

## 1 WHY ARE FEDERAL AGENCIES PROPOSING TO DESIGNATE ENERGY CORRIDORS IN THE WEST?

On August 8, 2005, the President signed into law the Energy Policy Act of 2005 (EPAAct). In Subtitle F of EPAAct, Congress set forth various provisions that would change the way certain federal agencies<sup>1</sup> (Agencies) coordinated to authorize the use of land for a variety of energy-related purposes. Section 368 of EPAAct requires, among other things, the designation of energy corridors on federal lands in 11 western states and the establishment of procedures to ensure that additional corridors are identified and designated as necessary and to expedite applications to construct or modify oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities. The western states are Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.<sup>2</sup> The Department of Energy (DOE) and Department of the Interior (DOI), Bureau of Land Management (BLM), are the lead agencies in preparation of this Programmatic Environmental Impact Statement (PEIS), and the Department of Agriculture (USDA), Forest Service (FS); Department of Defense (DOD); and DOI, Fish and Wildlife Service (USFWS), are the cooperating federal agencies in preparation of the environmental impact statement (EIS). Only those Agencies that manage federal land (DOD, DOI, and USDA) where Section 368 energy corridors would be designated would issue Records of Decision (RODs) for such designation.

Corridor designation and associated plan amendments are based on the following direction provided in Section 368:

“...The Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Secretary of the Interior (in this section referred to collectively as “the Secretaries”), in consultation with the Federal Energy Regulatory Commission, states, Tribal or local units of governments as appropriate, affected utility industries, and other interested persons, shall consult with each other and shall—

(1) designate, under their respective authorities, corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the 11 western states (as defined in Section 103(o) of the Federal Land Policy and Management Act of 1976 (43 USC 1702(o));

(2) perform any environmental reviews that may be required to complete the designation of such corridors; and

(3) incorporate the designated corridors into the relevant agency land use and resource management plans or equivalent plans.”

Congress also addressed the need for the Agencies to establish procedures that could potentially increase the efficiency of using designated corridors for energy transport and distribution projects. Congress stated:

“The Secretaries, in consultation with the Federal Energy Regulatory Commission, affected utility industries, and other interested parties, shall establish procedures under their respective authorities that—

(1) ensure that additional corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution

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<sup>1</sup> Department of Agriculture, Department of the Interior, Department of Defense, Department of Energy, and Department of Commerce.

<sup>2</sup> Shaded text indicates portions of the document that underwent revision between the draft and the final PEIS in response to comments received during the public comment period as well as additional information provided by local federal land managers and resource specialists.

**Text Box 1-1  
Designating Energy Corridors**

If the Proposed Action were taken, each appropriate Agency would designate a portion of its lands as corridors, defined by a centerline and stated width (functionally implemented as a series of irregularly shaped polygons maintained in a geographic information system database), that can be used for energy transport projects. The energy corridors would be incorporated into each Agency's land use or resource management plans as areas that are the preferred locations for energy transport projects.

However, designating an energy corridor would not mean that the Agency is approving any specific project. Each proposed energy project within a designated corridor would be subject to a project-specific National Environmental Policy Act review. Each proposed energy project would also require a formal, Agency-approved project right-of-way that would contain project-specific requirements. A right-of-way would authorize use of a portion of any designated energy corridor, and the granting of a right-of-way would require a prior project-specific environmental and engineering review.

facilities on federal land are promptly identified and designated as necessary; and

(2) expedite applications to construct or modify oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities within such corridors, taking into account prior analyses and environmental reviews undertaken during designation of such corridors.”

Because of the critical importance of improving the western electrical transmission grid, Congress specifically directed the Agencies in Section 368 to consider the need for upgraded and new facilities to deliver electricity throughout the western states:

“... In carrying out [Section 368], the Secretaries shall take into account the need for upgraded and new electricity transmission and distribution facilities to (1) improve reliability; (2) relieve

congestion; and (3) enhance capability of the national grid to deliver electricity.”

Finally, Congress directed the Agencies to make the designated energy corridors useful to potential applicants by stating that designated corridors “at a minimum specify the centerline, width, and compatible uses of the corridor.” As a practical and logistical matter, the overlaying of a centerline and designated width on the complex shapes of the federally administered lands in the West results in corridors that are described by a series of irregularly shaped polygons maintained in a geographic information system (GIS) database.

Section 368 *does not* require that the Agencies consider or approve specific projects, applications for rights-of-way (ROWs), or other permits within designated energy corridors. Importantly, Section 368 *does not* direct, license, or otherwise permit any on-the-ground activity of any sort. If an applicant is interested in obtaining an authorization to site a project within any corridor designated under Section 368, the applicant would have to apply for a ROW authorization, and the Agencies would consider each application by applying appropriate project-specific reviews under

**Text Box 1-2  
Nonfederal<sup>3</sup> Lands and Section 368**

As specified by Section 368, the federal energy corridors would be designated only on federal land. Project proponents that use the corridors would identify the preferred project-specific route across and plan for gaining access to private lands. Project applicants would secure access on private and nonfederal lands in the same manner that they currently obtain access on those lands, independent of the federal corridor designations.

<sup>3</sup> Although Tribal lands are federal lands, the term “nonfederal lands” will be taken to include state, local, private, and Tribal lands for the purposes of this PEIS.

**Text Box 1-3**  
**Section 368 Energy**  
**Corridor vs. Right-of-Way**

*Right-of-way:* A land use authorization to allow construction and operation of a specific energy transport project on identified federal lands. “Right-of-way” is also used to refer to the lands so authorized.

*Energy corridor:* A designation applied to identified federal lands where the construction, operation, or upgrade of one or more energy transport projects is preferred. As guided by the Federal Land Policy and Management Act of 1976, corridors assist in minimizing adverse impacts and the proliferation of separate ROWs. No construction, upgrade, or operation may occur without an authorized right-of-way and appropriate environmental review.

requirements of laws and related regulations including, but not limited to, the National Environmental Policy Act (NEPA), the Clean Water Act, the Clean Air Act, Section 7 of the Endangered Species Act (ESA), and Section 106 of the National Historic Preservation Act.

## 1.1 WHAT IS THE PURPOSE AND NEED FOR DESIGNATING WEST-WIDE ENERGY CORRIDORS?

The purpose and need for Agency action is to implement Section 368 by designating corridors for the preferred location of future oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities and to incorporate the designated corridors into the relevant agency land use and resource management plans.

Section 368 directs the Agencies to take into account the need for upgraded and new infrastructure and to take actions to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver energy. This action only pertains to the designation of

corridors for potential facilities on federal lands located within the 11 western states.

In addition, this action is intended to improve coordination among the agencies to increase the efficiency of using designated corridors.

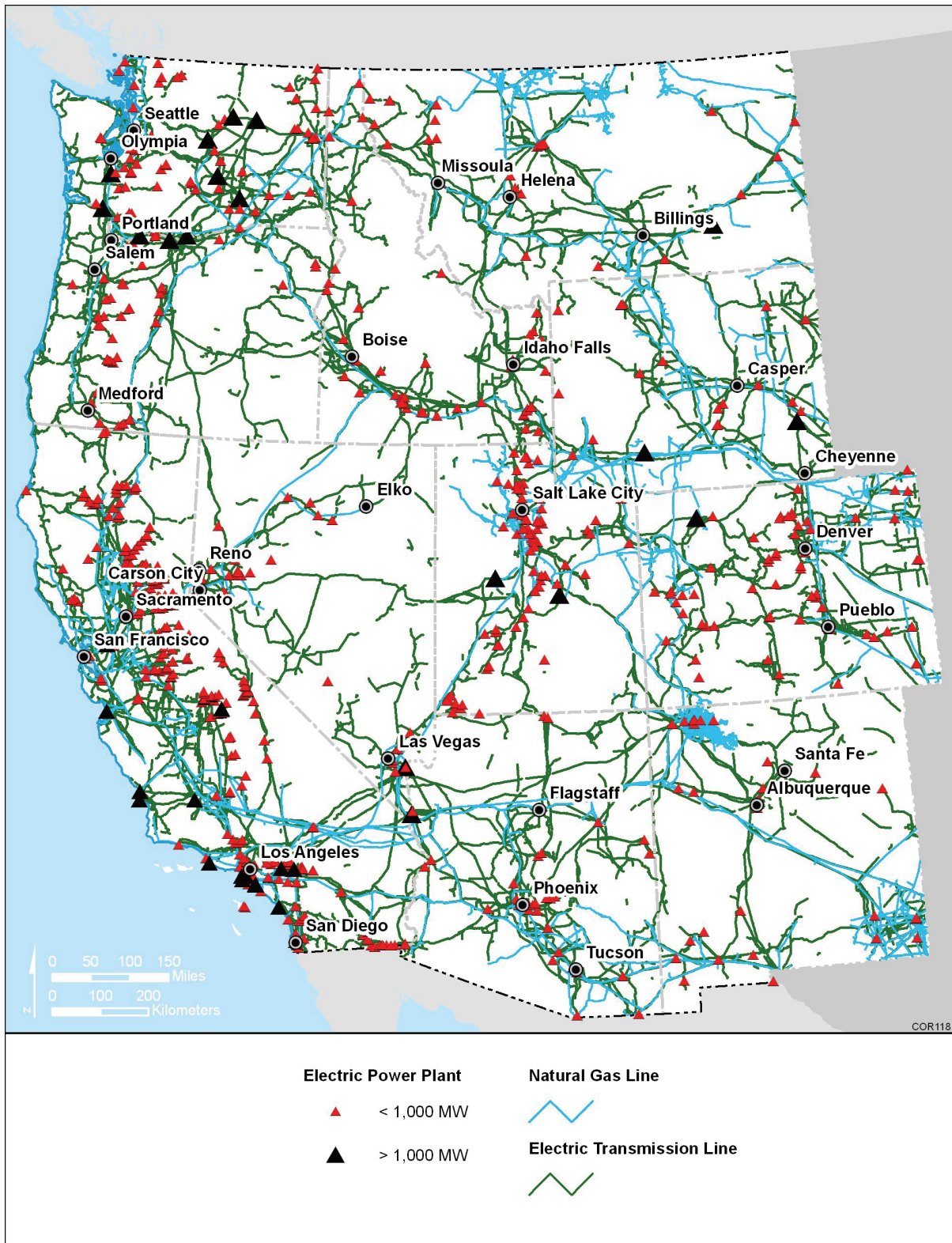
### 1.1.1 The Existing Western Electricity Transmission System

Electricity consumers in the West rely on an integrated network of more than 49,430 miles of transmission lines to move electricity from generation sources like coal-fired power plants, hydropower facilities, or wind farms to demand centers, and thus provide a reliable supply of power to homes and businesses. Due in part to the West’s unique geography and population distribution, where fuel sources and energy generation facilities are often remotely located and large population centers are spread far apart, the electricity transmission grid in the West is typified by high-voltage transmission lines spanning very long distances (see Figure 1.1-1). While these long-distance lines are necessary to provide consumers with reliable and affordable power, the required length of these lines and the complex mix of federally administered public lands with private, Tribal, and state-owned lands

**Text Box 1.1-1**  
**The Western Electricity Transmission Grid**

The western electricity transmission grid is an interconnected network of transmission lines that:

- Encompasses parts of 14 western states, two Canadian provinces, and northwestern Mexico.
- Provides for the long-distance transmission of electricity across these areas in response to electricity demand and supply.
- Currently has more than 49,430 miles of 230-kV or higher electricity transmission lines in 11 western states.



**FIGURE 1.1-1 Distribution of Electricity Transmission Lines, Power Plants, and Natural Gas Pipelines in the West. (Power plants with capacities lower than 200 MW were not included.)**

make planning and siting energy transport infrastructure a challenge.

