COMMENTS

Letter #40

August 25, 2005

US Dept. of Interior
Bureau of Land Management
Twin Falls District
Burley Field Office
5 East 200 South
Burley, ID 83318

Re: Cotterell Wind Project DEIS and DRMP Amendment

Dear BLM,

Here are comments by Western Watersheds Project on the Proposed Cotterell Wind Power Project and DRMP Amendment.

BLM's Proposed Action in the DEIS is Alternative C, which would construct a facility and road network along 14.5 miles of scenic ridgeline, with 68 plus 17 turbines, and a transmission line, substation and other facilities. Turbines would range from 230 to 328 ft. rotor diameter. BLM fails to reveal the specific siting of these facilities.

The Abstract describes the facility occupying approximately 15 miles of ridgeline along Cotterell Mountain, is described as consisting of a single linear north-south string of turbines. Thus, it appears that this facility would greatly fragment and block north-south migration routes for migrating birds, and also dissect and fragment habitat for a broad range of native wildlife over a very large land area. We are deeply concerned that Shell has not considered alternative siting, as the full impacts of a project in the Cotterell site are impossible to mitigate.

There is growing national and international concern about the impacts of wind facilities. All available guidance, including that of the wind energy industry, stresses the importance of selecting sites that minimize environmental harms.

As BLM is under tremendous political pressure to approve this project, we ask for anonymous review by scientific experts removed from political pressures. We request vetting of conclusions by an anonymous team of agency biologists with expertise in sagebrush-steppe. I did not appreciate being contacted by a representative of Windland when I worked for CHD, to try to get us to overlook the harmful impacts of this project. I can only imagine the pressure that agency staff (at both the state and federal level) are under to acquiesce to this very harmful project by a huge energy company.

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Due to the length and organization of this comment letter, issues and concerns raised were grouped into general topics or categories (listed below). Responses are organized with respect to this list and attempt to address specific points scattered throughout the letter.

A. Specific siting of facilities, i.e. advance engineering design of the facility.

The features of Alternative C are documented on Figure 2.5-1 and Figure 2.5-2 (pages 2-29 and 2-30) of the Draft EIS. A more detailed description and mapping of the proposed project facilities will be included in the Plan of Development. The action alternatives analyzed in the Draft EIS were based on a template designed specific for Cotterel Mountain. This is a common methodology used in analyzing wind energy projects. The specific features of each of the alternatives are described in Sections 2.4 through 2.6 (Pages 2-23 through 2-40) of the Draft EIS. Requiring the Applicant to conduct preapproval advanced design engineering of the proposed project alternatives during the Draft EIS portion of the analysis would be an undue cost on the Applicant. Advanced design will be completed and included in the Plan of Development.

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BLM has unlawfully segmented the analysis project, and undertaken ground disturbance and facility placement without any public NEPA process. This has destroyed the legitimacy of baseline wildlife habitat and population monitoring. Perhaps that was the goal --- to alter habitats so that fewer grouse and other species would be found.

As WWP noted in scoping comments: On-the-ground disturbances and surveys have already commenced under this "right-of-way" permit without public NEPA involvement; including but not limited to road-blading of two-tracks and other human activities related to the project that have been allowed to proceed on the mountain in *advance* of public scoping, EIS preparation, etc. It should not have to be the public's responsibility to police the BLM's NEPA actions and force compliance with its own legal responsibilities.

BLM has tainted future data collection on wind farm development impacts. By allowing the construction of the towers, before collecting necessary baseline information on sage grouse, raptor populations, migratory songbirds, bats and other special status species, BLM destroyed any chance of establishing a legitimate baseline for biological information if it later grants the right-of-way for a gargantuan wind facility. Placement of MET towers likely has already caused avoidance of the site by wildlife like sage grouse – a species that avoids use of areas with tall vertical structures (Braun 1998, Manes 2002), and resulted in avian mortalities from collisions. Behavioral avoidance will skew results of any new research or data collection.

BLM has also failed to comply with FLPMA, and balance uses of the public lands. BLM ignored evaluation of the relative scarcity of the wildlife habitats and populations, recreational importance, scenic beauty, wild and little-roaded lands, values and other important attributes of the Cotterell Mountain site. BLM has no Reference Areas, nor has it evaluated the Cotterell Mountains as a Reference Area.

The DEIS does not adequately address the very significant impact the Cotterell project will have on sage grouse habitats and populations, especially population isolation and extirpation of the existing breeding population, and loss of critical wintering habitat for birds from a broader region. The sage grouse population here is already perilously low – with only 50 or fewer males attending leks.

WWP commented:

The proposed facility, as indicated by the public scoping notice; includes towers that exceed recommended heights, are scattered across miles of natural habitats, and will result in directly or indirectly destroying and/or substantially altering hundreds if not thousands of acres (includes actual construction sites, *plus* roads and zones of impact for roads, ongoing human disturbances, noise factors, tower presence, etc.) of existing wildlife habitat.

The DEIS does not adequately address the very significant impacts on: Public Uses and Recreation; Visual Resources Protection; Water Resources; Watersheds; Vegetation, including its health. Also, Invasive Species: The analysis focuses overwhelmingly on

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B. Range of alternatives including analysis of other sites, comparison of impacts, mitigations, and economic factors for other sites including private land sites.

The purpose of the proposed project is to develop an economically feasible wind power project on Cotterel Mountain, as per the proponents ROW application. The scope of the Draft EIS was defined by the Applicant's proposal and the range of alternatives was developed within those parameters. Simply put, the Draft EIS addresses either action or no action alternatives on Cotterel Mountain. As you may or may not be aware, all of the work done by BLM and URS on this Draft EIS has been funded by the Applicant. This is largely why the scope of the analysis is limited to the Applicants proposal. This analysis focuses on the Applicant's proposal. Private farmlands would not require analysis under NEPA.

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noxious species, and fails to adequately address the very significant impacts of the network of roads, and facilities, along with ongoing livestock grazing and OHV use, and introduction and spread of invasive species across the area.

The project will have significant effects on private lands, public recreational use, and wildlife use of large areas extending out from the turbines themselves.

We are alarmed that the DEIS claims bighorn sheep relocation, sagebrush-steppe habitat impacts, other sources of energy opportunities, etc. are deemed "outside the scope". There is no sound rationale provided for why these were cast aside as serious issues to be considered. These all were raised in scoping.

The Purpose and Need for this Project is described as "to develop an economically feasible wind-powered site". Yet, the DEIS does not provide necessary financial information to determine what IS or IS NOT economically feasible for Dutch Shell. By setting this up so that you can cut courses on environmental protection measures, you have artificially constrained the range of alternatives. Please provide all financial records for Shell to the public. We understand that currently energy companies are raking in record profits, so doing the very best job, and using some of this largesse resulting from sky high oil prices to develop an energy facility in a site with minimal environmental conflicts, should be the Number One priority here.

Please provide all information on funding sources and costs for this project, and all parties involved, as you claim, essentially, that cheapness and cutting corners is part of the purpose and need. The public needs to understand if you are telling the truth. Would more funding/investors/whatever be attracted to a much more environmentally friendly alternative siting location?

For example, p. ES-11 refers to: "the Applicant's analysis and disclosure of minimum size project". It is impossible to understand the parameters or sideboards that have been applied in this estimation, or how such factors may have changed if different, unbiased analysis and more environmentally benign siting were considered.

Further, BLM has never conducted such an analysis – either across the BFO, Idaho, or anywhere. The Land Use Plans did not envision, allocate, or designate "development" vs. "non-development" areas in any process where merits, environmental consequences, the public interested was weighed. FLPMA specifically states that not all public lands must be used for all uses.

BLM Has Ignored FWS Interim Guidance on Wind Test Monitoring and Development

Due to tremendous public concern about wind facility impacts to wildlife, FWS has developed guidance and a process to better minimize impacts to wildlife, and to identify sites where placement of wind facilities would lessen harm to wildlife. In its May 13,

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C. Political pressure to approve the project and request for anonymous review of Draft EIS conclusions by scientific experts.

The Cotterel Wind Power Project Draft EIS was made available for public review and comment for a period of 90 days. During the public review period, the BLM received several comments from state and federal wildlife management and regulatory agencies as well as from wildlife conservation organizations. The BLM feels that the responses received from these agencies and groups satisfies the need for scientific review.

The NEPA process is a public disclosure of known resources and potential effects. It does not allow for anonymous review.

D. Landscape level analysis of the BFO to identify suitable and unsuitable sites for wind energy development.

Again, this is a project specific analysis and does not look at a large regional picture

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2003, "Service Interim Guidance on Avoiding and Minimizing Wildlife Impacts from Wind Turbines", FWS states:

Wind energy facilities can adversely impact wildlife, especially birds and bats, and their habitats.

...The cumulative effects of this rapidly growing industry may initiate or contribute to the decline of some wildlife populations. The potential harm to these populations from an additional source of mortality makes careful evaluation of proposed facilities essential. Due to local differences in wildlife concentration and movement patterns, habitats, area topography, facility design, and weather, each proposed development site is unique and requires detailed, individual evaluation.

The potential harm to wildlife populations from an additional source of mortality or adverse habitat impacts makes careful evaluation of proposed facilities essential.

Each site poses its own set of negative possibilities for wildlife.

Wind energy is rapidly expanding into habitats and regions that have not been well studied.

Pre-development evaluations should be conducted by a team with ***no vested interest.***

Avoid or minimize impacts to wildlife and their habitat through: 1) Proper evaluation of potential wind energy sites; 2) proper location and design of turbines and associated structures within sites selected for development; and 3) pre-and post-construction research and monitoring to identify and/or assess impacts to wildlife populations.

Identify and evaluate reference sites, preferably within the geographic area. Reference sites are high-quality wildlife areas where wind development would result in the maximum negative impact on wildlife.

FWS recommends:

Avoid placing turbines in documented locations of ESA-protected species. Avoid placing turbines in bird migration pathways or in areas where birds are concentrated. Avoid placing turbines near bat hibernation, breeding and maternity/nursery colonies, in migration corridors, or in flight paths between colonies and feeding areas. Configure turbine arrays to avoid areas or features of the landscape known to attract raptors or sites of potential avian mortality; avoid fragmenting large, continuous tracts of wildlife habitat. Where practical, place turbines on lands already altered or cultivated, and away from areas of intact and healthy native habitats. If not practical, select fragmented or degraded habitats over relatively large intact areas. Minimize infrastructure, develop a habitat restoration plan, reduce carrion availability.

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E. BLM is in non-compliance with NEPA by segmenting the analysis and proceeding with project related ground disturbing activities without public NEPA involvement.

In July of 2001, the BLM issued a ROW grant authorizing the Applicant to install multiple wind speed and direction recording devices (anemometers) at various locations on Cotterel Mountain Potential impacts of the wind testing proposal were analyzed in an Environmental Assessment number ID-007-EA-01-0063, and Finding of No Significant Impact was signed by the Burley Field Office Manager on July 13, 2001. Only the most minor ground disturbing activities were authorized under this ROW grant and none were conducted that warranted any kind of recontouring or reseeding. BLM Interim Wind Energy Policy (Appendix B of the Draft EIS) states that wind energy development applications will be filed for placement of wind speed data collection equipment. If Applicants propose to proceed with development of a wind energy project, the data collection ROW grant must be amended within a three-year period. The policy further proscribes that the data collection application undergo NEPA analysis prior to approval and that collection of data for the eventual preparation of a project level NEPA analysis may proceed during the wind data collection period. Therefore, BLM's approval

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FWS has developed a protocol to rank sites. This protocol employs a "Potential Impact Index" (PII). *First, identify and evaluate reference sites (where wind development would result in maximum negative impact), and use these sites to determine the comparative risks of developing other potential sites. Second, evaluate potential sites to determine risks to wildlife, and rank sites against each other using the highest ranking site as a standard. Evaluation should be conducted by qualified biologists from state and federal agencies.*

The PII checklist includes "physical attributes", species occurrence, ecological attractiveness and evaluates ecological magnets. Rankings then serve as indicators of relative risk to wildlife and thus provide an estimator of the level of impact. FWS states that pre-construction studies should estimate the impacts of wind power development on wildlife. All sites need to be monitored for impacts on wildlife after construction. Monitoring Methods include: Point counts, winter raptor surveys, lek counts, migration counts, radar surveillance, ungulate surveys, spotlight surveys, acoustic surveillance (bats), species/guild/group list, radar, migration counts, nests/area.

FWS's interim guidelines are based on **current science**. Regrettably, despite great public and agency concern, BLM did not follow this current science-based guidance. The Proposed Action is flawed, as it contains:

- Inadequate analysis of impacts to a broad array of wildlife populations, or of cumulative impacts to their populations and habitats. .
- Inadequate analysis of comparative evaluation of wind energy sites, and thus no comparative analysis of potential impacts.
- Inadequate recommendations to minimize impacts through proper design (MET towers with no guy wires, towers less than 150 foot. tall, distance from leks, avoidance periods).
- No pre-Met Tower, drilling and other disturbance monitoring of important wildlife populations necessary to understand impacts of MET tower placement – such as behavioral avoidance of sites following tower placement. There is no baseline for comparison. Towers are constructed prior to collection of a wide array of necessary baseline data. BLM collected no data on bat use of sites, or bird migration, and will have no baseline data for comparison.
- Ignores identification or discussion of any reference sites, to any other potential wind facility areas, as FWS interim guidance recommends. This is alarming, as the Cotterell Mountains have all the attributes of a reference site. It is an undisturbed enclave compared to much of the rest of the BFO lands.
- Will result in many negative impacts to wildlife were not assessed.
- Turbines placed across documented locations for special status species.
- Only the most limited studies on migration.
- Conflict with BLM's policy, which is to manage habitat or sensitive species so as to avoid ESA listing, so same precautions should have been taken as for ESA species, but were not. BLM policy or special status species directs BLM to ensure that activities authorized, funded, or carried out do not contribute to the need to list any species. BLM did not ensure this.

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of the Applicant's wind speed data collection ROW was incompliance with BLM policy.

Road blading of two tracks within the Proposed Project area was done in response to the need for emergency fire suppression and was totally unrelated to the proposed project.

Numerous BLM personnel and contract scientist conducting wildlife surveys in the Proposed Project area have regularly observed sage-grouse in close proximity to one of the wind speed data collection towers. They have also been observed close to the exiting communication facilities located on the summit of Cotterel Summit over the past 25 years. The BLM required the Applicant to install flagging on the MET towers guy lines to alert avian species to their presence. In the four years that MET towers have been in place there have been no documented cases of avian or bat mortality associated with them.

F. Compliance with FLPMA.

The BLM is required to consider ROW Applicant proposals in accordance with Title V of FLPMA.

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BLM already has abundant evidence of special status species occurrence in, and reliance on, these lands. Knick et al. 2003, stress the urgent need for protection of sagebrush habitats, and Connelly et al. 2000 and Braun 1998 describe the many important habitat components and problems faced by sage grouse.

If BLM had followed current scientific guidance (Manes et al. 2002), and undertaken the necessary unbiased systematic and scientific process of looking at wind development, and comparative siting, on a landscape scale in the BFO and honestly weighing environmental (wildlife - extirpation of sage grouse; raptor nesting habitats; and human concerns including property values lowered, life styles lost or diminished), then the Cotterell Mtn project near one of the most tranquil and aesthetic small communities in southern Idaho would NOT have been chosen.

As part of this process, we believe Cotterell site would have been designated a Reference Site, and wind facilities not placed here.

This demonstrates that what Burley BLM needs to do here is to conduct an RMP amendment – or up-to-date EIS – that designates "suitable" vs. non-suitable or Reference Sites, for avoidance of wind energy facility placement.

Specific Concerns

The claims of Shell's economic constraints and complaints are pure malarkey. How can it possibly be cheaper to bulldoze and maintain under all weather conditions a long series of roads and facilities up and down and across a mountaintop? How do facility maintenance and operation costs in such a location compare to many flatter, somewhat less windy sites? How do mitigation costs compare between this and other sites – for example, private lands where little mitigation would be required, or less sensitive public lands?

Part of the reason it may be cheaper is that BLM is not requiring and clearly specifying the necessary level of mitigation for the loss of sage grouse, raptor and other regionally significant populations of wildlife, as well as the facility's large-scale interference with an avian migration site.

If this project proceeds in this site, BLM must require in-kind compensation or purchase of private land equal in sagebrush wildlife values and acreage to the Cotterell Mountain site. "Studying" populations as they blink out is not adequate mitigation. It is very disappointing to see the lack of cost and specificity laid out in relation to mitigation. Please provide a comparison between full mitigation costs at the Cotterells, and for example, mitigation for an alternative marginal wheat farm surrounded by cheatgrass. Wouldn't it seem that in an area where the freeway on the flat has signs describing violent dust storms, alternative wind facility siting areas may abound?

There is a lot of marginal cropland and private land, and a lot of over-allocation of irrigation water on the Snake River Plain and surrounding areas. It would be a win-win

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G. Impacts to sage-grouse.

A great deal of information on sage-grouse has been collected on Cotterel Mountain including:

- Three years of lek attendance surveys
- Winter use surveys
- Radio telemetry studies of male and female movement, nesting, brood rearing, and seasonal use.

These studies are proposed to continue for several years if the project is approved. Although there is the belief that Cotterel Mountain provides important winter habitat for sage-grouse, to date none of these studies have shown extensive use of the Proposed Project area in winter by sage-grouse. Further there is no scientific evidence that the project would have significant effects on winter use of Cotterel Mountain by sage-grouse. Although it has been suggested that sage-grouse respond negatively to tall man-made structures on the landscape, no scientific evidence exists to support these claims. Direct experience and observation on Cotterel Mountain has shown that sage-grouse continue to use areas near communication facilities and MET towers.

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scenario if such land became wind facilities, and not public land in some of the highest value wildlife habitat in the BFO, located within a very likely bird migration corridor. Large powerlines also run close (perhaps closer) to a lot of this marginal ag. land.

