendment adversely affects the Proponents, ratepayers, citizens of Idaho, and electricity users of the Western Interconnection by forcing both segments of the Gateway West project to be sited in such proximity that they become susceptible to interference from severe weather events and wildfire.

BLM is well aware of the risk of, and severity of, wildfires that impact northern Owyhee County, where BLM proposes to site nearly 100 miles of segments 8 and 9. As exemplified last year by the largest wildfire ever recorded in northern Owyhee County, the Soda Fire, wildfires in southwestern Idaho and southeastern Oregon are forecasted to increase in frequency and size.[6] If Gateway West would have been in operation during the time of the Soda Fire, the fire would have significantly impacted both segments of the transmission line, likely resulting in substantial impacts to the Western Interconnection. A simple GIS exercise illustrates that the Soda Fire perimeter burned into portions of the proposed ROW for BLM's Preferred Alternative.

Knowing this, BLM still proposes to co-locate both segments of this Presidential Priority Project a mere 250-feet apart in a region with extreme risk of wildfire. As noted above, BLM's own documentation shows that this region is seeing trends of increased frequency and size of very large wildfires. BLM's 2016 Soda Fire Environmental Assessment states that the fire has left the region "vulnerable to the spread/increase in invasive annual grasses, the creation of continuous fuel loads that will be more likely to catch and carry fire, in turn, create the high potential for an increase in fire frequency and fire size in the area."[7]

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[5] *See* 2016 FSEIS at Appendix F at F-32 *(The amendment is identified in the FSEIS as SEIS-13).*
[6] U.S. Bureau of Land Mgmt., U.S. Dep't of the Interior, 2016 BLM Soda Fuel Breaks Project Environmental Assessment at 1.
[7] U.S. Bureau of Land Mgmt., U.S. Dep't of the Interior, 2016 BLM Soda Fuel Breaks Project Environmental Assessment at 3.

Wildfires impacting transmission lines are not a random anomaly. In fact, wildfire has had an impact on several transmission lines since 2000. Below are examples of transmission lines that have been recently been impacted: [8]

- 2000 - Fires in the corridor of Emery-Camp Williams and Huntington-Spanish Fork 345 kV lines forced lines out of service.
- 2002-2003 - Multiple fires in the corridor between Mona and Camp Williams forced lines out of service due to smoke and to protect fire fighters in the area.
- 2007 - A fire caused both the Mona to Huntington and the Mona to Bonanza 345 kV lines in Central Utah to be de-energized for fire crew safety.
- 2007 - Three 345 kV lines connecting Jim Bridger Wyoming to southeast Idaho experienced a fire that forced multiple lines out of service.

A 250-foot separation, as BLM proposes with its Preferred Alternative, puts the Project at risk of impacts from wildfires. The primary impacts are the fires themselves, smoke contamination that will cause transmission lines to fail, and health and safety impacts to fire suppression crews and equipment including BLM and Rangeland firefighters.[9] In the event that an outage occurs, the path could be de-rated by WECC and this Project would no longer meet the Proponents purpose and need.[10] Additional facilities would be required in order to obtain the rating sought by the Proponents.

Federal agencies have historically understood the risks of siting transmissions lines in close proximity for long distances, and the agencies have also historically understood that simply meeting minimum separation requirements is not adequate to capture the redundancy component of reliability. For example, BLM and the Department of Energy recognized these criteria while designating the West Wide Energy Corridor, stating that:

> [B]y far the most cost effective preemptive strategy against multiple simultaneous line loss involves *ensuring adequate distance separation* between lines at the planning stage. Experience among WECC system operators has also shown that the nature of the land between lines…should dictate safe separation distances on a case-by-case basis… However, in forested areas or areas where vegetation provides substantial amounts of fuel for fires, greater line spacing (up to five miles) may be necessary to prevent adjacent lines from becoming simultaneously involved in faults caused by ionized smoke.[11]

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[8] Affidavit of Darrell T. Gerrard, *Testimony before the Utah Facility Review Board,* Rocky Mountain Power v. Tooele County, Aug 4, 2010.
[9] *See*, RAC Subcommittee Report on WECC Separation Criteria, January 5, 2013.
[10] *Id.*
[11] U.S. Bureau of Land Mgmt., U.S. Dep't of the Interior, FINAL WEST WIDE ENERGY CORRIDOR PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT, 2-57-58 (2008) (emphasis added).

BLM acknowledges that this information exists, and is important. Between the 2013 FEIS and 2016 FSEIS, BLM produced countless pages of information on this subject, and many of the routes identified by the RAC Subcommittee were eliminated as not meeting the Proponents' purpose and need because of reliability and redundancy objectives.[12] However, 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."[13]

BLM's claim that its Preferred Alternative "meets Western Electricity Coordinating Council (WECC) planning criteria," is inaccurate because it insufficiently utilizes specific reliability considerations in place of the overarching redundancy concerns. Indeed, WECC has relaxed its minimum separation criteria to 250 feet. However, WECC acknowledges that wildfire poses a risk to transmission infrastructure. WECC argues that a separation of 250 feet in an area with multiple circuits would impact all circuits in the event of a wildfire, and utilities would need to mitigate for disruptions to all segments impacted by fire.[14] Accordingly, BLM's analysis is insufficient because 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.

