

From: [Amy Defreese](#)
To: [Renee Chi](#)
Cc: [Betsy Herrmann](#)
Subject: RE: FW: TWE: Greater sage-grouse Avoidance and Minimization Measures - Additional FWS comments to measures presented December 2014
Date: Thursday, January 22, 2015 10:24:49 AM
Attachments: [20140609_e_FWS_to_BLM_re_Perch_Deterrents.pdf](#)

Renee,

See my thoughts and answers to your questions below in blue. I also attached an email that I sent to Christine (with a copy to you) last summer that provides some context to our recommendations regarding perch deterrents.

Amy

From: Chi, Renee [mailto:rchi@blm.gov]
Sent: Wednesday, January 21, 2015 8:29 AM
To: Amy Defreese
Cc: Betsy Herrmann
Subject: Re: FW: TWE: Greater sage-grouse Avoidance and Minimization Measures - Additional FWS comments to measures presented December 2014

Oh, yes, the "not" makes a big difference.

Also, when I said the language was too general, I was referring to that statement, "Within this PAC and prior to choosing structure types and locations, we recommend that TWE coordinate with UDWR local biologists and USFWS-Utah Field Office." Is this referring the decision on what pole type depended upon the local site characteristics (e.g., trees) and the type of seasonal use area (e.g., nesting), need for perch deterrents, and need for marking guy wires? Again, this was not crystal clear to me. As I suggested on our call, using specific examples helps is critical to making sure that everyone takes home the same message, right? Otherwise, there is always a risk that your recommendation will not be taken and applied within the context that you were envisioning.

The language I provided in Column C, Line 8 is suggested in lieu of the language in Column B, Lines 8, 9, and 10 (UFO original comments dated December 2014), which all address the following TWE/BLM-proposed measure: "To limit raptor and corvid predation on sage-grouse, the BLM authorized officer in coordination with USFWS and applicable state agencies would require TWE to install self-supporting tubular steel towers with perch discouragers in high quality sage-grouse habitat (i.e. Wyoming – within sage grouse core habitat and within 4 miles of active leks; Colorado – within preliminary priority habitat; Utah – within occupied habitat and within 4 miles of active leks) taking into account site-specific factors (e.g., co-location with existing t-lines having lattice towers and no perch discouragers, topographic/terrain features that affect line of sight to leks, and general habitat quality).

So, in answer to your question, yes , we would like to see coordination with the agencies when TWE makes decisions upon where to install self-supporting tubular steel towers with perch discouragers. We do not wish to see all of the examples outlined, because there are too

many examples of site-specific characteristics to list in one measure. In my mind, the Strawberry PAC is small enough that we can have site-specific, detailed discussions about landscape, population characteristics, etc. later.

Also in answer to your question, no, this more general language is not in reference to marking guy wires as these are not mentioned in the TWE/BLM-proposed measure at issue here.

From our conversation, I also recall that we talked about the confusion with using the terms "occupied and unoccupied" habitats in PACs. That still needs clarification from USFWS. Also, you will note in the excel sheet I sent, I address the issues with "occupied, unoccupied, and opportunity areas" in the Fruitland/Strawberry area. The unoccupied but potential habitat that is crossed by the transmission line is already within the priority habitat. There is no benefit to sage-grouse to require specific pole structures or perch deterrents in those non-habitat areas within the PAC.

Because the language I provided in Column C, Line 8 is suggested in lieu of the language in Column B, Lines 8,9 and 10, I do not see a need to clarify the terms "occupied and unoccupied". I see that the terms "occupied and unoccupied" come up again below. I will address them there.

We also talked about how, as far as I know, the utility of perch deterrents were meant to primarily prevent birds from perching in areas on the power line structures that prevent electrocutions. The utility of perch deterrents to prevent any type of perching or nesting on power line structures has not been found to be very effective. Also, we talked about the conditions in sage-grouse habitat that may justify erring on the side of being conservative when in breeding, nesting, and early brood-rearing habitat (i.e., within 4 miles of leks), for example, perch deterrents may be reasonable where there are no perching opportunities for avian predators and the line is close to breeding, nesting, and early brood-rearing habitats. Another example, perch deterrents in winter habitat or in areas that have many perching opportunities (e.g., trees or other existing lines).

Again, this seems like a lot of language to add to the TWE/BLM-proposed measure.

