

Exhibit P2
State

Comment(s)

Response(s)

S1 **Colorado Parks and Wildlife**



COLORADO PARKS & WILDLIFE

Northwest Regional Office
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May 22, 2014

Bureau of Land Management
 Energy Gateway South Transmission Project
 P.O. Box 21150
 Cheyenne, Wyoming 82003

RE: CPW Comments for the Energy Gateway South Transmission Project Draft EIS

Dear Ms. Gertsch:

Thank you for the opportunity to provide comments on the Energy Gateway South Transmission Project Draft Environmental Impact Statement (DEIS). Colorado Parks and Wildlife (CPW) has a statutory responsibility to manage all wildlife species in Colorado. As such, we encourage the proponent and regulators of this project to include the highest and best design and development protections for Colorado’s wildlife species and habitats as this project is permitted and constructed.

CPW staff has actively participated in cooperating agency meetings for this project and has previously submitted scoping comments for this project dated June 16, 2011. Subsequent to the submittal of the scoping comments, CPW has identified issues with a critical conservation easement (Tuttle Easement) and significant wildlife impacts on the south side of Highway 40 (generally Township5N, Range 97W). CPW has forwarded these concerns on to the Bureau of Land Management (BLM), the National Park Service (NPS), and the US Fish and Wildlife Service (USFWS) as indicated in the attachments, dated April 26, 2013, signed by the CPW Director. CPW staff more recently attended the Energy Gateway South Transmission Project open house in Grand Junction, CO on March 10, 2014 and reiterated our concerns as formal comments.

CPW’s comments for this EIS are focused mainly in two areas of concern: 1) the Tuttle Easement route variation options where we strongly oppose any option that crosses the easement (alignment must stay north of Hwy. 40) and 2) the general alignment as it relates to greater sage-grouse habitats and impacts. CPW has worked with BLM and other agencies listed above to develop the agency preferred route alignment (which avoids the Tuttle Easement). CPW supports the agency preferred routing alternative from the Wyoming state line to the Utah border.

S1a

STATE OF COLORADO
 John W. Hickenlooper, Governor • Mike King, Executive Director, Department of Natural Resources
 Bob D. Broscheid, Director, Colorado Parks and Wildlife
 Parks and Wildlife Commission: Robert W. Bray • Chris Castilian, Secretary • Jeanne Home
 Bill Kane, Chair • Gaspar Perricone • James Pribyl • John Singletary
 Mark Smith, Vice-Chair • James Vigil • Dean Wingfield • Michelle Zimmerman
 Ex Officio Members: Mike King and John Salazar

S1a **Comment and route preference noted.**

Comment(s)

Response(s)

S1

Colorado Parks and Wildlife (cont.)

S1a

Tuttle Easement Concerns

CPW holds a conservation easement on approximately 15,156 acres of crucial wildlife habitats, which lies predominantly on the south side of Highway 40 for a span of approximately 5 miles (generally Township5N, Range 97W). CPW strongly opposes the routing of any new transmission line route south of Highway 40 that would cross the Tuttle CE.

S1b

The Tuttle CE is a keystone parcel in an ongoing effort to protect wildlife habitats as part of our Colorado Wildlife Habitat Protection Program (CWHPP), a statewide habitat protection program. The legal, biological, and financial arguments opposing encroachment of the CE are described in detail in our letter sent to the BLM, NPS, and USF&WS dated April 26, 2013 and signed by the CPW Director (attached).

CPW is concentrating a significant portion of its investment in landscape protection in the area around the Tuttle Easement. CPW is currently working with landowners to develop additional conservation easement projects on approximately 35,500 acres that are located adjacent to or in the near vicinity of the Tuttle Conservation Easement.

S1c

The BLM-managed Cross Mountain Wilderness Study Area provides additional habitat protection in the landscape surrounding the Tuttle Easement. An additional part of this landscape-scale habitat protection strategy is the 8,057 acre Bitter Brush State Wildlife Area, located south and southwest of Maybell, CO and approximately 9 miles northeast of the Tuttle Easement. The Bitter Brush State Wildlife Area is owned and managed by CPW primarily for big game winter range for resident and migratory animals for two of the largest mule deer and elk populations in the state. These private, state and federally protected lands support and interact to provide the necessary continuity of habitats and migration corridors to maintain these important populations.

S1d

Due to the CPW's efforts to create landscape scale habitat protections, CPW only supports routing the transmission line to the north and west of the Tuttle easement and Hwy. 40. The large financial investments committed to maintain these important habitats should not be compromised.

CPW supports Route Variation WYCO-B-2 (page 2-109) or Route Variation WYCO-C-2 (page 2-111), or any variation of a corridor or transmission line alignment which locates the transmission line north of Highway 40 in relation to the Tuttle CE. CPW strongly opposes Route Variation WYCO-B-3 (page 2-110), Route Variation WYCO-C-3 (page 2-111) and Route Variation WYCO-D-1 (page 2-112) or any route variation which traverses the Tuttle Conservation Easement and would negatively impact wildlife to a greater extent than the other alternatives considered.

S1b

Comment noted. The Final Environmental Impact Statement (EIS) reflects conservation easements identified by the National Conservation Easement Database website, as well as state and local agencies.

S1c

Comment noted. Potential impacts on wildlife management areas (WMA) are discussed in Section 3.2.15. Potential impacts on the biological resources that may occur in these WMAs are discussed in Sections 3.2.7 and 3.2.8.

S1d

Comment and route preference noted.

Comment(s)

Response(s)

S1 **Colorado Parks and Wildlife (cont.)**

General Alignment as it Relates to Greater Sage-Grouse Habitats and Impacts

S1e CPW has worked with BLM and other agencies listed above to develop the agency preferred route alignment (WYCO-B) and is in support of that routing alternative from the Wyoming state line to the Utah line. WYCO-B has the least impact on priority greater sage-grouse habitat (PPH) of alternatives presented. While significant areas of priority habitat are impacted by the agency preferred alternative, these areas support a lower density of birds than other alignments proposed, specifically Great Divide, Sand/Powder Wash, and Highway 13 Corridor.

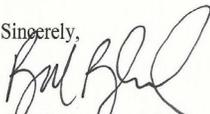
CPW expects that this EIS will strive toward minimal negative impacts to greater sage-grouse and their habitats and also incorporate stronger mitigation measures to align with the Programmatic Greater Sage-Grouse EIS.

S1f The specific location of the series compensation substation(s) in Colorado is undetermined in the DEIS. We request that the BLM/applicant consult with CPW to review sage-grouse/wildlife impacts prior to approval of specific sites for these facilities.

S1g Northwest Colorado contains the highest densities and diversity of wildlife species in the State of Colorado. The transmission line routes proposed within Northwest Colorado intersect high value wildlife habitats for numerous species, including greater sage-grouse, Columbian sharp-tailed grouse, raptors, mule deer, elk, pronghorn antelope, white-tailed prairie dogs, native, endangered, and threatened fish species, and black-footed ferret reintroduction sites. Other species of concern that could be impacted by one or more route segments include, but are not limited to, great blue heron, greater sandhill crane, burrowing owl, and a variety of additional aquatic species. Concerns include invasive weed establishment, potential impairment of wildlife movements, bird strikes/electrocution, and increased road access from this project.

The populations of mule deer, elk, pronghorn antelope and greater sage-grouse in Northwest Colorado are the largest in the state; they provide more overall economic benefits to local communities and CPW than other areas. The importance of maintaining the integrity of these habitats has vast economic and biologic significance to the State of Colorado.

We appreciate the opportunity to provide feedback and comments on this important project.

Sincerely,

 Bob D. Broscheid, Director-Colorado Parks and Wildlife

S1e Comment and route preference noted. The alignment preferred by the Bureau of Land Management (BLM) Little Snake Field and, therefore, the BLM’s preferred alignment along the path of the agency-preferred route, is the alignment in the Westwide Energy Corridor, parallel to the Bears Ears to Bonanza 345-kilovolt transmission line, crossing the area designated as the Tuttle Ranch Conservation Easement. The BLM also prefers the alignment be collocated approximately 300 feet from the route alignment for the TransWest Express transmission project. The BLM’s intent is to reduce the amount of potential impacts and avoid potential proliferation of transmission lines across the landscape in accordance with the Federal Land Policy and Management Act of 1976.

S1f The potential impacts on sage-grouse and other wildlife resource related to the series compensation substations are disclosed for the siting areas in the EIS. Final site selection will be coordinated with the cooperating agencies, including the state wildlife agencies as well as the Biological Resources Task Group established for the Energy Gateway South Transmission Project (Project).