What appears to be happening here is Shell is preying on the weakness and cheapness of the BLM, especially in the atmosphere of political favoritism and cronyism with industry that exists in Idaho at present. Shell is muscling its way in--- to destroy a scenic wild mountain range that provides critical migration and nesting habitat for birds, critical winter habitat for mule deer, etc. – with the consequence of extirpation and loss of sage grouse populations in the area.

Plus, the impacts on north-south migratory birds will be great. It is impossible to fully gauge how death of ferruginous hawks, burrowing owls, warblers, etc. may affect (or lead to extirpation over time) nesting bird populations in lands to the North. As another example, the recent Craters of the Moon FEIS/RMP describes only a couple of few colonies of special status bat species. What if these bats migrate from wintering areas to these sites – through the Cotterells, where they will be decimated by turbine mortality?

If Shell was seriously interested in developing an economically sound project, it would be done on flatter, slightly less windy lands – which abound across the Snake River Plain. A comparison of a REASONABLE range of alternatives here would have included a comparison with such very feasible for development sites. It is BLM's duty as a management agency to protect the public interest. By sacrificing sage grouse, migratory birds, and important wild lands and through narrowly constraining the development of very similar action alternatives, BLM has forsaken its duty under NEPA and FLPMA. Sure, alternative sites may be somewhat less windy – but they may also be MORE SUSTAINABLE and CHEAPER to operate over the long run – as violent winter weather events, washed-out roadcuts, and other factors would be much less likely on more reasonable terrain. Vast areas of the SRP are cheatgrass, mustard and tumbleweed-infested, and serve as habitat for few species of wildlife. Thus, development of such sites would have fewer environmental consequences. The sheer number of roads to be cut into hillsides will create an erosion nightmare – both for wind and water erosion. Plus, roads serve as corridors for predators of sagebrush-steppe wildlife. A Cotterell project might generate a little bit less energy --- but so what? We suggested just such alternative actions in our scoping comments, and were ignored. Consideration of these alternatives is necessary to prevent undue degradation of public lands, avifauna, recreational uses, etc.

We are alarmed that the DEIS DOES NOT CONTAIN design specifics for each of the alternatives. It is impossible to evaluate these alternatives and their impacts without specific plans. We note that "Project Features Common to All Alternatives" could be applied at any of dozens of alternative locations on or along the margins of the Snake River Plain. Why were no other locations examined?

ES-13. It is hard to understand how you can develop this "Comparison" if you don't yet know the siting of many of the facilities and infrastructure.

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The Draft EIS cites the best available science for the protection of sage-grouse and their habitat, which recommends that energy facilities should not be developed within 1.8 mile radius of sage-grouse leks (Connelly et al. 2000). The Draft EIS concludes that sage-grouse could potentially be displaced from potentially suitable habitat within a 1.8-mile radius of proposed project facilities.

H. Impacts to public uses and recreation, visual resources, water resources, watersheds, vegetation, soils and soil erosion, cultural resources, invasive and noxious species from the proposed project combined with ongoing livestock grazing and OHV use.

Potential impacts of the proposed project alternatives are discussed in Chapter 4 of the Draft EIS. Potential impacts discussion for the following resources can be found in the Draft EIS in the following sections:

- Recreation, Section 4.1.1 (Pages 4-52 through 4-54)
- Visual Resources, Section 4.13 (Pages 4-56 through 4-63)
- Physical Resources (Water resources) Section 4.5.4 (Pages 4-6 and 4-7)
- Vegetation (including invasive species and noxious weeds), Section 4.6.1 (Pages 4-10 through 4-14)

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How do reclamation costs compare between mountaintop and ridge siting with massive roadcuts, reclamation, mitigation (perhaps – Shell has yet to commit to anything concrete) --- compared to alternative locations?

Will the roadcuts be reclaimed, and roads closed at the termination of the project? Will any be immediately reclaimed – say after the construction cranes leave? Where will all road materials come from – both for project construction and reclamation? This is an important ancillary impact that must be considered. What wildlife species will be affected by vegetation removal and grinding of underlying rocks for road base and other activities? Will this occur on public or private lands?

ES-15 describes BLM Management goals to improve dispersed recreation. This proposal essentially destroys many recreational opportunities – from fewer mule deer due to winter habitat loss to removing any semblance of a wild land experience from the Cotterells. It also negatively affects the setting of rural communities and wild land amenities associated with growing recreational use.

What habitat losses have occurred, or will occur, for the special status and other species affected by this proposal suffer as a result of Healthy Forests, HFRA, and other woody vegetation removal projects that BLM or the nearby Forest may have already conducted, or may be planning?

How will all the infrastructure (beyond the turbines themselves) associated with the site affect, displace, lure, or otherwise alter behavior patterns of wildlife? How will it increase "weedy" species, mesopredators, etc. at the expense of others?

How will the turbines and their noise and motion affect wildlife?

ES-14 describes 14 springs, and a later map shows water resources. How will this project affect watersheds, hydrology, aquifer percolation, and ultimately the flows of these springs/water resources? What are basal flows of these springs? Is there past or baseline flow data? Who holds the water rights? How have flows change over time? How are direct, indirect and cumulative impacts of livestock grazing and livestock water facilities affecting these flows. Please note that springs in arid lands may be critical stopover habitats for migrants. See Attached info necessary for springs.

The "Affected Envt" description of the setting and wildlife lacks important baseline information on characteristics, populations, habitat conditions, etc. There is no link to a large regional picture. How scarce are springs, sage grouse leks, mule deer winter range, etc. across this landscape? How does this elevate the importance of the Cotterell site?

ES-15 describes this site as "prime" habitat for raptor species including ferruginous hawk, prairie falcon, golden eagle.

Many of the old Land Use Plans had seasonal avoidance criteria to prevent activities from harming wildlife. Do they exist in this RMP?

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BLM does not agree that the proposed project essentially destroys recreational opportunities. Public access will not be diminished and from many areas on Cotterel Mountain, particularly the canyons and side drainages, the proposed project would not be visible.

Known information on springs and surface water resources is contained in Section 3.1.4 of the Draft EIS including Figure 3.1-2 (pages 3-9 through 3-11). Potential impacts are described in Section 4.5.4.

I. Disclosure of economic factors influencing the range of alternatives analyzed in the Draft EIS. Variation in purpose and need statement between NOI and Draft EIS.

The economic feasibility of the proposed project is determined by the Applicants willingness to take on the financial risk of the proposed project, not the Applicant's financial status or the potential profits that could be released from the proposed project. BLM's responsibility in analyzing the proposed project does not include monitoring corporate profits or allocation of corporate resources.

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Exec Summary ES-19 greatly underestimates the degree, level and range/scope of disturbance. For example, it only evaluates "permanent elimination of deer winter range on around 160 acres". This approach underestimates the areas that may be avoided by deer to traffic, noise, etc. for miles around the project and its infrastructure. Over how large an area will different species be stressed?

This chart, besides lumping many wildlife all together, states that: "wildlife *could* be negatively effected". Wildlife WILL be negatively affected, and you need to describe how food, cover, space, for all species will be altered. We can find no necessary baseline data on habitats and populations for all species that WILL be affected – Brewer's sparrow, sage thrasher, sage sparrow, ferruginous hawk, etc.

What period of time are these mortalities in ES-20 based on? What significance does that have to local or regional populations? What other stresses do these populations face?

The DEIS (Es-20) states that mortalities are based on estimates from Point Counts. Where is the information on bird migration including spring day migration, and fall night migration? Is that taken into account?

In reviewing the "Yearlong Avian and Fall Migration" Report, we note: The northern part of the range may be particularly important for avian use – why was it not avoided in sting? Also, there were no surveys conducted on the eastern ridgeline where wind towers are now proposed. 62-69 percent of flying birds were observed within the turbine impact area/death zone (report at 19). Raptor use estimates at the Cotterell site is the third highest of wind sites known (report at 22).

We note that - besides raptors, the 20 species with the highest overall use avoided grasslands, and report at 20 "perennial grassland (the habitat type which was more consistently avoided by birds than any other type" . This accentuates the importance of the native sagebrush, juniper and other vegetation of the Cotterell Mountain, compared to much of the burned, crested wheat-seeded or weedlands in many other areas of the BFO and southern Idaho.

How will blasting and other activity affect site hydrology, springs, and aquifer characteristics?

ES-21. The claim that sage grouse will be displaced from only 3395 acres is absurd. Sage grouse use a much broader habitat areas over the course of the year. By your displacement of grouse (especially with numbers as low as that shown by the lek counts) from CRITICAL habitats, populations will be diminished, and blink out, plus you have never provided sufficient info on noise, operation, etc. disturbance, or mesopredator release.

How will the prey base for raptors and other important species be affected?

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The Royal Dutch Shell Corporation's financial information is available to the public on the companies web page located at www.shell.com.

BLM understands the potential for impacts to result from the proposed project. However, we recognize the opportunity to collect good scientific data on wildlife impacts resulting from wind energy developments in sagebrush steppe habitats. BLM also recognizes and clearly states in the Draft EIS that potential impacts to resources such as sage-grouse would not be expected to be significantly different between action alternatives. That being the case, BLM felt the need to balance the use of public lands for energy production with potential impacts by maximizing proposed project energy output while modifying the proposed action to minimize potential environmental affects.

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How has placement of MET towers altered wildlife use, or caused wildlife avoidance, of areas? Were baseline studies conducted before MET Tower placement? Where is the data? Where are/were MET towers in relation to leks?

It is hard to understand how all of this blasting, digging, road-cutting and turbine placement could occur here – and yet there would be "no effect" to cultural sites.

The socioeconomic info shows that this will be a typical boom and bust proposal. Low-paid or short-term workers will be present during construction. After that, there will be little boon to local communities, and there will be a large loss in recreational opportunities and lowered quality of life, and lowered property values for an entire area.

ES-25, 26 The improved "public access" claim of 25 more miles of roads must be explained in the context of roads to what? Giant road cut scars and dead birds on a ridge top?

Please compare current road densities in the Cotterells to road densities elsewhere in the BFO. The degree of change must be considered.

How far can raptors, sage grouse and other special status species hear noise of turbines? Blasting? Other operation or construction noises? Please develop a comparative chart of bird hearing by species for various sounds and decibel levels. Will sounds be audible to bighorn sheep in the Jim Sage?

The DEIS, despite being a wind project, is curiously devoid of substantial information on wind speeds, wind direction, seasonality of winds, etc. There is little information presented related to wind direction - both regionally, in the Cotterells, and even more locally in association with individual ridges – which may bear importantly on how the project could be better-positioned (or nt able to be positioned at all) to avoid flight patterns of migrants, or of raptors to and from nests.

Why have you not considered seasonal avoidance of turbine operation --- to avoid spring and fall migration periods, and spring nesting periods?

ES-21. How much blasting, drilling, digging, percussion, etc. will occur? When? Are there seasonal avoidance criteria to protect all nesting birds for all of these activities? If not, why not?

ES-27. We are alarmed that the EIS contemplates "no changes" in livestock. Livestock significantly alter critical habitat components for native wildlife species – food, cover, and space. Displacement of native animals to marginal habitats, disturbance and possible increased predation occur due to livestock grazing, too. This project would construct/upgrade an additional 25 miles of roads; result in large noisy areas avoided by wildlife; and result in habitats for sage brush species that evolved in relatively featureless landscapes to being peppered with tall, vertical objects that would cause both avoidance or direct mortality. As a result, there will be highly significant impacts. You must assess

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J. Fish and Wildlife Service interim guidance.

The BLM Field Office, District Office, State Office, and Washington Office managers and technical staff met several times with their USFWS counterparts regarding the Guidelines, including hosting their USFWS counterparts and Dr. Benjamin Tuggle, on a tour of the proposed project site. In the interim BLM has formally adopted its 1) Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States and 2) Bureau of Land Management National Sage-Grouse Habitat Conservation Strategy. It is BLM's understanding that the USFWS withdrew its interim Guidance as announced on September 29, 2005 at an American Wind Energy Association Meeting in La Quinta, California.

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the additive and cumulative effects of livestock grazing impacts, and develop ways to mitigate. You must also examine the habitats used by wildlife populations, or individuals, affected or displaced by the Cotterell Project over the course of the year. What allotments do the sage grouse move through to get to winter habitat on the ridge? Where do birds from Cotterell leks nest? How about mule deer? What allotments do golden eagles forage over?

Why are you not considering as mitigation, or alternatives, reducing AUMs and restoring habitats in nearby disturbed areas? We suggest, as partial mitigation, along with buying land of comparable area and value, you pursue grazing permit buyout from the public land permittees.

The assessment of the Visual Impacts is a joke. This project will be visible from large distances – its road scars, turbines, etc. No adequate scientific methodology has been applied to this.

Likewise, the conclusion that "impacts to property values would be "no effect" is false. The noise and disturbance of project construction and operation will negatively affect quality of life. The project will scar, alter and destroy many of the open space amenities sought both by recreational visitors, and residents who move to small towns like Albion. Instead of moving forward with this project, BLM should evaluate other alternatives on the flat.

ES-29. BLM must systematically assess and describe the sagebrush habitat fragmentation that exists across the BFO and southern Idaho. This includes an assessment of past BLM vegetation treatments and a linked study of their current condition/weediness, livestock infrastructure (fences pipelines, spring projects, water haul, salt sites) road densities, etc. have failed. This includes acreage of treatments, fires, etc.

As an outcome of this process, a map of fragmentation (facilities, treatments, fires, ag. or developed land, roading, etc.) across the landscape must be produced. This should serve as the basis for placing IN CONTEXT the wildlife habitats and populations affected by the Cotterell project, and assessing cumulative impacts of fragmentation and factors causing it. Please note studies conducted on sagebrush-dependent songbirds that show that as habitats diminish, populations may disappear before all available habitat is lost. This means that habitat loss and population decline is not linear, but appears to cross a certain threshold, or series of thresholds after which birds just do not inhabit or use lands for nesting. Past fires, vegetation treatments, etc. must be evaluated as well for their effects on populations.

Also, how will the extirpation of sage grouse in the Cotterells further serve to isolate other populations? How does this apply to all other special status species here?

With all the transformers, explosions, electrical lines, and constant human disturbance that will result, how will fire danger be heightened? How will these fires further alter and destroy wildlife habitats? Will the wind company be responsible for all suppression costs.

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K. On- and off-site mitigation.

Reclamation of disturbed areas both post construction and upon project termination is described in Appendix C of the Draft EIS. The Draft EIS identifies mitigation where possible to reduce impacts to the fullest extent. However, mitigation for some issues not available. Where possible, additional mitigation has been provided in the Final EIS. The Draft EIS does not claim that the specified mitigation will reduce the potential impacts to levels less than significant. On the contrary, the Draft EIS states that impacts to several resources (birds, bats, visual resources) could be significant.

The concept of "full mitigation" on the proposed project is very misleading. A mitigation requirement must be tied to a known impact and many of the impacts indicated such as extirpation of sage-grouse are based on opinion and anecdotal evidence. BLM is using Adaptive Management as a tool to provide mitigation for impacts that are currently unknown but that may be discovered in the future through monitoring.

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Letter #40 (continued)

As part of mitigation, we ask that ONLY natives be planted post-wind company fires, and that Shell pay the full cost of planting, and re-planting, until weed-free native vegetation becomes established.

ES-30. BLM is well aware of the plans it had in the Jim Sage for massive alteration of the landscape. We do not believe these have really gone away, and we fear BLM will try to conduct massive treatments in the future. Please reveal the size, location and areal extent of such proposed treatments in the Jim Sage or other BFO or National Forest lands.

Estimated Wind Speed. What is the basis for the "estimated wind speed" map. How does this change seasonally? What are problems – such as winter weather complications, violent storms – associated with "fair", "good", excellent, outstanding wind opportunities? We note that there is not a large numerical difference between "fair" and "good" wind sites. Who derived this scale -- the wind industry?

How much further will the sound of turbines on a ridge top be carried in the downwind direction than on flat land?

If the Cotterell migration corridor becomes unusable, where will birds go? How do winds over the Cotterells compare to winds over other north-south pr other features in this region? How will loss of birds and populations (or perhaps even avoidance of the area due to noise, visual disturbance, etc.) affect or shift birds to other migration routes? Please note: the 14 springs and the vegetative resources associated with the Cotterell mountains may be critical to migrants, and loss of habitats and resources here may not be readily replaceable. For example, this may be especially so for water for fall migrants, or relatively open snow-free areas for spring migrants. The Cotterells are a relatively low elevation north-south range, and so may be snow-free sooner, and vegetation phenologically more advanced, so greater insect production would occur.

Where is year-round data on bird migration, including at night, here? We can't find it in the EIS, and it is essential to understand the current setting, and predict or assess future impacts.

While 1-4 describes the project area as being 4,545 acres, it extends 16 miles N-S, and out ridges. How much land area, total, will be affected by all the road changes, all the infrastructure, etc.?

2-1 inaccurately describes alternatives in relation to sage grouse. There is no study that shows that the one alternative makes the "complete protection" of sage grouse by "severely reducing" areas.

Why do you still need MET towers after the turbines are placed? Why can't any wind measurement devices be placed on turbines? Does continued use or placement of MET towers mean that this is only Phase One of a project that may expand, and further destroy habitats?

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Mitigation may only be required of the Applicant within the Proposed Project area. Off-site mitigation cannot be required and is strictly voluntary as described in BLM Washington Office Instruction Memorandum 2005-069. The Applicant has volunteered to contribute 0.5% of gross revenue or $150,000 per year to fund off-site mitigation and monitoring. These funds would be allocated as recommended by the technical steering comity described in Section 2.5.4 (Page 2-36) of the Draft EIS. As stated in Section 2.5.4, final decisions on the use of these funds will be made by the BLM Burley Field Office Manager. The $150,000 is all that can be required of the Applicant and will constitute the available off-site mitigation funds for this proposed project. Although BLM agrees that mitigation should be described for and tied to specific impacts as suggested by WWP, we are reluctant to assign specific mitigation to potential future impacts that may or may not occur.