In fact, the only mention of redundancy in BLM's Preferred Alternative analysis is in an appendix of the FSIES, where BLM recognizes that the *"[s]election of both routes (as would be the case under Alternative 5) would not meet the Proponents' goal of redundancy, but provides an alternative that avoids much of the SRBOP."*[15] BLM's admission that Alternative 5 (BLM's Preferred Alternative) doesn't meet the Proponent's redundancy needs harms the Proponents, ratepayers, citizens of Idaho, renewable energy developers, and electricity users of the Western Interconnection.

To reiterate the proponents' position:

> The most prudent way to reduce the risk of multiple transmission line outages is by physical separation to reduce common mode outages. This is true for the most common outage causes fire, smoke, high winds, and external interference man caused. By maximizing the capacity and utilization of new and existing facilities reduces the need for additional lines and additional corridors.[16]

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 for the project and adversely affects the Proponents, ratepayers, citizens of Idaho, and electricity users of the Western Interconnection.

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[12] DSEIS at 2-42, 2-45-2-47; see also DEIS at 1.4.5.
[13] FSEIS L-72.
[14] *See* Reliability Subcommittee, Western Electricity Coordinating Council, White Paper: Separation of Multiple Circuits in a Corridor (2013).
[15] 2016 FSEIS Appendix F at 57 (emphasis added).
[16] BLM Data Request 27 - Attachment A at 5.

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.

Although BLM does not have authority to permit construction of Gateway West on non-federal land, the BLM recognizes in the FSEIS that its decision affects private lands adjacent to or between federal areas and "that decisions on siting and construction requirements on non-federal lands are under the authority of state and local governments."[17] In noting the federal, state, and local regulatory framework, BLM further recognizes that in order for Gateway West to be built, county commissions must issue a conditional use permit for the construction of the transmission line. However, the BLM fails to consider Owyhee County's preemptive refusal to issue a conditional use permit for the Project.

The 2013 ROD, consistent with FLPMA Section 202(c)(9),[18] 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."[19] 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."[20]

While BLM acknowledges that it must coordinate with Owyhee County and the State, it fails to find "consistency to the extent practicable," as required by its own Handbook and federal regulations.[21] The Owyhee County Commissioners have emphatically and repeatedly stated to the BLM that they will not issue a permit to construct the Project on County or private land. In addition, landowners in Owyhee County supported the commissioners' preemptive refusal to permit the project in 76 individual letters to the BLM.[22] Unfortunately, the BLM did not dedicate any of its analysis to this subject.

Prior to issuing the ROD, BLM must determine if the Preferred Alternative, as presented in FSEIS, is consistent with Owyhee County's Comprehensive Plan, and if Owyhee County will permit this project as BLM proposes. If it is not consistent, BLM must determine if it met its obligations for this Project, which has been recognized and prioritized by the Obama Administration. If Owyhee County does not permit the Project, the Proponents will be unable to build additional transmission capacity to meet load growth and prices for Idaho ratepayers will astronomically increase and threaten access to reliable electricity.[23]

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[17] FSEIS 2-31.
[18] BLM Land Use Planning Handbook, Appendix A; *see also,* 43 C.F.R. § 1610(a).
[19] WYOMING STATE OFFICE, BUREAU OF LAND MGMT., U.S. DEP'T OF INTERIOR, RECORD OF DECISION FOR THE GATEWAY WEST TRANSMISSION LINE PROJECT 41 (2013).
[20] FSEIS 2-31.
[21] 43 C.F.R. 1610.3-2.
[22] *See* Attachment 1.
[23] FSEIS 1-14, 15.

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.[25] Accordingly, BLM's Preferred Alternative will lead to increased raptor and corvid predation on sage-grouse and sage-grouse eggs.

The Gateway West Transmission project was listed as an exempted project in the recently released Great Basin ROD.[26] Importantly, sage-grouse remains a BLM-designated sensitive species. BLM continues to be required, by its *Manual,* to ensure that its actions conserve sage-grouse and its habitat, promote removal of sage-grouse from the list of sensitive species, and avoid contributing to the need to list the sage-grouse as a threatened or endangered species.[27]

Despite the exemption of the Project contained in the Great Basin ROD for sage-grouse, BLM still has an obligation to analyze the impacts of this project on the species because of its continued designation as a sensitive species, governed by BLM's Special Status Species Manual.