S1g The importance of the Tuttle Ranch Conservation Easement for sage-grouse, white-tailed prairie dogs, and black-footed ferrets are discussed in Section 3.2.8.5.4, under the heading Affected Environment (Colorado). Impacts on sage-grouse, white-tailed prairie dogs, and black-footed ferrets will be minimized through the application of the design features and selective mitigation measures listed in Table 3-104 (refer to Mitigation Planning and Effectiveness in Section 3.2.8.4.3).

Comment(s)

Response(s)

S1

Colorado Parks and Wildlife (cont.)

cc: Ron Velarde, Northwest Regional Manager
Chad Bishop, Assistant Director for Wildlife and Natural Resources
Lisa Dale, Assistant Director for Parks, Wildlife and Lands
Jeff Ver Steeg, Assistant Director for Research, Policy & Planning
Dean Riggs, Deputy Director
Brad Petch, Senior Terrestrial Biologist
Sherman Hebein, Senior Aquatic Biologist
Bill deVergie, Area Wildlife Manager
File

Attachments:
CPW Letter to BLM, NPS, and USFWS, April 26, 2013
Biological Description of the Tuttle Conservation Easement

Comment(s)

Response(s)

S1

Colorado Parks and Wildlife (cont.)



COLORADO PARKS & WILDLIFE

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April 26, 2013

Helen Hankins, Colorado State Director
 Bureau of Land Management
 2850 Youngfield Street
 Lakewood, Colorado 80215

John Wessels, Regional Director
 Intermountain Region, National Park Service
 12795 Alameda Parkway
 Lakewood, Colorado 80225

Noreen Walsh, Regional Director
 Mountain-Prairie Region, U.S. Fish and Wildlife Service
 134 Union Boulevard
 Lakewood, CO 80228

Dear Helen, John and Noreen,

We have been working with all three of your agencies to achieve the dual objectives outlined by Secretary of Interior Salazar of conserving greater sage-grouse and providing the transmission of energy generated through renewable sources in the interior west. The siting of the Transwest electric transmission line, and ultimately the Gateway South and Zephyr transmission lines, has been the subject of several recent meetings and discussions. These lines would be located within the DOI-approved corridor for electric transmission through northwest Colorado. They are in close proximity to areas where we are aggressively pursuing landscape scale efforts primarily aimed at conserving the greater sage-grouse, but also benefitting other important wildlife. One preliminary alternative for the Transwest line actually crosses an area known as the Tuttle Conservation Easement which is part of our conservation efforts. As you know we have expressed our significant concerns with this route.

Earlier this month I participated on a conference call with Steve Black, Counselor to the Secretary of Interior on this very subject. We reiterated our concerns with the route crossing the Tuttle Easement, the legal ramifications as well as how it affects our efforts in habitat conservation. Steve was very familiar with the issue and shared with us that the Bureau of Land Management (BLM) would be working closely with the National Park Service (NPS) to analyze an alternative, or alternative(s), that would go north of Highway 40 and bypass the Tuttle Easement. This alternative(s) would be included as part of the environmental impact statement (EIS) for the project.

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Comment(s)

Response(s)

S1 **Colorado Parks and Wildlife (cont.)**

I offered to Steve that Colorado Parks and Wildlife (CPW) would be providing written comments for consideration as this analysis moves forward. This letter should be considered part of our comments, as a cooperating agency, for not only the Transwest line, but also for the Gateway South and Zephyr transmission lines.

BLM has the lead role in the EIS process and will decide where these three transmission lines will be located within the approved corridor. Both the BLM and the USFWS have worked closely with our agency in wildlife conservation across Colorado, and specifically with greater sage-grouse conservation efforts in this area of the state. USFWS has invested over \$500,000 in the Tuttle Easement. NPS has a significant role in this issue because of their access road, which is part of Dinosaur National Monument and travels north of Highway 40 near the Tuttle Easement.

We believe that routing the transmission lines within the area of the approved corridor that is north of Highway 40 is environmentally, legally, and politically preferable to crossing the area south of Highway 40, which includes the Tuttle Easement. As we understand the analysis at this point in the process, the single objection to a route north of Highway 40 is that the transmission lines would cross the 200 ft. wide strip of land acquired by NPS to access Dinosaur National Monument. We understand this strip of land is to be managed, in part, to protect the scenic values of the Monument. An objective analysis of the environmental impacts of alternative routes must weigh the effects on the scenic quality of this specific area against the effects on the wildlife values protected by the Tuttle Easement. We note that the scenic values of the area just north of Highway 40 are significantly impaired by the highway itself, existing electric distribution lines, ranch houses, outbuildings, and other development. Further, this area is many miles from the Monument proper. The following discussion provides information to address these concerns and also proposes alternatives for consideration.

Colorado Parks and Wildlife (CPW) assessed the relative values of wildlife habitats that would be impacted by transmission line routes to the north of the Tuttle Conservation Easement and by transmission line routes along the previously-developed alternatives which cross the Tuttle Conservation Easement. Additionally, this letter contains an assessment of the legal and practical implications of routing these transmission lines through the Tuttle Easement, in light of the impact to the conservation values intended to be protected by this Easement.

Colorado Parks and Wildlife holds conservation easements for purposes which include protecting and managing wildlife habitats in perpetuity for big game and for a variety of state and/or federally designated special concern, threatened, or endangered species. Furthermore, all CPW conservation easements produce benefits for wildlife well beyond the maintenance of open space, generally through a cooperative management plan with

S1h

S1h

Comment noted. Additional route variation that crosses the Deerlodge Road on a state-owned parcel is analyzed in the Final EIS. Also, additional analysis to support National Park Service decision-making is included in Appendix G. This analysis includes Alternative WYCO-B, which crosses the Tuttle Ranch Conservation Easement.

Comment(s)

Response(s)

S1 Colorado Parks and Wildlife (cont.)

the landowner where long-term wildlife and habitat management goals are described and maintained.

S1i

CPW completed a conservation easement on 15,076 acres of the Tuttle Ranch in July 2012. The Tuttle Conservation Easement was acquired through the expenditure of over four million dollars, which included nearly \$3.75 million in allocations from Colorado hunting license fees, the Colorado Habitat Stamp fund, and Great Outdoors Colorado, together with approximately \$500,000 in U.S. Fish and Wildlife Service monies from the non-traditional Section 6 (federally listed endangered species) grant fund. The landowner also donated a significant portion of the value of the conservation easement.

S1i

The additional information regarding the Tuttle Ranch Conservation Easement relevant to the analysis was incorporated into Section 3.2.15.

S1j

The Tuttle Conservation Easement specifically protects and provides for the management of habitat for:

- Black-footed ferret (federally endangered). The protected property is nearby the only extant release area for black-footed ferret in Colorado. The conservation easement and management plan documents include provisions for eventual release of a new population of the species in Colorado.
- White-tailed prairie dog (state species of concern and previously proposed for federal listing). The protected property includes colonies of prairie dogs that have historically exceeded all other areas in northwestern Colorado for density and number of prairie dogs.
- Greater sage-grouse (federally listed Candidate species, state species of concern). The protected property contains year-long habitat for sage-grouse, including an active lek site.

S1j

The importance of the Tuttle Ranch Conservation Easement for sage-grouse, white-tailed prairie dogs, and black-footed ferrets are discussed in Section 3.2.8.5.4, under the heading Affected Environment (Colorado).

S1k

- Big game wildlife (including elk, mule deer, and pronghorn antelope). The protected property contains high quality winter range for portions of the largest herds of elk and mule deer in Colorado, as well as the distal end of long-distance seasonal migratory routes for these herds. The property also provides year-long habitat for pronghorn antelope.

S1k

The importance of the Tuttle Ranch Conservation Easement for deer and elk winter range and migratory routes, as well as pronghorn populations are discussed in Section 3.2.7.5.4, under the heading Affected Environment (Colorado).

These wildlife habitat values are treated in greater detail in the Biological Description attached to this letter.

Impacts on big game will be minimized through the application of the design features and selective mitigation measures listed in Table 3-80 (refer to Mitigation Planning and Effectiveness in Section 3.2.7.4.3).

S1l

In addition to property-specific habitat values, the Tuttle Conservation Easement property is a keystone parcel in an ongoing effort to protect wildlife habitats at a landscape scale. CPW is concentrating a significant portion of its investment in landscape protection in the area around the Tuttle Easement. CPW is currently working with landowners to

S1l

Comment noted. The Final EIS reflects conservation easements identified by the National Conservation Easement database website, as well as state and local agencies. Potential impacts on the biological resources that may occur in the Tuttle Ranch Conservation Easement and the Cross Mountain Wilderness Study Area are discussed in Sections 3.2.7 and 3.2.8.