The Western Governors' Association (WGA) noted that a reliable and affordable electricity supply is essential to protecting public health and safety and to sustaining a vigorous economy in the West (WGA 2001). WGA identified several planning factors that should be considered when addressing future electrical transmission needs in the 11 western states, including:

- A forward-looking Western interconnection-wide transmission planning process;
- Coordinated federal planning that crosses traditional agency boundaries;
- Coordinated planning between states;
- The need to address reliability, support both load and resource diversity in the Western Interconnection, and enable an efficient wholesale electric market; and
- The recognition that important supply centers are often distant from demand centers.

The North American Energy Reliability Corporation (NERC) forecasts continued need for additional supply-side or demand-side electricity resources in the near term to ensure adequate capacity margins in California, the Rocky Mountain States, and the Southwest (NERC 2007). NERC noted that a major driver of the uncertain or inadequate capacity margins is the relatively recent shorter-term approach to resource planning and acquisition. Although investment in transmission infrastructure has been increasing in some areas, lagging investment in transmission resources has been an ongoing concern for these regions for a number of years. More investment is required, as each peak season puts more and more strain on the transmission system, especially in constrained areas, such as, California and the Southwest (NERC 2007).

The need for expanded long-distance electricity transmission is especially important for renewable energy resources. Wind and solar energy resource development in the West will most likely be located some distance from demand centers, and moving the electricity will require a very large expansion of long-distance electricity transmission (NERC 2007). For example, the State of Nevada has identified a number of potential wind and solar resource areas, but developing resources in these locations to serve urban areas in the Southwest and California will require new long-distance transmission capacity (State of Nevada 2007). Studies conducted for the states of Arizona (Black & Veatch Corp. 2007) and California (Black & Veatch Corp. 2008) illustrate the need for new electricity transmission, if the development of each state's projected renewable energy portfolio becomes a reality.

Demand for electric power has grown in the West; however, the capacity to deliver that power has not kept pace. The need for additional electric infrastructure in the West is influenced by several factors, including (1) market restructuring, (2) new energy policies seeking renewable resources, (3) population growth, (4) a decade of underinvestment in new lines and technology by the utility sector, and (5) system reliability concerns. Some of these points are further addressed in Text Box 1.1-2. Inadequacies in the electricity transmission system manifest themselves in many ways. One such indication of inadequacies in the electricity transmission system is a phenomenon known as "congestion" (see Text Box 1.1-2). Congestion is a condition of the electricity transmission system resulting from overuse of certain electricity transmission pathways in the system. As a result of congestion, electric system operators can be forced to use generation resources at certain times that may not be as economically or environmentally desirable to deliver the requisite electric power to consumers and to maintain reliable operation of the grid and thus delivery of electricity.

In response to Section 1221(a), a separate provision of EPAct, the DOE completed a

**Text Box 1.1-2**  
**Key Electricity Transmission Issues in the West**

*Cost.* Restructuring and the introduction of free-market forces require adequate transmission to ensure that customers receive competitively priced electricity. Inadequate transmission service can hinder the ability of electricity consumers to access low-cost power and cause costly reliability problems such as blackouts.

*Reliability.* Customers expect the transmission system to deliver an uninterrupted stream of electricity and avoid disruptions and outages. Reliability can be an issue when demand areas (the customers) have inadequate local sources of energy supply and, therefore, energy must be transported from distant sources during periods of high demand. For example, much of California has inadequate local electricity production. This situation results in the long-distance transmission of electricity to meet peak demands. Any disruption in these long-distance transmission systems can result in local outages in the customer's area.

*Redundancy.* Multiple long-distance transmission systems provide needed backup if one system fails or cannot meet demand. Increased redundancy thus increases system reliability.

*Congestion.* Congestion occurs when actual or scheduled flows of electricity on a transmission line or related piece of equipment are restricted below desired levels due to either:

- Physical or electrical capacity of the line, or
- Operational restrictions created and enforced to protect the security and reliability of the grid (DOE 2006a).

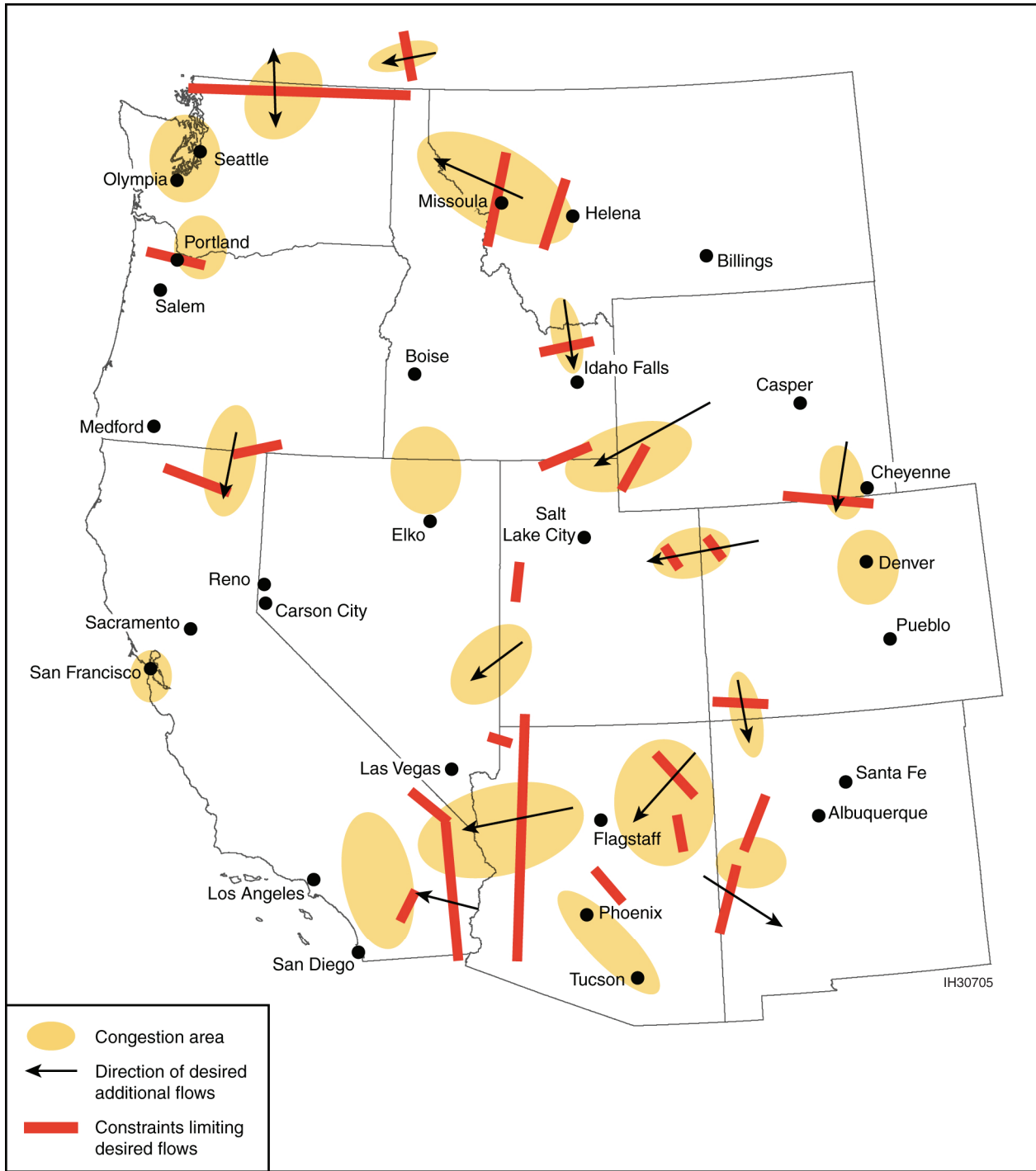
*Future demand.* Population and economic growth, especially in rapidly developing urban and suburban areas over the next 20 years, will increase the demand for energy transport capability.

nationwide analysis of electricity transmission congestion in 2006. The *National Electric Transmission Congestion Study* examined in-depth historical data, existing studies of transmission expansion needs, and regionwide modeling of the western transmission grid. The report concluded that a combination of several factors, including new energy demands and lack of investment in energy transport facilities, are creating electric infrastructure problems in some areas in the West (DOE 2006a) (see Figure 1.1-2). Specifically, DOE identified three types of areas in the West where attention is warranted:

- *Critical Congestion Areas.* These are places where it is essential to remedy existing or growing congestion problems because the current/near-term

effects of congestion are severe. The DOE study identified southern California as the only Critical Congestion Area in the West. In southern California, the California Independent System Operator (CAISO) observed that various combinations of extreme peak demand, high generation unavailability, or critical transmission losses could cause the southern California area to be short on local generation capacity and require the CAISO to cut loads to maintain grid reliability (CAISO 2006).

- *Congestion Areas of Concern.* DOE identified these as places where large-scale congestion problems exist or may be emerging, but more study is needed



**FIGURE 1.1-2 Transmission Constraints Limiting Desired Flows of Electricity, with Arrows Depicting the Direction of Additional Desired Flows That May Be Needed to Reduce Constraints in the West. (The red bars indicate near-term and potential longer-term [10 years] constraints [including congestion] on transmission infrastructure that crosses the bars.) (Source: DOE 2006a)**

to determine the extent and magnitude of the problems. Congestion Areas of Concern in the West include the Phoenix–Tucson area, the Seattle–Portland area, and the San Francisco Bay area. In each of these areas, DOE identified increasing congestion problems such that, even though they do not represent grave threats to system reliability at present, the congestion affecting these areas is a matter of concern due to increasingly poor conditions on the electricity transmission system.

- *Conditional Congestion Areas.* These are places where some transmission congestion exists, but if resources were fully developed (new generation) without the simultaneous development of new means of transmission, congestion would become severe. Conditional Congestion Areas in the West are currently found in the Montana–Wyoming area because of potential coal and wind development.

Transmission system congestion can lead to rapid rises in electricity prices. A study of electricity markets in the four regions, California, Pennsylvania/New Jersey/Maryland, New York, and New England, where the distribution of wholesale power is managed by independent system operators, found that where there are electricity shortages in situations where power cannot be imported from outside a region and demand for power is close to its peak, costs associated with congestion can often compound increases in the price of electricity resulting from a power shortage (DOE 2002). An increase in the price of electricity of \$50/MWh would mean congestion costs nearly doubling to \$300/MWh, even if system congestion was confined to a single transmission system link, whereas if prices were to increase to \$100/MWh, congestion costs would reach \$447/MWh.

In addition to the rising electricity costs resulting from transmission congestion, severe congestion may eventually lead to loss of electricity supplies for some areas. A number of major blackouts in North American cities have produced significant economic impacts, including both the impact of lost electricity supplies to residents and industries, with the resulting lost production and income, and indirect effects throughout the rest of the regional economy as a result of the overall decline in economic activity. The August 2003 eastern blackout, for example, is estimated to have cost the New York regional economy between \$6 billion and \$10 billion in lost electricity and industrial production, food spoilage, investment and wage income, and additional costs to local emergency services (ICF Consulting 2003; Anderson and Geckil 2003; DOE 2003a).

In addition to impacts in New York City, the same blackout affected other parts of the eastern United States, with Ohio in particular also experiencing significant impacts, with estimates of more than \$1.1 billion in temporary losses of production (Ohio Manufacturers' Association 2003). Almost 55% of manufactures in Ohio were affected, with an average of 24% of manufacturers affected in five of the eight states and Canadian provinces affected by the blackout experiencing costs of more than \$50,000 per hour in production downtime (ELCON 2004). Many firms also suffered a reduction in capital investment and loss of stock values (Ohio Manufacturers' Association 2003), and many considered relocation to regions of the United States with more reliable electricity supplies.