Moreover, BLM is ambiguous about how impacts to sage-grouse are analyzed for the Project. The BLM stated in its response to the State's DSEIS comments that, "[s]age-grouse habitat impacts are one factor the BLM will consider when formulating a decision on Segments 8 and 9."[28] In another section, the BLM notes that

> [A]ll of the RMPs applicable to this Project would be affected by BLM IM 2012-04 (i.e., the BLM national Greater Sage-Grouse Land Use Planning Strategy [BLM 2011d]) [and] it can be assumed that these amendments/revisions to the RMPS, once finalized and enacted, would provide additional protection for sage-grouse and their habitats on BLM-managed lands.[29]

It appears that BLM is only treating the Gateway Transmission Line Project as exempt from the Great Basin ROD when it is politically beneficial to justify its inexplicable decision to avoid the SRBOP NCA. As a result, the State of Idaho cannot support Proposed Land Use Plan Amendment SEIS-13 for the SRBOP RMP. ***Prior to issuing the ROD, BLM should clarify its***

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[24] FSEIS at Tables D.11-11 – D.11-15.
[25] K.A. Engel, L.S. Young, K. Steenhof, J.A. Roppe & M.N. Kochert, Communal Roosting of Common Ravens in Southwestern Idaho, Wilson Bulletin 104, 105-121 (1992). See also K. Steenhof, M.N. Kochert & J.A. Roppe, Nesting by Raptors and Common Ravens on Electrical Transmission Line Towers, Journal of Wildlife and Management 57, 271-281 (1993).
[26] FSEIS 1-10; the Great Basin ROD (Management Decisions, Lands & Realty #12: PHMA (Idaho and Montana) and IHMA (Idaho), and GHMA (Montana only) are designated as avoidance areas for high voltage transmission line and large pipeline ROWs, except for Gateway West and Boardman to Hemmingway Transmission Projects).
[27] *See* BLM Manual, §§ 6840.01, 6840.02, 6840.06, 6840.12 and 6840.22 (Rel. 6-121 (1/19/01).
[28] FSEIS Appendix L-75.
[29] FSEIS 4-49.

analysis of the routes based on impacts to sage-grouse, with an emphasis on biology and not politics.

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.

In the 2013 ROD, BLM deferred its decision on Segments 8 and 9 "to allow additional time for federal, state and local permitting agencies to examine additional routing options."[30] In order to facilitate coordination, and leverage local and scientific expertise on the issues surrounding Segments 8 and 9, the BLM formed the Gateway West Subcommittee within the Boise District RAC to consider the issues surrounding siting of the Project. In compliance with its mission, the Subcommittee recommended Alternative 1 in two detailed, scientifically-based reports which were adopted by the full RAC and submitted to BLM.[31] The Proponents acknowledge this collaborative process by incorporating Alternative 1 as the Applicants' proposed alternative.

Unfortunately, BLM chose to ignore the advice of the RAC and designated Alternative 5 as the preferred alternative in the FSEIS.[32] 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.

NEPA aims to ensure that federal agencies are making informed decisions and that the public has been involved.[33] NEPA allows both the agencies and the public to focus their attention on the environmental effects of a proposed action.[34] This allows the agencies to conduct informed decision-making, while providing interested parties a political check on the agencies' decisions.[35] When BLM failed to disclose their rationale for ignoring a legitimate alternative (i.e. Alternative 1), and opting for Alternative 5, it violated NEPA.

In response to the State of Idaho's comments on the DSEIS, the BLM notes that "[t]he original direction to the RAC was to 'determine whether there is new information and/or modifications to the alternatives analyzed in the Final EIS … that the BLM should consider that could resolve… siting issues identified in the ROD." Over a period of seven months, the RAC subcommittee worked tirelessly on the issues assigned to them and raised new information for analysis in the SEIS. The BLM recognized this and stated that new information, including the RAC's identification of route options and design features for Segments 8 and 9, has become available since the FEIS for this Project.[36] The BLM further stated that "[t]he SEIS fully considers those reports."[37]

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[30] BUREAU OF LAND MGMT., U.S. DEP'T OF INTERIOR, FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR SEGMENTS 8 AND 9 OF THE GATEWAY WEST TRANSMISSION LINE PROJECT 1-1 (2016) [hereinafter FSEIS].
[31] FSEIS 1-1, 1-6, Appendix H.
[32] FSEIS 2-31, 32.
[33] Balt. Gas & Elec. Co. v. Natural Res. Defense Council, 462 U.S. 87, 97 (1983).
[34] Marsh v. Or. Natural Res. Council, 490 U.S. 360, 371 (1989).
[35] *Id.*
[36] FSEIS ES-1.
[37] FSEIS Appendix L-69.