Comment(s)

Response(s)

S1 Colorado Parks and Wildlife (cont.)

S1l

develop additional conservation easement projects on approximately 35,500 acres that are located in the near vicinity of the Tuttle Conservation Easement. An additional part of this landscape-scale habitat protection strategy is the 8,057 acre Bitter Brush State Wildlife Area, located south and southwest of Maybell, CO and approximately 9 miles northeast of the Tuttle Easement. The Bitter Brush State Wildlife Area is managed by CPW primarily for big game winter range for resident and migratory animals, and benefits many of the same big game animals that make use of the Tuttle Easement. The BLM-managed Cross Mountain Wilderness Study Area provides additional habitat protection in the landscape surrounding the Tuttle Easement.

S1m

Given the numerical and economic importance and wide distribution of greater sage-grouse, other species of conservation need, and big game in northwestern Colorado, any proposed route for electric transmission line rights of way or corridors in northwestern Colorado will have substantial impacts on Colorado’s wildlife. For each of the key wildlife species for which the Tuttle Conservation Easement was procured, habitat south of Highway 40 is of higher value and importance than habitat north of Highway 40. Specific aspects of this contention are described in the Biological Description attached to this letter.

S1n

Location of potentially three additional transmission lines across the Tuttle Conservation Easement will significantly diminish the conservation values of the property. If these additional lines were located to the south of the existing lines and spaced according to standards, the existing disturbed area would expand in a manner that would impose industrial conditions on a significant swath of the Tuttle Conservation Easement property. A long looping route to bypass the Tuttle Easement to the south and west (perhaps as much as 25 linear miles of new right of way to bypass the Conservation Easement property) would impact a considerable amount of land that does not currently have significant access or other human disturbance and makes little sense from the perspective of conserving wildlife and natural resource values.

S1o

At least two transmission line routing options exist north of Highway 40 that would bypass the Tuttle Conservation Easement. From a purely biological standpoint, transmission line routes concentrated with other development in the Highway 40 corridor (i.e., located as close as possible to the north of the highway) would have less impact on a variety of wildlife species, mainly because there is already significant human disturbance in the immediate vicinity of the highway and existing transmission lines. However, the companies’ proposed 0.28 mile (1500’) offset from each other means that there may not be much real concentration of rights of way, even along the Highway 40 route. While the companies have said they could narrow the spacing between lines for short distances, neither the actual minimum offset between lines nor the maximum length where this narrowed spacing can occur have been established.

S1m

Comment and route preference noted. Relevant elements of the biological description have been incorporated into Sections 3.2.7.5.4 and 3.2.8.5.4.

S1n

In 2013, the Western Electricity Coordinating Council (WECC) revised its guidelines regarding separation distance between high-voltage transmission lines to be a minimum of 250 feet. The alternative routes and route variations for the Project were analyzed in the Draft EIS assuming a greater separation distance of 1,500 feet, based on earlier 2008 WECC guidance. Considering the revised WECC guidance, in early 2014, the BLM asked PacifiCorp, doing business as Rocky Mountain Power (Applicant) to adjust the transmission line alignment along the agency-preferred alternative route to be approximately 250 feet from existing linear facilities and 300 feet from other proposed transmission line alignments, where applicable. The BLM’s intent is to reduce the amount of potential impacts and avoid potential proliferation of transmission lines across the landscape in accordance with the Federal Land Policy and Management Act of 1976. The alternative routes and route variations for the Project are analyzed in the Final EIS assuming a separation distance of 250 to 300 feet. See also the responses to Comment S1h.

S1o

See response to Comment S1n.

Comment(s)

Response(s)

S1 Colorado Parks and Wildlife (cont.)

S1p

That said, there is ample room for three proposed transmission lines to be routed immediately north of Highway 40. This route option would avoid the Tuttle and Crooked Wash conservation easements and would only extend the disturbance by approximately 0.75 miles to the north of the highway. While this route alternative would require an overhead crossing of the Deer Lodge Park access road into Dinosaur National Monument, this crossing would occur as much as 12 miles from the body of the Monument. This route would bisect extensive areas of private land east and west of the Deer Lodge Park road.

S1p

Comment and route preference noted. See responses to Comments S1h and S1n.

S1q

A second routing option north of Highway 40 would cross the Deer Lodge Park road on the State Land Board parcel located roughly two miles north from the entrance to the road. This route would cause additional disturbance to wildlife over the Highway 40 route because the transmission line rights of way could not be located contiguous with Highway 40 and would result in two parallel clusters of disturbance sources only a couple of miles apart. However, this routing would allow more of the transmission line right of way to occur on BLM land to the north of private land parcels. Those portions of private land crossed by the transmission lines would be located closer to the edge of the parcels, rather than in the center of the parcels as the Highway 40 alternative would require. This routing would reduce the distance between the transmission lines and the boundary of the Cross Mountain Wilderness Study Area and would bring the lines roughly two miles closer to the body of Dinosaur National Monument than would the Highway 40 option.

S1q

See responses to Comments S1h and S1n.

The biological information presented above and in the attachment argues for routing the proposed Transwest, Gateway South, and Zephyr electric transmission lines around the north end of the Tuttle Conservation Easement (north of Highway 40) to avoid fragmenting habitat of higher value for a variety of big game and sensitive species, including black-footed ferret and greater sage-grouse, which occur on the conservation easement itself.

S1r

In addition to the negative impact these transmission lines would have on wildlife attributes of the Tuttle Conservation Easement, there are legal and practical impacts and potential financial implications to the landowner. Section 4.R. of the Tuttle Conservation Easement specifically prohibits the construction of above ground public or private utilities, including electrical transmission lines. In order for the landowner to avoid a violation of the terms of the Conservation Easement, the landowner and CPW must first modify this document to specifically allow for installation of these lines on the property. Modification of conservation easements in Colorado is legally complex and politically charged.

S1r

Comment noted.

S1s

In that a conservation easement in Colorado is governed at least in part by contract law, the language of the document itself initially controls the parties' ability to modify the Conservation Easement. Our Attorney General's office has advised us that the state

S1s

Comment noted.

Comment(s)

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S1 **Colorado Parks and Wildlife (cont.)**

S1s

cannot approve any activity that would diminish the conservation values, per §4.A&B, of the Tuttle Conservation Easement. The pertinent language states:

“Any uses or activities on the Property or any portion thereof that would change, disturb, alter, diminish, or impair the Conservation Values, or that would be inconsistent with the purposes of this CE are prohibited”.

It is our position that the proposed transmission line(s) clearly diminishes those values as evidenced by this letter and the attached biological description.

S1t

Great Outdoors Colorado, (GOCO) a major funder to this project, has informed CPW that an amendment for these transmission lines would violate GOCO’s funding requirements and that GOCO does not envision a funding modification that would rectify this potential violation. Compliance with CPW’s Policy requirement regarding funding sources is thus unlikely. We suggest the U.S. Fish and Wildlife Service may likewise find it challenging to approve an amendment given their investment in the Tuttle Easement.

S1t

Comment noted.

S1u

As there was a several million dollar donative component to this grant, the landowner may intend to claim Colorado Conservation Easement tax credits. If so, meeting the final requirement of the CPW Policy will also require that any private donor benefit will not be impermissible under applicable Colorado law or Federal tax codes and regulations. If Colorado Conservation Easement tax credits are claimed, the landowner will also need to be confident that the amendment does not impact the qualification of the landowner’s donation for tax benefits or require payment of additional state or federal taxes or penalties.

S1u

Comment noted.

S1v

Finally, in addition to the biological, legal and financial concerns associated with siting of these transmission lines, routes over the Tuttle Conservation Easement pose risks to the credibility and viability of CPW’s conservation easement program. An ill-advised conservation easement amendment jeopardizes CPW’s ability to accept conservation easements in the future. In 2010, Colorado lawmakers created the Conservation Easement Program and required Annual Certification for all conservation easement grantees for which a state tax credit would be claimed, including CPW. CPW must annually identify and justify all conservation easement amendments. Conservation easement amendments are strongly discouraged in this certification process. Should an amendment be disapproved, CPW’s Certification status and its capacity to accept conservation easements would be jeopardized.

S1v

Comment noted.