Although increasing electricity costs and deterioration in the reliability of energy supplies may hinder economic and demographic growth in some regions of the United States, the impact of improvements in electricity supply and reliability offered by designation and development of energy transmission corridors on



economic growth is likely to vary considerably across a region supplied by any specific energy transmission system. This is because, in addition to energy availability and reliability of energy supply, various other economic and demographic factors would have to be favorable in any given area for sustained growth to occur. Important among these factors are the economic development potential of the various natural, environmental, and human resources in the area; the prevailing relative cost of doing business in an area; and the extent to which industrial and commercial establishments and individual entrepreneurs would be willing or able to relocate with a deterioration in energy factors. While some industries or individuals located in urban regions might be flexible enough in their choice of potential location to relocate in the event of a longer-term deterioration in energy factors, many industries may be sufficiently dependent on local labor markets, material suppliers, or on capital invested in facilities and equipment in a region to preclude relocation elsewhere. Given the current economic base in many nonurban parts of the states through which proposed energy corridors would be established, it is unlikely that changes in energy availability and reliability alone would significantly impact growth in each area, or that changes in the favorability of other regional economic and demographic factors, combined with reliability, would have significant impacts on growth.

### 1.1.2 Natural Gas Transport Infrastructure in the West

Currently, natural gas provides 22% of the total energy consumed each year by the United States (EIA 2006c). Figure 1.1-1 illustrates the immensity of the pipeline infrastructure that has developed to accommodate the West's demand for natural gas. In the last 20 years, due in large part to market changes and environmental considerations, natural gas has played an increasingly important role as an energy source for the generation of electric power. There are currently more than 27,000 miles of major

natural gas pipelines (>16-inch diameter) in the 11 western states. U.S. natural gas pipeline construction activity accelerated in 2007 with capacity additions to the grid totaling nearly 14.9 billion cubic feet (bcf) of daily deliverability (EIA 2008a). These additions were the largest of any year in the EIA's 10-year database of pipeline construction activity. The increased level of natural gas pipeline construction activity in 2007 conformed to a growth trend that began slowly in 2005 and intensified in 2006. In 2007, about 1,700 miles of pipeline were installed, which was greater than in any year since 2003. Forty percent of the 50 pipeline projects completed in 2007 were associated with new production in Texas and the Rocky Mountain states of Utah, Colorado, and Wyoming. Projects completed in the Rocky Mountain area accounted for 26% of all new natural gas pipeline capacity (3.9 bcf per day) installed during 2007 (EIA 2008a). Because of the increased development of natural gas resources in the West, there is a need to ensure that current land use planning decisions are able to facilitate a reliable natural gas transport network in the future. For example, by 2025, the Energy Information Administration (EIA) estimates that the current 23 trillion cubic feet of natural gas capacity in the United States will be insufficient to meet the 25% increase in demand projected over that same time (EIA 2007a).

The need for new natural gas infrastructure arises in the West for three principal reasons. First, demand for natural gas is expected to rise considerably in the short term. Pipeline capacity shortages are already evident in several key areas. In the Pacific region, EIA forecasts there will be a need for a 45% increase in pipeline capacity in the next 10 to 15 years. As the Federal Energy Regulatory Commission's (FERC's) *2006 State of the Markets Report* (FERC 2006) notes, a "lack of pipeline capacity to flow gas from western Wyoming to market was a chronic issue early in this decade" and, in 2006, "led to brief but severe price volatility" in the western Rockies. As a result of tight pipeline capacity for the export of natural gas from western Wyoming, five times during the fall of

2006 relatively minor changes in pipeline infrastructure led to significant price changes (FERC 2006). Second, safety considerations related to the age of pipelines in many areas across the United States are also adding to the demand for new pipeline infrastructure. Lastly, market developments will influence the location of and need for new pipelines. One such example is the development of new resources in the Mountain West area, where additional pipeline capacity will be needed to transport new supplies to demand centers. Also, as conventional resources are economically exhausted, onshore unconventional resources are expected to become an increasingly important source of domestic supply (EIA 2007a). Increased liquefied natural gas (LNG) imports may also necessitate building increased pipeline capacity to facilitate new transport and distribution lines (National Commission on Energy Policy 2006).

### **1.1.3 Oil and Products Pipeline Infrastructure in the West**

Currently, the United States relies on 2 million miles of oil pipelines as the principal means of delivering supplies of oil and refined petroleum products like gasoline to market. These pipelines are essential to maintain secure delivery for the more than 20 million barrels of oil and the 17 million barrels per day of refining capacity necessary to fuel upwards of 220 million cars and trucks on United States roadways (National Commission on Energy Policy 2006).

Two principal factors indicate that the oil pipeline delivery system needs improvement. First, demand for petroleum products in the transportation sector is expected to continue to grow at a rapid pace. Even though alternatives to petroleum products such as ethanol, biofuels, and electricity may become more competitive as technology advances, demand for oil is nevertheless expected to increase for the next several decades. The EIA forecasts a 20% increase in oil consumption by 2020

(EIA 2006d). Additionally, other market factors such as increased petroleum imports due to reduced refinery capacity and expected growth in the production of synthetic liquid fuels like “coal-to-liquid” are expected to affect the need for siting new and upgraded pipeline infrastructure (National Commission on Energy Policy 2006). Second, many of the existing oil pipelines currently in place are aging, further creating the need for new or improved pipeline capacity.

### **1.1.4 Hydrogen Pipeline Infrastructure Systems**

Although hydrogen fuel technologies may have a significant role as a future energy source, insofar as pipelines are concerned, hydrogen generation and transport technologies are still in developmental stages. Currently, fewer than 50 retail stations provide hydrogen fuel to automotive consumers. Without a clear infrastructure system in place, it is difficult to estimate future demand for hydrogen and what hydrogen infrastructure will be needed. Nevertheless, because of the potential role that hydrogen could play in meeting future needs, the Agencies sought in this action to identify locations where future hydrogen pipelines might be suitably located.

## **1.2 WHAT ARE SOME OF THE EXISTING ADMINISTRATIVE CHALLENGES TO FEDERAL RIGHTS-OF-WAY AUTHORIZATION?**

Siting large, long-distance energy transport infrastructure is a complicated task for an applicant and for the Agencies involved in the application process. In addition to addressing the heterogeneous mix of private, state, and Tribal land ownership in the West, energy transport projects must confront a complex pattern of federally controlled lands that are administered by different land management agencies, each with its own set of rules and procedures for granting ROWs for land uses. As a result,

energy transport project applicants must satisfy the often disparate requirements of multiple agencies for the same project.

Currently, the Agencies producing this PEIS have procedures to authorize ROWs on the lands that they administer. In some locations in the West, the Agencies may work cooperatively to address an application. However, these cooperative arrangements are generally limited in nature and apply to special resource management issues that require joint land management decisions. When projects are processed cooperatively, it is on an application-by-application basis. Generally, the local administrative offices (e.g., BLM field office [BLM FO] or FS national forest) address energy transport within the boundaries of their administrative areas. Some of these local offices have designated local energy corridors in their land management plans as the preferred location for energy transport projects. These local corridors sometimes do not link geographically, for example, because the corridors are of different sizes and widths. In addition, it is often difficult to develop interagency cooperation or corridor paths that align over several different local jurisdictional units because the land use planning exercises that designate the corridors are conducted at different times.

Since entering into a series of MOUs in recent years, the federal Agencies have improved processing of multi-agency projects. However, barriers to efficient processing of applications remain. At present, some of the barriers to infrastructure development in the western states include inconsistent agency procedures for granting ROWs; inconsistent agency views on whether proposed energy infrastructure projects would address near- or long-term energy needs; a lack of coordination among agencies that administer contiguous tracts of land when responding to applications for a ROW across their respective jurisdictions; and the lack of coordination within agency offices regarding the appropriate geographic locations of corridors or ROWs.

When an applicant must seek authorizations from several federal agencies or several local jurisdictions within the same agency, a lead federal Agency and lead office are usually assigned the responsibility to process the application. An overall project manager is also usually assigned to the project. However, the application may not receive the same priority at all field offices due to different guidelines or requirements for an application or a use authorization such that the applicant does not have a clear understanding of what information to submit to a given agency during the application process. Further, the agencies may each have distinct views on whether the transport projects are needed. Also, the agencies may apply different criteria or follow different guidelines when assessing the impacts of an energy project. Thus, under the existing regulatory schemes, the potential benefits of direct, cost-effective, and environmentally favorable routing of the energy transport project may be encumbered.

In certain instances, the applicant may face delays because an agency may need to amend its land use or resource management plan to include a corridor for the proposed ROW. These delays may be caused by administrative hurdles and internal analyses, reviews, and approvals required by the local office. The absence of coordinated ROW application procedures and adequate coordination between and within agencies has frustrated efforts to develop the energy infrastructure needed in the West.

### **1.3 WHAT IS THE PROPOSED ACTION TO ADDRESS THE PURPOSE AND NEED?**

As directed by Congress in Section 368 of EPAct, the participating Agencies have examined the energy infrastructure issues and situation in the West and propose to designate energy corridors on federal land for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities in 11 western states.

### **Text Box 1.3-1 Amending Land Use Plans**

For the Agencies involved in designating energy transport corridors, the land use planning process serves as the means to formally allocate corridor areas on federally administered lands. The land use planning process is different for each Agency, and the following highlights how each Agency conducts land use planning.

#### **Forest Service**

Land management plans guide the FS in fulfilling its responsibilities for stewardship of the National Forest System. Land management plans are generally strategic and contain desired conditions, objectives, and guidance for project and activity decision making in the plan area, usually a national forest. The Secretary of Agriculture designates energy corridors on National Forest System lands in the 11 western states by amending the affected forest land management plans when the ROD is signed. While forest land management plans may be amended by Forest Supervisors, the Secretary reserves the authority for this decision so that all affected land management plans may be amended simultaneously.

#### **Bureau of Land Management**

Land use planning is the primary method that the BLM uses to maintain the balance between land and resource use and the conservation of sensitive resources. Land use planning is a core function required by the Federal Land Policy and Management Act of 1976, which supports the BLM mission to foster multiple use and sustained yield on public lands. Planning emphases include balancing the development of domestic energy supplies with the protection of sensitive resources, managing rangelands and forests to achieve healthy ecosystems, providing recreational opportunities, and protecting cultural and heritage resources, among others. New plans and plan amendments are subject to NEPA review, and the planning process is often characterized by considerable public interest and involvement. The BLM will continue to develop and amend land use plans as needed to address emerging issues of national importance, such as the recently passed Energy Policy Act of 2005, and will continue to benefit from the participation of its many constituents as it does so.

#### **U.S. Fish and Wildlife Service**

For national wildlife refuges, the National Wildlife Refuge System Administration Act of 1966 (NWRSA) (16 USC 668dd-ee), as amended, requires that these areas be administered by the Secretary of the Interior through the USFWS. Only the USFWS is delegated the authority to approve uses on a national wildlife refuge. The NWRSA requires that any use of a national wildlife refuge must be compatible with refuge purposes and the mission of the National Wildlife Refuge System.

A compatibility policy developed by USFWS states that uses that the USFWS reasonably may anticipate to fragment or reduce the quality or quantity of habitats on a national wildlife refuge will not be compatible. Further, a use cannot be made compatible through compensatory mitigations, and if the proposed use cannot be made compatible with stipulations, the USFWS cannot allow the use.

#### **Department of Defense**

The DOD conducts planning at each installation through the production use of a master plan that addresses mission needs, tenant needs, air space issues, natural and cultural resources, and regulatory requirements. The plan is usually maintained by the base civil engineering office and is developed and maintained to ensure that the DOD mission is successfully accomplished at each installation. The installation commander generally has the authority to modify the base master plan after the modifications have been analyzed by the installation's civil engineering group.