Unfortunately, the BLM's claim is untrue. Discussion of the RAC reports is limited to whether the RAC determined a route to be acceptable or unacceptable based on local concerns and new, available information.[38] The BLM's "analysis" of routes that the RAC deemed acceptable is severely inadequate. The BLM claims that it "considered the information gathered by the RAC Subcommittee in the study for [the acceptable route], but eliminated this option from further consideration in the SEIS because it is similar to [another route].[39]

In the FSEIS, the BLM must analyze "new circumstances or information… bearing on the proposed action or its impacts."[40] Therefore, even if a route presented in the SEIS is similar to a route analyzed in the 2013 FEIS, the BLM must analyze the new information in the SEIS.[41]

As the State of Idaho has said before, the final decision on Segments 8 and 9 of the Gateway West Transmission Line Project must reflect an Idaho consensus. The routes recommended by the majority of the RAC are the only acceptable alternatives that are supported by the affected citizens, and are supported by Idaho's state and local elected officials. ***BLM must perform adequate analysis on the complete RAC reports.*** Until this happens the State of Idaho cannot support Proposed Land Use Plan Amendment SEIS-13 for the SRBOP RMP.

The State of Idaho protests any Proposed LUPA for the SRBOP RMP on the basis that the 2016 FEIS failed to comply with NEPA when developing the Compensatory Mitigation Framework for the SRBOP.

Any proposed amendment to the SRBOP NCA RMP to allow for an additional right-of-way (ROW) in the NCA requires mitigation.[42] Knowing this, the Proponents developed a Mitigation and Enhancement Proposal (MEP).[43] The 2016 DSEIS specified that the Proponent's proposed MEP was inadequate, and provided a Compensatory Mitigation Conceptual Model Example (Appendix K) as a framework to "to ensure that offsetting impacts to the SRBOP will lead to a net benefit to resources and values, i.e., achieve the enhancements required by the SRBOP enabling legislation."[44]

BLM policy requires the agency to notify the applicant as early as possible if mitigation is inadequate, and that the BLM must "identify and evaluate in the NEPA document an alternative(s) to the applicant's proposal."[45] The BLM indicated post-2016 DSEIS that it "didn't feel comfortable" selecting the Proposed Alternative as a Preferred Alternative due to an inadequate MEP.[46]

The State, in its comments on the DSEIS, remarked that the BLM failed to notify the Proponents of the inadequacies until the release of the DSEIS in March of 2016, and that the time between

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[38] *See e.g.* FSEIS 2-42.
[39] *See e.g.* FSEIS 2-47.
[40] 40 C.F.R. 1502.9(c).
[41] FSEIS 1-40, 41.
[42] 40 C.F.R. §§1502.14(f), 1502.16(h), and 2016 FSEIS at ES-11-13.
[43] *See* 2016 FSEIS at Appendix C.
[44] 2016 DSEIS at 1-9.
[45] U.S. Bureau of Land Mgmt., U.S. Dep't of the Interior, 2013-WO-IM-142 REGIONAL MITIGATION MANUAL SECTION 1794 §§17(b)(e) (BLM Manual1794).
[46] Scott Streater, *BLM conservation policy threatens key power line,* E&E NEWS, Apr. 15, 2016.

the 2013 ROD and release of the 2016 DSEIS should have been spent collaborating with the Proponents and Cooperating Agencies to develop a MEP proposal that would meet the requirements of the enabling legislation and also accounted for appropriate public participation.

BLM's response to the State of Idaho shifted the framework for analysis because the BLM now considers the Proponents MEP as a design feature, and that BLM plans to analyze it as part of the Proponents' Plan of Development. BLM claims that the collaboration with the Proponents between the release of the Draft and Final SEIS to develop a more detailed framework for mitigation and enhancement, identified in the FSEIS as Appendix K, satisfies its NEPA obligations.[47]

The Compensatory Mitigation Framework presented to the public in the DSEIS was 14 pages long, compared to the 52 pages presented in the FSEIS, and did not include any mitigation details regarding cultural resources, historic trails, recreation, or visitor services. The proposed RMP amendments and corresponding Compensatory Mitigation Framework for the SRBOP NCA (identified in the FSEIS as Appendix 5) fail to meet the requirements of NEPA.[48]

Between October 2013 and November 2015, new guidance regarding mitigation was released and utilized to develop what is now BLM's Compensatory Mitigation Framework. The BLM was aware that the Compensatory Mitigation Framework provided in the 2016 DSEIS was incomplete prior to releasing the document. BLM should have either (1) delayed the release of the 2016 DSEIS and finalized the framework to thoroughly allow the public the opportunity to participate in the development of this framework,[49] since any amendments to the SRBOP NCA RMP to allow for an additional ROW would have to incorporate this framework in some degree, or (2) released a revised draft SEIS that incorporated this information.

BLM's own regulations require a SEIS to be prepared if "[t]he agency makes substantial changes in the proposed action that are relevant to environmental concerns".[50] A SEIS is also required when "[t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." [51] BLM's failure to adhere to these requirements is a failure to comply with NEPA.