The most important consideration in a conservation easement amendment is whether it will pass the public perception test. Conservation easements in Colorado are scrutinized by the public, and unsupported conservation easements could result in a rethinking of the viability of easements as a land protection tool. One high profile amendment perceived as giving up significant land protection could erode public confidence in CPW, lead to

Comment(s)

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S1 **Colorado Parks and Wildlife (cont.)**

S1v

legislative changes, and diminish wildlife habitat protection efforts by CPW. Further, an objectionable amendment exposes CPW to lawsuits by interested community members which may result in questionable case law that governs conservation easement amendments thereafter.

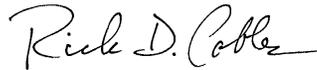
Conservation easement amendments are among the most hotly discussed issues in the conservation community and we believe Colorado is ripe for legislation and case law to direct and govern easement amendments. This risk is looming should an amendment to the Tuttle Conservation Easement be viewed negatively by the public.

S1w

I have met with the landowner of the Tuttle property to discuss this transmission line routing. The landowner conveyed to me that he opposes transmission lines over this property, and would not favor any conservation easement amendment allowing them. Both CPW and the landowner oppose this routing alternative and oppose any placement that would have the negative impact on the conservation values that would be created by these lines on the Tuttle Conservation Easement property.

Your three agencies, BLM, NPS, and USFWS, have great influence and authority in the siting of these transmission lines. We have cooperated with you in defining the overall corridor across NW Colorado. As a cooperating agency and state partner, we urge that whether it is one – or all three transmission lines – they are routed in a way that bypasses the Tuttle Easement and helps us protect its conservation values. Colorado Parks and Wildlife appreciates the opportunity to provide these recommendations for inclusion in your analysis of the alternative routes for siting of these major transmission lines.

Sincerely,



Rick D. Cables
Director

CC: Rex Tuttle
TransWest Express LLC
Zephyr Transmission Line, Duke America
Gateway South Transmission Line, Rocky Mountain Power
Lise Aangeenbrug, Executive Director, GOCO
Tim Monahan, First Assistant Attorney General

Attachment: Biological Description of the Tuttle Conservation Easement

S1w

Comment and route preference noted.

Comment(s)

Response(s)

S1	Colorado Parks and Wildlife (cont.)
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Attachment: Biological Description of the Tuttle Conservation Easement

The Tuttle Conservation Easement encumbers approximately 15,076 acres of land in Moffat County with habitat protections in perpetuity. The conservation easement borders U.S. Highway 40 on the south for a span of approximately 5 miles. Location maps for the Tuttle Ranch are provided as Figures 1 and 2 below. The Tuttle Easement was purchased by CPW to protect habitat for greater sage-grouse (GrSG), big game, white-tailed prairie dogs (WTPD) and as a place for reintroduction of a new population of black-footed ferrets (BFF) within the existing 10-J rule (experimental, non-essential) area.

Greater Sage-grouse:

GrSG are common year-round across the property, although a portion of the sagebrush has burned in recent years and does not support the amount of nesting habitat that it did 10 years ago. GrSG that occupy the Tuttle Easement are part of the Northwest Colorado population. This is the largest of six populations of GrSG in Colorado and includes approximately 2/3 of the state's GrSG. Figure 3 shows the location of GrSG populations in Colorado. Due to its size, the Northwest Colorado population is subdivided into 10 Management Zones. The Tuttle Easement occurs along the western side of Management Zone 5 (in Figure 3...south of Highway 40 where the highway takes a decided bend to the south). While occupied year-round by GrSG, birds do not occupy the Tuttle Easement at high density, compared to areas to the northeast, east and west.

The Tuttle Easement contains extensive areas of high quality GrSG nesting and brood-rearing habitat. Representative photos of GrSG habitat on the Tuttle Easement are included below as Figures 4 through 6. Figure 6 also shows the alignment of the existing transmission lines across the property. One small lek occurs in the southern third of the property (Fig. 2). Another small lek sits immediately east of the property on the Crooked Wash ranch. Neither is located within 0.6 miles of the proposed power line route. However, both leks fall within 4 miles of the proposed power line route, so nesting habitat associated with both leks would be affected by a power line route in this location. While the density of GrSG on the Tuttle property is relatively low compared to other portions of the Northwest Colorado population, the property provides an important linkage between key areas of Priority Habitat from Axial Basin in the east to Blue Mountain in the west.

CPW developed Priority Habitat maps in 2012 for BLM's use in the GrSG EIS process (Fig 7.). Most of the Tuttle property is mapped by CPW as Priority Habitat for GrSG. The actual portion of the easement crossed by the proposed power lines is mapped as General Habitat, but the proposed routes would cross extensive Priority Habitat on either side of the easement. Priority Habitat includes the most important seasonal habitats for the long-term conservation of GrSG, including key linkage areas within and between populations. General Habitat includes all other occupied GrSG habitat in Colorado.

In the immediate vicinity of the Tuttle Easement (i.e., that area from the south end of Cross Mountain west along Highway 40 past the west edge of the Easement) the relative value of the habitat on the easement is of higher quality and contains a higher number of birds than habitat located north of Highway 40. GrSG habitat

S1x

S1x

See response to Comment S1j.

Impacts on sage-grouse priority habitats are analyzed in Section 3.2.8.5. This section also addressed management zones in Northwest Colorado. Relevant elements of the biological description have been incorporated into Section 3.2.8.5.4.

Comment(s)

Response(s)

S1 Colorado Parks and Wildlife (cont.)

S1x

south of Highway 40 extends nearly to Highway 64, a distance of more than 20 miles. GrSG habitat north of Highway 40 is constrained topographically (Cross Mountain, Yampa River and associated bluffs), by conversion of sagebrush areas to dryland agriculture on Twelvemile Mesa, and by a significantly greater presence of pinyon-juniper woodlands, which restricts or precludes GrSG occupancy. Suitable habitat extends less than 5 miles to the north of the highway. GrSG habitat south of Highway 40 is also of greater value to the long-term conservation of GrSG than other habitats simply because it is protected from development in perpetuity. None of the surrounding habitat on private, State, or BLM land is currently protected to any significant degree (although the future completion of a conservation easement on the Crooked Wash Ranch will improve this situation). The USFWS, in the 2010 Warranted but Precluded listing decision for GrSG, cited the lack of sufficient regulatory mechanisms (regulatory certainty) for protection of GrSG. CPW currently has only two programs which meet the USFWS standard of regulatory certainty: 1) the regulatory control exercised by the Parks and Wildlife Commission over hunting seasons, and 2) the in-perpetuity protections provided to GrSG habitat under our conservation easement program.

S1y

Elk and Mule Deer:

The Tuttle property provides exceptionally significant winter range for elk and mule deer. Depending on the year, as many as 7,000 to 10,000 elk can be found on or near the property in the heart of the winter. These elk come from the two of the largest herds in Colorado (E-2 Bears Ears and E-6 White River). Collectively, these herds are a significant economic and recreational driver for the entire region and provide a disproportionate share of CPW license revenue. Mule deer also concentrate on the property. Large wildfires surrounding the property make the remaining sagebrush on the Tuttle property of key importance to wintering mule deer in many years. As with GrSG, habitat south of Highway 40 in the vicinity of the Tuttle Easement is of substantially higher value for wintering big game than adjacent habitats to the north of the highway. The largest wintering bands are almost always located south of Highway 40.

S1z

White-tailed Prairie Dog/Black-footed Ferret:

When the then Colorado Division of Wildlife began looking for suitable black-footed ferret release sites in the early 1990s, the Tuttle property contained some of the highest density WTPD colonies anywhere in northwestern Colorado. It would have been a preferred site for the original releases of ferrets had an agreement with the landowner been in place at the time. WTPD continued to be very common on the property when the easement process began in 2010. This density of prairie dogs made the property a key site for conservation of WTPD and for eventual release of BFF, which is stipulated in the easement. The entire Tuttle Easement is included within the existing 10-J Rule area (experimental, non-essential) in which release of BFF is permitted. USFWS contributed approximately \$500,000 toward the purchase of this easement. These funds came from the non-traditional Section 6 fund for conservation of federally listed species (BFF in this instance). Release of ferrets on the property is on hold as WTPD colonies on the property suffered a plague epizootic in 2011-12, resulting in a severe loss of population. Distribution and density of WTPD colonies in the vicinity of the Tuttle Easement is substantially greater south of Highway 40 than north of Highway 40. As with GrSG, WTPD

S1y

Comment and route preference noted. Relevant elements of the biological description have been incorporated into Sections 3.2.7.5.4.

S1z

Comment and route preference noted. Relevant elements of the biological description have been incorporated into Sections 3.2.8.5.4.