#### **Department of Energy**

The DOE has no formal land use planning process. Each facility addresses individual mission needs and reports to a primary DOE office and/or program that serves as the landlord of each facility.

In addition, the Agencies propose to amend their respective land use management plans or similar land use plans, as appropriate, to include the designated energy corridors on land administered by their Agency, if designated corridors occur on those lands.

In considering potential ways to designate the corridors, the Agencies took into account, per Congress' mandate in Section 368, the need for upgraded and new electricity transmission and distribution facilities to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver electricity. The Agencies decided to propose to locate corridors for the West-wide transport and distribution of energy (electricity, oil, natural gas, and hydrogen) between supply and demand areas in the 11 western states while avoiding sensitive resources and land use and regulatory constraints to the fullest extent possible. If applicants develop energy transport projects within the proposed corridors, the resulting infrastructure would aid in alleviating congestion problems associated with electricity transmission in the West.

The Agencies here propose to designate corridors in locations that were selected using a systematic, four-step siting process, which is discussed in detail in Section 2.2 of this PEIS. The four-step process incorporated additional information received during the public comment process on the draft PEIS. The additional information on corridor locations and issues allowed further adjustments to account for environmental, operational, and socioeconomic factors.

The proposed corridor designations would not approve any site-specific activities or projects or prejudice the environmental impacts of individual projects. While the type of environmental review to be conducted is not specified in Section 368, the Agencies have decided to prepare this PEIS to conduct an environmental review at the programmatic level, integrate the NEPA process early in the planning process, and address potential conflicts among

Agencies. If the Agencies decide at the end of this environmental review, under NEPA, to designate a system of energy corridors, it will be for the purpose of establishing those corridors as preferred locations for future energy transport projects. Again, the designation of such a system of corridors would not authorize parties to proceed with any site-specific projects or to carry out any activities in these corridors. No direct environmental impacts are expected to occur as a result of implementing either the No Action or Proposed Action Alternatives, with the possible exception of effects to property values on nonfederal lands adjacent to or between designated corridor segments. Additionally, project development within designated corridors could lead to direct, indirect, and/or cumulative impacts on the environment. As noted above, if individual projects are proposed, any applications for such projects would be subject to environmental review under NEPA and other applicable laws.

Similarly, if the Agencies decide to amend related land use plans, this also would not authorize any site-specific activities. By amending land use plans at the designation stage, the proposed action may accelerate the process of subsequently applying for energy project ROWs. In particular, an applicant could avoid delays associated with seeking a land use plan amendment for a specific project. However, as with the designation of corridors, the amendment of land use plans would not authorize parties to proceed with any site-specific projects, or to carry out any activities in areas within the corridors, and accordingly will not result in any on-the-ground impacts that may significantly affect the quality of the environment. If individual projects are sited, as noted above, any applications for such projects would be subject to environmental review under applicable statutes.

The Agencies also note that designating a system of energy corridors would not preclude an applicant from applying for a ROW outside of the designated energy corridors as currently provided for in FLPMA. In this case, the current

process to authorize ROWs would apply to the application. However, such an applicant would not benefit from the coordinated interagency application procedures that would be established under Section 368, any land use plans that have already been amended to contain designated Section 368 energy corridors, or environmental analyses already examined in this PEIS.

#### **1.4 HOW WILL THE AGENCIES EXPEDITE THE APPLICATION PROCESS?**

Section 368 directs the Agencies to establish procedures under their respective authorities to expedite the application process for energy-related projects within Section 368 designated corridors. The Agencies would include uniform interagency operating procedures (listed and described in more detail at Section 2.4) for reviewing applications for energy ROWs within designated Section 368 corridors. To highlight the proposed efficiencies gained by applicants who choose to apply for energy transport projects in the Section 368 designated energy corridors, the authorization process anticipated by the Agencies is described below.

##### **Application Process**

Because many of the proposed Section 368 energy transmission corridors pass through multiple administrative areas (e.g., BLM FO or FS national forest) managed by one or more of the Agencies, the Agencies will implement procedures that create a virtual “one-stop shop” application processing process that will become the foundation of the Section 368 expedited application procedures. In the past, project delays and missteps have often been the outcome of multiple agency offices issuing environmental reviews, project requirements, and land use authorizations. However, because linear energy transmission facilities must connect two locations in a safe and reliable manner across the entire length of the project, piecemeal agency authorizations can be

streamlined so that environmental and regulatory considerations can also be simultaneously addressed over the entire length of a project. Within existing laws and regulations, it is possible to simplify the federal authorization for ROWs in designated corridors.

The Section 368 streamlining process is based on the principles of the Service First program implemented by the BLM, FS, National Park Service (NPS), and USFWS. Service First was initially a joint BLM and FS initiative designed to improve customer service by providing streamlined, one-stop shopping across agency jurisdictional boundaries for public land users. Authority for Service First was provided by legislation in 1997 covering only BLM and FS. That legislation was recently amended to include the NPS and USFWS. Service First provides legal authority for the FS, NPS, FWS, and BLM to carry out shared or joint management activities to achieve mutually beneficial resource management goals. Service First authority has been used primarily for colocating offices, joint permitting, shared management, and single points-of-contact (POCs) for resource programs.

Agencies that are not a part of Service First may join the Service First agencies through necessary agreements in order to process applications. For example, the Bureau of Reclamation (BOR), Bureau of Indian Affairs (BIA), and U.S. Army Corps of Engineers are currently considering whether they should also seek Service First authority.

The Agencies will prepare written guidance on the types of further environmental and regulatory reviews that will be required for projects seeking to use Section 368 corridors. The guidance will be used by the Agencies and the applicant to ensure that all parties clearly understand the application process and supporting information required to make an authorization decision to use a Section 368 corridor. Information presented in this PEIS would be used to assist in developing the guidance by describing project-specific potential

environmental impacts and providing information that can be used to tier to site-specific environmental reviews.

The implementation of Section 368 designated energy corridors will occur as follows:

- Applications received by any of the Agencies will undergo an initial review to determine if the application meets Section 368 planning criteria, including a determination if the project crosses multiple jurisdictional boundaries within a state or is an interstate project. Partial use of a designated Section 368 corridor by an application will also be considered in the review process. The review will be conducted by a joint HQ office staffed by BLM and FS employees who are familiar with Section 368 corridors.
- If a proposal is approved as a Section 368 corridor project, only one application will be necessary to proceed with the authorization process. In addition, the proponent of the application will be required to consider all the mandatory IOPs (see Section 2.4).
- The affected agency officials will select a responsible federal official who will be assigned to the proposed project. The official will have knowledge, experience, and credentials similar to current BLM national project managers. The BLM national project managers are very familiar with the policies and procedures of multiple agencies and jurisdictions, have experience working with large projects and sophisticated applicants, and can manage third-party contracts, if necessary. The responsible federal official will oversee all processing of the applications, including environmental reviews, construction activities, post-construction monitoring, and close-out issues, if needed.

- Compatibility issues with other potential energy transport projects that could be colocated in the corridor (e.g., efficient location of individual ROWs within the corridor boundaries) would be developed by the applicant in consultation with the federally designated official.
- Because a Section 368 corridor will require only one application for federal authorization, it will be necessary to only produce one supporting environmental review for each of the various regulatory requirements. While Section 7 (ESA) or Section 106 (NHPA) reviews may need to be conducted on a state-by-state basis, the lead responsible federal official will coordinate all reviews for any required regulatory process associated with the application.
- While the designated official will oversee the application process, approval from officials in each affected agency will be required to authorize a project.
- The Agencies will develop, as is common under Service First processes, one cost share agreement, fee schedule, and billing process for the applicant. Included under the cost share agreement will be an agreed to project schedule that will be followed by both the applicant and the federal agencies. In addition, only one administrative record will be required for each project application.
- The Agencies will require and develop a website for all projects that are seeking approval to use Section 368 energy transmission corridors. Within this common website, each project will have an individual project website that will contain all public information on the project, including environmental review and permitting documentation.

**Text Box 1.4-1  
Compliance with the National Historic  
Preservation Act**

The regulations for Section 106 encourage the Agencies to integrate Section 106 compliance with the NEPA process (36 CFR 800.8). Due to the scope and scale of the Proposed Action, the Agencies have chosen to implement this provision in order to reduce redundancies when complying with both laws; provide the broadest possible opportunities and greatest convenience for the public to review and consult on the Agencies' proposed actions; and ensure that concerns pertaining to historic properties are fully integrated into the PEIS and the RODs (see Section 3.10.1.2 of Volume I of the final PEIS).

**Future Section 368 Corridors**

The Agencies will also consider the need for future Section 368 corridors. The Agencies will use their approved planning processes to implement new Section 368 corridors. New corridors will be considered for Section 368 status when an interstate or interagency application is received by one or more of the Agencies. The Agency (or Agencies if the proposed route would cross federal lands managed by multiple federal agencies) will then conduct a review of the proposed route(s) suggested in the application. The review will first consider if the application meets Section 368 criteria (as developed within EPA Act and further considered in the PEIS and Records of Decision [RODs]). If the application route(s) for the project meet Section 368 criteria, then the Agencies will amend their land use plans as required by law, and a Section 368 corridor will be designated. Once designated, Section 368 criteria (centerline, width, and designated uses) will be defined and implemented in land use plans. Also, all interagency operating procedures (IOPs) presented in the final PEIS and other considerations presented in the RODs signed by each Agency would apply to the newly designated corridor.

The procedures identified above describe how a ROW applicant and the public may benefit from a streamlined and coordinated review of an application to use a Section 368 designated energy corridor.

The Proposed Action of designating Section 368 corridors does *not*:

1. Guarantee that a specific project would be approved in a designated energy corridor. The Agencies must review each project-specific application and conduct an appropriate environmental review for each project;
2. Limit an Agency's discretion to deny a ROW or other permit within the designated energy corridor or elsewhere;
3. Alter an Agency's internal procedures for review and approval of site-specific projects as facilitated through an appropriate interagency POC;
4. Establish energy corridors on nonfederal lands;
5. Preclude any proposal for a project outside of a Section 368 designated corridor.
6. Limit proponents to applying for permits solely within designated corridors.

**1.5 ENDANGERED SPECIES ACT (ESA)  
SECTION 7**

**1.5.1 ESA Section 7 Requirements**

Section 7 of ESA directs each federal agency, in consultation with the Secretary of the Interior and the Secretary of Commerce, as appropriate, to ensure that any action authorized, funded, or carried out by the agency is not likely to jeopardize the continued existence of any listed threatened or endangered species or result



in the destruction or adverse modification of critical habitat.<sup>4</sup>

Under Section 7 of ESA, those agencies that authorize, fund, or carry out a federal action are commonly known as “action agencies.” If an action agency determines that its federal action “may affect” listed species or critical habitat, it must consult with the USFWS of the DOI or the National Marine Fisheries Service (NMFS) of the DOC (collectively known as the “Services”) or both, whichever has jurisdiction over the species or habitat that may be affected.<sup>5</sup>

If an action agency determines that the federal action will have no effect on listed species or critical habitat, the action agency does not initiate consultation with the Services and its obligations under Section 7 are complete. In order to make this determination, an action agency must consider the effects of the action at issue. Regulations implementing NEPA and ESA each use the terms “direct effect,” “indirect effect,” and “cumulative effect,” but the definitions of these terms are not identical under the statutes. Regulations at 40 CFR 1508.8 and 50 CFR 402.02 highlight these differences. Under NEPA, and as demonstrated in this PEIS, an agency will examine the direct, indirect, and cumulative impacts of a proposed action. Indirect effects are those caused by the action, later in time and farther removed in distance, and are *reasonably foreseeable*. Under ESA, however, the effects of an action are evaluated by a stricter standard. Regulations implementing ESA define the term “effects of an action” at 50 CFR 402.02 to include direct and indirect effects (and the effects of interrelated or interdependent activities), but limit indirect effects to those that are caused by the action, later in time, and are *reasonably certain to occur*. In addition, ESA regulations limit the

term “cumulative effects” to those effects of future state or private activities; NEPA regulations are not so limited.