BLM would not develop mitigation for a wind power project sited on private land.

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Letter #40 (continued)

We are alarmed that, despite public comments pointing out the harmful effects of these towers that are too tall, you are persisting in using these giant and harmful facilities --- towers 210-262 feet, and rotor diameters of 230-328 feet.

BLM must require that all road layouts be detailed before any analysis can occur. The energy company apparently wants to you to leave everything wide open, BLM can not issue a necessary right-of-way without Shell revealing all necessary info. What brand of turbines will be placed in what exact locations --- so plans can be adequately developed and analyzed, and it will be known which cranes will be used? Why does the energy company constantly keep trying to get by on the cheap – instead of clearly laying out in front of the public what its plans are?

2-5 describes "new, all weather turbine string roads". BLM promises great things for these roads. Yet --- Where are the design specifics for each road – Location? Size? Switchbacks? Cut? Fill? Visibility from various directions? Etc. It is impossible to estimate anything ranging from base fill needed to visual impacts to vegetation communities destroyed– unless this is specified.

Another concern here is the transmission lines, and supposed raptor proofing. The Air Force in the Jarbidge BLM lands claimed to be raptor-proofing its new transmission line to the Juniper Butte Bombing Range. Instead, they created a perching mecca for raptors. We predict the same will happen here.

Plus – BLM never assessed the impacts of sandwiching small pockets of less disturbed grouse or other species habitat between the major freeway and the top of the mountain. The Sage Grouse Conservation Assessment (Connelly et al 2004) provides evidence of grouse avoidance of areas near major roads (even if habitat features are present). In the case of the Cotterells, BLM never assessed SUITABLE habitat that may remain a SUITABLE distance from major roads and development. Further, other DEIS maps show just how very fragmented the landscape already is. See 3-83, Figure 3.6.-1 Land Ownership showing large amounts of private land, much of it ag. and often not irrigated, is devoid of sagebrush or any other suitable habitat components. This map also shows how narrow the band of still-wild public land is across parts of the Range. – only 2-4 miles wide. The wind turbines and development will be placed in the middle of the only wild public lands, and grouse will be extirpated. Page 3-14, Map of Vegetation Communities. Note the extensive "grassland community" of green stippling shown on this map. Is much of this weedlands – included in the "grass" category, lacking no sagebrush or other suitable habitat components for sagebrush species. The map shows that low sagebrush and big sagebrush are very limited.

BLM never reveals the condition, and the health of the overstory and understory vegetation, or the soils, in the remaining public lands here. Plus, BLM never reveals how weedy the sagebrush habitat is.

Of great importance, also, is the juxtaposition of habitat components. For example, where are the 14 springs and seeps, and wet meadow areas that may provide critical summer

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L. Impacts to big game.

It is likely that, as described in the analysis, mule deer will habituate to the presence of the proposed project. The loss of winter habitat (which has not been identified as crucial by either IDFG or BLM) would be minor as compared to the total available.

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

M. Concerns regarding issues deemed outside the scope of the Draft EIS.

The reintroduction of big horn sheep to Cotterel Mountain is deemed outside the scope of this EIS because the IDFG has no current or future plans to ever reintroduce big horn sheep to Cotterel Mountain. Impacts to sagebrush steep habitat from livestock grazing are outside the scope of analysis. The Draft EIS analyzes resource that could potentially be impacted by the proposed project including impacts to sagebrush steep habitats. The ROW application that BLM received from Windland, Inc., was for a wind energy development on Cotterel Mountain. Alternative sites or alternative energy

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Letter #40 (continued)

brood rearing habitat for sage grouse, watering sites, in relation to infrastructure? If grouse movement is cut off, or inhibited due to their avoidance of infrastructure or constant disturbance, critical habitats will disappear. Plus, BLM never reveals the current condition of these areas, or existing or proposed impediments to grouse use here –such as fences.

While it is nice that you show "typical" road features, we need to know where these will be located on the landscape in order to understand the impacts to wildlife, associated erosion, how significantly the visual nature of the landscape will be changed, etc.

While you claim to limit lay down areas, and other turbine assembling disturbance, you have not provided necessary data on the plant communities that will be disturbed here. How old is the low sagebrush, mountain mahogany, juniper, etc. that may be disturbed or killed in this and all other features of the project. Could helicopters be used in any part of this to limit ground-based disturbance, road construction, etc, and thus avoid road construction?

2-16. Where will the overhead transmission lines be located? What will be the routes of the underground lines? What is meant by locating trenches "in or near" access roads? Will they be offset by a hundred feet? Ten feet? Why can't they be placed in the roads?

Why can't the batch plant be located down on the weedy flat?

What is the basis for the absurdly minimal ¼ mile eagle nest avoidance area?

While there is some limited discussion of noxious weeds, there is NO commitment of any kind to control invasive species – especially aggressive cheatgrass, halogeton, mustards, etc. across the project area. There is no baseline date presented so that a reasonable decision can be made.

2-33. Please provide a map of ALL the roads, including primitive, that are discussed here. Why can't some of the disturbance be immediately reclaimed?

2-35 is outrageous in claiming that it is necessary to conduct "effectiveness monitoring" in order to understand the relationship between the project design, tower siting, facility operation and effects on wildlife. You claim that "based on info from other wind farms, effects are mostly associated with bird collisions. However, here you are constructing a facility in sagebrush habitat – how many of these other sites were built in sagebrush habitat?

"Adaptive Management". Most of what you claim would be done as "adaptive mgmt" should be done at the beginning. In fact, the Action you rejected (F) alt with the fewest turbines is likely where your adaptive management will lead, if you view only this site as an alternative. Of course, necessary adaptive changes will never be allowed to proceed as will be needed – due to the political power of Shell that will prevent any important

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sources were not identified in the application. Identifying potential wind energy development sites or other energy sources other than that identified in Windland's application is therefore outside the scope of this EIS.

N. Concerns regarding wildlife and avian population, habitat and migration.

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

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adaptive actions from happening. So – why not either abandon the Cotterell site right now, or scale it way down?

There is a lot of "learning" that can be gained from listening to sage grouse experts and others right now – reviewing the Connelly et al. 2004 Sage Grouse CA, and "learning" that you are putting this in the WRONG place.

What thresholds will be established to trigger changes under this scheme? These should be clearly specified, and triggers put in place, as part of the "adaptive management" scheme.

ALL the things described at 2-35 under "Adaptive Management" should be Standard Operating Procedure from the very beginning – no matter where a site is developed. They should be incorporated under all alternatives. These include, but are not limited to, timing stipulations during construction, changes insisting of turbines – from areas where you know there are going to be problems –scaled down to at minimum rejected Alt. F, and if siting guidance was followed, you would find another site, where lighting scenarios and other most other mitigation was not necessary. The available science on this is: Don't site your facility in the path of migrating birds or bats, and lighting will not be as big an issue.

Why is there no noise mitigation? Why is there no noise modeling? How will noise change, or be more or less audible, with alternative siting? With wind direction change? Over the course of the year?

Regarding color schemes: Again, don't site your facility in the middle of a scenic wild land ridge top, and you won't have to worry about color schemes.

It is interesting that you mention the MBTA and Bald and Golden Eagle Protection Acts. We believe you are in direct violation of these acts by placing facilities on the Cotterell Mountains.

2-36. BLM has selectively chosen the scoping issues it wants to address, and ignored WWP's scoping comment issues. We have reviewed the Federal Register Notice, and there is nothing in it about maintain an economically viable project. That was not what the public has been informed is the purpose of this project.

Where is the information on hazardous materials and pollutants that may be involved in construction or operation of this project? There are PCBs in transformers, and many petroleum products with hazardous ingredients may be used in this project.

2-42. We note that you state: "the Applicant's analysis and disclosure of a minimum size project is based on the cost of infrastructure" which is related to the mountain top, number of roads, etc. This further demonstrates that BLM should have considered a range of alternative siting.

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The Affected Environment portion of the Draft EIS lumped together species that utilize similar habitats, as specific information on individual species was not always available. In addition, population data on many species that occur or potentially occur on Cotterel Mountain or its vicinity was not available.

The fatality estimates are on an annual bases using a 35 percent operating factor and are described in Section 4.6.4 (Pages4-29 through 4-30) of the Draft EIS.

Fall radar night migration surveys were conducted on Cotterel Mountain in 2003. The results of those surveys discussed in Section 4.6.4 (Pages4-28 through 4-29) of the Draft EIS.

Avian use surveys were conducted on the east ridge during both the year long avian point counts and the fall migration surveys. Section 3.2.2 (Pages 3-30 through 3-38) of the Draft EIS.

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Letter #40 (continued)

2-43, Alternative "F" uses best available science. Why in the world would Shell not either use "best available science" – or choose another site with far fewer impacts? This shows what a travesty this project is, and the greed and reckless desire to destroy the natural world in pursuit of so-called "green energy" that this bloody project is based on.

2-46. Again, this does not include basic information on how broad an area will be disturbed.

2-47 – 2-62. Summary of Comparison. There is insufficient or no discussion of many critical soils concerns: Wind erosion; eroding and dangerous roadcuts; soil erosion wind and water; hydrological process disruption; effects on surface water resources; damage to microbiotic crusts, etc.

The DEIS outright LIES about the "operation impacts" of noise What do you consider a "sensitive receptor"? Residents near wind facilities complain vociferously about noise. Some birds, such as ring-necked pheasants, can hear car doors slam from 3 miles way. The claim that "operational impacts are not expected to occur" is false. Please conduct detailed analyses – based on human habitation, recreational uses such as hiking or backpacking, sage grouse leks, effects to bighorn sheep populations – such as those in the contiguous Jim Sage area, and important species. How will noise change with different environmental conditions – winter vs. summer? You might wish to discuss noise modeling with the Air Force, and review noise information and techniques you will need to develop accurate models. You should commit to pre-project and during-project noise monitoring, and the adaptive management should include triggers for facility sht-down if certain levels are exceeded.

You do not reveal the size of the area from which animals may be displaced, or stressed. Plus, impacts are magnified if animals are displace into sub-optimal habitats.

As previously discussed, we do not believe you have conducted necessary baseline studies to develop accurate predictions of mortalities of birds and bats.

Why are you allowing blasting during nesting season???? The raptor prey base would be affected by habitat fragmentation, road mortality weed invasions, and a myriad of factors you have ignored.

Likewise, sage grouse would be affected by fragmentation, disturbance, increased predation and predators, noise, visual distraction – and resulting avoidance by wildlife, etc.

Why have you only considered a hand full of sensitive or special status species – there are many that occur here that you have ignored.

The economic and community information omits any of the HARMFUL impacts of development here, including recreational losses.

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O. Effects of noise.

Much of wind turbine noise is masked by the wind itself since turbines only operate when the wind is blowing. Noise from wind turbines has diminished as the technology of turbines has improved. Newer turbine blade design results in wind energy being converted into greater rotational torque with very little acoustic noise. The rotor blades make a slight swishing sound when rotating. Because of the technological advances and the distance of the blades from the ground (minimum 95 feet), even when standing immediately underneath a turbine, this noise is generally minimal. Vibration-reducing features are incorporated into the design of the turbines. On large modern wind turbines, the chassis frame of the nacelle is designed to ensure the frame would. Under most conditions, modern wind turbines are quiet.

P. Seasonal avoidance criteria.

Seasonal avoidance requirements are described in Appendix D of the Draft EIS.

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The description of ROWs here seems to imply that you anticipate a whole chain of new authorizations – linked to this development.

What is the MAGNITUDE of the visual impacts?

Cassia RMP. The RMP had many Objectives that have direct bearing on the health and maintenance of lands and wildlife affected by this proposal. BLM has provided no evidence that it has fulfilled these management goals, including: "improve" lands in poor or fair condition; providing for particular numbers of mule deer throughout the year; providing for antelope; "maintain or improve" crucial deer winter range and safe-grouse brood rearing habitat acreages; protect ferruginous hawks form disturbance; control surface-disturbing activities on soils with high erosion hazard; protect any known and potential ferruginous hawk nesting sites; restrict activity near ferruginous hawk nest sites from Marcy-July; NSO within 1/2 mile of ferruginous hawk nests; maintain cover in deer migration routes; protect meadow seeps and springs; improve raptor habitat.

BLM must evaluate its progress, after 20 years, in meeting ALL of these RMP Objectives. Have you? If not, how will this project move BLM further away from meeting them?

BLM has much too narrowly limited the range of scoping issues. The Proposed RMP amendment is a gift to a wind developer who has refused to examine viable alternatives.

3-1. How will springs and aquifer flows be affected by the large-scale watershed disturbance on the Cotterells? What will be the source of water for various construction activities? How much water will be used in all phases of construction and operations – ranging from the batch plant to keeping the dust down on roads?

What impacts to birds would the transmission line over the Snake River have? We have seen avian mortalities associated with powerlines near water bodies – example – dead great blue herons.

In high water years, will sediment be transported to springsnail habitats of the Snake River? When and how might this occur? What will the impacts be?

Map at 3-9 shows that there are many water resources that may be affected by this proposal. How many of these areas are in very poor or degraded condition (see series of Red Willow reports on riparian issues)? How will the Critical Groundwater Management Area be affected by water uses, or watershed or aquifer flow disruptions caused by this project? How much water will this project use? Who will be affected by aquifer or water resource depletion from the wind project? Are there other projects that will significantly alter flows planned?

3-13 states that inventories need to be completed prior to construction of the project!

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Q. Cumulative impacts.

The cumulative effects section of the Draft EIS has been revised in the Final EIS.

R. Changes in livestock use and permitting.

Impacts to sagebrush steppe habitat from livestock grazing are outside the scope of analysis of this EIS. The Draft EIS analyzes resources that could potentially be impacted by the proposed project including impacts to sagebrush steppe habitats. The impact of grazing on resources is assessed in the Final EIS within the Cumulative Effects analysis (Section 4.16).

S. Concerns over potential increases in fire danger.

The Draft EIS addresses fire management in Section 4.15.2 and specifically fire operations on page 4-66. The presence of wind turbines along the Cotterel ridgeline could interfere with, not eliminate, the use air attack suppression strategies. However, the accessibility to ground resources such as engines, hand crews and water tenders would be much improved as a result of the proposed project thereby reducing response times. New roads would also act as firebreaks, which would slow or stop the spread of wildfire. The outcome of these

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3-14-15. We ask that you provide maps that DO show the complexity of vegetation communities. We ask that all reclamation be required to restore the current (or if a "disturbed' site) – the potential plant community vegetation to the site. So, an adequate and detailed map of the vegetation community "complexity" is necessary for the public to review.

Why is there no description of the health or integrity of microbiotic crusts in any of these vegetation communities?

3-19. "Grasslands" – i.e. highly disturbed weed lands comprise 33% of the project area – but how MORE of the land area in this portion of the FO is also weedland? How has that already altered, fragmented, and caused lost habitat for sage grouse, migratory birds, and other species affected by this Decision?

3-20. Please provide proof that your claim that "these species can be monitored and controlled". We have NEVER seen BLM monitor or control tumble mustard or tumbleweed. Plus, are you admitting that you can NOT control cheatgrass or bulbous bluegrass?

3-21. Why is there no study of nocturnal spring migration? This is a critical period for migratory birds. What sensitive, or T&E species may migrate over here at night?

3-22. Mule deer populations in Idaho have been decreasing since 1996, and 48% of the project area lies in critical winter range --- some of which has been highly degraded by livestock and fire.

3-26. Why was only one bat recorded? What was the methodology, and when and where were bat studies conducted?

3-28. Were these really snowshoe hares, or white-tailed jackrabbits in winter pelage?

3-28. BLM fails to mention the regional and national significance of some of the bird populations in this area.

If this is "prime" habitat – why don't you examine alternative siting?

3-33. As approximately half of the birds observed were flying within the rotor swept area, doesn't that mean that we could expect mortality of AT LEAST half the birds that use this area, and likely a lot more?

Why did you not use radar, or other techniques to establish a baseline, and quantify and monitor night migrants here? This is necessary over the course of two years.

The National Wind Coordinating Committee in 1999 identified basic information and steps that must be taken to understand project impacts. The Cotterell EIS ignores: study of nocturnal migration (radar, ceilometers, acoustic monitoring); the uniqueness of the

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tradeoffs would be that suppression forces would likely use more indirect tactics than would normally be employed.

T. Concerns over hazardous materials and pollutants.

No hazardous materials as defined by CERCLA of 1980, as amended, 42 U.S.C. 9601 *et seq*., would be used in the construction and operation of the proposed project, if it is approved. Appendix C of the Draft EIS (Best Management Practices) discloses requirements that the Applicant will have to meet regarding protection of resources from any pollutants, including petroleum products, used during construction and operation of the proposed project (Page C-12). The Applicant will prepare a pollutant spill control plan that will be included in the Plan of Development.

U. Effectiveness monitoring and adaptive management.

As described above the adaptive management discussion in Section 2.5.4 (page 2-33) has been revised in the Final EIS to clarify specific changes in operation that may occur in response to changes in environmental conditions as determined by monitoring.

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site (sage grouse, geographic location/setting elevating importance); collect data for 2 or more time periods (years); before/after controls; peer review by scientists not subject to political pressures as agency people are – especially in Idaho BLM; multiple reference areas; understanding of pacts on local populations and populations distant from site but move through. There is no sound modeling framework, no quantification of adult survivorship; no determination of the spatial structure of affected species populations; no quantification of species reproductive output and breeding density (example for sage grouse - beyond leks in project area – what about the population geographic extent of interacting birds – this has never been described or defined), placing development in context of habitat loss facing species – in the local, regional and westwide arena. You must address: adult survivorship, spatial structure of a population, quantify reproductive output and breeding density, assess habitat loss, determine the effective population size of affected species.

