| | |
|---|---|
| **From:** | Reeves, Julie |
| **To:** | Diane Adams |
| **Cc:** | pam.anderson@pacificorp.com; brian.king@pacificorp.com; penny.eckert@tetratech.com; walt_george@blm.gov; dsaville@blm.gov; dsimpson@blm.gov; tcarrigan@blm.gov; pmakela@blm.gov; Tyler Abbott; sbaczkowski@idahopower.com; Kerri Franklin; Abby Chazanow; Matthew Stuber; Kevin Kritz; Jeri Wood |
| **Subject:** | Re: GWW Draft Migratory Bird Convservation Plan ATTACHED |
| **Date:** | Friday, May 17, 2013 7:21:13 AM |
| **Attachments:** | 20130517_USFWSResponseToRMP_VoluntaryMBCPforGWW.pdf |

Hi, all,

Thank you for the opportunity to review this draft Migratory Bird Conservation Plan for Gateway West. The Service has put together a document containing our major thoughts and concerns; please find that attached here.

Please note that Tyler and I will not be able to join the call at 1:00 pm (Mtn) due to scheduling conflicts, and so we will be able to discuss our thoughts at 2:00 (or 1:30 for Julie at the very earliest).

Thank you, and we will talk with you all on Monday. Have a nice weekend!

~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~

Julie (Proell) Reeves
Fish and Wildlife Biologist (Energy)
U.S. Fish and Wildlife Service
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5353 Yellowstone Road, Suite 308A
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We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect. ~Aldo Leopold, A Sand County Almanac

On Tue, Apr 30, 2013 at 3:32 PM, Diane Adams <dadams@enviroissues.com> wrote:

> Hello,
>
> Attached please find a draft of the GWW Migratory Bird Conservation Plan for your review. I'm also including a Doodle poll to see if we can reschedule the conference call for the week of May 20th, approximately 3 weeks from now. If you could please click the link below and indicate your availability, I would greatly appreciate it.
>
> http://doodle.com/afzqkqc2f45frut4

Please let me know if you have questions.

Sincerely,

Diane Adams

**Diane Adams** | EnviroIssues

101 Stewart Street, Ste 1200 | Seattle 98101
206.269.5041 | www.enviroissues.com

-----Original Appointment-----
**From:** Diane Adams
**Sent:** Thursday, April 18, 2013 5:27 PM
**To:** pam.anderson@pacificorp.com; brian.king@pacificorp.com; penny.eckert@tetratech.com; walt_george@blm.gov; 'dsaville@blm.gov'; dsimpson@blm.gov; tcarrigan@blm.gov; pmakela@blm.gov; Julie Proell Reeves; Tyler Abbott; jeri_wood@fws.gov; Diane Adams; sbaczkowski@idahopower.com; Kerri Franklin; Abby Chazanow
**Subject:** GWW Migratory Bird Convservation Plan review
**When:** Wednesday, May 01, 2013 8:00 AM-11:00 AM (UTC-08:00) Pacific Time (US & Canada).
**Where:** Conference call

An agenda will be coming soon! Please use the following call-in number:

1-866-430-7034, enter code 6176775982

Thank you and please don't hesitate to call me if you have any questions. My phone number is 206.269.5041.

**U.S. Fish and Wildlife Service's preliminary comments on the Rocky Mountain Power Migratory Bird Habitat Conservation Plan, Segments 1-4 for the Gateway West Transmission Line Project**

Please note that these are not the final recommendations or comments of the U.S. Fish and Wildlife Service (Service) on the draft Migratory Bird Habitat Conservation Plan (Plan). We appreciate the opportunity to work with Rocky Mountain Power (RMP) and Bureau of Land Management (BLM) to develop a plan that the Service can support.

The Service appreciates that RMP seeks to comply with the Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Act (Eagle Act), and other laws and regulations pertaining to migratory birds, and that RMP has developed this Plan for the Gateway West Transmission Line Project (Project). The Service additionally appreciates that the Plan includes avoidance and minimization measures to reduce take of migratory birds and reduce impacts to migratory bird habitat. Finally, RMP has agreed to provide compensatory mitigation for impacts to migratory bird habitat resulting from the Project.