BLM must allow the public an opportunity to participate in the finalization of the mitigation framework before BLM finalizes the supplemental EIS or any amendments. The intent of NEPA is to ensure agencies are making informed decisions and that the public has been involved,[52] and NEPA allows both the agencies and the public to focus their attention on the environmental effects of a proposed action.[53] This allows the agencies to conduct informed decision-making, while providing interested parties a political check on the agencies' decisions.[54]

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[47] *See* 2016 FSEIS at Appendix L.
[48] 40 C.F.R. §§1502.9 (a)(c).
[49] *Id.*
[50] 40 C.F.R. §1502.9(c)(l)(i) (emphasis added).
[51] 40 C.F.R. § 1 502.9(c)(l)(ii).
[52] *Balt. Gas & Elec. Co.* 462 U.S. at 97 (1983).
[53] *Marsh* 490 U.S. at 371 (1989).
[54] *Id.*

The BLM must release the Compensatory Mitigation Framework to the public and provide for an appropriate time for review and comment.

CONCLUSION

The State has invested significant time and resources to assist BLM in its environmental analysis, only to be once again ignored as a co-manager of the land. The Preferred Alternative, as currently written, has significant potential to erode the longstanding relationship between the State and federal agencies. Prior to issuing the ROD, BLM must either abandon its Preferred Alternative and adopt the negotiated, vetted, and sound policy of Alternative 1 or complete its environmental analysis on Alternative 5.

Attachment A: Landowner Letters in Opposition

NOBLE, JAY P & NANCY

7622 ROBINSON RD

KUNA, ID 83634

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner Jay P. Noble
Nancy Noble

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

James M & Glenda Day
29827 State Hwy 51
Bruneau, ID 83604

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

James M. & Glenda Day

Property Owner

James M. & Glenda Day

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

NETTLETON, PATRICIA

9627 W CANTERBURY DR

BOISE, ID 83704

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Patricia Nettleton

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

Attachment 1

WHITEAR, BRIAN R & TIFFANY

16966 SHORT CUT RD

MURPHY, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

Tiffany Ann Whitear

Brian R Whitear

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

LAWRENCE, LISA

16635 BATES CREEK RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

MAIDEN, DARLENE & TIMOTHY

17000 BATES CREEK RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Darlene Maiden

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

RILEY, SHANE D & AMY R

17656 OREANA LOOP RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Shane D Riley

Amy R Riley

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

SMITH, ALVIN D & LUELLA ANN

PO BOX 11

MURPHY, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Luella Ann Smith
Alvin D Smith

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

RAE, VERNON

18264 SHORT CUT RD

MURPHY, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner
Vernon Rae Carol Denise Rae

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

ELLIOTT, ADAM L & BARBARA J

17724 OREANA LOOP RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Adam Elliott
Barbara Elliott

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

MAGEE, JULIE

18080 SHORT CUT RD

MURPHY, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Julie Magee

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

SMITH, REED A & GEORGIA A

17013 BATES CREEK RD

MURPHY, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Reed Smith

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

HIPWELL, ROHL W & FAYE

18125 OREANA LOOP RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Rohl Hipwell

Property Owner Rohl Hipwell

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

Earlene Axelsen
4640 Hemlock Way
Nampa, ID 83687

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Earlene (Lee) Axelsen

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

STEINER, JACOB D

24597 COLLETT RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

4/25/2016

POLLARD, RICKEY G & LINDA J

PO BOX 275

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Rickey G Pollard
Linda J. Pollard
Property Owner

16642 BATES CREEK ROAD
OREANA, ID 83650

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

John D Prudden, Kristine Pigeon,
Mather Capital Corp
109 Greenhorn Rd
Hailey, ID 83330

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

Brody L & Kelli D Prow
29679 Davis Rd
Bruneau, ID 83604

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

BRODY + KELLI PROW

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Greg Callen Farms LLC
500 S 376 W
Jerome, ID 83338

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Lisa M. Callen, Sec
Greg Callen Farms LLC

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

Richard & Elizabeth Ogg
PO Box 215
Bruneau, ID 83604

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

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I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

Elizabeth Ogg

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Paul & Lee Axelsen
17965 Briar Creek Rd
Murphy, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

Messec Galyon Van Slyke
c/o Irvin Jr & Gloria Glineski
471 N Alpine Cir
Pine, ID 83647

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Gloria Glineski

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

GILL, GARY W & MARY L

PO BOX 621

BRUNEAU, ID 83604

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely, Gary W. Gill
Mary L Gill

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

DIRKS, ROBERT G & MECHELLE J

24762 A & A RD

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner
Robert & Mechelle Dirks

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

FOWERS, JETT T & TRINA M

PO BOX 201

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

FUQUAY, CLINTON W & HAILEY R

18907 CASTLE LN

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely, Clint Fuquay
Hailey Fuquay

Property Owner
Clint Fuquay
Hailey Fuquay
Hailey R Fuquay

cc:
Governor Butch Otter
Owyhee County Board of County Commissioners

Don D & Marilyn Becker
31237 Hot Creek Rd
Bruneau, ID 83604

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

We do not wanran application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely, Don Becker