3-38. Describes the abundance of raptors and nesting sites here.

3-47. You describe a 50% decline in abundance of sage grouse in 2004, compared to 2003. How might the MET towers, hole drilling (= operation of heavy equipment – crosscountry travel?), survey disturbance, and other activity associated with this project already have affected grouse use and movement?

3-49. You describe a grouse movement study, but do not describe WHERE critical wintering and other areas are located. Where is the information form the wintering study? How many birds wintered here, and how large an area, do birds of populations using this site encompass?

3-49. What in the world do you mean by "Brewer's sparrow could potentially nest on the Cotterell Mountain"? Of course they, and other species you describe, nest there. How could you have conducted credible analysis without having an understanding that Brewer's sparrow nesting was occurring? Also, please provide data on the structural and age class characteristics of the sagebrush communities found on the Cotterell Mountains, as you cite references describing Brewer's sparrow preference for "large living sagebrush" for nesting. How is livestock grazing altering the structure of special status species habitat components here? Further, when we went to the Idaho bird atlas, we found that info for Brewer's sparrow also included: distribution influenced by BOTH local veg. cover AND landscape-level features", i.e. not fragmented by roads, wind towers, weeds, etc.

We appreciate the DEIS including the information on the age/structure of shrubs required by several special status shrub-steppe birds here. This is a positive part of the DEIS. How will the facility development fragment blocks tracts of STRUCTURALLY suitable sagebrush for Brewer's sparrow, sage sparrow, sage thrasher, loggerhead shrike? This is important information that BLM should include in all grazing assessments, too.

The Wind Company appears to have greatly constrained its inventory of cultural sites. 3-61 states that 14-mile long 400-ft. wide linear corridor was examined. Plus, there will be

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long-term human disturbance across much of the area under various monitoring or operational activites. This is not valid, as you plan to build facilities in as yet unknown locations, with roads leading to them. The entire mountain and slopes must be inventoried. You can not adequately assess impacts without doing so.

How can you have found no rock blinds, or other rock features commonly associated with Native American use of high windy ridges in southern Idaho? We are very surprised? What cultural resources are associated with springs and seeps shown on the EIS Map?

Economic information that is presented shows that recreation is a growing part of the economy. You never reveal the "value" of the rec. jobs compared to ag. jobs – Are they higher paying?

It seems that 3-69 mixes categories that are associated with recreation (i.e. fishing) into "ag". How might this distort analyses?

3-69-70 also describes recreational activities, yet you provide no assessment of how this project may harm each of these activities. If you degrade an area that is at the hub of growing recreation in southern Idaho, how might that ripple harmfully throughout recreational portions of the economy? Activities specific to Cotterells include: dispersed hiking, hunting, wildlife viewing, OHV riding, and hang-gliding.

We are concerned that you have not discussed OHV designations associated with the old LUP. How will you prevent extensive OHV damage between roads and trails that are created or upgraded as part of the extensive road alteration created by this project? How is this area described under the LUP?

Under the Lands section, you have failed to adequately describe the segmented land disposal/trade action that is linked to the wind development. See WWP Scoping comments. What is the current public access situation?

3-85 shows there is a high degree of uncertainty in the period of livestock use in the Cotterells. That significantly adds to its the harmful impacts to sage grouse and other wildlife that may be nesting, birthing, fawning, etc.

The DEIS fails to describe the use levels it allows for livestock, or assess their adequacy in providing necessary habitat components (such as residual cover) for sage grouse nesting, or adequate shrub structure for Brewer's sparrow and other sagebrush-dependent species.

Pleas provide a map that shows the "more than 100 range improvements", and condcut analysis showing their effects on the environment and wildlife habitats, weed invasion and spread, – example, fences conflicting with sage grouse needs or antelope movement, livestock water project extending use into sage grouse nesting areas. How much are these

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facilities, and the highly uncertain levels and timing of livestock use here, likely to impact wildlife species and populations?

Do you anticipate more or larger communication towers or other related rights-of-way here? What about changes in size or siting? Where are maps and analyses showing where these facilities are located in relation to the project facilities, roads, important habitats, etc.? Please provide maps that depict all of this – as it is important to understand how many unnatural vertical features may interfere with sage grouse use of this site.

Please provide data the shows that the 7 acres per AUM stocking rate is based on current data. What areas are and are not suitable or capable of supporting livestock in the Project Area?

In review of the Lit. Cited, we found no citations to the excellent reports on the conditions of springs and seeps, and other livestock grazing problems documented by Red Willow Research in the BFO over the years. All of these impacts to wildlife, waters, etc. must be considered here, too --- especially since they may be responsible for the already perilously low numbers of sage grouse in leks here.

Map 3.1-2 of "Springs in Project Area" shows that the project area is far too constrained. As this project may interfere with watershed processes across the landscape, a much broader Project Area/Impact Zone must be identified, and studies conducted across that area.

Please explain how the list of RMP Objectives on 3-92 will be hindered, set back, or unachievable with development and operation of the Proposed Action.

3-93. Your analysis of visual impacts not take into account the wide-open nature of the landscape – where even fence posts may be visible for a mile or more. Plus, you have not provided detailed mapping to allow understanding of vegetation or other and screening effects. Since we don't even know where facilities will be located, how can you evaluate visual impacts?

It is false to claim that "by adjusting project designs so that the elements are repeated, visual impacts ca be minimized". This seems a self-serving justification for constructing a WHOLE LOT of "identical" wind mills. It is false to claim that by "projects the repeat design elements are in harmony with their surroundings'. Maybe if you are in Manhattan not if you are in the Cotterell Mtn. Wild lands of southern Idaho.

BLM can not have conducted necessary Visual Inventory and Assessment. We also believe the LUP Visual Classifications are tied to the antiquated view taken by much of that plan, and if a new LUP were conducted now, the Cotterell would receive a higher visual protective rating (II), due to the increased fragmentation of habitats elsewhere, and increasingly great value of wild recreational lands such as the Cotterell Mountains. This is especially so since nearly everything else in BFO lands (except the Jim Sage) is more

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degraded and altered- so the Cotterell Mtns. and Jim Sage are the remaining bastions of wildness and quiet.

How will the project alter or increase wild land fire danger? The DEIS states that from 1984 to 2003, 290 fires totaling 145, 233 acres of BLM lands burned in the Albion FMU? Where were they located? Are acres repeat burns? What are the boundaries of the FMU? Please provide a map.

3-99. Which lands in or near the Project area lie within each the FRCCs described at 3-98 and 99? How will this project alter FRCCs? Please note that FRCC3 states: "the risk of losing ecosystem components from fire is high … These lands are at greater risk of ecological collapse". How will this project add to the risk of collapse?

4-1. Knowledge will indeed always be scarce if agencies or their contractors do not do an adequate job of collecting reliable and sound baseline data. Doing cultural surveys conducted only in a narrow band in a project areas destined to be laced with access roads and other facilities is an example of purposeful wind industry and agency efforts to keep knowledge at a low. Likewise, the failure to conduct radar tracking of night time migrants is also of concern. The failure t provide adequate vegetation maps. The failure to provide necessary data so that the public can determine if biological inventories are adequate.

While you claim "basic ecological relationships are well-established" yet you don't investigate or analyze many of these relationships – spring flow, watersheds, fragmentation, risk of crossing new thresholds as the project inflicts additional fragmentation, etc.

No information is provided on current populations, predicted populations post-development/during operation, or minimum viable populations.

It is interesting that you note the private facilities that are now operating on the flat lands (4-3). This shows there is ample wind in many other sites.

Please see all of our preceding comments pointing out questions, concerns, deficiencies related to Environmental Consequences of using this site. Example: Biological resources – as you don't know where the specific sites and many roads will be located, there is no way to understand or assess the impacts on specific vegetation, species, etc.

As you haven't provided necessary veg info to understand the community characteristics and interspersion, areas of tall older sagebrush required by Brewer's sparrow, vs. low sagebrush –where particular species would be nesting, it is impossible to understand how much habitat or population loss may be expected.

Where is a map that overlays the info in Table 4.6.1 with project facilities and roads?

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If particular weed species are introduced, how rapidly will they spread? How does the health of veg. communities (related to grazing) affect invasibiliyt/weed spread. Again, we haven no info on current ecological condition, soil stability etc. across the project area.

How can you possibly claim that disturbed areas WOULD return to their pre-construction state – if they are as disturbed as the FRCC info relates?

4-18. Your analysis of impacts to native biota is deeply flawed. Example: 4-17, 4-18. You claim that species displaced during construction will return. This ignores the impacts of vertical structure, habitat fragmentation, effects of noise and visual stimuli, human disturbance, increased predator presence as roads facilitate movement, etc.

It is false to claim that primary effects would occur in direct proportion to the amount of potential habitat removed by Project construction. The impacts of the project and its facilities and infrastructure radiate out across the landscape, and will affect species that avoid vertical objects, noise human disturbance fragmented habitats – over a much greater land area than you are willing to admit.

You claim that nesting passerines will use areas within a particular distance of turbines. The Leddy reference is a reference related to GRASSLAND, not sagebrush birds.

We are very disappointed that you don't honestly address a wide range of harmful impacts, and assess the risk of habitat and population loss.

4-19. Since the amendment ONLY prohibits additional facilities on Cotterell Mountain, it leaves the door wide open to a "gauntlet" on the Jim Sage, or in another Burley or USFS lands, as well as private developments, or in lands to the north in the same migration path. What projects are being contemplated, and what will their impacts be to the same populations or migrants??

What in the world do you mean by "understanding how a wind facility functions"? This is supposed to be the job of the EIS! (4-19). Is this one grand experiment at the public's and wildlife's - expense? Is this an experiment?

Since bats follow moth migrations, shut down the facility during this brief period.

Have you conducted inventories for pallid bat and other species hibernacula or nurseries across the Cotterell and Jim Sage area? Where are zones of bat use or concentration?

4-23 states: "a comparison of spring radar data and nighttime fatality estimates at the Stateline ... wind plants indicated that between less than 0.01 percent to 0.08 percent of the targets passing through the area resulted in fatalities. We have no idea how many "targets"' are passing through the Cotterels, because you have failed to collect that data!

WHY IS THERE NO RADAR DATA? This data must be collected, and is essential for understanding the importance of the area for avian migration, for assessing facility

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construction and operation impacts, and incorporation of necessary mitigation (such as not operating turbines at night during migration periods).

We strongly oppose siting of this facility on a Special Resource Management Area, and a zone of semi-primitive motorized recreation. Please provide maps that depict the overlay of the Project area with these RMP zones. This further demonstrates the need to examine alternative sites. How many SRMAs are there in the BFO?

How will you monitor fatalities? Shell must be required to fund an independent party to conduct daily monitoring of fatalities. What fatality level will trigger changes? Turbine shut down? Facility shutdown and relocation?

4-33. Move the facility outside the eagle use zone – since all signs point to high eagle use here.

4-34. Greater sage grouse. The population here is already very low – only 50 males, and it decreased by ½ from 2003 to 2004.

We do not believe that info is "incomplete and unavailable" regarding very likely impacts of the project on sage grouse. It will introduce significant year-round disturbance, extensive habitat fragmentation, and grouse avoidance/displacement on this critical lekking, nesting and wintering site. Any one of these factors can be expected to have significant detrimental effect.

Cumulative impacts also include siting and operation of other wind or energy facilities, hazard fuels of other veg. manipulation projects, habitat fragmentation processes across the landscape, livestock degradation of habitat further impairing or fragmenting, effects of livestock facilities/infrastructure, increased roading associated with developments, shifts or displacement of wildlife as a result of deforestation, fire, etc. See Connelly et al. 2004.

The "irreversible and irretrievable commitment" grossly underestimates recovery time for native vegetation communities – from low sagebrush (may take a 100 years or more to recover to pre-disturbance conditions) to juniper 500-2000 years of age), to mountain mahogany (can live to be 1350 years old).

As this are may serve as a regional wintering area, how much will development here affect sage grouse populations across the region? Why have you not included an analysis of these populations, their numbers, trends, etc.? How is this population connected to, or isolated from, other populations?

The Interim Wind Energy Development Policy (Appendix B) is violated by the Cotterell Project, as you have not made a legitimate effort to avoid negative impacts. These can be minimized by: avoiding special management areas, avoiding major avian migration routes and areas of critical habitat for species of concern, establishing siting criteria to minimize erosion on steep slopes, utilizing VRM guidelines to assist in proper siting of

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facilities, avoiding significant cultural resources (Tribes have already expressed concerns to you), and mitigating conflict with other public land uses. Many of the conflicts/impacts here are unable to be mitigated.

Appendix C. Are these compiled BMPs intended to show what will be included in a Right-of-way? They are inadequate. So far, there is no complete plan of development so that all necessary BMPs can be put in place. Where is the weed plan? We have seen no description elsewhere of the new fencing this contains. Where will it all be located, and what will its impacts be?

These BMPs clearly allow crosscountry travel with vehicles or large equipment –as long, apparently, as the blade isn't down, This means you must conduct cultural and other surveys across the whole area, including outside the Project Area. Powerlines should be buried.

BLM must attach specific construction and operation avoidance mitigation procedures to any r-o-w – from activities ranging from blasting to site operation. . The R-O-W must also have a specific set of triggers for termination of site operation if specific environmental costs rise too high. Triggers for termination must be part of the BMPs, ROW.

We request posting of a billion dollars or more as a bond – as this project will cause long-term scarring of a scenic mountain range, destroy peace and tranquility of wild lands and rural areas, and destroy local and perhaps regional sage grouse populations through loss of critical habitats, including winter habitats.

The Wildife BMPs are extremely limited, and will make little difference. Examples: There is no info on exactly how many guy wires there will be (or are on the MET towers now present – how are these marked???), so we have no idea what "minimizing" guy wires will entail.

- WWP commented: **Towers over 200' in height have proven to be the most hazardous.** (Manes et al. 2002). The Cotterel towers are intended to be **250'** in height (BLM scoping notice). This, and many other scoping comments were ignored.
- Impacts other than collisions are cause for greater concern; including the fragmentation of grassland and shrubland habitats by wind turbines and associated infrastructure. "Significant evidence suggests that wind power development may entail threats to rare wildlife species and to fragile ecosystems that are already diminished…The greatest of these may come in the form of landscape fragmentation and habitat abandonment by grassland [or shrubland] birds…" (Manes et al. 2002)
- "Of particular concern are threats to prairie grouse (sage grouse, sharp-tailed grouse, and lesser and greater prairie chicken)…life cycles of prairie grouse

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require large expanses of unfragmented, ecologically healthy rangelands… Unbroken expanses of these grasslands and shrublands are also important travelways for migrating birds and mammals (Manes et al. 2002).

- "Species that use leks may be especially susceptible to disturbance from tall foreign structures and from noise, which may disrupt their mating communication…biologists are especially concerned about the intersection of the continent's most important grouse habitats and prime wind generation regions. Sage grouse…avoid areas that have tall structures that could serve as perches for predatory birds. There is evidence that this behavioral avoidance occurs, even if anti-perching devices prevent raptors from using towers and poles as hunting vantage points." Other avian species show tendencies for abandoning otherwise suitable nesting sites when tall structures are present. (Manes et al. 2002)

Use bird deflectors on ALL powerlines above ground. Turbines should be placed 4 MILES, not ¼ mile from golden eagle nests. Fatality monitoring is much too infrequent. This is laughable –if bird death hotspots are found – you will monitor more – but there is no trigger or point at which a site will be shut down? There is NO avoidance for any other species, including other nesting raptors.

Sage grouse get only the slightest Wildlife BMP --- not blasting during lekking. Avoid facility siting within 4 miles of leks and wintering areas.

You must first conduct necessary radar monitoring of migrants, and track changes over time.

All of the unavoidable adverse impacts could be avoided in another site!

We remind you that Manes et al. (2002) made the following important recommendations:

A key tool for avoiding unnecessary negative ecological impacts of wind power development is planning. Landscape-level examinations of key habitats, migration corridors, staging areas, and even scenic areas should be used to develop general siting strategies. This approach, combined with assessments of wind resources, will help to ensure that turbines generate the greatest power and the least ecological disturbance and controversy.

Wind power facilities should be sited on lands that are already altered or cultivated, away areas of intact and healthy native habitats. If this is not practical, then fragmented or from degraded habitats should be selected over relatively intact areas. Use of Landsat Thematic Mapper (TM) satellite imagery may help to differentiate between intact landscapes and fragmented areas. Turbines should be grouped together, instead of being scattered across a landscape, and they should be situated in a way that does not interfere with important wildlife movement corridors and staging areas. Turbines should be

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situated along the periphery of such landscapes, particularly if the identified corridor or area is small.

This, and all other guidance in the Manes publication should be followed by BLM, and alternative sites examined.

Springs, Seeps, Wet Meadows, Springbrooks, Streams

BLM must conduct a full inventory and assessment of the location, condition and characteristics of all spring, seep and wet meadow areas, including historically wetted sites. BLM must study the role of historic and ongoing livestock grazing and trampling activity (and other disturbances such as roads) in altering, degrading or desiccation of these scarce sites. The inextricable link between the health of springs, seeps and wet meadows and watersheds must be addressed.

Then, the impacts of the Cotterell Project on top of the degradation must be assessed.

There is abundant evidence of the failure of past structural or excavational developments and its failed riparian management actions – especially accompanied by high livestock stocking rates - to protect public land values.

Springs are "hot spots of "hot spots" in arid lands. 75 percent of 505 springs surveyed by Sada in northern Nevada were highly or moderately disturbed (Sada and Herbst 2001). Degradation of springs is widespread, especially within arid lands like the BFO. Their isolation and small size render many spring communities particularly vulnerable to disturbance and loss.