Comment(s)

Response(s)

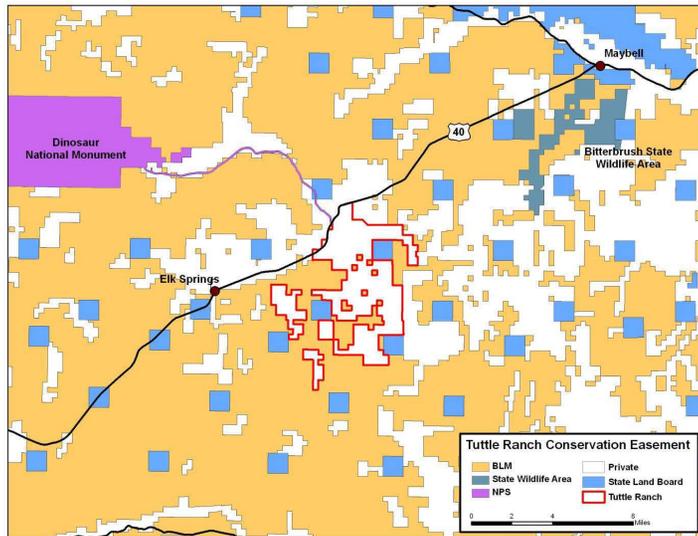
S1

Colorado Parks and Wildlife (cont.)

S1z

distribution and density north of Highway 40 are constrained by topography, production agriculture, and pinyon-juniper woodlands. Most importantly, the opportunity to actively manage for high populations of WTPD capable of supporting BFF reintroduction is only possible on the Tuttle Easement by the agreements with the landowner that are contained in the Easement. Even if WTPD/BFF habitat north of Highway 40 was equal in value, active management for these species would be precluded because the landowner agreements necessary for implementation do not exist on private lands outside the easement boundary.

Figure 1. Overview map of the Tuttle Ranch

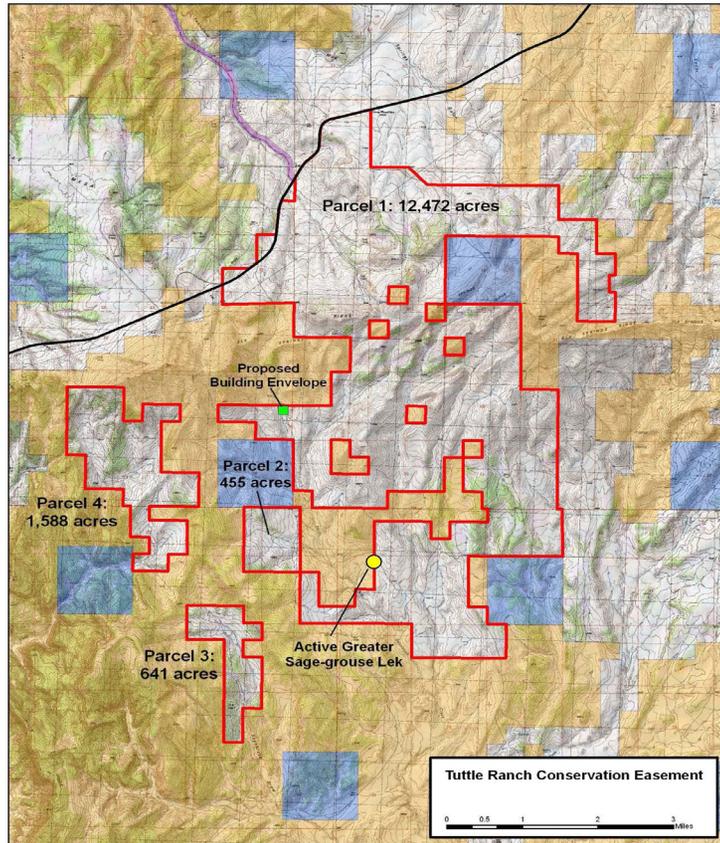


Comment(s)

Response(s)

S1 **Colorado Parks and Wildlife (cont.)**

Figure 2. Close-up map of the Tuttle Ranch

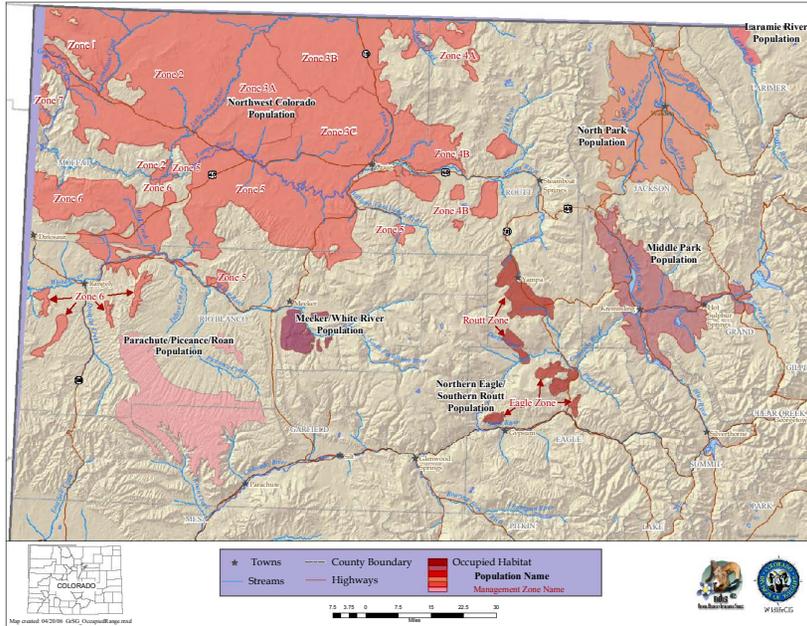


Comment(s)

Response(s)

S1 **Colorado Parks and Wildlife (cont.)**

Figure 3. GrSG populations in Colorado



Comment(s)

Response(s)

S1

Colorado Parks and Wildlife (cont.)

Figure 4. Representative GrSG habitat on the Tuttle Easement



Comment(s)

Response(s)

S1

Colorado Parks and Wildlife (cont.)

Figure 5. Representative GrSG habitat on the Tuttle Easement



Comment(s)

Response(s)

S1

Colorado Parks and Wildlife (cont.)

Figure 6. Representative GrSG habitat on the Tuttle Easement



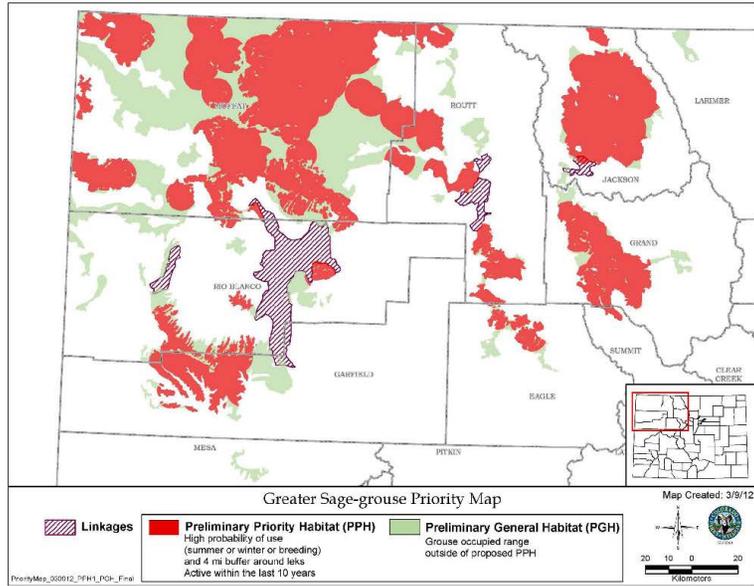
Figure 7. GrSG priority habitat in Colorado

Comment(s)

Response(s)

S1

Colorado Parks and Wildlife (cont.)



Comment(s)

Response(s)

S2 **Utah Public Lands Policy Coordination**



State of Utah
 GARY R. HERBERT
Governor
 SPENCER J. COX
Lieutenant Governor

Office of the Governor
 PUBLIC LANDS POLICY COORDINATION
 KATHLEEN CLARKE
Director

May 22, 2014

Tamara Gertsch
 BLM Wyoming State Office
 Energy Gateway South Transmission Project
 P.O. Box 21550
 5353 Yellowstone Road
 Cheyenne, WY 82003

Subject: Administrative Final EIS Energy Gateway South Transmission Project
 RDCC Project Number 42600

Dear Ms. Gertsch:

The State of Utah has reviewed the draft Environmental Impact Statement (DEIS) for the proposed Energy Gateway South Transmission Line Project, and appreciates the opportunity to participate in the planning for this project as a cooperating agency. The state strongly supports Rocky Mountain Power’s application to upgrade its transmission network to meet capacity needs for new and existing customers in Utah. We also recommend letters on the project from Duchesne and Carbon Counties to you for consideration, as those letters raise issues similar to these.