Property Owner
Don Becker
31237 Hot Creek Rd.
Bruneau Id 83604

cc: Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

KOEHN, PRESTON L & MICHELLE M

PO BOX 452

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Preston Koehn

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

WALKER PLOW LLP

C/O MILDRED WHITTED

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

X Mildred Whitted

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

LAHTINEN, DAVID L & BARBARA M

29516 SUGAR VALLEY RD

BRUNEAU, ID 83604

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

David Lahtinen

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

PENNER, ELDON R & TERESA J

PO BOX 7

LOUISE, TX 77455

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Jacob Kunsky
28049 Merrick Lane
Bruneau, ID 83604

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

REYNOLDS, PAUL R & MARY E H/W

28358 MORMON BLVD

BRUNEAU, ID 83604-9704

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner
Paul R. Reynolds

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

FOWERS LITTLE VALLEY, LLC

PO BOX 305

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Bart L Fowers member

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

FOWERS IDAHO, LLC

PO BOX 305

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Bart L Fowers member

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

FOWERS, BART & SHARON

PO BOX 305

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Bart L Fowers

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

ASTLE, KIM

33985 MUD FLAT RD

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

ERWIN, ANNABELLE

29712 STATE HWY 51

BRUNEAU, ID 83604

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

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I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Sidney Erwin

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

TOBIAS, DEAN & REVA

17813 OREANA LOOP RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

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I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

AGENBROAD, DARREL L

27161 DAIRY RD

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

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Sincerely,

Darrel Agabroad

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

ASTLE, LAYNE

24377 A & A RD

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

MERRICK, ALLEN H

28055 JUNIPER RD

BRUNEAU, ID 83604

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

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I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

FIELD, J TERRY & LESLIE

38167 STATE HWY 78

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

J. Terry Field

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Robyn C. Thompson
16990 Short Cut Rd.
Murphy ID 83650-5064

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Robyn C. Thompson

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

BREUER, ERNEST P

16033 BATES CREEK RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

Karen Steenhof
18109 Briar Creek Rd
Murphy, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Karen Steenhof

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

BACHMAN, FRANK L & CINDY L

PO BOX 186 COLYER RD

BRUNEAU, ID 83604

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

Frank L. Bachman

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

JOYCE LIVESTOCK CO

14568 JOYCE RANCH RD

MURPHY, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

DIRKS, KENTON G & MICHELLE R

33386 MUD FLAT RD

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely, Kenton G Dirks
Michelle R. Dirks

Property Owner,
Michelle R. Dirks

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

THOMAS, ROBERT & KELLY

17947 SHORT CUT RD

MURPHY, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Robert A. Thomas

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

WHITE, WILLIAM & BEVERLY

18138 OREANA LOOP RD

MURPHY, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

William L. White

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

LOW, CAL D & SUSIE

21101 OREANA LOOP RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Cal D Low
Susie Low

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

CAMERON, BRUCE & PATTI

21220 OREANA LOOP RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Patti Cameron

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

LEWIS, MICHAEL P & TEENA M

20735 OREANA LOOP RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

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I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Teena Lewis

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Lawrence D & Cindy Crandall
1112 W Finch Dr
Nampa, ID 83651

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Lawrence & Cindy Crandall

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

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I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Ross Groenwald
20803 Hwy 78 Murphy
IDAHO 83650

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Patricia A Lewis
17965 Briar Creek Rd
Murphy, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Patricia A. Lewis

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

Ivan D & Timera Ann Holland
PO Box 26
Murphy, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

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Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

KING, ROSE M

19124 KING LN

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

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I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Rose M King

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

HUMPHREY, LEE V & JANICE D

16959 SHORT CUT RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Lee V. Humphrey

Property Owner

Jan Humphrey

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

John A. Teeter
15401 Bates Ck Road
Oreana ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

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I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Steph & John Teeter
15401 Bates Ck Rd
Oreana ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

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I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Steph Teeter

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

NETTLETON, CHAD

23202 DUST DEVIL LN

MURPHY, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

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I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Chad Nettleton

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Ace Black Ranches
28892 Hot Springs RD
Bruneau, ID 83604

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

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I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Terry Black
Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

ROBINSON, MERVILLE A

16975 SHORTCUT RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Margaret Robinson

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

LEONARD, SHANE & DEENA

802 ELBURZ UNIT 2

ELKO, NV 89801

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

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I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

ROBINSON, MERVILLE A & MARGARET

16975 SHORTCUT RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

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I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Margaret Robinson

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

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I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner
Mike Lewis
20735 OREANA LOOP
cc: OREANA ID 83650

Governor Butch Otter
Owyhee County Board of County Commissioners

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

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I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Webb Lisle
30338 Hot Springs Rd. Bruneau 83604
Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

Attachment 1

SIMPER, HAROLD A & MERRILAN M

24128 20 MILE RD

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Harold A. Simper
Merrilan Simper