The “reasonably certain to occur” standard used in ESA regulations is more demanding than the “reasonably foreseeable” standard used in NEPA regulations (see 40 CFR 1508.8). Thus, it is possible that a proposed action may have “no effect” under the rigorous ESA standard, but have multiple effects under NEPA. The ESA standard has been part of interagency regulations at 50 CFR Part 402 since 1986 and is the subject of proposed rules recently promulgated by the USFWS and NMFS.<sup>6</sup>

### 1.5.2 Agency Status under ESA Section 7

The DOI, USDA, and DOD have concluded that they are action agencies for ESA purposes because each manages federal land where the proposed energy corridors may be designated under Section 368. Each action agency is tasked with designating energy corridors on federal land and incorporating these corridors into appropriate land use plans by amending them.

The DOE has determined that it is not an action agency because it does not manage any federal lands where the proposed energy corridors would be designated under Section 368. As such, the Proposed Action does not involve any action by this agency to incorporate the proposed corridors into any land use plans that it may have issued.

### 1.5.3 Basis for the Action Agencies’ “No Effect” Determination under Section 7 of ESA

In complying with their duties under Section 7 of ESA, the action agencies have examined the effects of designating federal land

<sup>4</sup> See ESA § 7; 16 USC 1536. The standard for determining when federal agencies must consult under ESA is different from the standard for determining when federal agencies must prepare an environmental impact statement under the National Environmental Policy Act.

<sup>5</sup> See 50 CFR 402.02, 402.13-14.

<sup>6</sup> Interagency Cooperation under the Endangered Species Act, 73 *Fed. Reg.* 47868 (Aug. 15, 2008) (to be codified at 50 CFR 402).

under Section 368 through land use plan amendments on listed species and critical habitat. As a result of this examination, the action agencies have determined that designating corridors through land use plan amendments would cause no effect on a listed species or on critical habitat. This determination is based on the following.

The Proposed Action, designation of energy corridors through amendment of land use plans, is an administrative task that would not cause any impact to listed species or critical habitat. The land use plan amendments identify and designate an area, identified by centerline, corridor width, and compatible use, that will be the preferred area to be used for Section 368 purposes. The Proposed Action does not establish a precedent or create any legal right that would allow ground-disturbing activities within a designated energy corridor. Any individual application for a ROW, permit, or other authorization for Section 368 purposes at a particular location within a designated energy corridor could only be granted, in the future, after it is subject to a full policy and legal review at the time it is filed, including a review under ESA and other applicable statutes. Moreover, there is no guarantee that any particular authorization will be granted; the action agencies have discretion not only to deny an application for a ROW, permit, or other authorization for Section 368 purposes within a designated corridor, but also to grant an application for an authorization outside of a designated energy corridor.

It is important to note that the effects of any future activities that might occur as a result of the grant of a ROW, permit, or other authorization, following site-specific compliance with ESA and other applicable laws, would not be effects, direct or indirect, of the Proposed Action at issue here. Further, until BLM or FS receives an application for a ROW, permit, or other authorization and adjudicates it, it is impossible to determine what effects on listed species or critical habitat might be “reasonably certain to occur” (see Section 1.5.1).

For the above reasons, the action agencies have determined that designating energy corridors under Section 368 of EPA Act and incorporating these corridors in land use plans would have no effect on listed threatened or endangered species or critical habitat.

The action agencies reach their “no effect” determination not because listed species and critical habitat are unlikely to be present in the corridors described in the alternatives. To the contrary, Table 3.8-5 identifies numerous listed species that occur in the 11 western states where energy corridors could be designated. Portions of the corridors would likely include areas occupied by listed species or within critical habitat.

The action agencies considered preparing a biological assessment and initiating consultation with USFWS and NMFS under Section 7(a)(2). After discussing various approaches, the action agencies determined, however, that the administrative action of amending a land use plan to designate energy corridors would have no effect on listed species or critical habitat. Preparing a biological assessment before a site-specific project had been proposed to the agencies would be based largely on conjecture and speculation. There would be simply no way to know before such a site-specific proposal is made whether the impacts to be assessed would be those of an overhead electricity transmission line or buried oil or gas pipeline or some combination of uses. Further, without knowing the specifics of when and where a project would occur within a corridor, it would be impossible to know what species, if any, would be affected by these future projects. The agencies considered whether it made sense to make assumptions for the purposes of a biological assessment, but were left with no credible basis on which to make such assumptions. The agencies determined such assumptions would be speculative and not linked to the federal action of designating energy corridors through land use plan amendments. Any biological assessment would be a speculative assessment of effects

from future site-specific projects, not of the Proposed Action.

This is not to say that there would be no Section 7 consultations (including preparation of biological assessments or biological opinions, where appropriate) on future actions that may affect listed species or critical habitat. On the contrary, as explained above, the action agencies fully expect that Section 7 compliance, including consultations, if necessary, will be appropriate as projects within a corridor are proposed. That is, if an application for a ROW, permit, or other authorization is received by an action agency for lands within a designated corridor, further compliance with Section 7 of ESA would be initiated at that time.<sup>7</sup> This may take the form of preparation of a biological assessment by the action agencies and issuance of a biological opinion by USFWS and/or NMFS; a “may affect, not likely to adversely affect” determination by the action agencies with Service concurrence; or a “no effect” determination by the action agencies. At such time, any biological assessment, biological opinion, concurrence, or “no effect” determination would be based on a detailed ROW application describing the project, site, and method of construction, all features lacking at the present time.

In reaching their “no effect” determination, the action agencies found no causal connection, whether direct or indirect, between the designation of energy corridors (through land use plan amendment) and any effect on a listed species or critical habitat. Designation of an energy corridor neither guarantees that a ROW application for lands within a corridor will be granted, nor that an application for lands outside a corridor will be denied. Any effects to a listed species or critical habitat that might occur in a

corridor in the future and are simply unknown at this time would be caused by the grant of a ROW, permit, or other site-specific authorization, following full policy and legal review, including any consultation under Section 7 of ESA.

## 1.6 WHAT ARE THE ALTERNATIVES ANALYZED IN THIS PEIS?

The Agencies have identified two reasonable alternatives:

1. *No Action.* No land would be designated as a Section 368 corridor.
2. *Proposed Action.* Designation of Section 368 energy corridors and amendment of land use plans on federal land. More than 6,000 miles of Section 368 energy corridors would be designated within federal lands in the 11 western states as identified by environmental, engineering, and land use screening criteria to reduce potential environmental and land use conflicts.

These alternatives are considered in more detail in Chapter 2 of this PEIS. As noted above, the PEIS does not consider project-specific activities at any specific locations in proposed designated corridors because the proposed designation does not involve or direct the authorization of any specific projects. However, the PEIS does examine the potential activities and impacts associated with future electrical transmission and pipeline projects.

## 1.7 WHY CONDUCT THE ENVIRONMENTAL REVIEW UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT?

Section 368 requires the Agencies to conduct any “environmental reviews” necessary to complete the designation of Section 368 energy corridors. The proposed designation of

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<sup>7</sup> Further, if a future site-specific proposal may adversely affect essential fish habitat (EFH), the action agencies would consult with NMFS, as required by the Magnuson Stevens Fishery Conservation and Management Act, 16 USC 1855(b)(2), prior to approval.

more than 6,000 miles of Section 368 energy corridors among the various agency land use plans is a forward-looking response, mandated by statute, to address a national concern.

The Agencies recognize that while thousands of miles of corridors may be designated, it is not possible to predict whether or where future applicants would seek to site their projects; nor is it possible to predict with specificity the type of projects that may be proposed at a particular location (e.g., an underground pipeline as opposed to an above-ground transmission line); nor is it possible to predict whether such site-specific projects that may be proposed in the future would involve electricity, gas, hydrogen, or oil energy transport systems. As such, at this time it would be speculative and neither practicable nor possible to evaluate environmental impacts associated with such potential site-specific projects. As discussed below, in the event that site-specific projects would be proposed in the future in areas located within designated corridors, such individual projects would be subject to appropriate environmental review and analysis. A discussion of the potential impacts of future project construction and operation appears in Chapter 3.

Quantifiable and accurate evaluation of impacts at the local scale can be made only in response to an actual proposed energy project, when a proposal for an action with specific environmental consequences exists. Until a site-specific project is presented to the Agencies and the project is evaluated, authorized, and implemented, the land and resources within a designated energy corridor would remain unchanged.

The PEIS addresses the potential direct, indirect, and cumulative impacts that are possible when energy corridors are included in amended land use plans. In addition, the PEIS includes an analysis of types of potential impacts that could result from a typical energy transmission project, irrespective of its location on the landscape. By analyzing and presenting possible project-related impacts from future

actions, the PEIS provides invaluable information for future site-specific environmental reviews.

### 1.7.1 Why Are the Agencies Preparing a Programmatic Analysis?

NEPA requires that federal agencies prepare a “detailed statement for major federal actions significantly affecting the quality of the human environment.”<sup>8</sup> Here, the Agencies have concluded that preparing a PEIS at this time to examine programmatic environmental concerns is appropriate.

The decision to prepare an EIS for a programmatic action such as that described by Section 368 is supported by Council on Environmental Quality (CEQ) regulations at Title 40, Part 1502.4(b), of the *Code of Federal Regulations* (40 CFR 1502.4(b)), which state that “Environmental Impact Statements may be prepared and are sometimes required, for broad federal actions such as the adoption of new agency programs or regulations (Section 1508.8). Agencies shall prepare statements on broad actions so that they are relevant to policy and are timed to coincide with meaningful points in agency planning and decision making.”

Preparing a PEIS now is consistent with the CEQ regulations, which encourage agencies to “integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.”<sup>9</sup> Further, preparation of a PEIS provides an established

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<sup>8</sup> NEPA § 102(2).

<sup>9</sup> 40 CFR 1501.2.

and familiar vehicle to examine potential environmental concerns.<sup>10</sup>

A PEIS also allows for early public participation in the Section 368 energy corridor designation process through a mechanism familiar to interested members of the public. The designation of several thousand miles of energy transportation corridors is a large task. The PEIS allows the Agencies to seek public input through open comment periods and public forums where concerns regarding Section 368 energy corridors can be raised. Public review and comment on the draft PEIS resulted in a number of changes that were incorporated into the final PEIS.

Additionally, this PEIS may greatly assist subsequent, site-specific analyses for individual project proposals by allowing the Agencies to incorporate the relevant provisions of this PEIS into those later analyses, as required by Section 368. For example, if an applicant should apply for a specific ROW within a Section 368 energy corridor, the participating Agencies will have interagency operating procedures (IOPs), management practices, and mitigation procedures developed in the PEIS available for application to individual projects seeking to use Section 368 corridors.

The process used to select the corridor locations applied a number of environmental, engineering, and land use screening criteria that served to reduce potential environmental and land use conflicts (see Section 2.2.1). This process and the analysis presented in the PEIS will provide the Agencies with useful information and analysis to inform future decisions.

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<sup>10</sup> BLM regulations also provide that BLM conduct a NEPA review prior to any amendment to its federal land resource and management plans (43 CFR 1610.5-5). The BLM, as well as the FS, have existing land resource and management plans in the areas included in the proposed Section 368 energy corridor designation.