1) While RMP provides a thorough description of the regulatory mechanisms outlining the agencies' need for beneficial actions for migratory birds in the Plan (please note that the Eagle Act should be addressed in 2.0 Regulatory Framework), we recommend that RMP provide further detail the steps the company is taking to demonstrate its stewardship of migratory bird conservation. Specifically,

a) Include a description of the Project and include an overview map of the Project route. This description should be in terms of all Project components that impact migratory birds including access roads, equipment staging areas, work camps, material storage yards, etc. Included with this should be a data table that presents Project component acreages that will be disturbed, altered, eliminated as a result of the Project as well as the overall totals.

b) Include a section that describes and presents results from all pre-construction migratory bird surveys conducted for the Project. The individual migratory birds survey types should be described including what protocols/methods were used, how many surveys of each type were done, and when the surveys were done (at least to year). Minimally major results from all migratory bird surveys conducted should be presented in the Plan.

c) The Plan should also address post-construction management of the transmission lines and the related power line corridors. What height will forest and woodland habitat types be allowed to reach before they will be cut back (reduced in height by cutting)? Will this height be the same for all forest and woodland types or will it vary by type, and if, include those details.

d) Section 3.0 Migratory Birds of Concern and Table 1: The MBTA applies to all migratory birds covered under its purview, and so the Service recommends that the Plan include a list of migratory birds known or likely to occur along the Project route (i.e. if such a list was already developed for the environmental impact statement, it can be included in the Plan as an Appendix). We recommend that RMP include a section that specifically lists what Service Birds of Conservation Concern (BCC) are known or likely to occur along the Project route. Included with this could be a discussion of specific impacts that are of particular concern to each of these BCC birds.

2) Currently the Plan only includes impacts and mitigation associated with Segments 1-4. We recommend that the Plan consist of a general strategy that details impacts of the Project to migratory birds and their habitats for the entire Project area, and then explains compensatory mitigation for the entire

length of the Project's impacts (Segments 1-10). At a minimum, we recommend a placeholder for the specific impacts that Segments 5-10 will have on migratory bird habitats so that RMP can have a single Plan that will discuss migratory bird impacts not already addressed elsewhere.

3) Biological/ecological characteristics of impacted forested habitats have not been described in the Plan. We recommend that the Plan include a detailed assessment of the forested and woodland habitat types, including information regarding conditions, age-classes, and acres that are being impacted by the Project (including all components of the Project) for each forest or woodland habitat type impacted by the Project. It would also be helpful for the reader to understand the scale and scope of impacts to forested areas by the Project if the Plan included maps of impacted areas.

4) The Plan suggests that impacts analysis and mitigation only apply to Public (i.e., Federal) lands. However, the MBTA and Eagle Act apply to all lands, regardless of ownership. Consequently, as stated in comments provided by the Service on the DEIS, all migratory bird habitat not already being addressed by RMP's sage-grouse mitigation framework or by compliance with wetland permits should be included in this assessment. The BLM has management authority for wildlife habitat on lands it manages, but the Service and state wildlife agencies together have management authority for all wildlife populations, and so any requested exceptions or variances to perform work on all land ownership types should be handled by the Service and the appropriate state wildlife agency.

5) The Plan should also include a more detailed description of nature and types of impacts addressed. For example, a complete description of types of impacts should include quantity of acreages impacted by Project rights-of-way, tower structures, laydown yards, access roads, etc., that will directly remove migratory bird habitats. Indirect effects of habitat loss, such as habitat fragmentation and reduced bird density and breeding success, should also be addressed. We recommend that impacts be buffered by a set distance to partially account for indirect impacts, and that these buffered areas be included within the total acres impacted by the BLM preferred route.

6) The Service finds the proposed mitigation ratio of 0.5:1 (acres of mitigation per acres of impacts) inadequate to address the impact of losing a regionally scarce habitat type like forests and woodlands. We recommend a starting point for mitigation ratios, minimally, should be 1:1. However, there are a number of reasons why mitigation ratios should be ***greater*** than 1:1. For example, forested habitats are highly valued from an ecological function standpoint, warranting a higher starting point than even a 1:1 mitigation ratio. Additionally, changing a forested or woodland habitat to a different, disturbed, habitat type (as currently described in Section 6.0 Compensatory Mitigation) likely will result in the support of a lower density of birds or type/number of species—warranting a higher mitigation ratio. Additionally, forests and woodlands have demonstrated poor likelihood of successful restoration, and so only a small proportion of the restored area may actually provide habitat similar to what was lost. Another important reason why compensatory mitigation ratios should be greater than 1:1 is due to the time required for created or restored habitat to replace functions lost in the natural habitat, and because the functions performed by habitat created or restored in the future are not equal, in terms of present worth, to the impacted habitat.

7) Previously the Service provided recommendations regarding development of a suitable mitigation plan addressing impacts to sage-grouse from the Project (February 7, 2012). We recommend that the RMP implement recommendations pertaining to the general approach to mitigation as described in the Service recommendations. For example, restoration/mitigation activities should have a short- and long-term follow-up treatment and monitoring plan to ensure success, and must be accompanied by adequate funding for implementation of these monitoring plans. Criteria that define "restoration" and "success" should be developed in coordination with the oversight team. Finally, as indicated in #4

above, the Service recommends restoration and/or mitigation of all lands, not only those managed by BLM, and encourages partnerships with state and private lands as well to accomplish mitigation goals.