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

WILD COUNTRY LLC

16837 BATES CREEK RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Gerry Hunt & Jaden
Leah Osborn

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

WIDNER, ROBERT M

16947 BATES CREEK RD

OREANA, ID 83650

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

WOLFE BROTHERS INC

PO BOX 398

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

WOLFE FAMILY REVOCABLE TRUST

PO BOX 368

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

MININGER, STUART & LINDA K

24253 TWENTY MILE RD

GRAND VIEW, ID 83624

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I will not allow the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I will not allow an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Linda K Mininger

Property Owner

Stuart J. Mininger

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners

Attachment 5

Director Tim Murphy
BLM Idaho State Office
1387 S. Vinnell Way
Boise, Idaho 83709

Re: Notice Regarding Use of My Property for the BLM's FEIS Proposed Route for Segment 9

Dear Director Murphy:

This letter is my notice to you that I do not approve of the use of my private land for the FEIS Proposed route for Segments 8G, 9F and 9K in Owyhee County.

I will not be a willing seller of a right of way for the route.

I do not approve of an application for an Owyhee County Planning and Zoning Commission Conditional Use Permit for the structures or associated infrastructure supporting that route.

Sincerely,

Stanley Isaac
28624 Juniper Rd,
Bruneau, ID 83604

Property Owner

cc:

Governor Butch Otter
Owyhee County Board of County Commissioners.

D-5
BLM Director's Dismissal of Governor's Appeal

United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, DC 20240
http://www.blm.gov

JAN 19 2017

In Reply Refer To:
2800 (930)
WYW 174598/IDI-35849-01
Gateway West Transmission Line Project

C.L. "Butch" Otter
Governor of Idaho
State Capitol
Boise, ID 83720

Dear Governor Otter:

This letter addresses your appeal of the response provided by the Bureau of Land Management (BLM) Idaho State Director, Timothy Murphy, regarding your consistency review of the proposed land use plan amendments analyzed in the *Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project* (referred to hereinafter as FSEIS or plan). The Governor's consistency review is an important part of the BLM land use planning process, and we appreciate the significant time and attention that you and your staff have taken to review the proposed plan amendments.

The BLM developed the Gateway West FSEIS with extensive local involvement. During the comment period for the Draft SEIS, the BLM received 147 letters that raised 711 individual comments from a range of interested parties, including input from the State of Idaho, Boise District Resource Advisory Council, Shoshone-Paiute Tribal Government, and Shoshone-Bannock Tribal Government. All stakeholder groups provided important information about current and anticipated future uses of the lands in the planning area.

I believe that this extensive public involvement process has led to the creation of robust environmental analysis and well-supported land use plan amendments that together properly balance responsible development with the least impact to private property, farmland, historic trails and cultural resources, visual resources, wetlands, sage grouse habitat, and the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP NCA). The Preferred Alternative selected for the Gateway West FSEIS for Segments 8 and 9 likewise balances those interests, and is consistent with Federal laws, including Public Law 103-64 which recognizes the SRBOP NCA, and the regulations and policies established to implement Federal laws.

The applicable BLM planning regulations at 43 C.F.R. § 1610.3-2(e) provide you with the opportunity to appeal the Idaho State Director's decision not to accept the recommendations in your consistency review letter. As you indicate in your January 18th letter, the State of Idaho

requests the BLM Director to reconsider the issues and recommendations raised in your Governor's consistency review letter. The planning regulations also guide my review of your appeal. The BLM gave serious consideration to the points in your consistency review letter regarding the proposed plan amendments for this project. In reviewing your appeal of the BLM's decision regarding those points, I must first consider whether you have identified inconsistencies with State or local plans, policies or programs. If inconsistencies are identified, I then must consider whether your recommendations both address the inconsistencies and provide for a reasonable balance between the national interest and the State's interest.

The following is my analysis of the issues that you raise regarding the proposed Land Use Plan Amendments' (LUPAs) consistency with State or local plans, policies, and programs. Pursuant to 43 C.F.R. § 1610.3-2, this response does not address issues and concerns that you raise regarding the National Environmental Policy Act or other Federal statutes and regulations.

In your consistency review appeal, you state that the "LUPAs are plainly inconsistent with the Idaho Energy Plan, the Owyhee County Comprehensive Plan, the Owyhee County Natural Resource Plan, and Executive Order 2015-04 – Idaho's sage-grouse management plan." Idaho State Director Murphy correctly noted that neither 43 U.S.C. § 1712(c)(9) nor 43 C.F.R. § 1610.3-2 gives State or local plans, policies, or programs priority over Federal laws. Nor do they require the BLM to undertake additional analysis in an environmental impact document to resolve inconsistencies. As detailed below, the proposed LUPAs are consistent with State or local plans, policies and programs to the extent practical, while also meeting Federal laws, regulations and policies, including those specifically relating to the SRBOP NCA.