For line 10, you reiterate the use of steel pole structures with perch discouragers and recommend that TWE rephrase the language to say "topographic/terrain features that affect line of sight to lekking, nesting, brood-rearing, and wintering greater sage-grouse". We discussed this on the phone but you did not correct this language. Since I am not aware of the research to show that predation from additional perching opportunities on transmission lines decreases nest success, chick survival, or winter survival; it is really important that USFWS provide scientifically defensible recommendations because everyone looks to the USFWS to provide information based on the best available science. In these recommendations, you may want to provide the caveat that "though there is much research that still needs to be conducted to evaluate the potential effects of transmission lines to sage-grouse in breeding, nesting, brood-rearing, and wintering habitats; since the nesting and brood-rearing portions of the life cycle of sage-grouse have been found to be the most critical to population growth (Taylor et al. 2012), we recommend that in sage-grouse nesting and brood-rearing habitats where perching opportunities are limited, use self-supporting tubular monopole structures and use perch discouragers."

I didn't see a need to propose revised language here because the language I provided in Column C, Line 8 is suggested in lieu of the language in Column B, Lines 8,9 and 10.

For Line 11. I disagree with this recommendation. While I think raptors need to be addressed in some form, they should not be rolled into the Corvid Management Plan. Corvids are special because they are the primary predator of concern when you are erecting new perching and nesting substrate where there are limited perching/nesting structures. Ravens currently occur in numbers previously undocumented, they exist where there are human impacts (e.g., Fruitland/Strawberry) and they are highly adapted to opportunistically taking advantage of available resources (e.g., sage-grouse eggs).

I think you are talking about the TWE/BLM-proposed measure: "To limit corvid predation on sage-grouse, TWE would develop a Raven Management Plan that outlines ..." I recall that we briefly covered your opinion that raptor predation is not a problem for this population (I am paraphrasing here, I don't remember your exact wording). Regardless, I did not know that you wanted me to revise this recommendation. I think we are happy with the justification you provided above that results in leaving the TWE/BLM-proposed measure as-is. We withdraw our comment in Column B, Line 11.

Line 13, again, you refer to applying the TWE measure to "PACs in Utah (occupied and unoccupied habitat), or alternatively, "priority habitat and associated opportunity areas as identified in BLM's LUP." See my comments in the second paragraph above.

The measure in Column A, Line 13 is specific to marking guy wires in high quality habitat. You stated in our phone conversation that any wintering habitat is also breeding habitat. So, I think for us, that makes all the difference and we are happy with marking guy wires in the areas already defined by BLM/TWE as high quality habitat (i.e. within occupied habitat and within 4 miles of leks). To be crystal clear however, you may wish to add the definition of "high quality habitat" to the measure itself.

Also, you will note in the excel sheet I sent, I address the issues with "occupied, unoccupied, and opportunity areas" in the Fruitland/Strawberry area. The unoccupied but potential habitat that is crossed by the transmission line is already within the priority habitat. There is no benefit to sage-grouse to require specific pole structures or perch deterrents in those non-habitat areas within the PAC.

I think you are referring here to the measure in Column A, Line 8 and the recommendation from UFO to define high quality habitat as either Priority Areas of Conservation in Utah (occupied or unoccupied habitat), or alternatively, Priority Habitat and associated opportunity areas as identified in BLM's LUP. In calling out both occupied and unoccupied habitat, I hoped to avoid a situation where grouse-unfriendly structures are sited in unoccupied areas that could otherwise be restored and become occupied. In other words, I don't want to preclude returning the species to a currently unoccupied area. Do you believe that situation does not exist? You say above that unoccupied but potential habitat crossed by the T-line is

already within the priority habitat. So, there is no unoccupied but potential habitat outside the Priority Habitat but within the PAC? If that is true, then the recommendation we made (to apply the measure to "Priority Areas of Conservation in Utah occupied or unoccupied habitat", or alternatively, "Priority Habitat and associated opportunity areas as identified in BLM's LUP") is moot and we don't have a problem if you choose not to adopt it.

Line 15, "Guy wires and fences should be marked not only in occupied sage-grouse habitat, but in unoccupied opportunity areas as well. Recommend that you add 'unoccupied opportunity areas' to the areas where this measure applies." 1) "unoccupied opportunity areas" as I know it in the Fruitland area is not habitat and will never be. But, again, it depends on how you are explicitly defining what this means. If it aligns with the State of Utah's definition and labeling of "opportunity areas" then that "opportunity area" that is crossed by the TWE proposed line is not and never will be habitat.