## 1.7.2 What Is the Scope of the PEIS?

The scope of the analysis in the PEIS includes a programmatic assessment of the potential positive and negative environmental, social, and economic impacts of the alternatives. The Agencies examined the direct, indirect, and cumulative impacts of future projects consistent with corridor designation. The programmatic analyses conducted in preparation of the PEIS are based on currently available and credible scientific information.

As a programmatic evaluation, this PEIS does not evaluate site-specific issues associated with potential individual energy transport projects. The combined and individual effects of location-specific and project-specific impacts are not foreseeable at the Section 368 energy corridor designation stage. Therefore, the Agencies do not speculate about project-specific impacts that required knowing the actual location of an individual project in this PEIS. Local and project-specific impacts would be evaluated in the future at the individual-project level, and site-specific impacts would be addressed during individual project reviews. Individual project analyses, reviews, and approvals and denials may tier off the PEIS, thus using and referencing the information, analyses, and conclusions presented in the PEIS to supplement the project-specific reviews and analyses. However, individual project-specific decision making will not be supplanted by the PEIS.

## 1.8 WHAT ARE THE PLANNING DECISIONS THAT ARE BEING PROPOSED IN THIS PEIS?

### 1.8.1 What Planning Decisions Are Being Proposed in the PEIS?

Upon signing RODs, the BLM, FS, and, if applicable, the DOD would amend their respective affected land use plans to incorporate the corridor designation. Corridor designation on

these federal lands would be defined by a set of land areas, derived from a centerline and designated width and categorized by compatible uses to accommodate future proposed energy transport projects. (Refer to Appendix A for the list of Agency land use plans proposed to be amended upon issuing the RODs.)

For national wildlife refuges, the National Wildlife Refuge System Administration Act of 1966 (NWRSA) (16 USC 668dd-ee), as amended, requires that these areas be administered by the Secretary of the Interior through the USFWS. Only the USFWS is delegated the authority to approve uses on a national wildlife refuge. The NWRSA requires that any use of a national wildlife refuge must be compatible with refuge purposes and the mission of the National Wildlife Refuge System.

The USFWS has promulgated regulations (50 CFR 29) and developed policy (Compatibility 603 FW2, Appropriate Refuge Uses 603 FW 1) to implement the NWRSA's mandates on administration of refuge uses, especially as these relate to compatible use. The compatibility policy states that uses that the USFWS reasonably may anticipate to fragment or reduce the quality or quantity of habitats on a national wildlife refuge will not be compatible (603 FW 2 Section 2.5A). Further, a use cannot be made compatible through compensatory mitigations, and if the proposed use cannot be made compatible with stipulations, the USFWS cannot allow the use (603 FW 2 Section 2.11 C).

The programmatic identification of energy corridors across national wildlife refuge lands through the PEIS in and of itself does not trigger the compatibility determination requirement under the NWRSA. Specific establishment and construction of energy transmission facilities and infrastructure on a refuge would trigger reviews of appropriateness and compatibility.

### **1.8.2 What Planning Decisions Are Not Being Proposed in the PEIS?**

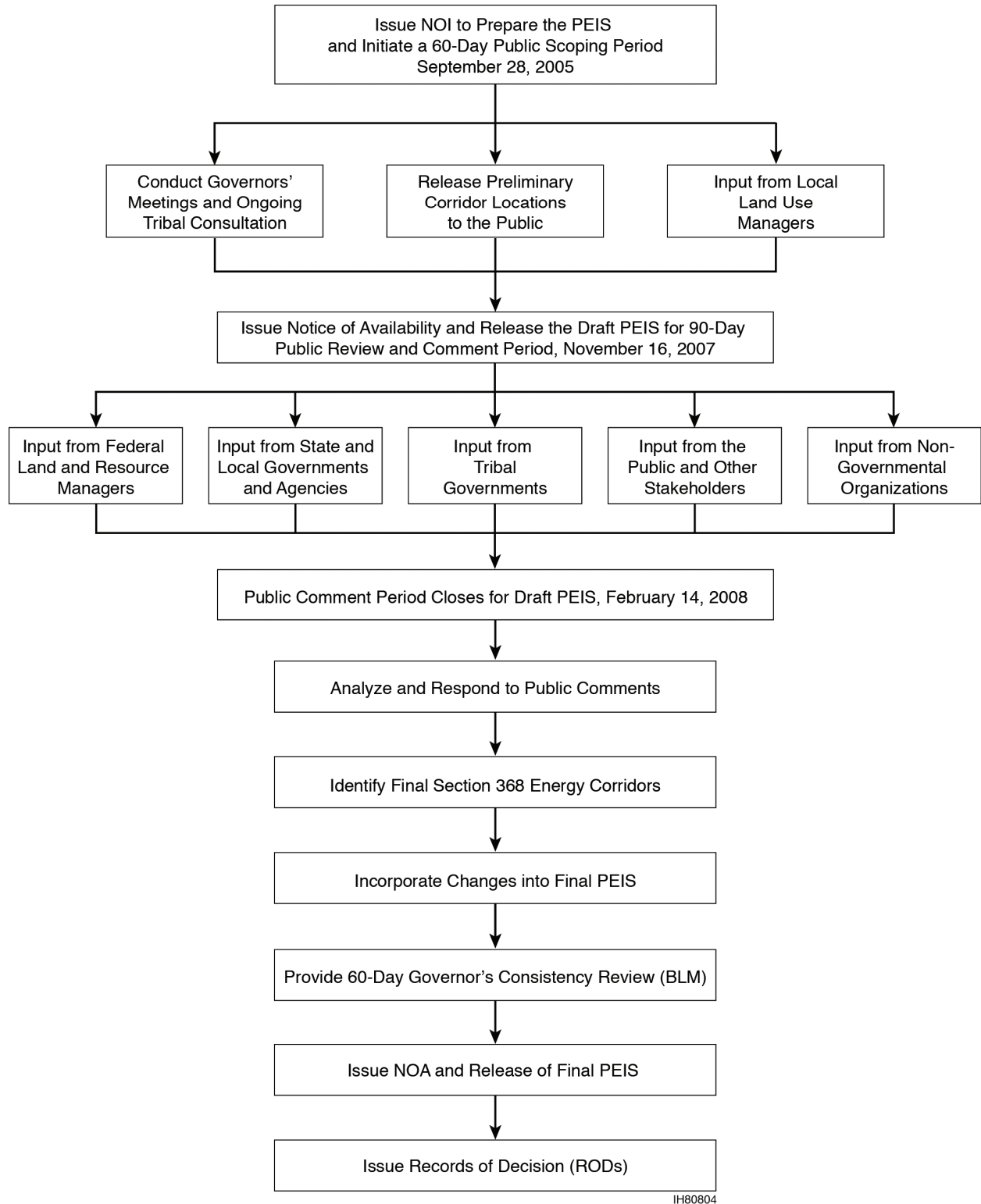
As specified in Section 368, these energy corridors would be designated only on federal lands, not Tribal, state, or other nonfederal (e.g., private) lands. Applicants would be required to identify preferred project-specific routes within the designated corridors and plan for gaining authorization to cross nonfederal lands. Project applicants would secure authorizations across nonfederal lands in the same manner that they currently do, independent of the application process for corridors on federal lands.

In addition, designating an energy corridor does not mean that the Agencies are approving specific energy transport projects. Future proposals for specific energy transport projects require project-specific applications at the Agency level, containing site-specific requirements.

A ROW would authorize specific project actions and would require a prior project-specific environmental review subject to NEPA and other laws and regulations, as well as a coordinated engineering review. Section 1.4 describes the integrated application process that would be used by the Agencies to evaluate and, if approved, authorize and grant a project ROW.

### **1.9 WHAT KINDS OF OUTREACH ACTIVITIES DID THE PEIS PROJECT UNDERTAKE?**

The process to produce the PEIS required a number of process steps (see Figure 1.9-1) that included opportunities for public involvement and comment. The Agencies have undertaken an extensive public outreach effort to maintain an open and transparent process within all levels of organization in each Agency and by members of the public and interested stakeholders.



IH80804

**FIGURE 1.9-1 Process for Preparing the PEIS and RODs, Including Steps That Allow Public Comment and Participation**

### 1.9.1 Public Involvement

A Notice of Intent (NOI) to prepare the PEIS, amend relevant agency land use plans, and conduct public scoping meetings, as well as a notice of floodplain and wetlands involvement, was published in Volume 70 of the *Federal Register* (70 FR 187, 56647) on September 28, 2005. The Agencies advertised the opportunity for the public to become involved through a “scoping” process, in which interested parties could comment on the scope and content of the PEIS. The Agencies conducted scoping for the PEIS from September 28 to November 28, 2005. A summary of the scoping process and what the public presented to the Agencies can be found in Appendix B and at <http://corridoreis.anl.gov>.

To encourage public participation, the Agencies provided multiple ways to communicate about issues and submit comments. The NOI identified five methods by which the public could submit comments or suggestions to the Agencies on the preparation of the PEIS:

- Public scoping meetings,
- Traditional mail delivery,
- Facsimile transmission (fax),
- Telephone, and
- Public Web site with automated comment form.

Public scoping meetings were held in each of the 11 potentially affected states (see Table 1.9-1). At each meeting location, two meetings were scheduled on the same day: one in the afternoon, and the other in the evening. The public could also provide comments or suggestions on the scope of the PEIS by using the project Web site at <http://corridoreis.anl.gov> to complete and submit a scoping comment form. All comments, regardless of how they

were submitted, received equal consideration in the preparation of the draft PEIS. Comments were received from industry, state and local governments, Tribal Nations, environmental organizations, and unaffiliated individuals. The majority of the comments were associated with electricity and natural gas issues (see Text Box 1.9-1). All scoping comments can be viewed on the public Web site at <http://corridoreis.anl.gov>. Issues raised during the public scoping period can be found in Appendix B.

The Agencies also provided the public with maps of the preliminary corridor routes and alternatives in June 2006. The public was asked to comment on the routes and provide the Agencies with suggestions and recommendations on the preliminary routes. The Agencies used the information provided by the public to assist in developing the Proposed Action presented in the draft PEIS. The maps and the comments can be viewed at <http://corridoreis.anl.gov>.

### 1.9.2 Meetings with the Governors

The Agencies conducted a number of meetings after the scoping period with the 11 western governors and/or their appointed staff. The meetings were a direct outcome of a letter sent on February 6, 2006, by the DOE to each governor from the 11 western states. In the letter, the Agencies invited the governors and their respective staff members to meet with Agency project managers. The meetings provided the project team with the opportunity to brief the governors and their staff members on the status of the PEIS. Discussion centered on the issues brought up during the public scoping period, data that each state could provide related to corridor location constraints and opportunities, and state-specific items related to energy planning environmental concerns and stakeholder involvement.



**TABLE 1.9-1 Scoping Meeting Summary Statistics<sup>a</sup>**

Attendee Affiliation	Meeting Location and Date in 2005													Total No. of Registered Attendees
	Denver, CO Oct. 25	Albuquerque, NM Oct. 26	Salt Lake City, UT Oct. 26	Cheyenne, WY Oct. 27	Helena, MT Oct. 27	Boise, ID Nov. 1	Sacramento, CA Nov. 1	Las Vegas, NV Nov. 2	Portland, OR Nov. 2	Phoenix, AZ Nov. 3	Seattle, WA Nov. 3			
Government	15	16	10	37	24	16	28	9	17	18	6			
Industry	25	24	25	24	20	9	20	30	16	35	4			
Environmental	2	0	2	1	1	2	2	4	1	0	0			
Tribal	2	0	6	0	1	0	0	0	0	6	2			
Other	6	2	5	2	2	3	0	4	2	3	2			
Individual/none	4	3	13	7	3	1	1	1	1	12	1			
Total no. of registered attendees	54	45	61	71	51	31	51	48	37	74	15			
No. of attendees providing comments	10	5	9	4	8	4	8	10	6	9	2			

<sup>a</sup> For each date, attendance figures represent the combined attendance of the two meetings held on that date.