"The continued development of springs for livestock by ranchers and state and federal agencies also poses a threat to the continued existence of spring biota". These actions typically involve fencing off an area, immediately adjacent to springs, piping most or all of the water off the site to livestock tanks. Although some riparian vegetation may be retained, "the essential flowing character of the spring is lost, and often no exposed water remains on the surface". Livestock grazing poses a serious threat to spring communities. Livestock trampling reduces substrates to mud, can completely eliminate vegetation, and alters flow characteristics. The magnitude is likely great because of complete alteration of vegetation and substrate structure.
www.biology.usgs/gov/s+t/SNT/noframe/gb150.htm

Sada and Pohlman (2003) provide a series of protocols to be followed to assess spring conditions. Given the scarcity of springs across these allotments, the extreme damage that has been caused by livestock grazing and other disturbance, often coupled the ill-conceived developments that have occurred, often killing all natural water flows at spring sources, BLM must conduct Level I (locate and provide reconnaissance level characterization of springs, delineate important species distribution and salient aspects of habitat, and unique circumstances/challenges) Level II (qualitatively sample riparian and aquatic communities to determine community structure quantitatively sample salient

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physiochemical elements to identify aquifer affinities), and Level III Surveys (quantitatively sample to determine aquifer dynamics, sample riparian and aquatic communities and habitats to determine spatial and temporal variation in environmental and biotic characteristics, and to quantitatively determine biotic and abiotic interactions). Identify and characterize all sites. BLM must then follow this with surveys that fully assess the ecological scene, and the effect of management and livestock use and other uses, across a broad area.

Surveys must be conducted as baselines, before full-scale Project development here alters hydrology, flows, etc.

These Protocols must include collecting information necessary to assess the extreme importance of springs and the continuum of hydric and mesic vegetation communities in their vicinity to sage grouse, especially in providing essential summer brood rearing habitats (green forbs); to migratory birds (deciduous shrubs and trees); and many other important attributes vital to other native animals. Level III surveys can add this element. Thus, in addition to all the important issues raised for consideration, the importance to sage grouse and other wildlife must be fully considered. We believe this elevates ALL spring areas here (especially since so much damage - including harmful development - has been allowed to occur, and the potential at many sites so greatly reduced) that ALL springs, seeps, wet meadows here are worthy of restoration to whatever potential can be achieved.

We urge BLM to very carefully examine all intermittent and ephemeral drainages, as well. Often, water not only persists in intermittent and perennial drainages in pockets as a result of runoff, but seep, spring and mesic areas may be present, and interspersed along the length of these drainages. Erosion, downcutting and lowered water tables stemming from livestock grazing is often a primary cause of perennial reaches becoming intermittent. BLM must also determine if stock ponds or other livestock facilities have been built/placed/gouged into or on top of spring, seep or meadow areas. Restoration potential must be assessed, and plans must be developed to restore such sites and increase perennial flow under all alternatives.

BLM must conduct studies of all desiccated, dried up, or otherwise altered springs, and develop plans for restoration of riparian area structure (areal extent of wetted area, native vegetation components), and flows. The benefits of restored or more natural springs to native species must be assessed. For example, what are the characteristics of a riparian community sufficiently restored to support nesting Cooper's hawks in the vicinity?

Aquifer sources: Springs are supported by precipitation that seeps into soil and accumulates in aquifers (through fault zones, rock cracks, or orifices that occur where water creates a passage by dissolving rock) where it is stored. The hydrology of springs is affected by regional and local geology, and how water moves through an aquifer.

Perched aquifers often characterize high elevations, where local aquifer springs may be fed by adjacent mountain range precipitation, and may change annually due to recharge

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from precipitation in mountain range. They typically have cool water, and may dry out during extended droughts. *Regional aquifers* support warmer springs fed by several recharge sources that may extend over vast areas. Aquifer flow is complex, and may extend beneath several valleys and topographic divides. Seeps are small springs that support vegetation adapted to drier conditions. Springs may be small, but have larger aquatic habitats, and support larger riparian zones with moist-soil affinity species. Springs are characterized by the morphology of their sources.

Each spring and seep is a unique combination of physical and chemical conditions (Sada and Herbst 2001, Sada and Pohlman 2003). These, coupled with disturbance factors, are dominant influences on riparian and aquatic plant and animal communities. Highly modified springs have less diverse riparian communities, and may include non-natives, and upland-associated species. Plant and animal communities associated with spring-fed wetlands are a function of physical and chemical characteristics of water and soils, proximity to other aquatic habitats, and prehistorical connections with regional drainage systems (Sada and Herbst 2001, citing Hubbs and Miller 1948, van der Kamp 1995, McCabe 1998). Primary abiotic factors that influence biotic qualities of unmodified springs include habitat persistence, geographical and geological settings, and aquifer dynamics Sada and Herbst 2001 (citing Ferrington 1995, van der Kamp 1995). Springs have a more integral connection with ground water than streams (Sada and Herbst 2001).

At Ruby Marsh, Sada et al. 2001 found that substrate composition, water depth, springbrook width, current velocity, conductivity and vegetation were most influential in affecting macroinvertebrate communities. Habitat condition strongly influenced biotic characteristics. Degraded conditions often masked the influences of natural events and chemical characteristics on the macroinvertebrate community structure.

54 percent of aquatic species endemic to the Great Basin springs have suffered population losses and 62 percent have suffered major decreases because of channelization, impoundment, removing water and the introduction of non-natives. **Removing water** from springs through diversion reduces habitat for vegetation and aquatic biota by decreasing springbrook length, water width, water depth, and quantity of water available for vegetation. Groundwater pumping and surface diversion have decreased and dried up many springs and springbrooks in the Great Basin, causing loss of populations and extinctions.

Riparian vegetation at springs may be restricted to area just along immediate boundaries of aquatic habitat, or may extend outward over much larger areas. Wider riparian areas occur where water seeps outward and moistens hydric soils. Species may be restricted to spring sources. Rheocrene-inhabiting species are more similar to stream-inhibiting species, and limnocrene species to lake or pool inhabitants. Springs tend to be more constant environments than other aquatic habitats.

How do flows at any of the sprigs here relate to broader aquifer issues, including domestic or townsite water sources?

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Desertification and Watersheds

There is an extensive body of scientific literature on desertification of watersheds, including in the western United States. Desertification is defined as: "a change in the character of the land to a more desertic condition", involving "**The impoverishment of ecosystems as evidenced in reduced biological productivity and accelerated deterioriation of soils** and in an associated impoverishment of dependent human livelihood systems". See Sheridan 1981, CEQ Report 1981 at iii. Major symptoms of desertification in the U. S. include: declining groundwater tables; salinization of topsoil or water; reduction of surface waters; unnaturally high soil erosion; desolation of native vegetation (Sheridan CEQ at 1). The existence of any one can be evidence of desertification. As lands become desertified, they become **less productive**, and activities such as livestock grazing become **less sustainable**. Continuing activities like livestock grazing may result in grazing becoming permanently unsustainable across the landscape. In many areas of these allotments, ecological conditions because of desertification and degradation processes that has already occurred and which is still underway, have already crossed the threshold between sustainability and, essentially, "mining" of increasingly **non-renewable** natural resources. Desertification can be both a patchy destruction, often exacerbated by drought, as well as as **the impoverishment of ecosystems within deserts**.

BLM must assess the levels and degree of desertification that have occurred across the Cotterell Mountain and surrounding lands. This is necessary to understand the suitability of these lands for livestock grazing, the productivity and carrying capacity of these lands for grazing, the effects of any alternatives developed here, the ability to meet any objectives, and the ability to sustain, enhance or restore habitats and populations of special status and other important species and native plant communities. For example, how has the extensive depletion of understories in many areas of Wyoming big sagebrush and salt desert shrub vegetation affected the degree and rate of desertification processes across the allotments? How has this affected livestock patterns of use, acres per AUM, etc.? What are the acres per AUM across all vegetation types in all conditions across these allotments? How many acres per AUM are required to sustain cattle or sheep in the lower salt desert shrub or Wyoming big sagebrush communities? What actions can be undertaken to halt desertification processes and begin recovery? BLM must also assess the combined effects of desertification and exotic species/weed increase and infestation.

Even PRIA acknowledged that production on many BLM lands was below potential, and would decline even further. To continue the current level of grazing under BLM's Decisions will result in even further loss of soil, microbiotic crusts, water, watershed integrity, wildlife habitat, and forage on these allotments. BLM's permits typically allow livestock numbers greatly in excess of those grazed in recent decades. The fact that AUMs/stocking rates much below the high permitted levels were actually grazed, demonstrates the continued loss of productivity on these lands.

Desertification symptoms in arid lands include: Sparsity of grass; presence of invading plant species - both native and non-native, in grass areas that have survived: plants are of

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poor vigor; topsoil losses - in many places, topsoil is held only by pedestals of surviving plants. Surface signs of soil erosion include: pedestaling, gullies, rills, absence of plant litter to stabilize soils.

Desiccation and erosion caused by livestock can cause water tables to drop, rilling, gullying and arroyo cutting to occur, and result in sediment flow from degraded areas (Sheridan CEQ at 14). Grazing creates extremely dry site conditions for plants due to removal of litter, loss of soil cover, and trampling of the ground that prohibits rainfall from reaching plant roots (CEQ at 15). Livestock grazing exacerbates any climate changes and shifts that may be occurring (CEQ at 16). This is of particular concern in the northern Nevada landscape periodically plagued with severe drought, and which is facing increasing heat and aridity due to global warming.

The near-absence of many species of native bunchgrasses, such as larger-sized native grasses from many areas of the allotments, such as the diminished state of the once abundant Indian ricegrass (*Oryzopsis hymenoides*), signals stress of overgrazing (CEQ at 19). Such losses are vividly shown in BLM's data for the assessments.

Absence of plant litter makes germination of natives more difficult. Recovery of lower elevation areas will be exceedingly slow, especially considering the aridity of the project area. Arid land recovers very slowly; massive soil erosion has exposed soils that are less able to support plant life because of lower organic content; and invader species have become well established and have the competitive edge (Sheridan CEQ at 21). Even though it is well recognized that "**the way to end overgrazing is to reduce the number of livestock in the end**" (Sheridan CEQ at 22), political pressures from ranchers results in strong political opposition to reduced grazing. Political pressures have hamstrung implementation of the Taylor Grazing Act.

Sagebrush, juniper, pinyon-juniper and salt desert shrub vegetation communities across the West are now showing signs of "extensive changes" and significant stresses, with livestock grazing and aggressive non-native weeds recognized as among important causal factors. Nevada Natural Resources Status Report 2002 http://dcnr.nv.gov/nrp01/bio02.htm . Continued grazing disturbance, degradation and weed invasion will cause native plant communities to cross thresholds from which recovery is very difficult, if not impossible. The decline in sage grouse populations and other species dependent on arid land shrub habitats is a landscape-scale biological indicator that the loss of functions and values of sagebrush ecosystems are serious and widespread. These are also signs of desertification processes across the landscape.

Imperilment of the Sagebrush Biome

A recent analysis, Dobkin and Sauder 2004,"Shrubsteppe Landscapes in Jeopardy: Distribution, abundances, and the uncertain future of birds and small mammals in the Intermountain West", examined bird and small mammal species in the sagebrush biome. The authors found that "very little of the sagebrush biome remains undisturbed", the **inherent resilience of the ecosystem has been lost and the ability to resist invasion**

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and respond to disturbance has been compromised (Dobkin and Sauder at 5). At least 60% of sagebrush steppe now has exotic annual grasses in the understory or has been converted completely to non-native annual grasslands (citing West 2000). More than 90% of riparian habitats have been compromised by livestock or agriculture.

The authors distilled a list of 61 species of birds and small mammals that are completely or extensively dependent on shrubsteppe ecosystems, and conducted an analysis of their distributions, abundances, and sensitivity to habitat disturbance to assess current state of knowledge and conservation needs of these species, with focus on Great Basin, Interior Columbia Basin and Wyoming Basin, based on BBS data and other studies.

The Columbia Plateau, Great Basin and Wyoming Basin are among the **least sampled** of all physiographic provinces covered by the Breeding Bird Survey. **Remarkably little** is known about the actual distributions or population trends of small mammals. "Range maps created by connecting the dots among sites where a species has been captured do not paint a realistic picture, especially in the highly altered and fragmented shrubsteppe landscapes of today. For small terrestrial mammals … our results support the view that many of these species now exist only as **small, disconnected populations isolated from each other … it is completely untenable to assume species' presence based on simply on presence of appropriate habitat in shrubsteppe landscapes of the Intermountain West**". Also, the authors "**find no reason for optimism about the prospects in the Intermountain West of any of the 61 species" (at 3). "The results of our analyses present an overall picture of an ecosystem teetering on the edge of collapse** (citing Knick et al. 2003)".

The decline in sagebrush and dependent biota, as also described in Knick et al. 2003 highlights the urgent need for BLM management to protect the Cotterell Mountains, and evaluate alternative sites.

While wind energy can be responsible, in the case of the Cotterells, it is not "green energy". Instead, it is red energy – red from the blood of birds chopped or maimed by the turbines, and red from populations blinking out from the large-scale habitat loss and extirpation of the population of sage grouse and other sagebrush or migrant species populations that inhabit the Cotterell Mountains.

We support renewable energy in instances when energy proposals are placed on sites where conflicts with important biodiversity and wild lands values are minimized.

Sadly that is not the case in the Cotterell proposal.

Sincerely,

Katie Fite
Western Watersheds Project
PO Box 2863
Boise, ID 83701

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Some Relevant Literature

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RESPONSES

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COMMENTS

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RESPONSES

COMMENTS

Letter #40 (continued)

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Sincerely,

Katie Fite
Biodiversity Director
Western Watersheds Project
PO Box 2863
Boise, ID 83701

40

RESPONSES

COMMENTS

Letter #41

Raft River Rural
Electric Cooperative, Inc.

BLM-ID
BURLEY FIELD OFFICE
RECEIVED
2005 AUG 26 AM 9 34

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

Mr. Barker

We thank you for the opportunity to comment on the Windland Project. We do not oppose the Windland Project that is proposed to be built in our member service area, however there is a concern on the Right of Way that Windland is proposing. We have talked to Darrel Tracy from Power Engineers and he informed us that a 75' ROW is what they are seeking. The proposal calls for Windlands ROW to directly border
A Raft's existing ROW. Our Operations Department has studied this proposal and recommend that Windland seek a 100' ROW. This may prevent either entity from damaging each other in case of severe storm damage. This would also allow the set up of equipment to work on structures without danger of contacting each others lines. This is a real concern for us and would appreciate the opportunity to correct this matter before construction may be allowed. The safety of human life and concern for damaged equipment is a matter we would like to address at this time. Thank you for carefully addressing all aspects of this project and allowing those with concerns to be heard.

Jim Powers
General Manager

Raft River Division
250 N. Main, P.O. Box 617
Malta, Idaho 83342
208-645-2211/fax 208-645-2300
1-800-342-7732 after hours

Western Division
260 Davidson, P.O. Box 85
Mountain City, NV 89831
775-763-6040 phone/fax
1-866-477-0518 after hours

RESPONSES

A. The Applicant, Windland, Inc., and its electrical contractor are coordinating with Raft River Rural Electric Cooperative, Inc. to establish a mutually acceptable ROW setback for the Proposed Project's transmission interconnect line where it would parallel Raft River's line.

COMMENTS

Letter #42

AUG 28-05

COTTERELL WIND PROJECT.

BURLEY FIELD OFFICE
RECEIVED
2005 AUG 31 AM 10 42

HAVING BEEN INVOLVED WITH WILD LIFE FOR OVER 50 YEARS ON THE SNAKE RIVER BELOW MINIDOKA DAM WE HAVE WORKED WITH DUCKS- GEESE- PHEASANTS AND VARIOUS OTHER BIRDS AS WELL AS DEER & ANTELOPE.

AT NO TIME HAVE WE OBSERVED ANY PROBLEM WITH WILD LIFE AFTER ABOUT 1 WEEK TO GET USED TO IT. ONE WINTER WHEN THE SNOW WAS DEEP WE WERE FEEDING OAT HAY OUT OF THE BACK OF A PICK UP DUCK-GEESE & DEER STARTED EATING THE OATS WHILE WE WERE STILL FEEDING.

WE SUPPORT ALL WIND PROJECTS.

ACCORDING TO 99 % OF THE WORLDS SCIENTISTS IF WE DON'T STOP GLOBAL WARMING IN 50-60 YEARS WE WILL HAVE A PROBLEM

RESPONSES

Thank you for your comment. We appreciate your involvement in the NEPA process and the time which you contributed. Your comment was considered in preparation of the final environmental impact statement. Because your comments do not address the adequacy of the Draft EIS further response is not provided.

COMMENTS

Letter #42 (continued)

STAYING ALIVE. THIS PROJECT
WILL HELP STOP THE WARMING.
THIS WIND PROJECT WILL HAVE
NO IMPACT ON BIRDS OR WILD LIFE

Johnny C. MARILYN McGILL
PO. BOX 43
RUPERT-IDAHO
83350

RESPONSES

COMMENTS

Letter #43

Department of Energy

Official File

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

ENVIRONMENT, FISH AND WILDLIFE

August 31, 2005

In reply refer to: KEC-4

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

Re: Cotterel Wind Project DEIS Comments

Dear Mr. Barker:

Thank you for taking the time to visit with Bonneville Power Administration employees on July 22, 2005, to discuss concerns relating to the Cotterel Wind Project proposed by Windland, Inc. in your resource area. Provided below are our comments on the project and the Draft Environmental Impact Statement (DEIS) for the project. As you are aware, Windland Inc. withdrew their request to interconnect the output from their windfarm to the Federal Columbia River Transmission System in July. We are no longer considering the potential impacts and requirements of that proposal (Alternative B) at this time. Should we receive another request for interconnection at some point in the future from Windland, Inc., additional updated studies on the impact to the federal transmission system would be necessary.