So, I think my statement from above applies here. That is, in calling out unoccupied habitat, I hoped to avoid a situation where unmarked guy wires and fences are sited in unoccupied areas that could otherwise be restored and become occupied. In other words, I don't want to preclude returning the species to a currently unoccupied area. I hear you say that this situation does not exist. If that is true, then the recommendation we made (to mark guy wires and fencing in unoccupied opportunity areas) is moot and we don't have a problem if you choose not to adopt it.

Line 16: It is not clear what your concern is with lumping lekking and nesting. I am not aware of research that has been conducted on noise impacts to nesting, brood-rearing or wintering habitat, isolated from other variables (human presence, roads, oil and gas development). Please provide the information FWS is referring to. You mention that you are not sure it is necessary to put 4-mile buffers on leks, why?

The measure referenced in Column A, Line 16 says that certain activities will not occur within 2 hours of sunrise and sunset between March 1 – June 15, within 4 miles of an active lek. The purpose, it says, is to limit disturbance to lekking and nesting activity. Are nesting birds only sensitive to noise in the morning and evening? Is there research to demonstrate that? If so, then that makes sense. If nesting birds are sensitive all day (which seems like a reasonable assumption to me), then I don't believe it makes sense to lump lekking and nesting activity under this temporal restriction.

In response to your second question about the 4-mile buffers, I read this measure as a means to 1) protect the male birds on the lek; and 2) protect the nesting birds. I understand that the latter will nest within a 4 mile radius, but I thought that the male birds stay pretty close to the lek. Consequently, I did not see why it was necessary to adopt a 4-mile buffer to protect the male birds on the lek.

Line 20: We do not have enough information on the threat of collisions with transmission lines to justify large-scale application of your recommendation. Though, I would recommend that the new line is monitored and where collisions have been or are observed, such conservation measures be implemented post-construction.

That is great.

Let me know if you would like to discuss more.

Renee

On Tue, Jan 20, 2015 at 6:12 PM, Amy Defreese <amy_defreese@fws.gov> wrote:
Here is the revision.

From: Amy Defreese [mailto:amy_defreese@fws.gov]
Sent: Tuesday, January 20, 2015 6:10 PM
To: Renee Chi
Cc: Betsy Herrmann
Subject: RE: TWE: Greater sage-grouse Avoidance and Minimization Measures - Additional FWS comments to measures presented December 2014

Renee,

It looks like I left out the word "not" in the first sentence on the attached spreadsheet. I added the word in red in the revised document.

I'm not sure I understand your comment that the language is too general. If you would like to talk with me about it, give me a call.

Amy

From: Chi, Renee [mailto:rchi@blm.gov]
Sent: Tuesday, January 20, 2015 5:48 PM
To: Amy Defreese
Cc: Betsy Herrmann
Subject: Re: TWE: Greater sage-grouse Avoidance and Minimization Measures - Additional FWS comments to measures presented December 2014

Hello Amy,

The first part of your language for the Strawberry PAC in the excel sheet is either unclear or inaccurate. That PAC does not have habitat that has uniform characteristics across the landscape. I don't recall having a conversation about this. While I agree with your recommendation to rely on the expertise of the local biologist with years of experience with this local sage-grouse population, I would not recommend the language, it is too general and we are talking about a very diverse landscape.

Please see my comments or responses to your comments in the attached excel sheet.

Let me know if you have any questions.

Renee

On Fri, Jan 16, 2015 at 2:12 PM, Amy Defreese <amy_defreese@fws.gov> wrote:
Hi Renee,

Thank you for your time yesterday discussing Utah Field Office comments to the greater sage-grouse avoidance and minimization measures for the TransWest Express project. The subject measures are those presented to us in a webinar dated December 5, 2014. We provided comment on December 19, 2014.

As we discussed, the Service agrees it is important to maintain continuous communication between the resource agencies (BLM, FWS, and UDWR) and TWE regarding specific structure designs and locations where the line will cross the Strawberry greater sage-grouse PAC. We believe agency biologists with local knowledge can provide crucial site-specific input to guide the selection of lattice versus tubular steel towers, and where perch discouragers will provide the most benefit.

Rather than outline all of the unique landscape or population characteristics that may affect a decision regarding structure design and location, we would recommend a measure that requires TWE to coordinate with the agencies before making decisions that affect greater sage-grouse in the Strawberry PAC. We are envisioning some kind of trigger that would prompt a collaborative process for decision-making.