BLM is to be commended for striking a balanced approach to the proposed route for much of its distance throughout Utah, however, concerns remain about the proposed route selection in the Emma Park/Soldier Summit region. Specifically, two alternative routes through this area, based upon different avoidance techniques for conflicting resource needs are proposed. The two preferred routes are the Agency Preferred Alternative (with sub-options), and the Applicant (Rocky Mountain Power) Preferred Alternative.¹ It must be noted that the congestion of proposed lines in this area (including the proposed TransWest line) is due, in part, to the general inaccessibility of large areas nearby because of an administrative designation of lands as roadless.

The difficulty of routing caused by this administrative designation is now contributing to the general conflict of resource demands in the Soldier Summit region. The immediate conflict is created by the desires of private property owners, the needs of state sage-grouse management areas created as part of the state’s Conservation Plan for Greater Sage-grouse, and other issues caused by nearby variations in ecological conditions and property ownership.

¹ Agency Preferred Alternative is called COUT C3; the Applicant Preferred Alternative is COUT-H.

Comment(s)

Response(s)

S2 Utah Public Lands Policy Coordination (cont.)

Tamara Gertsch
May 22, 2014
Page 2

S2a

In general, the state supports the siting of large infrastructure, like the proposed transmission project, upon federal rather than private land, unless the private landowners are willing to allow the construction. This support includes avoiding use of land managed by the state's School and Institutional Trust Lands Administration (SITLA) if the primary use of the SITLA land is not for infrastructure purposes. In this case, many private landowners in the area are upset with the proposed routing, especially in light of similar routing proposed for the TransWest Express line, because the proposal has the potential for severely affecting the value of land in the area. Additionally, SITLA has plans to sell property in the area.²

S2b

Further, the state has developed and is implementing a comprehensive Conservation Plan for greater sage-grouse in Utah,³ and has asked the BLM and the U.S. Forest Service to be a partner in the implementation of the plan. The plan establishes eleven Sage-grouse Management Areas (SGMAs) in Utah as focal points for conservation efforts, and the Carbon SGMA, is one of them. The Agency Preferred Alternative passes to the north of the identified boundaries of the Carbon SGMA, with the exception of a several mile stretch in the northwest corner. The proposed route is several miles away from any known sage-grouse lek locations within the SGMA. Unfortunately, this proposed route also increases exposure to the private and SITLA lands.

S2c

The state's Conservation Plan anticipates avoidance of SGMAs as the first choice for management, but does provide for mitigation options should avoidance not be possible. In this case, a detailed look at the actual habitat mapped within the Carbon SGMA reveals a band of non-habitat within the SGMA, which non-habitat could be used for the power line. This band of non-habitat could be accessed by crossing no more of the habitat within the SGMA than the Agency Preferred Alternative, at even greater distances from the known leks. The state requests the BLM revisit the analysis in this region, and consider working with the state to find a variation on the proposed applicant requested route which will make use of this non-habitat, and otherwise employ the terms of the state's Conservation Plan to develop appropriate and effective mitigation measures for construction of the transmission line.

S2d

In addition, the Applicant Preferred Alternative (or the above suggested variation), as mapped, would cross the UDWR Gordon Creek Wildlife Management Area (WMA) along with two conservation easements along the San Pitch River. The WMA provides crucial mule deer winter range and the conservation easements provide protection for the Columbia spotted frog, a state species of concern. The route for the transmission line should avoid these areas if possible. If impacts cannot be avoided, UDWR recommends no construction activities from December 1 to April 15 within crucial mule deer range. Finally, the applicant must contact UDWR for Rights-of-Way across these areas.

S2e

The Agency Preferred Alternative may impact mineral rights leased by the School and Institutional Trust Lands Administration (SITLA) in the Natural Buttes⁴ and the Argyle Ridge⁵

² The design of SITLA timber sales has been made with consideration to cabin development and related infrastructure.

³ See https://wildlife.utah.gov/uplandgame/sage-grouse/pdf/greater_sage_grouse_plan.pdf, accessed May 13, 2014.

⁴ Oil shale mineral rights within T9S, R22E and T9E, R21E SLB&M.

⁵ Coal mineral rights within T11S, R11E; T11S, R10E; T11S, R9E; and T11S, R8E, SLB&M.

S2a

Alternative route comparison for land jurisdiction is included in Table 2-16 and Section 3.2.11. The majority of all alternative routes and route variations cross land administered by the BLM and efforts have been made to site alternative routes and route variations in federally designated utility corridors to the extent possible (i.e., where suitable when reviewing for environmental, geographic, or engineering/electric system reliability concerns).

Alternative route development occurred through study and review activities conducted in four stages (as discussed in Chapter 2), including: feasibility studies, agency review of the preliminary alternative routes, public review and comment on the preliminary alternative routes, and review of alternative routes through environmental studies.

As described in the Impacts to Property Values section of Section 3.2.22, property values can be affected by transmission lines, depending on the proximity of the transmission line to structures, the surrounding topography, and the existence of landscaping and other vegetation. Additional description has been added to Section 3.2.22 indicating the Applicant would pay market value to nonfederal landowners, as established through the appraisal process, for any new land rights or easements required for this Project. The appraisal process takes all factors affecting value into consideration, including the impact of transmission lines on property value. Therefore, private property owners would be compensated for any losses in property values based on market values assessed through the appraisal process.

S2b

The BLM acknowledges the Conservation Plan for Greater Sage-Grouse in Utah in Section 3.2.8.1 and Appendix J. Impacts on designated sage-grouse management areas are discussed in Section 3.2.8.5. The analysis found that the Project would be consistent with the Conservation Plan for Greater Sage-Grouse in Utah.

S2c

See response to Comment S2b.

S2d

The Gordon Creek WMA is addressed in Section 3.2.15. The two conservation easements located near the Sanpitch River (the Nuttall Farms and Crawford Farms conservation easements) have been incorporated into the Final EIS (refer to Section 3.2.15). Potential impacts on the biological resources that may occur in these conservation easements, such as crucial mule deer winter range and the Columbia spotted frog, are discussed in Sections 3.2.7 and 3.2.8.

S2e

The BLM would issue a 250-foot-wide right-of-way grant across the lands it administers that is consistent with applicable regulations, recognizing that the Applicant must acquire all access permissions for lands outside of their jurisdiction. Regardless of the alternative route selected by the BLM, the BLM understands if a portion of the route is located on property owned or controlled by Utah State Institutional Trust Lands Administration (SITLA), the Applicant would independently negotiate with SITLA to microsite the line and acquire land-use rights so the interests and needs of both the Applicant and SITLA are reasonably addressed.

Comment(s)

Response(s)

S2

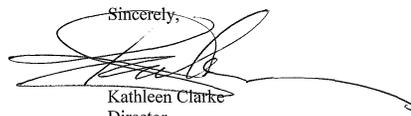
Utah Public Lands Policy Coordination (cont.)

Tamara Gertsch
May 22, 2014
Page 3

S2e

area. The proposed transmission line must not prohibit new roads, ROW and/or pipelines that will be necessary to develop the SITLA leases.

Please direct any other written questions regarding this correspondence to the Public Lands Policy Coordination Office at the address below, or call John Harja at (801) 537-9802 or Cindy Smith at (801) 537-9193.

Sincerely,

Kathleen Clarke
Director

CC: 

Comment(s)

Response(s)

S3 State of Wyoming – Governor's Office

MATTHEW H. MEAD
GOVERNOR

THE STATE OF WYOMING

STATE CAPITOL
CHEYENNE, WY 82002



Office of the Governor

May 21, 2014

Tamara Gertsch
BLM National Project Manager
Bureau of Land Management
Wyoming State Office
P.O. Box 21150
Cheyenne, WY 82003

Re: Draft Environmental Impact Statement and Land-Use Plan Amendments for the Energy Gateway South Transmission Project in Wyoming, Colorado, and Utah

Dear Ms. Gertsch,

Thank you for the opportunity to provide comments on the Bureau of Land Management's (BLM) Draft Environmental Impact Statement and Land-Use Plan Amendments for the Energy Gateway South Transmission Line Project (project or DEIS). My comments are limited to the portion of this project located in state of Wyoming. Wyoming state agencies will submit additional comments which I incorporate by reference.