**Text Box 1.9-1**  
**Scoping Comment Statistics**

*Commentor Affiliation*

- Industry – 48%
- Government – 18%
- Environmental – 8%
- Native American affiliation – 5%
- Unaffiliated individuals – 20%

*Commentor Energy Interest (when noted)*

- Electricity – 42%
- Natural Gas – 27%
- Oil – 13%
- Renewable – 17%

### 1.9.3 Tribal Nation Government-to-Government Consultation

Although EPC Act Section 368 does not apply to Indian lands, the Agencies undertook an extensive effort to initiate consultation with potentially affected federally recognized Indian Tribes. In general, the Agencies recognized that Section 368's designation of energy corridors on federal lands may affect adjacent Tribal lands and has implications for resources important to Indian Tribes located on federal lands. It is common for federal lands to overlap with or be encompassed by an Indian Tribe's ancestral or ceded lands. Tribes retain interests in these lands. For example, Indian Tribes often have interests in protecting cultural resources on federal lands, utilizing or maintaining traditional resources on federal lands, or maintaining usual and accustomed fishing sites. They may also retain mineral rights on ceded lands. In addition, access to energy is important to the development of Tribal lands. Many Indian Tribes are developing energy resources and are interested in connecting their energy transport systems with an energy corridor on federal lands.

The Agencies sought government-to-government consultation with Indian Tribes as set out in Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments" (65 FR 67249, November 6, 2000), and within policies of the individual

agencies. These ongoing consultations are intended to ensure that the designation of energy corridors considers and accounts for the interests of Indian Tribes throughout the NEPA process. These consultations also will assist the Agencies in compliance with Section 106 of the National Historic Preservation Act (NHPA) during the NEPA process.

There are 250 federally recognized Tribes with ancestral territorial claims in the 11 western states. Because traditional Tribal territories often lie well beyond modern reservation boundaries, steps were taken to inform all of these Tribes regarding the implementation of Section 368 and to provide opportunities for them to provide input to the corridor designation process. These opportunities included both avenues available to the public as a whole and those related to government-to-government consultations unique to federally recognized Tribes. Because of the potential scale of consultation activities, a range of information exchange and consultation activities were employed. Tribes were encouraged to participate in scoping and comment avenues open to all citizens, and were encouraged to use familiar and established channels of communication with local Agency personnel to get and give information. In addition, special regional Tribal information meetings were held. The Tribal information meetings were intended to provide the basis for follow-up government-to-government consultation. A government-to-government consultation section was included on the project Web site (<http://corridoreis.anl.gov>), an interagency Tribal Consultation Working Group was established, and a central point of contact for receiving and tracking Tribal information requests was established.

During the public scoping period, potentially affected Tribes were contacted by mail from either BLM state directors or FS regional foresters. The letters outlined the scoping process and encouraged the Tribes to submit scoping comments at scoping meetings, by mail or electronically through the project Web site (see Appendix C for an example letter). Nine

**Text Box 1.9-2**  
**Government-to-Government Consultation**

As a part of the government's treaty and trust responsibilities, federal agencies engage in government-to-government consultation with federally recognized Native American Tribes as part of their project review. Government-to-government consultation with Native American Tribes has been ongoing throughout the project. As part of the consultation, 250 Tribes in the western United States were contacted concerning the project. A Tribal Consultation Working Group consisting of representatives from the DOE, the FS, and the BLM was established to facilitate coordination and interaction between Tribal groups and the federal Agencies involved with this PEIS. Below are several milestones related to government-to-government consultation:

- April 14, 2006 – All federally recognized Tribes in the 11 western states were invited to regional Tribal information meetings.
- May 9–25, 2006 – Five regional Tribal information meetings held.
- July 10, 2006 – Summary of regional meetings (Tribal Information Update) and invitation to consultation sent to all western Tribes.
- October 15, 2007 – Letters informing Tribes of the forthcoming release of the draft PEIS sent to all Tribes with ancestral ties to the 11 western states.
- November 7, 2007 – copies of the draft PEIS were sent to all Tribes with ancestral ties to the 11 western states and all Navajo chapters.

Tribes or Tribal Nations presented issues and concerns to the project team through the public scoping process.

In April 2006, following the scoping period, the DOE sent a letter to Tribes in the 11 western states inviting Tribal representatives to regional information meetings to be held in May throughout the West. Twenty-nine Tribes sent representatives to these meetings where the project was discussed, Tribal concerns were aired, and Tribes were invited to enter into consultation. The Tribes were also invited to

comment on the draft corridor map to be released in June 2006. Five Tribes submitted comments on the map. All invited Tribes received a summary report on the meetings (see Appendix C) and updated statewide corridor maps. Later, letters inviting consultation and summarizing the information presented at the Tribal meetings were sent to 13 additional Tribes with traditional territorial claims in the 11 western states, but with reservations in other states.

Before the release of the draft PEIS, 45 federally recognized Tribes entered into some form of one-on-one dialogue with the Agencies. As early as the scoping process, Tribes began to accept the invitation to enter into government-to-government consultation. A single POC was established at Argonne National Laboratory to answer Tribal requests for information and consultation. At the same time, an interagency Tribal Consultation Working Group was set up to implement consultation. This Working Group developed a consultation protocol including points of contact within each Agency, to manage contacts with interested Tribes (see Appendix C). The protocol takes advantage of existing relationships between local Agency representatives and the Tribes. Once a request for consultation was received, it was forwarded to the Tribal Consultation Work Group, which assigned a local Agency POC to initiate discussions. Consultation could occur at any level desired by the Tribe. In general, local POCs provided basic information and fielded requests for additional information such as more detailed maps. In cases where further consultation was desired, the Agency POCs acted as facilitators setting up consultation with project managers. As necessary, Agency project managers traveled to the West to meet with Tribal groups, or Tribal representatives came to Washington, D.C., for discussions. One Tribe, the Coeur d'Alene of Idaho, became a cooperating agency.

Local knowledge of Native American concerns was sought throughout the West to

avoid areas sensitive to Native Americans. State and local BLM and FS offices used local knowledge to follow up on the initial contacts with letters and telephone calls to those groups expressing a desire to consult, or who would be most directly affected by the proposed corridors. The most common Tribal request was for more detailed maps (which were provided), to meet again after the draft PEIS was issued, and to be given adequate notice of any planned development in the proposed corridors. Information on potential culturally sensitive areas was also acquired. Where there was local precedent and the established working relationship with local Tribes warranted it, Agency offices included Native Americans in the internal review process of the preliminary draft of this document.

In mid-October 2007, the DOE sent letters to the leaders of all 250 federally recognized Tribes informing them that the draft PEIS was soon to be released and explaining how to obtain copies. Copies of this letter were also sent to all Tribal Historic Preservation Officers. In addition, letters were sent to the presidents of all 107 Navajo chapters and the leaders of the bands that make up the Paiute Indian Tribe of Utah. Beginning on November 7, 2007, copies of the draft PEIS were mailed to all 250 federally recognized Tribes, the Navajo chapters, and the Paiute bands. Copies were provided electronically on CDs unless the Tribe had specifically requested paper copies.

The distribution of the draft stimulated additional interest in the PEIS, and 30 more Tribes made contact with the Agencies and entered into some form of discussion. Tribes were free to enter into consultation with the Agencies at any level, but were not required to do so. Additional outreach was extended to those Tribes whose reservations are adjacent to or closely approached by the proposed corridors (see Table 3.11-3). They were contacted by local Agency representatives to ensure that they were aware of the proposed corridors and to invite them once again to participate in government-to-government consultation.

A total of 75 Tribes communicated with the Agencies. Some were content to receive additional information, but many entered into consultation. Most of these wished to remain in consultation throughout the development of individual projects within the corridors. Consultation regarding the PEIS is only the beginning of a long-term consultation regarding energy development in the corridors.

#### 1.9.4 Cooperating Nonfederal Agencies

The Agencies were assisted with the preparation of the draft PEIS by two states, three county governments, two conservation districts, and one Tribe, each of which requested cooperating status.<sup>11</sup> The nonfederal entities entered into cooperating status by directly contacting the Agencies and requesting cooperating status. The role of the cooperating agencies was to provide information to the Agencies on environmental, economic, and social issues to be considered during the corridor identification process. The California Energy Commission represented the State of California, and in coordination with the BLM and FS, established an interagency team of federal and state agencies to ensure that the state's energy and infrastructure needs, renewable energy generation policy goals, and environmental concerns were considered in the PEIS. The other cooperating agencies also provided information on Tribal, state, or local issues that could assist the Agencies in siting corridors and developing the PEIS.

#### 1.9.5 Ongoing Project Communication with the Public

The Agencies maintain a public involvement Web site for interested stakeholders at

<sup>11</sup> The cooperating entities were the State of Wyoming; the Coeur d'Alene Tribe; Lincoln, Sweetwater, and Uinta counties, Wyoming; and Sweetwater and Uinta conservation districts, Wyoming.

<http://corridoreis.anl.gov>. The public Web site provided an online public comment form that was used by individuals and organizations to send comments and supporting information during the public comment period for the draft PEIS. Currently, the Web site provides access to all public comments received on the draft PEIS. The site also contains the final PEIS. In addition, the Web site contains other technical documents, maps of the corridor locations, a spatial database of land ownership and land resources that is available for download to local computers, project background information, and overall project status and schedule. Members of the public can request electronic e-mail updates and news, which are then automatically sent to them.

As of October 16, 2008, more than 750,000 Web pages were viewed in 218,145 user sessions by 59,314 visitors. Currently, more than 2,230 individuals and/or organizations are receiving project updates via e-mail. More than 120 scoping documents and more than 560 draft PEIS public comment documents were submitted to the Agencies via the Web site (most public comment documents contained numerous individual comments and supporting information). In addition, more than 58,000 text documents and 41,000 draft corridor maps have been downloaded from the Web site.

### 1.9.6 Public Comment on the Draft PEIS

A Notice of Availability (NOA) for the public release of the draft PEIS was published in the *Federal Register* on November 16, 2007. The Agencies also produced a press release that was published and broadcast throughout the 11 western states that highlighted the release of the draft PEIS. In addition, the governors and all federally recognized Tribes in the 11 western states were notified of the upcoming release of the draft PEIS. An e-mail news release on the availability of the draft PEIS was sent to over 2,200 individuals and organizations that had signed up for e-mail project updates at the project's public Web site located at <http://corridoreis.anl.gov>. The National

Association of Counties (NACO) was also notified that the draft PEIS was available for public comment. In addition, all individuals and organizations who had participated in the public scoping process were notified about the availability of the draft PEIS.

The public was invited to comment on the draft PEIS from November 16, 2007, until February 14, 2008. All comments received or postmarked by Thursday, February 14, 2008, were considered as the Agencies produced the final PEIS. All public comments, however these were presented or delivered to the Agencies, were impartially considered and given equal weight by the Agencies. The Agencies prepared responses to the comments and these responses appear in Volume IV of the PEIS.