There are two main areas where we have comments. One area is the potential interference with existing microwave beam paths from construction of new wind generation towers in alternatives B, C, D, and E. Secondly, we provide some guidelines for constructing a new transmission line adjacent to and across the Minidoka-Bridge (Raft River) transmission line associated with alternatives C, D, E, and F.

A

Microwave Beam Path Interference

1. Towers 1, 2, 18, and 19 (north to south) appear to cause interference to an existing BPA microwave path. The existing azimuth of the conflicted microwave path is 355 degrees. Other paths do not appear to be impacted.
2. A field survey will be required to verify the actual tower locations.
3. The proposed transmission line eastward from the substation on Cotterel Mountain to the Raft River line needs to be clarified as to its interference potential.
4. There is a mitigation option of relocating our existing conflicted microwave path to a different azimuth of 359.8 degrees. This option needs the concurrence and subsequent agreement with Idaho Power before proceeding. A ballpark estimate of $200k would be needed for BPA to relocate to this azimuth. This amount would be paid by the developer and cover hardware and circuit configuration costs only. Additional costs for the

RESPONSES

The Applicant, Windland Inc., and its electrical contractor, are working with the Bonneville Power Administration to rectify any possible **(A)** microwave interference and/or **(B)** transmission line engineering issues from the Proposed Project.

COMMENTS

Letter #43 (continued)

2

A

development of an agreement with Idaho Power, and any potential lease costs or startup costs with Idaho Power may be needed.

5. If the option to move the location of the turbine generator towers is selected, then BPA will provide the beam easement requirements in map form for those towers that interfere. An easement of up to 300 feet may be required, 150 feet on either side of the beam path. There would be a cost associated with a BPA survey crew surveying and staking the tower locations to ensure no beam path interference would occur.

B

Transmission Line Engineering and Construction

1. The developer's transmission line must maintain National Electrical Standard Code (NESC) clearance to the edge of the 100-foot right-of-way of the existing Minidoka-Bridge transmission line.
2. We would like to maintain contact with the Developer's engineering contractor, Power Engineers.
3. The developer would need to apply for a right-of-way crossing permit to cross our line in two locations.
4. The developer's transmission line would be required to meet minimum BPA clearances wherever they cross over or under our transmission line.
5. Construction of the new transmission line will require close coordination with BPA to maintain safe working conditions and maintain reliability of our existing line.

Thank you for the opportunity to provide comment. If you have any questions, please contact me at 503-230-3796.

Donald L. Rose

Donald L. Rose
Supervisory Environmental Protection Specialist – KEC-4

cc:
Mr. Mike Heckler, Windland, Inc.

RESPONSES

COMMENTS

Letter #44

BLM-ID
BURLEY FIELD OFFICE
RECEIVED
2005 SEP 13 AM 10 29

Comments on the Draft EIS for the Proposed Cotterel Wind Project

September 9, 2005

RESPONSES

COMMENTS

Letter #44 (continued)

US Department of Interior
Bureau of Land Management
Twin Falls District, Burley Field Office
5 E 200 S
Burley, ID 83318

September 9, 2005

Subject: Comments on the Draft EIS for the Proposed Cotterel Wind Project

To Whom It May Concern:

I am providing formal, written comment on the Draft Environmental Impact Statement for the Proposed Cotterel Wind Power Project, dated May, 2005. I will be organizing my comments by subject matter. My comments do not represent those of any institute, governmental entity, or organization. Rather, I am submitting my comments as a concerned citizen who resides adjacent to the proposed project site. I earn my living as a professional biologist.

Aesthetics
The Cotterel Mountain range is a very unique natural resource due to its unique geology. The single east-facing escarpment (as opposed to the more common double) with the sloping western face make this mountain range a unique visual resource. The Cotterel Mountains, along with the adjacent, small mountain ranges (Jim Sage Mountains, Black Pine Mountains, Albion Mountains, and Sublett Mountains) located in south Central Idaho make the entire area unique. This mosaic of geologic features creates a one-of-a-kind viewing opportunity in southern Idaho. This is the reason for the establishment of *Scenic Highways* through and adjacent to the proposed project site!

Section 4.13 of the subject EIS states that Visual Resource Contrast Rating method was employed to determine "the degree to which [the] proposed action affects the visual quality of a landscape". This "depends on the visual contrast created between [the] proposed action and the existing landscape". Four subject classifications were applied based on rating criteria. It was determined (using Key Observation Points) that the proposed project had a weaker degree of contrast to the surrounding landscape when Key Observations Points (KOP's) were located further from the project.

A The application of a completely subjective classification system (with no controls), to determine the visual contrast of the natural environment with 130, 210 ft tall steel towers housing generators and each holding three 115 ft rotor blades, adjacent to a new 25-mile long all-weather, newly constructed gravel road is completely inadequate for a project of this magnitude. Despite the incredibly insightful conclusion that the degree of visual contrast decreases the further away one moves from the project site, the draft EIS indicates that the project would be visible to many people and would change the character of the landscape, thereby possibly resulting in an impact.

RESPONSES

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

B. Dust control is discussed in the Air Quality section of Appendix C (PageC-13). The Draft EIS has been modified in the Final EIS to disclose the uses and sources of water necessary for construction of the proposed project.

Potential visual resource impacts as a result of project construction are analyzed in the Draft EIS in Section 4.13.3 through 4.13.5 (Pages 4-59 through 4-63).

The main access to Cotterel Mountain for construction of the proposed project will be off of State Highway 81. A small amount of project construction access will also occur off of State Highway 77. None of the roads that would be used to access Cotterel Mountain for

COMMENTS

Letter #44 (continued)

A Despite noble efforts, the EIS falls far short of accurately addressing and quantifying the degree of negative visual impacts that will be directly attributable to this project. The beautiful, natural landscape that currently exists will be lost as a result of this project. An incredibly unique public resource will be permanently lost; a resource to which no dollar figure can be applied. The EIS 100% fails to characterize this loss to the American Public.

Construction Phase
The draft EIS identifies several factors associated with the construction phase, however each item is dismissed as being either short term or negligible due to current conditions. The EIS, again, 100% fails to characterize the short- and long-term impacts associated with construction.

B
- The presence of many pieces of very large equipment (trucks, cranes, back hoes, earth moving equipment, etc) and the cut and fill process are going to result in large dust plumes. This is going to require the application of very large quantities of water to the project site. This is not addressed in the EIS.
- The visual resource of the area is going to be diminished rapidly resulting from the construction phase. Turning a beautiful, unique mountain into a full-scale construction site is not going to maintain natural visual resource value. This is not adequately quantified or discussed in the EIS.
- The incredible increase in large, heavy-load vehicle traffic during construction is not adequately discussed. Up to 14,940 truck trips are going to be required for this project. The EIS makes a false statement in stating in Sec. 4.9.2 "These truck trips would result in impact on local communities similar to impacts from truck trips transporting agricultural goods during harvest season." The EIS identifies the construction period as an 8 month period. That is 240 days, which equals out to over 62 truck trips a day. It is not true that this would have similar impacts to existing conditions. This number of trucks is going to be a hazard for local and transient motorists, result in increased damage to local roads, and increase congestion on local roads. The local economy is going to be responsible for county road repair. The EIS fails to address the magnitude of this impact.
- The presence of a construction site of this size and magnitude will inevitably result in obstacles to recreation users. The cut and fill process, presence of large equipment and the steady traffic of trucks will not allow recreational users access to many portions of the Mountain range. This is not adequately addressed in the EIS at all.

Property Values
C The EIS cites a study conducted in Kittias County, Washington that indicated that "views of wind turbines would not impact property values." First, this study is inadequate and does not accurately address the 'property value' issue outside of Ellensburg, WA. Statements made resulting from this study need to be qualified. Second, even if this study were robust and accurate, it is not applicable to the proposed project site. The proposed project site is located adjacent to, and part of the reason for, highways designated as "Scenic Highways". In addition, historic trails, national preserves, a ski

RESPONSES

construction of the proposed project are county roads. Maintenance of State Highways does is not the responsibility of local economies.

The statement in the Draft EIS comparing the number of trucks necessary for construction of the proposed project to the volume of truck traffic associated with the local agricultural harvest was not intended to be an exact comparison, but merely a local example of scale. Data obtained from the Amalgamated Sugar Company indicates that the Declo Beat dumpsite located northwest of Cotterel Mountain, receives an average of 260 truckloads of beets per day during the harvest season. This number does not include the dozens of other beat dumps in the surrounding area or the truck trips generated by the harvest of other crops and agricultural products. The actual number of truck trips required to construct the proposed project is much lower than that generated by the local agricultural harvest. While the truck trips associated with the construction of the proposed project would be additive to existing high level of truck traffic, they would result in a relatively small increase and would be temporary in duration. Furthermore, the truck trips associated with the construction of the proposed project would mostly be confined to a relatively small corridor along SH-81 around the north end of Cotterel Mountain.

COMMENTS

Letter #44 (continued)

C resort and multiple other outdoor destinations are located immediately adjacent to the proposed project site. Real estate values are locally based on the local attributes that exist. If the natural resources in this area are negatively altered, the same can be expected of the property values. The EIS does not fully address this issue. Its one small paragraph is inadequate and irrelevant.

Recreation

D As a local user, I am familiar with the recreational use of this Mountain Range. Due to the extremely rugged, dynamic terrain of the ridgeline, users enjoy the challenge of transversing the ridgeline with mountain bike and occasionally, modified 4x4 pickup trucks. The character of the ridgeline trail makes it inaccessible to many users who are either unwilling or unable to take their vehicle across such a landscape. As such, the impact to the mountain range is currently low. Higher use is associated with the improved-gravel road leading to the radio towers on the southern end. The construction of up to 25 miles of improved-gravel roads will eliminate the recreational opportunities that currently exist on the ridge. The EIS doe not address this.

In addition, the inaccessible nature of the ridgeline trail makes many portions of the mountain range remote and isolated from human disturbance. Individuals seeking this type of recreational opportunity currently can with a little effort. The construction of the road system outlined in the draft EIS will eliminate this recreational opportunity. Further, the increase in human traffic (vehicles, OHV, etc.) will inevitably result in avoidance behavior by local wildlife populations and an associated increase in wildlife stress levels. The EIS does not address this at all.

E Sport hunting is locally very popular and the region is a destination for this activity. Hunting for chukkars, sage grouse, mule deer, mountain lions and coyotes is popular on the Cotterel Mountain range. The presence of up to 130 giant towers adjacent to an improved-gravel road transversing the ridgeline will, without a doubt, negatively impact sport hunting opportunities. Sport hunters well know that the successful pursuit of the above-listed game seldom, if never, takes place adjacent to large man-made structures and improved roads. This project will essentially eliminate the majority of the sport hunting opportunities that currently exist on the Cotterel Mountains. A once prime, remote hunting destination will be 100% lost. I have hunted the Cotterel Mountains for several years now, as they are very near my home. I am only able to access many of the areas on the mountain by foot. When in there hunting, I enjoy solitude and am able to pursue my prey in a natural, unaltered environment without disturbance from other human activities. That will be 100% lost when the new road is built and the towers constructed. Further, the east-west connectivity of habitat that currently exists will be lost by the proposed project, further reducing hunting opportunities. This should be analyzed, disclosed to the public and included in the EIS. The BLM has completely failed the public with regards to the impacts of this project to hunting. This is not addressed in the EIS and is therefore a violation of NEPA.

RESPONSES

Temporary construction impacts to recreation are disclosed in Section 2.3.3 (Page 2-20) and Section 4.11 of the Draft EIS (pages 4-52 through 4-54). During construction portions of Cotterel Mountain would be temporarily closed to the public for safety purposes.

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

D. The Draft EIS has been modified in the Final EIS to disclose that construction of the proposed project will change the current Recreation Opportunity Spectrum Semi-primitive Motorized to Roaded Natural. It is true that many miles of improved roads would be necessary for construction and operation of the proposed project. However, Alternatives C and D include a plan to retain as much of the primitive public access aspect of the mountain as possible (see Figure 2.5-3). This was developed in response to the concern raised in this comment and during the public scoping process. Under this plan, traversing the ridgeline from north to south would still require a 4x4 vehicle and a certain amount of off road driving skill. The south road which accesses the

COMMENTS

Letter #44 (continued)

E An additional negative impact to sport hunting is the increase in human and vehicular traffic associated with the improved road system. Increases in human and vehicular traffic are in conflict with improved sport hunting opportunities. This is not addressed in the EIS.

Wildlife

F Although the Affected Environment portion of the draft EIS does a poor to fair job of describing the local wildlife resources, the Environmental Consequences portion of the draft EIS woefully mischaracterize potential impacts to local wildlife communities. Large amounts of vegetative cover are going to be impacted either directly through construction activities, or indirectly through the increase in vehicular access to the range. Large-scale disturbance to big game populations will result from the presence of 130 large, man-made structures, improved roads, severed connectivity, increased stress and increased vehicular access opportunities. Adverse impacts to birds, bats and raptors will be substantial. Mortality to avians and bats can be expected from the propellers, particularly taking into consideration the landscape (nearly perpendicular to prevailing winds), geology (single escarpment), aspect (escarpment facing east) and location relative to other resources. General displacement of nearly all native wildlife species can be expected. The estimation of lost sage grouse habitat is greatly underestimated and does not take into account secondary and tertiary impacts associated with the project.

The EIS does not even come close to accurately addressing the potential wildlife impacts that will be associated with the proposed project. The preparers of the EIS failed to meet the requirements under the National Environmental Policy Act (NEPA) by mischaracterizing wildlife impacts. The preparers of the EIS did not disclose all the potential impacts to the public. Further, the cumulative impacts section falls way short of even starting to address the cumulative impacts that can be attributed to this project.

Inadequate or Failed NEPA Compliance With Legal Consequences

G Unavoidable Adverse Effects

In this section of the draft EIS the preparer states that "there would be at least a minimal amount of unavoidable adverse impact on all resources present in the Proposed Project area…". The unavoidable adverse effects associated with the project are large and not even mentioned in this portion of the EIS. A quick list is provided, but detail is missing. For example, simply stating "Loss of vegetation" is inadequate. The construction of 22 miles of new road, 4.5 miles of reconstructed road, installation of up to 130, 210 ft towers, the associated increase in vehicular and ORV use, the estimated cut volume of 2,660,000 cubic yards of material, the estimated fill volume of 2, 500,000 cubic yards of fill material and the initial impacts associated with construction, all on a 15-mile long ridgeline is not adequately addressed by saying "Loss of vegetation"!

H Irreversible and Irretrievable Commitment of Resources

My comments for this section are the same as the previous (Unavoidable Adverse Effects). The single sentence that addresses the "loss of productivity" is misleading, deceiving and does not present the public with an accurate picture of the reality of the

RESPONSES

communication towers is not proposed for upgrading and an increase in use associated with this road is not anticipated.

E. Hunting will still be permitted on Cotterel Mountain following construction of the proposed project. Although access may be improved to some areas, the majority of Cotterel Mountain would remain unroaded or accessed by existing primitive trails. The Idaho Department of Fish and Game has not identified an East – West big game migration corridor across Cotterel Mountain. Post construction monitoring at operating wind power facilities has shown that big game acclimates to the presence of the wind turbines and other facilities over time. Section 4.11 Recreation (pages 4-52 and 4-53), of the Draft EIS has been revised in the Final EIS to include a more detailed analysis of potential project impacts to hunting.

F. Section 4.6.1 of the Draft EIS discloses potential impacts to vegetation from construction of the proposed project. Table 4.6-1 (Page 4-12) describes in detail temporary and permanent impacts to vegetation. Current management directives as prescribed by the Cassia RMP requires that wheeled vehicle be limited to existing roads and trails (Cassia RMP Page 40).

COMMENTS

Letter #44 (continued)

H situation. This EIS does NOT disclose the full nature of the permanent reduction and/or loss of resources associated with the proposed project. It is inadequate and does not fulfill the requirements of NEPA.

Baseline Determination and Comparison

I The preparers of this draft EIS frequently utilized the Recreational Opportunities Spectrum (ROS) and Cassia Resource Management Plan (Cassia RMP) as *baseline* standards from which to compare the effects of the proposed action. Effects of the proposed action should be compared against the current environmental conditions, not assessed as to whether or not they meet some arbitrary standard outlined by the ROS and/or Cassia RMP.

Public Scoping

J The public scoping process the BLM underwent was entirely inadequate and misleading. For example, newspaper ads published in local papers directed the public to a web site where documents, study results, general information, contact information; scoping meeting locations, dates and time; and other information relevant to the proposed project could be obtained. Due to a court case involving the Department of the Interior (Cobell vs. Norton) regarding Indian Trust Assets, the web site (housed by the BLM) was inaccessible to the public for much of the public scoping process. Therefore the public, who was directed to the website by the BLM, was unable to access information in a timely manner (or at all in some cases). The BLM did not meet its public scoping requirements as define by NEPA and CEQ guidelines.

Alternate Site Selection for Comparison

K The EIS does not mention or suggest an alternate site location for the project. Although it is of good intention to consider alternative, renewable energy resources, site selection must be carefully scrutinized so as to minimize adverse consequences to natural resources and the public. The BLM and the ROW applicant, Shell, only proposed a pristine mountain range with native vegetation and wildlife communities as a potential construction site. The BLM and Shell could have proposed the BLM and State of Idaho lands located due northeast of the Cotterel Mountains, adjacent to the interstate or perhaps some of the BLM and private lands located between Mountain Home and Boise, ID. The EIS should have considered alternate locations with less potential for adverse effects.

As such, I am formally requesting the BLM conduct a comparative analysis of an alternate project location. I am going to suggest the BLM compare the economic, logistical, human and environmental factors of constructing a similar facility in western Elmore County, near the interstate.