S3a

I support the BLM's selection of Alternative WYCO-B as the preferred route. This route has long been supported by Carbon and Sweetwater counties and has the least impact on wildlife, visual resources, and communities. It aligns with other proposed transmission lines, reducing cumulative impacts of construction and operations.

S3a

Comment and route preference noted.

S3b

Alternative WYCO-B crosses a contributing section of the Cherokee Trail. The Cherokee Trail is eligible to be listed on the National Register of Historic Places. I recommend the BLM re-route the southern portion of Alternative WYCO-B to cross a non-contributing section of the trail. This is the same recommendation the BLM adopted for the TransWest Express preferred route which parallels this project.

S3b

Through coordination with the BLM Rawlins Field Office, Alternative WYCO-B was rerouted to cross a non-contributing segment of the Cherokee Trail. This trail crossing is in the same location adopted by the BLM for the TransWest Express transmission project. The analysis in the Final EIS reflects this route revision.

S3c

The BLM offers two possible routes from the Aeolus substation. I recommend the BLM adopt the northern route. This consolidates other transmission rights-of-ways and moves the project further away from Hanna.

S3c

Comment and route preference noted.

S3d

Throughout the DEIS, there are inconsistent references to the abbreviated title of Wyoming Executive Order 2011-5, Greater Sage-Grouse Core Area Protection. I ask the BLM to correct these inconsistencies by referencing it as "EO 2011-5".

S3d

The recommended change has been made in the Final EIS.

Sincerely,

Matthew H. Mead
Governor

cc: Sweetwater County Board of Commissioners
Carbon County Board of Commissioners

PHONE: (307) 777-7434

FAX: (307) 632-3909

Comment(s)

Response(s)

S4 Wyoming Department of Environmental Quality



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

Todd Parfitt, Director

May 21, 2014

Tamara Gertsch
National Project Manager
BLM Wyoming State Office
PO Box 21150
Cheyenne, WY 82003

Dear Ms. Gertsch,

This email provides comments on the Gateway South Draft EIS from the Wyoming Department of Environmental Quality - Water Quality Division (WQD) related to the protection of groundwater and surface water quality.

S4a

Page 2-48 Design Feature 33 states "Refueling and storing potentially hazardous materials would not occur within a 100-foot radius of a water body, a 200-foot radius of all identified private water wells, and a 400-foot radius of all identified municipal or community water wells..." The Rawlins RMP calls for avoiding surface disturbance within identified 100-year floodplains, areas within 500 feet of perennial waters, springs, and wetland and riparian areas, and areas within 100 feet of the inner gorge of ephemeral channels, likely based on the presumption that most non-sediment sources of pollution (i.e., fuel, hazardous materials) are also associated with surface disturbing activities. Given the relatively low numbers of water bodies and water wells in the project area in Wyoming, it does not appear that it would cause any burden to limit refueling and storage of potentially hazardous material to areas outside of a 500 foot buffer around water bodies and wells. The WQD recommends increasing these buffer distances to 500 feet from water bodies and private and public wells. For public water supply wells, the buffer distance should correspond with distances stipulated in the Source Water Protection Plan for the well, if one exists.

S4b

The WQD recognizes that a final, detailed reclamation plan cannot be developed until a specific route is selected and staked out, pre-disturbance monitoring is completed and the ecological site descriptions are determined for each area of surface disturbance. However, many of the elements of a reclamation plan can be developed without the site specific data, and should be developed early in the process to provide cooperators and the public better opportunity to provide input. In fact, the BLM's *Wyoming Reclamation Policy* (IM WY-2012-032) requires a reclamation plan as part of the proposed action in the NEPA document. The FEIS should contain a draft reclamation plan that describes methodologies and how this the general outline below will be followed:

- A. Pre-disturbance inventory of proposed disturbance and adjacent areas
 - i. Abiotic landscape feature descriptions
 - ii. Topsoil and subsoil inventory
 - iii. Vegetation inventory
 - iv. Reference area selection

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (907) 777-2728 FAX 777-7682	ABANDONED MINES (907) 777-6145 FAX 777-6462	AIR QUALITY (907) 777-7381 FAX 777-5616	INDUSTRIAL SITING (907) 777-7369 FAX 777-5973	LAND QUALITY (907) 777-7576 FAX 777-5864	SOLID & HAZ. WASTE (907) 777-7352 FAX 777-5973	WATER QUALITY (907) 777-7381 FAX 777-5973
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S4a

Comment noted. Design Feature 33 has been revised to conform with the stipulations contained in the BLM Rawlins RMP for portions of the Project in Wyoming.

S4b

The POD will include a Noxious Weed Management Plan (to be developed in coordination with cooperating agencies and finalized for the selected route before construction may proceed) that includes noxious weed control measures in accordance with existing regulations and BLM and U.S. Forest Service (USFS) requirements. Control measures will be based on species-specific and site-specific conditions (e.g., proximity to water or riparian areas, agricultural areas, and season) and will be coordinated with the BLM or USFS Authorized Officer or his/her designated representative, Project Managers, the Compliance Inspection Contractor, and the Construction Contractor's weed management specialist. Further, the Noxious Weed Management Plan will be based on the principles and procedures outlined in the BLM Integrated Weed Management Manual 9015 and Forest Service Noxious Weed Management Manual 2080. Preconstruction surveys will be conducted for the selected route to be used by the agencies to refine the mitigation requirements and further inform the POD.

Comment(s)

Response(s)

S4 Wyoming Department of Environmental Quality (cont.)

S4b

- B. Invasive plant management plan for construction and reclamation activities
- C. Develop a reclamation plan
 - i. Site preparation, surface stability and soil management
 - ii. Suitable soil stockpiling management
 - iii. Description of soil amendments
 - iv. Seeding methods
 - v. Seed mixes
 - vi. Describe irrigation techniques, if irrigation is part of the reclamation plan
 - vii. Describe best management practices
 - viii. Monitoring and reporting protocols

There are two additional WQD requirements that are likely to apply to the Wyoming portion of project that should be included in the DEIS:

S4c

Temporary Turbidity Variance. Wyoming has turbidity criteria for waters designated as fisheries or drinking water supplies. Any type of construction activity within these streams is likely to result in exceedences of these criteria. However, in accordance with Section 23(c)(2) of the Chapter 1 Surface Water Quality Standards, the administrator of the Water Quality Division may authorize temporary increases in turbidity above the numeric criteria in Section 23 (a) of the Standards in response to an individual application for a specific activity. While it is not required to get this authorization, this project has the potential to exceed the turbidity criteria and a variance is recommended. An application must be submitted and a variance approved by the administrator before any temporary increase in turbidity above the numeric limits takes place. This process generally takes about 30 days. Please contact Catherine Norris at 307-777-6372 for more information.

S4d

Spill Reporting. Chapter 4 of the WDEQ Water Quality Rules and Regulations requires that the WQD be notified of spills or releases of chemicals and petroleum products. The FEIS, ROD and Spill Pollution Prevention, Containment, and Countermeasures Plan should reiterate this and explain how soils, groundwater and surface water impacted by spills, leaks and releases of chemicals, petroleum products and produced water will be restored.

If you have any questions regarding these comments, please contact Mark Conrad, WQD NEPA Coordinator at mark.conrad@wyo.gov or 307-777-5802.

Sincerely,



Kevin Frederick
Water Quality Division Administrator
Wyoming Department of Environmental Quality

KF/MAC/rm/14-0447

Ec:

- Todd Parfitt, DEQ Director
- Mark Conrad, WQD
- Brian Lovett, ADM
- David Waterstreet, WQD
- Colin McKee, Office of Governor Matthew Mead

S4c

Comment noted. Any required state permits will be obtained prior to construction. Protocols for obtaining a variance for turbidity through the Wyoming Department of Environmental Quality will be included in the Project POD. Description of the Surface Water Quality Standards document has been bolstered in the Regulatory Framework subsection of the water resources section of Chapter 3 (Section 3.2.4).

S4d

This level of information would be developed and included in the POD.