With respect to your conclusion that two of the five proposed plan amendments, SEIS-12 and -13, are inconsistent with the 2012 Idaho Energy Plan, the State's Greater Sage-grouse Plan, and Owyhee County's Comprehensive Plan, I concur with Idaho State Director Murphy's analysis. These amendments would allow a transmission line outside the two designated utility corridors. As discussed in the FSEIS, Amendment SEIS-13 would not be needed if the line followed the West-wide Energy Corridor (WWEC), which is a designated utility corridor under the SRBOP NCA Resource Management Plan (RMP). The State however has opposed placing the lines in the WWEC, and so the line was moved slightly west of the WWEC to avoid private land in Owyhee County. The State-preferred Alternative would also require plan amendments allowing two new corridors, totaling approximately 70 miles, within the SRBOP NCA. Selecting this alternative, which has greater adverse impacts on the SRBOP NCA, would not be consistent with Federal policies for managing the NCA and could result in higher costs for compensatory mitigation of those impacts.

Idaho State Director Murphy also addressed your points that the proposed LUPAs are inconsistent with the 2012 Idaho Energy Plan regarding reliability and affordability. State Director Murphy concluded that the BLM did adequately consider these factors in the planning process and acknowledged information, statements, and support from the Western Electricity Coordinating Council and the Federal Energy Regulatory Commission. I concur with this analysis.

In addition, you voiced concern with the Owyhee County's preemptive refusal to issue a conditional use permit for BLM's Agency Preferred Alternative. As pointed out by Idaho State Director Murphy, the Proponents have yet to submit a proposal for a conditional use permit for the project. It is my hope that through micro-siting it may be possible to route the transmission lines in a way that gains the approval of Owyhee County and the commissioners. Moreover, whether it is through Owyhee County's Power Zoning Overlay District, a legislative solution, and/or eminent domain, there appears to be a path forward for the issuance of a conditional use permit for BLM's Agency Preferred Alternative. As such, I again concur with State Director Murphy's analysis and find that the LUPs are consistent with State and local plans, policies and programs applicable to public lands.

With respect to effects on Greater Sage-grouse, the BLM is implementing the 2015 Approved RMP Amendment (ARMPA) for Greater Sage-grouse habitat management on BLM-managed public lands in Idaho. While the ARMPA specifically exempts the Gateway West project from certain management decisions, the BLM analyzed and disclosed effects on Greater Sage-grouse in both the 2013 FEIS and the FSEIS. The BLM also will require mitigation as a condition of the right-of-way grant, which the Proponent will satisfy through the Gateway West Greater Sage-Grouse Habitat Mitigation Plan, and will require the Proponent to achieve a mitigation standard of "net conservation gain." Further, the Agency Preferred Alternative avoids Federal Priority Management Areas and impacts eight fewer sage-grouse leks within 11 miles of the lines than the State's preferred alternative. Therefore, I conclude that the BLM has given and will continue to give adequate attention to the effects to Greater Sage-grouse caused by the Gateway West project.

On balance, I believe that the Agency Preferred Alternative best meets the requirements of Federal laws, regulations and policies, including those governing the SRBOP NCA and the National Conservation Lands system of which it is a part. These requirements are achieved by avoiding, to the greatest extent practicable, the siting of new 500-kV transmission lines in the SRBOP NCA, while also minimizing the crossing of private lands, irrigated agricultural lands, National Historic Trails, and wetland and riparian areas and minimizing impacts to cultural and visual resources. Idaho State Director Murphy found the Proposed RMP amendments to the Bruneau and Twin Falls Management Framework Plans and the SRBOP NCA RMP to be consistent, to the extent practical, with the State's and Owyhee County's plans, policies, and programs, and the purposes, policies and programs applicable to public lands. I concur with this conclusion.

I have fully considered the issues and recommendations you raised in your appeal letter and the Governor's consistency review letter that Idaho State Director Murphy did not accept. After my analysis and review, I affirm Idaho State Director Murphy's response to your finding of inconsistency. I find that the recommendations in your appeal letter and consistency review letter do not provide for a reasonable balance between the national interest and the State's interest, and therefore respectfully deny your appeal. The reasons outlined above for my decision on your appeal will also be published in the Federal Register pursuant to the applicable BLM regulations.

Further, please note that the BLM gave due consideration to the State's concerns raised in the protest letter dated November 7, 2016. For a detailed response to these issues, some of which

were also in your consistency review letter, I refer you to the Director Protest Resolution Report available on the BLM website at: https://www.blm.gov/wo/st/en/prog/planning/planning_overview/protest_resolution/protestreports.html. The BLM and the State of Idaho have a long history of working cooperatively on the development of resource management plans. I appreciate the resources that you and your staff have put into this planning effort, and the input you have provided.

I believe the proposed land use plan amendments properly balance responsible development with the protection and conservation of important wildlife habitat and other special values in the planning areas, particularly the SRBOP NCA. The BLM looks forward to continued coordination as our teams work together to implement these land use plans relating to the Gateway West Transmission Project.

Sincerely,

Neil Kornze
Director
Bureau of Land Management

Enclosures
- Idaho Governor's Consistency Review Appeal dated January 18, 2017