RESPONSES

Potential impacts from the proposed project are described in detail in Section 4.6.2 of the Draft EIS (Pages 4-14 through 4-40). Impacts to wildlife are described in terms direct mortality from impact with the turbine blades and indirect impacts in the form of habitat loss, avoidance, and habitat degradation. The Draft EIS discloses that significant avian impacts could occur although impacts are anticipated to be minor.

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

G. Section 4.17 of the Draft EIS (page 4-75) discloses potential unavoidable adverse effects of the proposed project (i.e., Loss of Vegetation). Detailed discussion and acreage impacts of potential unavoidable adverse effects are analyzed under each individual resource section in Chapter 4 of the Draft EIS.

H. Section 4.18 of the Draft EIS (page 4-75) discloses potential irreversible and irretrievable commitment of resources of the proposed project (i.e., Loss of Vegetative Productivity). Detailed discussion and acreage impacts of potential irreversible and irretrievable commitment of resources are analyzed under the Biological Resources Section 4.6 (Page 4-10) in Chapter 4 of the Draft EIS.

COMMENTS

Letter #44 (continued)

Thank you for your time in this matter. Although I am the only signatory to this letter, my thoughts and opinions represent those of many I recreate with in Cassia County, Idaho. I strongly urge you to do the right thing and select the 'No Action' alternative. Many other suitable locations exist with less obtrusive, irreversible, environmental impacts.

Sincerely,

Ryan Newman

Ryan Newman

RESPONSES

I. The Cassia RMP is the current management guidelines for Cotterel Mountain. It is referenced in the Draft EIS to provide information on current management direction for the Proposed Project area. Current baseline condition information was collected for numerous resources that could be affected by the proposed project. For example 2004 data for recreation uses and number of users was disclosed in Section 3.7 of the Draft EIS (pages 3-87 through 3-89). Several studies were conducted in 2003, 2004, and 2005 to collect baseline information for resources on Cotterel Mountain including:

- Avian use patterns
- Nocturnal avian and bat migration
- Raptor nesting
- Raptor migration
- Sage-grouse lek attendance, nesting, and winter use patterns,
- Mapping of current vegetation community distribution
- Archeological surveys
- Economic data for Cassia and Minidoka Counties.

Traffic counts to determine recreation use levels

The results of these studies were disclosed in Chapter 3 of the Draft EIS.

COMMENTS

Letter #44 (continued)

RESPONSES

J. The public scoping period was initiated via publication of the Notice of Intent to prepare an environmental impact statement in the Federal Register on December 19, 2002. The scoping period was extended from 30 to 60 days to public adequate time to identify issues of concern and February 21, 2003. In addition to the federal register publication a scoping statement was mailed to Native American Tribes, grazing permittees, lease operators, industry representatives, environmental organizations, and individuals having a potential interest in the Proposed Project. Local and regional media also received the scoping statement and a news release. During the 60 day scoping period three public meetings were held across southern Idaho.

The public comment period for the Draft EIS was initiated via publication of the Notice of Availability in the Federal Register on June 24, 2005. The public review period lasted for 90 days and closed on September 22, 2005. The Draft EIS was made available both in hard copy and on Compact Disc (CD). A newsletter and preference mailer was sent to all individuals and organizations that participated in the scoping process. The Draft EIS was also made available for review at public libraries and BLM offices. Three public meetings were held during the month of July 2005. Notice of Availability and a press release announcing the public meetings was provided to local and regional media.

COMMENTS

Letter #44 (continued)

RESPONSES

The BLM's web page was unavailable to the public during the Draft EIS review period. However, the Draft EIS was available on the internet housed at the Bonneville Power Administration web site at www.efw.bpa.gov/environmental_services/document_library/cotterel/. The availability of Draft EIS at this web site was provided in the newsletter announcing the availability of the Draft EIS and the public meetings. The newsletter and media release provided mailing address, telephone, fax and email address of the BLM project manager who had hard copies and CDs available for distribution. NEPA does not require that documents available for public review be posted to the internet.

K. The ROW application that BLM received from Windland, Inc., was for wind energy development on Cotterel Mountain. Alternative sites were not identified in the application. The scope of the analysis was limited to alternatives within the application area only. The purpose of this analysis was to determine whether of not the proposed project or its action alternatives are an appropriate use of public lands on Cotterel Mountain. Identifying potential wind energy development sites other than that identified in Windland's application was outside the scope of this EIS.

COMMENTS

Letter #45

Twin Falls District

Burley Field Office

COTTEREL WIND POWER PROJECT

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

BLM-ID
BURLEY FIELD OFFICE
RECEIVED
2005 SEP 13 AM 10 34

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

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

Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours, 7:45 a.m. to 4:30 p.m., Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

I wish to withhold my name or address from public review or from disclosure under the Freedom of Information Act. [ ] Yes [X] No

Please Print
Name Rich Redman AFC Communications
Street Address 225 West North St
City Albion State ID Zip 83318
E-mail (optional)
Comments:
Please see attached letters

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

RESPONSES

COMMENTS

Letter #45 (continued)

ATC COMMUNICATIONS
225 West North Street • P.O. Box 98 • Albion, Idaho 83311
Telephone: (208) 673-5335 • Fax: (208) 673-6200 e-mail: atc@albiontel.com

September 10, 2005

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

Dear Mr. Barker,

My name Rich Redman, I am Vice President and General Manager of ATC Communications. About a year and a half ago Michael Heclker of Windland contacted me regarding a proposed wind generation site on Cotterel Mountain. At that time he was asking about facilities that ATC could provide them for communications. I told him that we had a 6Ghz Microwave system on top of Cotterel and also a fiber cable that ran along highway 77 at the bottom of the mountain. He sounded excited that we could provide Windland with virtually limitless bandwidth for their communications. I asked him what they needed between the windmill towers for communications. He told me that they would put their own facilities in and the medium had to be fiber because of the inductance "noise" that the windmills put off. Later I found out that they are not planning on using any local communications facilities nor are they planning on using any local contractors or labor.

Around the first of August 2004 Windland had an open house in Albion regarding their proposed project. At that event I asked Mr. Heckler if they had to put fiber between all the wind mills because of the noise they induced into the ground what was going to happen to our copper facilities on top of the mountain that goes between all the buildings. He told me I had raised an excellent question and he did not know the answer. I also asked him about Cellular, Analog Radio, TV Reception and Microwave paths. As you can see he tried to answer my concerns in the attached letter.

I guess my problem is, in his letter he states there is a potential for noise problems but Windland will work with ATC to remedy any problems that might come up. He also stated that there is no effect on microwave transmission as long as the tower and blades are not within line of sight of the microwave path. **Our microwave path is in direct line of site of the proposed windmills.**

My personal opinion is I don't want over a hundred 450' towers in my back yard and my business standpoint is Windland has stated that there may be problems but they will fix them as they crop up. The theory of build it and then fix problems afterwards is not good enough for me. If the windmills are built and our customers are put out of service because of any interference put off by the windmills that

RESPONSES

The Applicant, Windland, Inc., will work with the BLM and right-of-way holders on Cotterel Mountain, such as ATC Communications, to ensure that the Proposed Project does not interfere with the operation of any facilities of the right-of-way holders.

COMMENTS

Letter #45 (continued)

creates a problem for Windland our customers and ATC. Michael Heclker says in his letter that they will work with ATC if anything crops up but if it is after the fact I am very uncomfortable with that.

It seems peculiar that Windland can tear up the whole Cotterel Mountain and ATC recently had to spend over $40,000 for permits, surveys, Archeologists, Botanists, and the State Historical Society to plow cable in the "borrow pit" along the highway that had been disturbed several times in the past and even a cable plowed in the same "right of way" just two years earlier.

Please see the attached letter from Windland and thanks for your time.

Sincerely,

ATC Communications

Rich Redman
General Manager
rich@atcnet.net
208-673-2201

Attachment:

RESPONSES

COMMENTS

Letter #45 (continued)

windland
clean energy from wind

August 10, 2004

Mr. Rich Redman
1057 South Hwy 77
Albion, ID 83311

Subject: Request for more information related to power influence on copper telephone facilities, microwave, cellular and TV

Dear Rich:

While we were talking at the recent Open House Windland held at the Marsh Creek Event Center you asked about the potential for interference to telephone, cellular, TV and/or microwave facilities on Cotterel Mountain.

We've done some research on the topic since then and hope this letter will address the concerns you raised. In general, electromagnetic interference from generating facilities of all types is very rare. Of the thousand of MW of wind installed in the USA, these phenomena have only been sporadically reported, and there has always been a resolution.

Electromagnetic interference can take 3 forms: the rotation of the blades causing TV or microwave interference; interference to cell phones; and interference to buried copper telephone lines.

Interference to TV signals can be caused by the blades of the wind turbine physically getting in the way (line of sight) of a terrestrial TV or microwave signal. This sometimes happens with terrestrial TV signals on flat terrain where the reception aerial is at the edge of range of the broadcaster and already has a marginal signal. It is not easy to predict, but is rectified by installation of a TV signal booster station. There is no impact from wind turbines on satellite or cable TV. Similarly, there is no effect on microwave transmission as long as the tower and blades are not within line of sight of the microwave signal.

WINDLAND INCORPORATED 208-377-7777 10480 GARVERDALE COURT SUITE 804A BOISE, IDAHO 83704 FAX 208-375-2894

RESPONSES

COMMENTS

Letter #45 (continued)

Mr. Rich Redman -2- August 10, 2004

Interference to cell phones only happens to phones operating on an analogue network; and as with terrestrial TV, only when the wind turbine blocks line-of-sight between the cell tower and the phone. At Cotterel we don't anticipate any opportunity for producing line of sight interference but we look forward to working with ATC and other right-of-way holders on the mountain to ensure that this is the case.

Digital cell networks are more or less unaffected by wind turbines: evidenced by the fact that wind turbine technicians use cell phones to communicate while at work. Some windfarms even use radio signals to transmit data between the individual turbines and the control room, with no interference.

Interference to buried copper telephone lines has only been reported once at a US windfarm in Nebraska, which used prototype wind turbines of a design that has long since been withdrawn. The power electronics of the wind turbine caused harmonics in the local telephone lines, due to a unique set of circumstances which included proximity of the power lines to the telephone lines. The problem was mitigated by changing some settings on the turbines and by installing filters on both the phone lines and the power systems of the wind turbines. There are no reports of modern turbines causing this sort of interference - any unexplained signals would likely be detected by the wind turbine control system which would shut the turbine down. More on the 'Telephone Hum' incident can be found at <http://www.nol.org/home/NEO/Winter99/win9906.htm>.

While we have yet to select the specific turbine type that we will use at the Cotterel Mountain Wind Farm all the models we are considering have been designed to correct the type of interfering harmonics that the prototype Zond turbines had in two turbines in Nebraska where such interference was experienced.

While it's my guess that you and I may never agree on whether building a wind farm on Cotterel Mountain is a good idea, I give you my word that Windland intends to be a good neighbor to ATC and the other right-of-way holders on the mountain and we will work with you to address any technical concerns that ATC may have.

Sincerely,

Mike Heckler

Michael Heckler
Director Marketing & Development

sp

RESPONSES

COMMENTS

Letter #46

"Our mission is to promote the conservation of grouse and the habitats necessary for their survival and reproduction."

Officers & Directors
Ralph Rogers, *Chairman*
Willard R. Heck, *President*
Mary Sealing, *Secretary*
Cloe Sealing, *Treasurer*
James A. Mosher, *Ph.D., Executive Director*
Tony Apa, *PhD, Biologist, Colorado Division of Wildlife*
Rick Baydack, *PhD, Biologist, University of Manitoba*
Frank M. Bond, *Attorney, Simonds Law Firm, New Mexico*
Tom J. Cade, *PhD, Biologist, Emeritus, Cornell University*
Kent L. Christopher, *Educator, Idaho*
Bob Collins, *Attorney, Alaska*
John Crawford, *PhD, Biologist, Oregon State University*
Victor Hardaswick, *Raptor Biologist, South Dakota*
Tim Hickok, *Rancher, Kansas*
Rick Hoffman, *Biologist, Colorado Division of Wildlife*
Donald A. Klebenow, *PhD, Biologist, Emeritus, University of Nevada*
Doug Fineo, *Ecologist, Washington Department of Ecology*
James D. Range, *Attorney, Washington, D.C.*
Kenton E. Riddle, *Veterinarian, Oklahoma*
Terry Riley, *Biologist, Wildlife Management Institute*
Alan Sands, *Ecologist, The Nature Conservancy*
Michael A. Schroeder, *PhD, Biologist, Washington, Dept. of Fish & Wildlife*
Cloe Sealing, *Biologist (ret) Colorado Division of Wildlife*
Steve K. Sherrod, *PhD, Biologist, Sutton Avian Research Center*
Nova Silvy, *PhD, Biologist, Texas A & M University*
Robert Sopuck, *Manitoba, Canada*
Rollin Sparrowe, *Ph.D., Wyoming*
John E. Toepfer, *Biologist, Society of Tympanuchus cupido pinnatus*
Peter T. Toot, *Investor, Texas*
Ben O. Williams, *Outdoor Writer, Montana*
Advisors
Stephanie Harmon, *Biologist, US Fish & Wildlife Service*
Cal McClusky, *Biologist, Bureau of Land Management*

September 12, 2005

BLM-ID
BURLEY FIELD OFFICE
RECEIVED
2005 SEP 15 AM 11 1

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

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

Dear Mr. Barker:

The following comments are submitted by the North American Grouse Partnership for your consideration as you prepare the Final EIS for the Cotterel Wind Power Project (Project) and as a matter of the Administrative Record when publishing the Record of Decision for the subject project. Our organization understands that by submitting these substantive comments during the DEIS stage that it will ensure our standing when the Bureau of Land Management (BLM) responds to them in the Final EIS.

In addition to the comments contained herein specific to the Cotterel Wind Power Project, I refer you also to our submission to BLM on December 10, 2004 concerning the draft Programmatic Environmental Impact Statement (DPEIS) for wind energy development on BLM lands in the western United States [enclosed].

The North American Grouse Partnership is a non-profit organization whose mission is to promote the conservation of grouse and the habitats necessary for their survival and reproduction. Our membership spans all of North America. Our Chapters, including Idaho, are engaged in conservation projects and with many local working groups addressing grouse management issues.

General Comments and Observations

As an organization concerned about maintaining the quality of environment and the habitats of native wildlife and plant species both nationally and more specifically in Idaho, we concur with statements made in the DEIS that

NAGP, P.O. Box 408, Williamsport, Maryland 21795 office/fax 301-223-1533 www.grousepartners.org

RESPONSES

Thank you for your thoughtful and professional comments.

BLM has considered the NAGP's recommendations and has modified its FEIS to include adaptive management and effectiveness monitoring as central themes. These themes also will drive the Plan of Development.

In addition, BLM has strengthened its consideration of cumulative effects. Finally, BLM in concert with the recently released "Conservation Plan for the Greater Sage-grouse in Idaho", by the Idaho Sage-grouse Advisory Committee 2005, is examining mitigation strategies, including off-site mitigation.

COMMENTS

Letter #46 (continued)

"there are no similar operating wind projects located on the common landforms, in Idaho, or within specific habitats of sagebrush and mountain mahogany which exist on Cotterel Mountain" (4.14 DEIS). Further, and as a consequence, "there is no specific case history available to use in predicting the impacts of the proposed Project on wildlife." (ibid, DEIS). "Thus, this impact analysis relies on the experience and data from other western wind plants and in some cases, Midwestern plants." (4.14DEIS).

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

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

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

The following specific comments address the Preferred Alternative, Alternative C as described by BLM in the DEIS (DEIS ES-6-8), with some comparison to Alternative B (DEIS ES-6) which is based on the description provided to BLM by Windland, Inc. and its president Roald Doskeland. Mr. Doskeland, Governor Dirk Kempthorne, and key members of the Chamber of Commerce of Minidoka and Cassia Counties have committed to make this proposal a reality within the next year. In statements made in a July, 2002, news release by Windland, Inc., Mr. Doskeland states that "we are excited to be bringing forward Idaho's first commercial wind project." Governor Dirk Kempthorne followed in the same news release that "Wind generated electricity such as the 200MW project, Boise based Windland, Inc. has proposed in Cassia County, will provide an opportunity for economic development while offering a reliable and cost-effective addition to our States generation portfolio." Mr. Carl Hansen, President

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of the Chamber of Commerce on Minidoka and Cassia Counties stated, "the Cotterel Mountain wind farm is consistent with the Chamber's plans for the area. It allows us to diversify from our agricultural base and capitalize on what in our area has economic value in the global market." The news release goes on to conclude, "tapping wind resources also reduces United States reliance on imported fossil fuels, and commercial wind farms such as the one Windland plans, brings new employment opportunities to rural portions of the state" Windland, Inc. www.windland.com July 18, 2002.

Specific Comments

First, the mitigation, adaptive management and funding for post-project monitoring as described in the DEIS is inadequate for a frontier energy project of this size in Idaho. Under Appendix F in the DEIS, Windland, Inc. president submitted a letter (as a Cooperative Agreement) to Wendy Reynolds, Field Office Manager, BLM in which Windland, Inc. will provide $150k / year. While this is a letter of intent, it does not state for how many years Windland, Inc. will make contributions. We assume it will be for five years based on statements made elsewhere in the DEIS (Appendix D DEIS).

The formula for this contribution was derived from annual gross revenues which is "approximately one-half of one percent of the gross revenues received from the Cotterel Mountain wind farm electricity sales" or about $150k for a 200MW project. The DEIS does not describe how or where this $150k will be spent or who will have primary oversight authority. We can only assume it will be BLM and/or the Idaho Department of Fish and Game. Second, if we assume the ½ percent figure is correct and 1 percent of gross revenues are $300k then annual revenues would be about $30m. On page 4-46 of the DEIS, it states that "expected the total annual operational costs will be $4.5m." On page 4-43 of the DEIS, it states that "approximate construction costs under Alternative B or somewhat lesser amount under Alternative C would $200m. With the ROW permit being issues for 30 years, the total revenue from the project during this time period is about $900m. The proponent will have the project costs paid for in about eight years. Certainly, there is room for additional voluntary contributions from Windland, Inc. based on the BLM Instructional Memorandum No. 2005-069 (Appendix E DEIS) and the 1.8 cent per kilowatt/hour production tax credit provided by Congress and the President to encourage renewable and alternative energy resources (DEIS 1-5). We would support something between a 1 to 2 percent figure of the gross revenues to conduct adequate on-site monitoring, effectiveness monitoring, adaptive management and compensatory (off-site) mitigation.