The Agencies provided the public with four methods to deliver public comments on the draft PEIS:

- Toll-free facsimile
- Web-based form accessible on the Internet at <http://corridoreis.anl.gov>
- Regular mail, and
- Public meetings

Meetings to receive public comments were held in the following locations:

- Phoenix, Arizona
- Window Rock, Arizona
- Ontario, California
- Sacramento, California
- Denver, Colorado
- Grand Junction, Colorado
- Washington, District of Columbia

- Boise, Idaho
- Helena, Montana
- Elko, Nevada
- Las Vegas, Nevada
- Albuquerque, New Mexico
- Portland, Oregon
- Salt Lake City, Utah
- Seattle, Washington
- Cheyenne, Wyoming

With the exception of Window Rock, Arizona, Elko, Nevada, and Washington, D.C., there were two meetings to receive public comment on the same day at each location. The first hearing was held 2-5 PM, and the second hearing was held 6-8 PM. There was one hearing in Window Rock, held 2-5 PM; one hearing in Elko, held 6-8 PM; and one hearing in Washington, D.C., held 2-4 PM. Many of the meetings were also broadcast live to the public via webcasts, but the public was not able to provide comments via the webcasts. All meetings were advertised in local newspapers and through local press releases.

Over 600 printed copies and 1,300 CDs containing electronic versions of the draft PEIS were express-mailed to members of the public and other interested parties upon release of the draft PEIS to the public (Appendix D). A form to request printed or digital versions of the draft PEIS was maintained on the project's public Web site. Copies of the draft PEIS were also placed in all local agency field offices (BLM and FS), 9 DOE reading rooms, and at 15 major libraries in the West. In addition, the project's public Web site allowed persons with an Internet connection to download an electronic version of

the draft PEIS to their local computer. Importantly, all of the spatial data used in the PEIS and maps produced for the draft PEIS were available for access and use (in several data formats) to any member of public via the project's public Web site. Easy-to-use map reader software was also included with the map data, so any person could view the spatial data used in preparation of the draft PEIS (including digital maps and data files of the proposed corridor locations).

Table 1.9-2 contains summary statistics on the numbers of comment documents (individuals and organizations providing comments) received during the public comment period. Approximately, 14,000 individuals and/or organizations provided comments on the draft PEIS. The total number of substantive comments exceeded 3,500. While comments were received from all 50 states, substantive comments were primarily received from the utility and energy sector, environmental and nongovernmental organizations, and individuals in the western states (Tables 1.9-2 and 1.9-3). The Agencies prepared responses to the comments received on the draft PEIS (see Volume IV) and substantially adjusted the final PEIS to incorporate some of the changes suggested by the public.

In addition to the public comment period, project managers from the Agencies held a number of informational meetings on the draft PEIS with interested members of the public, industry and environmental organizations, and state and local governments. The meetings provided an opportunity for interested parties to ask questions on the draft PEIS and allowed the Agencies to describe how the draft was produced. Many of the meetings helped the public better frame the formal comments. It should be noted that none of the meetings resulted in formal comments received from the public on the draft PEIS. Formal comments could only be provided through the four methods described above.

**TABLE 1.9-2 Demographic Results from the Public Comment Process Showing the State of Origin and Affiliation of Individuals and Organizations Submitting Comments on the Draft PEIS**

State	Individuals	Industry	Environmental & Other Orgs	Government	Total	%	Cumulative %
CA	162	8	21	19	210	22	22
NM	67	7	37	21	132	14	36
CO	39	8	24	9	80	8	44
OR	47	4	18	8	77	8	52
NV	45	10	7	7	69	7	59
MT	37	8	12	7	64	7	66
AZ	33	7	5	12	57	6	72
UT	21	11	8	10	50	5	77
None	38	1	2	3	44	5	82
ID	19	2	5	5	31	3	85
WA	8		9	8	25	3	88
DC		1	11	2	14	1	89
VA	7		4		11	1	90
TX	3	3	1	1	8	0.8	90.8
MD	4	1	1	1	7	0.7	91.5
OH			6		6	0.6	92.1
PA	4		2		6	0.6	92.7
WY	4		2		6	0.6	93.3
IL	2		3		5	0.5	93.8
NY	2		3		5	0.5	94.3
MN	2		2		4	0.4	94.7
NC	3		1		4	0.4	95.1
NJ	2		2		4	0.4	95.5
GA	1		2		3		
IN	2		1		3		
MA	1		2		3		
MI	2		1		3		
VT	2		1		3		
AL			2		2		
FL	1		1		2		
KS	1		1		2		
WI	2				2		
HI	1				1		
LA			1		1		
MI		1			1		
ND			1		1		
OK	1				1		
TN	1				1		
Total					948		

**TABLE 1.9-3 WVEC Comment Documents and Testimony**

Public Hearings					
City	State	No. Attending		No. Providing Testimony	Comment Docs Submitted at Meeting
		am	pm		
Albuquerque	NM	116	37	39	
Boise	ID	17	8	5	2
Cheyenne	WY	21	3	3	
Denver	CO	48	9	9	2
Elko	NV	18	0	4	
Grand Junction	CO	43	16	13	
Helena	MT	23	6	5	7
Las Vegas	NV	51	18	24	
Ontario	CA	43	69	46	
Phoenix	AZ	25	8	7	
Portland	OR	28	16	16	
Sacramento	CA	19	6	5	
Salt Lake City	UT	36	12	8	
Seattle	WA	10	2	4	
Washington, DC	DC	21	0	5	
Window Rock	AZ	37	0	13	
Totals		556	210	206	11

**1.10 WHAT KINDS OF REGULATIONS OR LAWS APPLY TO THE ENERGY CORRIDORS?**

Regulations that apply to the granting of ROWs for energy projects are presented in Appendix E. Federal decisions to grant a ROW or designate an energy corridor are made within the context of applicable land use plans developed in cooperation with other federal agencies; state, county, local, and Tribal governments; and the public. Land use plans must comply with all applicable laws, regulations, and executive orders. In addition, holders of approved applications issued by federal agencies must also comply with all applicable laws and regulations and receive all necessary permits.

**1.11 HOW IS THE PEIS ORGANIZED?**

This PEIS consists of three volumes. Volume I is organized as follows:

- Chapter 1 provides information on Section 368 and the energy transport issues addressed by the designation of energy corridors on federal lands in the West. The purpose and the need for the Proposed Action to designate energy corridors and amend land use and equivalent plans is also contained in Chapter 1. Public outreach, including public scoping, comments on the draft PEIS, and Tribal consultation through the government-to-government process, are summarized in Chapter 1.
- Chapter 2 summarizes the process that was used to develop the Proposed Action evaluated in the PEIS and describes the Proposed Action and No Action alternatives. Chapter 2 also provides a comparison of the alternatives, as well as a comparison of potential environmental impacts on federal and nonfederal lands that could occur with Section 368 corridor



designation and land use plan amendment. Chapter 2 also summarizes alternatives that were considered but removed from further evaluation in the PEIS. Finally, Chapter 2 contains interagency operating procedures that must be considered and implemented by the Agencies during project-specific review and permitting.

- Chapter 3 describes the environment associated with the Proposed Action and No Action alternatives and also describes the potential environmental effects of subsequent authorization of corridor use, not corridor designation alone under the Proposed Action. Chapter 3 also discusses the types of environmental impacts that could occur on federal and nonfederal lands with the development of energy transmission projects under each of the alternatives. Measures to mitigate potential impacts of project construction and operation are also discussed.
- Chapter 4 discusses the potential cumulative impacts on federal and nonfederal lands of designating Section 368 energy corridors and amending land use plans.
- Chapter 5 identifies the potential unavoidable adverse impacts on federal and nonfederal lands associated with Section 368 energy corridor designation and land use plan amendment, and discusses potential unavoidable impacts from the development and operation of energy transport projects on federal and nonfederal lands.
- Chapter 6 discusses the relationship between short-term use of the environment and long-term productivity of federal and nonfederal lands with the designation of Section 368 energy corridors and the amendment of land use plans. Chapter 6 also discusses these

relationships with the construction and operation of energy transport projects on federal and nonfederal lands under the alternatives.

- Chapter 7 discusses the significant irreversible and irretrievable commitments of resources on federal and nonfederal lands that could occur with the designation of Section 368 energy corridors and the amendment of land use plans.
- Chapter 8 lists the names, education, and experience of the individuals who helped prepare the PEIS. Also included are the subject areas for which each preparer was responsible and the contractor disclosure statement.
- Chapter 9 presents an alphabetical listing of the references cited in Volume I of the PEIS.
- Chapter 10 presents a glossary of the technical terminology used in this PEIS.

Volume II consists of the appendixes to Volume I:

- Appendix A identifies the land use plan amendments that would be required, by land use plan, as part of the designation of Section 368 energy corridors under the Proposed Action.
- Appendix B provides the summary of public scoping comments on this PEIS.
- Appendix C describes the Tribal consultation process that was employed for this PEIS and summarizes the consultations that have occurred to date.
- Appendix D identifies the members of Congress; the Congressional Committees and Subcommittees; the federal, state, and local agencies; and the interested parties and individuals that received copies of the draft PEIS.

- Appendix E lists the major laws, regulations, and other requirements that could apply to the designation of Section 368 energy corridors and land use plan amendment, and to energy transport project construction and operation.
- Appendix F lists the physical characteristics and development constraints of the proposed Section 368 energy corridors under the Proposed Action.
- Appendix G provides an overview of energy transport technologies that could be developed and operated within energy corridors. This appendix also describes one detailed scenario of a combination of projects that might be developed and operated within a Section 368 energy corridor.
- Appendix H lists the sensitive resource areas that would be intersected by proposed each West-wide energy corridor (WVEC).
- Appendix I explains important facets of the geographic information system data used in the PEIS and the maps derived from it.
- Appendix J lists the WVEC PEIS webcasts used for corridor review and revision.
- Appendix K describes the revisions made to the Section 368 energy corridors in response to comments on the draft PEIS.
- Appendix L displays the proposed energy corridors that would require consultation with the DOD during project planning.
- Appendix M lists the Indian reservations and land trusts in the 11 western states.
- Appendix N lists the potential fossil yield classifications for geologic formations that could be crossed by Section 368 energy corridors under the Proposed Action.
- Appendix O summarizes the surface water and groundwater resources in the 11 western states that could be crossed by Section 368 energy corridors under the alternatives.
- Appendix P presents a floodplain/wetland assessment of the designation of Section 368 energy corridors on federal and nonfederal lands under each of the alternatives. This appendix also provides an assessment of energy transport project development and operation.
- Appendix Q describes the ecoregions that could be crossed by Section 368 energy corridors under the Proposed Action.
- Appendix R describes the potential impacts of energy corridor construction and operation on species listed, proposed for listing, or candidates for listing under the ESA.
- Appendix S provides selected potentially sensitive visual resource areas intersected by or in close proximity to the proposed Section 368 energy corridors designated under the Proposed Action.
- Appendix T describes the process of gathering information on the cultural resources that may lie within the Section 368 energy corridors.
- Appendix U describes the archaeological, historic, and ethnographic context of the 11 western states.
- Appendix V identifies the properties within 1 mile of corridor centerlines that are listed on the NRHP.

- Appendix W describes the analytical methods used to evaluate potential socioeconomic impacts on federal and nonfederal lands of designating Section 368 energy corridors and amending land use plans, and of constructing and operating individual energy transport projects under each of the alternatives.

Volume III contains the maps and geographic information databases that are cited in the PEIS. The maps found in Volume III include a large scale base map series that covers the West, a state map series, visual resource information along the corridor routes, a map

series showing which corridors follow existing transportation and utility ROWs, a map series depicting the federal land and resource management plans to be amended, and a map series detailing the corridors revisions in response to comments on the draft PEIS. Access to the spatial data that is found on the maps can be obtained by going to the public Web site at <http://corridoreis.anl.gov> and following the download directions. The map data contained on the Web site allows the reader to examine locations of specific interest.

Volume IV contains the public comments on the draft PEIS and the Agencies' responses to those comments.

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