Comment(s)

Response(s)

S5 Wyoming Game and Fish Department



WYOMING GAME AND FISH DEPARTMENT

5400 Bishop Blvd. Cheyenne, WY 82006
 Phone: (307) 777-4600 Fax: (307) 777-4699
 wgfd.wyo.gov

GOVERNOR
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 T. CARRIE LITTLE

May 12, 2014

WER 12270
 Bureau of Land Management
 Wyoming State Office
 Draft Environmental Impact Statement and
 Land Use Plan Amendments
 Energy Gateway South Transmission Project in
 Wyoming, Colorado and Utah

Tamara Gertsch
 National Project Manager
 BLM Wyoming State Office
 Energy Gateway South Transmission Project Draft EIS
 PO Box 21150
 Cheyenne, WY 82003

Dear Ms. Gertsch:

The staff of the Wyoming Game and Fish Department has reviewed the Draft Environmental Impact Statement and Land Use Plan Amendments for the Energy Gateway South Transmission Project in Wyoming, Colorado, and Utah. We offer the following comments for your consideration.

We continue to support our state defined route (Alternative WYCO-B-2) for this project as we believe it will best minimize conflicts with affected wildlife species. We reiterate our recommendation for construction to occur outside of November 15-April 30 in designated and mapped big game crucial winter ranges in Wyoming.

Preventing the spread of aquatic invasive species (AIS) is a priority for the State of Wyoming, and in many cases, the intentional or unintentional spread of organisms from one body of water to another would be considered a violation of State statute and Wyoming Game and Fish Commission Regulation. To prevent the spread of AIS, the following is required:

1. If equipment has been used in a high risk infested water [a water known to contain Dreissenid mussels (zebra/quagga mussels)], the equipment must be inspected by an authorized aquatic invasive species inspector recognized by the state of Wyoming prior to its use in any Wyoming water.

"Conserving Wildlife - Serving People"

S5a

S5a

Comments noted. Per Design Feature 34 (refer to Table 2-8), the Applicant will adhere to interagency-developed methods for preventing the spread of aquatic invasive species. Specific requirements will be specified in the POD, to be developed in coordination with cooperating agencies (including the state of Wyoming) and finalized for the selected route before construction may proceed.

Comment(s)

Response(s)

S5

Wyoming Game and Fish Department (cont.)

S5a

Tamara Gertsch
May 12, 2014
Page 2 of 2 - WER 12270

2. Any equipment entering the state by land from March through November (regardless of where it was last used), must be inspected by an authorized aquatic invasive species inspector prior to its use in any Wyoming water
3. If aquatic invasive species are found, the equipment will need to be decontaminated by an authorized aquatic invasive species inspector.
4. Any time equipment is moved from one 4th level (8-digit Hydrological Unit Code) watershed to another within Wyoming, the following guidelines are recommended:
DRAIN: Drain all water from watercraft, gear, equipment, and tanks. Leave wet compartments open to dry.
CLEAN: Clean all plants, mud, and debris from vehicle, tanks, watercraft, and equipment.
DRY: Dry everything thoroughly. In Wyoming, we recommend drying for 5 days in summer (June - August); 18 days in Spring (March - May) and Fall (September - November); or 3 days in Winter (December - February) when temperatures are at or below freezing.

*A list of high risk infested waters and locations in Wyoming to obtain an AIS inspection can be found at: wgfd.wyo.gov.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact Rick Huber, Staff Aquatic Biologist, at 307-214-3421.

Sincerely,


for
Mark Konishi
Deputy Director

MK/mf/gb

cc: USFWS
Chris Wichmann – WDA, Cheyenne

Comment(s)

Response(s)

S6 Wyoming Office of State Lands and Investments

WYOMING OFFICE OF STATE LANDS AND INVESTMENTS

122 West 25th Street
 Cheyenne, WY 82002
 Phone: 307.777.7331
 Fax: 307.777.3524
slfmail@wyo.gov



MATTHEW H. MEAD
 Governor
 BRIDGET HILL
 Director

May 9, 2014

SENT VIA EMAIL TO: BLM_WY_GatewaySouth@blm.gov

Bureau of Land Management
 Wyoming State Office
 P.O. Box 21150
 Cheyenne, Wyoming 82003

Attn: Tamara Gertsch, National Project Manager

**Re: OSLI Project #2011-012
 Gateway South Transmission Project
 Draft Environmental Impact Statement**

Ms. Gertsch:

The staff of the Office of State Lands and Investments (OSLI) has reviewed the captioned DEIS and offers the following comments relative to the proposed action insofar as it pertains to the mission of this office. OSLI's goal is to effectively manage natural resources and funds for current and future generations. To that end, OSLI manages its assets for two key purposes consistent with traditional trust principles: (1) long term growth in value, and (2) optimum, sustainable revenue production. These principles guide both allocation of resources and land management practices. Because the Board of Land Commissioners and OSLI are responsible for managing these trust assets for short- and long-term returns to the beneficiaries, we are quite interested in any action that could impact land use and/or development on state trust lands.

S6a

As mentioned in previous comments, notwithstanding the federal NEPA process or federal approvals, the project proponent must comply with the Rules and Regulations adopted by the Board of Land Commissioners in accordance with W.S. 36-2-107 and W.S. 36-9-118, in the event that development occurs on, or it is necessary to traverse, state lands.

S6b

Wyoming state trust lands occupy a small portion of the overall project plan. OSLI concurs with the balanced approach of the BLM and the proponent to the myriad of impacts outlined in Alternatives WYCO B (applicant preferred) and WYCO B2 (agency preferred). In our opinion, both alternatives would advance identical impacts to state trust lands.

According to Table 3-165, Alternative WYCO B and WYCO B2 will encumber 2.6 linear miles of state trust land. These alternatives propose an estimated direct easement encumbrance of 78.8 acres of state trust land, and would generally impact 3,280 acres of surface estate and 5,960 acres of mineral estate.

S6a

The information provided by Wyoming Office of State Lands and Investments has been provided to the Applicant. The BLM would issue a 250-foot-wide right-of-way grant across the lands it administers that is consistent with applicable regulations, recognizing that the Applicant must acquire all access permissions and permits for lands outside of their jurisdiction.

S6b

Comment and route preference noted.

Comment(s)

Response(s)

S6 Wyoming Office of State Lands and Investments (cont.)

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Alternative WYCO-B and Route Variations B-1, B-2 and B-3 in Wyoming cross 9.5 miles of active mines or producing wells; 43.4 miles of permitted mines, coal leases, oil and gas leases, or geothermal leases, and 85.2 miles of potential mineral resources (p3-71) located on state, federal, and private holdings. Either alternative will likely convey the fewest negative impacts to state trust lands.

S6c

All alternatives that traverse state lands are subject to pre-existing surface and subsurface leases, which include producing gas wells and mineral leases. The Board's easement form language reinforces the primacy of the mineral estate and the responsibility of the surface easement holder to accommodate mineral development: "The rights granted herein shall forever be subject to the rights of the Grantor, its assigns or lessees to explore for, develop, and extract any and all minerals or other subsurface resources beneath this easement. If required for mineral exploration, development or extraction, the Grantee shall, upon written notice from the Grantor, remove or relocate at its own expense the above-described [improvement(s)]."

In the event it is necessary for the proponent to traverse state trust land, the proponent must procure an easement or special use lease, pursuant to the Rules and Regulations of the Board of Land Commissioners and OSLI policies in place at the time of application. As a supplement to the current easement forms, the applicant will be required to provide the following information upon initial submission to OSLI:

1. Description of all adjacent uses undertaken on the parcel in question and the surrounding parcels,
2. Description of opportunities to route the proposed easement within an existing easement or use,
3. Opportunity to reroute the proposed easement use off of state trust lands (and description of the effect on adjacent landowners, if any).

S6d

OSLI generally prefers alignment of multiple ROW easements to minimize impacts to state trust land. However, existing easements or ROW's do not necessarily indicate availability of the site to additional easements. In other words, an existing right-of-way should not be treated as an opportunity corridor. The exception to this is the Governor's designated Utility Corridor within Sage Grouse Core Areas (SGCA).

We appreciate this opportunity to comment. If we may be of further assistance, please do not hesitate to contact this office.

Regards,

 Bridget Hill
 Director

BH/sc/dt

EFFECTIVELY MANAGING NATURAL RESOURCES AND FUNDS FOR CURRENT AND FUTURE GENERATIONS

S6c

See response to Comment S6a. It is expected the Applicant would resolve conflicts with regard to mineral ownership and access along the selected route through fee mineral and landowner agreements and permissions. In general, BLM expects that the likelihood and potential for such conflict are low and the effect small. With the availability of current technology, oil and gas recovery still could occur in proximity to transmission lines. Discussion is included in Section 3.2.2.5 that acknowledges the potential for isolated conflicts with future mineral development, and noting the BLM's expectation that the Applicant would obtain permissions and agreements that resolve conflicts with regard to mineral ownership and access along the selected route prior to construction.

S6d

Comment noted.