Under Appendix D, Best Management Practices (BMP) Specific to Wildlife, the list of recommended strategies to reduce or avoid displacement and mortality of wildlife is comprehensive. Some careful thought went into developing these strategies. We also support the Effectiveness Monitoring (EM) aspects but have reservations about who will be conducting the specific tasks. Will this be done by a contractor or an agency? This should be specified somewhere in text of the DEIS. We would add that monitoring of behavioral changes and mortality of greater sage-grouse, big game and spring and fall migration of raptors and passerines should be a major focus under this section. The Habitat Loss/Degradation strategies listed in Appendix D seem adequate when linked with the actual footprint impacts that are associated with the Project. Again, the DEIS should identify who will be doing native plant restoration work, inspecting and monitoring on site soil storage areas, and collecting and storing native seed for site rehabilitation? Will there be adequate funding committed to all of the

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above efforts?

Macro-mitigation proposal

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

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

Presently, various State and Federal agencies are struggling to determine mitigation values that will be lost for greater sage-grouse and many other species that reside along the Cotterel Mountain ridgeline. This offsite macro-mitigation proposal can provide integrated management solutions in three areas of concern: 1) substantive habitat mitigation as a result of implementing the proposed Project; 2) moderate restoration flows to the mid-Snake River and its aquifer for the Hagerman trout farming industry, resident fish and Snake River salmon; 3) reduced litigation potential; 4) leadership provisions for future wind power projects that may be built in southern Idaho without intense State and Federal regulatory and public scrutiny.

Within the DEIS, impacts to wildlife and their habitat are considered based on the spatial and temporal impacts within the immediate area of the project.
"Primary effects would occur in direct proportion to the amount of potential habitat removed by the construction of the Proposed Project" (DEIS 4-17). "Alternative B would permanently eliminate about 200 acres, or about two percent of the 11,5000 acre Proposed Project area and temporarily alter an additional 164 acres" …."Alternative C would be similar to, but slightly less than those of Alternative B in terms of the permanent and temporary disturbance footprints" (DEIS 4-18). The point for developing this frame of reference is to conclude that offsite mitigation is minimal and should be expanded and linked to cumulative impacts of building and permitting the Project for 30 years (FR/Vol. 67, No. 244 p. 77802). Regulations for implementing the National Environmental Policy Act (NEPA) require an assessment of cumulative effects in the decision-making process for federally permitted projects (DEIS 4-2). Cumulative effects are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions" (40 Code of Federal Regulations (CFR)(1508.7). The

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discussion in the DEIS does describe but does not provide an assessment of cumulative effects. The description is worth noting since according to the DEIS "cumulative impacts include three other wind energy rights-of way (ROW) applications on BLM lands in Idaho, five 200 MW wind power projects and four 10 MW plants on private lands. Over 30 wind-monitoring towers are collecting data for possible site locations of additional wind power projects across southern Idaho" (DEIS 4-3), some of these projects, its safe to assume, will be developed by Windland, Inc.

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

There are now only islands of native shrub steppe habitat extending east and north of the proposed Project to and across the Snake River and within the Raft River Valley. BLM has created extensive crested wheatgrass pastures during the past 30 years within the Raft River Valley and the State has permitted numerous center pivot irrigation projects (CPIP) both of which contribute to the fragmented landscape and make it unsuitable for greater sage-grouse and numerous other native species. Restoration of the shrub/forb/grass components in the crested wheatgrass fields is the first step of the offsite mitigation solution. Acreage for this step approximates 4,800 acres.

The second component of this macro-mitigation plan is to retire about 15 key CPIPs (approximately 7,000 acres) in the eastern and northern area of Raft River Valley and restore this acreage to shrub steppe through interagency cooperation. The combination of these actions will serve to provide habitat continuity, population and genetic exchange both north and south across the Snake River for greater sage-grouse, deer, antelope and many other avian, reptile, amphibian and mammalian species. The affects of this habitat restoration reach into Utah and Nevada and north across the Snake River to the Craters of the Moon National Monument and numerous valleys of the Snake River Plain. This is of critical importance, sine it is the only possible native habitat corridor left in the entire mid Snake River Plain for about 130 miles to the east and 140 miles to the west of Raft River Valley. The 270 miles east and west of this corridor has sustained major changes during the past 100 years, mostly through habitat modifications for livestock grazing, the agriculture farm and dairy industry, hydropower projects, and build-out of urban and city centers.

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

The compensatory mitigation solution proposed is only a framework and will require

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cooperation from a number of State and Federal agencies, dialogue and support from the State legislature and Congressional representatives. The window of opportunity is open for key agencies to initiate this integrated solution, and set a standard for similar development decisions likely to increase over the next few decades. General funding for planning and initial implementation is in place but will require administrative reallocation should the BLM and other participating agencies decide to follow this strategic proposal.

We appreciate the opportunity to provide these comments and look forward to further dialogue with BLM as the final EIS is formulated for the proposed Project.

Sincerely,

James A. Mosher, Executive Director
North American Grouse Partnership
P.O. Box 408
Williamsport, MD 21979
301-223-1533

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RESPONSES

COMMENTS

Letter #47

BLM-ID
BURLEY FIELD OFFICE
RECEIVED

Comments submitted on BLM's draft Programmatic Environmental Impact Statement (DPEIS) for wind energy development on BLM lands in the western United States

December 10, 2004

To Whom It May Concern:

The North American Grouse Partnership (NAGP) welcomes the opportunity to comment on the Bureau of Land Management's (BLM) draft Programmatic Environmental Impact Statement (DPEIS) for wind energy development on BLM lands in the western United States. We believe that commercial wind power development on public lands is an issue of great importance to the future of many species of raptors and grassland and shrubland-dependent wildlife, especially North American grouse. Because public lands often provide the last vestiges of expansive, unfragmented rangeland on which prairie grouse depend for survival, the nature of content of BLM's final PEIS is of great interest to NAGP and its growing membership.

NAGP is a non-profit organization whose mission is to promote the conservation of grouse and the habitats necessary for their survival and reproduction. Our membership spans all of North America, with Chapters engaged in conservation projects and many local working groups addressing grouse management issues.

After reviewing BLM's DPEIS, NAGP offers qualified support for the proposed alternative to establish an overarching programmatic document that guides wind power development on all BLM lands. However, we provide this comment with multiple caveats, discussed later, that relate to the specific content of particular sections of the DPEIS.

The other alternatives proposed, i.e. "no action" and "no new projects", do not reflect the interests of NAGP and what we believe is in the best interest of grouse conservation nationwide. Specifically, the "no action" alternative would allow wind power development projects to proceed, but all direct and indirect impacts to grouse and other wildlife species of concern would have to be repeatedly debated on a case-by-case basis. Apart from creating a greater work load for NAGP leadership to "reinvent the wheel" to guarantee basic resource conservation on each and every project, this alternative would allow inconsistencies among projects throughout the country. NAGP realizes, as the DPEIS indicates, that regardless of whether a programmatic BLM document exists or not, specific wind projects and the Resource Management Plan amendments required to facilitate them will allow ample opportunity for NAGP input related to site-specific and species-specific concerns.

The "limited wind energy development" alternative would only allow currently pending or proposed wind development projects to proceed, and would prohibit any new projects

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Sent as an attachment to Letter #46. No response on this letter will be provided.

COMMENTS

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on BLM lands in the future. The NAGP wants to emphasize that we do not unilaterally oppose wind power development on public lands. In fact, we believe that expanding and facilitating the adoption of alternative energy sources in the U.S. is important to our collective future. We are firm in the opinion that wind power development, when properly sited, monitored and researched, is not exclusionary to wildlife conservation.

Our specific comments related to sections of the DPEIS are as follows:

The DPEIS states (Section 1.2) that "The analysis conducted in preparation of this PEIS was based on current, available, and credible scientific data. Programmatic policies and BMPs incorporated into the BLM's proposed Wind Energy Development Program are based on an interpretation of these scientific data and decisions on relevant mitigation requirements. Direct and indirect impacts of wind energy development on the environment, social systems and the economy, as discussed at the programmatic level, have been evaluated. Cumulative impacts associated with the proposed action have also been evaluated." The DPEIS further states that " . . . . this PEIS identifies the range of potential impacts and identifies relevant mitigation measures."

The NAGP questions the accuracy of these statements. First, substantial scientific interest and credible input from grouse experts across the country have been generated on the subject of wind turbine placement in sensitive grouse habitats over the last 2-3 years. In fact, the American Wind Energy Association (AWEA) now recognizes that habitat fragmentation, and not collision, is a principle concern determining wind project siting. However, throughout the DPEIS, little if any discussion is given to potential for serious indirect impacts to prairie grouse and other grassland-dependent species. The potential impacts due to habitat fragmentation are so severe and so well-recognized that one state (KS) went so far as to put a moratorium on any future wind developments in key grouse areas. Yet, this DPEIS gives almost no discussion to the degree of risk to prairie grouse, especially Sage Grouse.

This DPEIS neither adequately identifies the range of potential impacts nor has the ability to identify relevant mitigation measures. Lacking the comprehensive research to substantiate this claim, NAGP's position is that programmatically-approved commercial wind projects should not be allowed to proceed throughout this nation's public lands. Ample opportunities to conduct and review the necessary research are currently available on private lands.

Concerning the cumulative effects of all future projects on BLM lands, the DPEIS indicates that the maximum possible extent of future wind energy development over the next 20 years could exceed 20 million acres, or nearly 9 percent of the total BLM land area in the west. NAGP is concerned that these acreage estimates are based on the actual footprint of the wind facilities, and not inclusive of the immediate surrounding habitats that will likely be indirectly affected via habitat abandonment and avoidance due to structural habitat fragmentation. Greater clarification on the potential acreage impacted is needed in the final document, and we recommend that BLM include, at a minimum, a 1-mile radius of impact surrounding each turbine.

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Letter #47 (continued)

In table 2.2.1-1, the DPEIS identifies the total amount of "potentially developable land", and then identifies the "total economically developable land". The NAGP cannot provide comments on these acreage figures because the DPEIS does not identify how these areas are determined. This needs clarification in the final PEIS. We strongly caution, however, that the "variety of factors e.g., economic, social, and political that are beyond BLM's control or influence . . . "could markedly change over the next 20 years. If anything, the demand for domestic, renewable energy sources will increase, rather than decrease, BLM's current projected acreage estimate. This DPEIS alludes otherwise, which we believe is an inaccurate portrayal.

In section 2.2.3.2.2., the Plan of Development Preparation, the DPEIS requests that operators conduct surveys for federally and/or state-protected species of concern, including special status plant and animal species, within the project areas and design the project to minimize or mitigate the impact to these resources. The NAGP has two specific comments regarding this section. First, it has been our observation that few wind developers allow adequate time or resources to properly survey potential development areas pre-construction. Often time, they will allocate a few thousand dollars over the course of two weeks to determine presence/absence. This is woefully insufficient to determine the direct, indirect, and cumulative impacts to grouse populations. Further, too much emphasis is given to temporally avoiding disturbance of "mating grounds", presumably prairie grouse leks. Even a cursory investigation into grouse ecology reveals that disturbance during the lekking period is not the primary concern – it's habitat fragmentation throughout individual birds' home ranges year round that is the ultimate problem. Merely shutting down site construction for the 2-week peak of lekking activity does almost nothing to protect the species in the vicinity long term. While leks are an easy location to determine presence or absence of grouse species, far too much emphasis is placed on temporal lek protection as a substitute for proper landscape level planning to avoid, minimize, and mitigate resulting habitat fragmentation of the wind structures.

Along those same lines, throughout the entire DEPIS document, especially in regard to wildlife and ecological concerns, BLM repeated indicates that they will minimize and mitigate resource impacts. As stated earlier, this task cannot be carried out without the comprehensive research data that is currently lacking. However, our issue is that, in conflict with almost all other guidance for federal activities, BLM's DPEIS does not suggest to first "avoid" impacts. Clearly, there will be a large number of proposed wind development sites where construction is simply not appropriate due to overwhelming ecological concerns. We urge the authors to incorporate the words "avoid, minimize, and mitigate", in that specific order, where direct and indirect impacts are likely.

In this same section, the DPEIS appears to have made several significant oversights relative to wildlife impacts. First, it says nothing about the potential for removing wind turbines should post-construction impact exceed those predicted. Given that grouse experts have voiced a near-concensus opinion that the indirect impacts to grouse could be severe, NAGP's position is that a removal stipulation should be required for all new facilities that are constructed on BLM lands. Especially if BLM's primary intention for

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Letter #47 (continued)

drafting this programmatic document is to hasten construction without adequately quantifying direct, indirect, and cumulative impacts, the NAGP strongly requests that stipulations be in place to reverse unforeseen and unacceptable damages to natural resources. Likewise, until an adequate and thorough research base is established, BLM should include in this section the requirement that adequate pre and post-construction research be funded by the developers on all wind projects installed within occupied grouse habitats.

Under section 2.2.3.2.3 – Construction, the DPEIS will require that operators restore the site to "natural habitat' post construction. Again, the NAGP emphasizes that the greatest concern with wind power development is the structural habitat fragmentation from the tower itself, and not the soil disturbance on the construction pad. This type of habitat degradation can neither be minimized nor restored. This section gives no treatment to the issue of greatest potential risk to wildlife.

NAGP

RESPONSES

COMMENTS

Letter #48

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

September 9, 2005

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

Re: Proposed Cotterel Wind Power Project Draft Environmental Impact Statement

The Twin Falls District Resource Advisory Council (RAC) has had the opportunity to be involved in the Proposed Cotterel Wind Power Project. This has been a long and tedious process and we appreciate the time the BLM has allocated to this council.

We have reviewed the Draft Environmental Impact Statement (DEIS) and have recognized the collaboration required, the environmentally sensitive issues and the human impacts that would be inherit in an EIS of this nature. At this time we would like to express our concerns and observations on this document.

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

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

C We would recommend that the BLM consider re-locating the batch plant approx.2 miles to the north from the proposed site in Alternative C (the preferred alternative). The first reason being that as proposed the plant would be located in a mountain mahogany site (see fig. 3.2-1 at 3-14). This plant species, though not rare or sensitive, tend to locate themselves in very site specific areas. When disturbed due to fire, construction or other events, their regeneration is extremely slow and sometimes not at all. We realize that the proposed batch plant site was positioned to be centrally located so that the finished

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A. Typically, the restoration process regarding linear rights-of-way does not involve restriction of grazing as does a restoration project covering a large area such as a fire, chaining or other vegetative treatment. It is difficult to restrict grazing on a long linear disturbance without keeping livestock out of an entire allotment or constructing an inordinate amount of temporary fencing. Reclamation can be more difficult with livestock present on the seeded areas, but normally with diligent monitoring and in some cases, repeated seedings, successful reclamation is possible. A case in point would be the Northwest Pipeline project constructed through the Raft River, Kunua and Dale Pierce Allotments back in 1992. This large diameter pipeline construction project disturbed vegetation through these allotments to a width of up to 200 feet. Grazing was never restricted in this area and although reclamation was slow, it was ultimately completely successful. In the event that livestock cause an insurmountable problem with reclamation of disturbed areas within the proposed right-of-way, fencing and use of the Dale Pierce Allotment would be considered. This eventuality will be considered in the preparation of the project Plan of Development if the proposed project is approved.

COMMENTS

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C product can be quickly dispensed to the required locations. Re-locating the plant in closer proximity to the proposed substation (Alt. C) could possibly reduce a disturbance foot-print and would still maintain a somewhat centralized location. A preferred location farther north would help to lessen traffic congestion of the batch plant commodities (i.e. gravel, sand, etc.) moving to the south and finished product moving to the north. This could possibly eliminate one turn-out site. While this re-location would not reduce truck trips it should reduce congestion.

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

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

The Twin Falls District RAC would ask that the above stated issues are addressed and that this council supports the Preferred Alternative – Alternative C. We thank you for the opportunity to comment on the DEIS regarding the Cotterel Wind Power Project.

Sincerely,

Kelly B. Adams

Kelly B. Adams
Chairperson
T.F. District RAC

RESPONSES

B. As stated in your comment, the granting of a right-of-way provides the grantee the opportunity to utilize the public lands included in the grant for the purposes granted and in accordance with the appropriate right-of-way regulations and the terms and conditions of the particular grant. Complete control over the land and ownership of the land are not conveyed to the grantee. Rather than state that "the ROW would then revert back to BLM control", it would be less confusing to state "the ROW would then be terminated". This will be corrected in the Final EIS.

C Thank you for this suggestion. It will be considered in the preparation of the project specific Plan of Development, if the right-of-way is approved.

D. The Best Management Practices in Appendix C of the Draft EIS (see #'s 3 and 4 on page C-3) require the Applicant to control weeds within the limits of the right-of-way and to consult with the authorized officer and local authorities on acceptable weed control methods. In addition, the Applicant would be required to prepare a noxious and invasive weed plan that would include but not be limited to: preconstruction inventories and post construction monitoring to prevent and treat the spread of weeds, cleaning of construction equipment entering and leaving the construction site, and use of certified weed free seed, straw and other construction materials.

COMMENTS

Letter #48 (continued)

RESPONSES

E. Thank you for your suggestion. Your concern is noted and will be considered in the formation and chartering of the technical steering committee that would manage the compensatory mitigation fund.