Sincerely,
Amy Defreese

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Amy Defreese

From: Amy Defreese
Sent: Monday, June 09, 2014 4:30 PM
To: Julie Reeves; Christine Pontarolo
Cc: Renee Chi; Robin Naeve; Dennis Saville; Tyler Abbott; Nathan Darnall; Melissa Burns; Betsy Herrmann
Subject: RE: Utah Field Offices perspective on perch deterrents/discouragers

Hi Christine,

For the TWE and EGS projects, and other future transmission lines, I believe the Service's Wyoming and Utah offices are on the same page. The Utah Field Office agrees with Wyoming's guidance, which is to follow the standard sequence for avoidance, minimization and mitigation. Long before considering perch discouragers, we recommend that the companies work to site powerlines outside of sensitive prey species' habitat, use structures designed to minimize perching and nesting (e.g. tubular instead of lattice structures), and bury lines where possible. The Wyoming office identifies these measures in its guidance.

After this exercise is complete and the companies have minimized areas where they may create new opportunities for perching, we recommend that they consider perch discouragers on a case-by-case basis. We view perch discouragers as one tool in the toolbox to counter a potential increase in perching opportunities on the landscape. One example where they may be useful is in greater sage-grouse nesting habitat where there are no other tall structures on the landscape, including other transmission lines. Although the perch discouragers may not be 100% effective in eliminating raptor perching, even a small reduction in perching by avian predators may represent a worthwhile effort. On the other hand, perch discouragers may not be effective when a new transmission line is sited next to an existing line, and that existing line wasn't constructed with the considerations cited above.

The other point that we wish to make is the importance of long-term maintenance for perch discouragers. There is little point in installing perch discouragers if they are not maintained, so we must be willing to emphasize this need and get companies to commit to long-term maintenance of them.

Ultimately, if the transmission line companies are at a point where they wish to make an Applicant Committed Measure for perch discouragers, we recommend that it be worded as follows:

"Perch deterrents/discouragers are a tool to manage where birds perch in order to minimize the risk of electrocutions. In some cases, they may also be useful in decreasing avian predation on sensitive prey species by reducing avian use of power lines. The effectiveness of perch deterrents/discouragers in meeting either purpose is based on appropriate design, proper siting and a commitment for long-term maintenance. [Insert company name] will work with BLM, UDWR and USWFS to identify appropriate design, locations and long term management should perch deterrents/discouragers be proposed."

I hope this helps! Let me know if you have questions.

Best regards,
Amy

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From: Reeves, Julie [mailto:julie_reeves@fws.gov]
Sent: Tuesday, June 03, 2014 8:58 AM
To: Pontarolo, Christine
Cc: Amy Defreese; Renee Chi; Robin Naeve; Dennis Saville; Tyler Abbott
Subject: Re: Utah Field Offices perspective on perch deterrents/discouragers

Thank you, Christine,

The Wyoming ES Office of the Service recently developed this standard approach to not recommend perch discouragers as a way to minimize predation of sensitive prey species in response to our review of recent literature and BLM's RMP revisions in Wyoming. We noticed that various BLM field offices in Wyoming were either recommending perch discouragers be used in sensitive prey habitat (as in Rawlins) or were recommending that they not be used due to increased potential for electrocution and limited efficacy at limiting predation (as in Buffalo). We decided that the Service in Wyoming needed to have a consistent viewpoint on the use of these perch discouragers for a purpose for which they were not designed.

I hope this clears up a little of your questions.

Thanks!
Julie

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A thing is right when it tends toward the integrity, stability, and beauty of the biotic community; it is wrong when it tends otherwise. ~Aldo Leopold

On Mon, Jun 2, 2014 at 5:09 PM, Pontarolo, Christine <cpontaro@blm.gov> wrote:
Hi Julie and Amy,

Looking at some preliminary comments to the EGS transmission DEIS, the Wyoming Field Office appears to not support the use of avian perch deterrents/discouragers as a way to minimize impacts to prey species such as sage-grouse, prairie dogs, etc. For the Sigurd-Red Butte transmission project, we pushed pretty strongly to get Rocky Mountain Power to accept this same type of requirement, even though for them it was an issue of effectiveness and maintenance. Rocky Mountain Power never brought up the increased potential for electrocutions on the large kV transmission projects, which seem to be Wyoming's main concern. I don't recall seeing similar comments from the Utah Field Office on this subject but was wondering your perspective. My

concerns are one of consistency and requiring one applicant over another to do something then turn around and say we don't need them. We are working with other USFWS offices on these other large interstate transmission projects, but I would like to know if there is a consolidated front that the Service can provide for such recommendations. The TransWest Express project, currently has perch deterrents identified and I would have to go back to AECOM to see if the Service's position was the same and if we received like comments.

Thank you!

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