

**Public Hearing on
Energy Policy Act—Section 368
Energy Corridors in the West:
Draft Programmatic Environmental Impact Statement**

Salt Lake City, Utah, January 17, 2008, 2:00 p.m.-5:00 p.m.

LaVerne Kyriss: Okay, so we're live. Good afternoon, thank you for joining us for a public hearing on the Draft Programmatic Environmental Impact Statement on Designated Energy Corridors on Federal Lands in the West. I'm LaVerne Kyriss from the Department of Energy. I will serve as today's hearing officer.

Before we begin the formal hearing, Glenn Carpenter, BLM Salt Lake City Field Office manager, will make a brief opening statement. But, first, if you haven't signed in or let us know that you want to speak at this meeting, you can do so right now at the registration table, which is just outside the room here in the hallway.

We've also got handout materials there, we have a fact sheet on the project, and a map that shows you how we got to the corridors, as an example.

Restrooms, I believe, are located down the hallway in the lobby area. In the event of a fire or other alarm, we ask you to please take your personal belongings with you and evacuate the building as quickly, quietly, and safely as possible. Our nearest exit is right here, and there are a couple of other exits to the left.

With us today, representing the federal interagency team managing this work are Glen Parker, who I see in the back of the room, and Ron Montagna, who just walked in in a white shirt. After we are finished taking your comments, we will stay around to informally discuss the Draft PEIS with you. And now I'm going to turn the mike over to Glenn.

Glenn Carpenter: Thank you. I need a higher podium, sorry. Good afternoon, and thank you for coming to give your comments on the Draft Programmatic Environmental Impact Statement for the Designation of Energy Transport Corridors on Federal Lands in the West. I'm Glenn Carpenter, I'm the field office manager for the Bureau of Land Management for the Salt Lake Field Office, and in a few moments you'll hear a brief presentation about the documents, which the Departments of Interior, Energy, and Agriculture are preparing to meet requirements in the Energy Policy Act of 2005.

Currently, applications for rights-of-way to cross federal lands with pipelines or electric transmission infrastructure are considered on a case-by-case basis without much coordination among the various federal agencies whose lands were often involved in projects but transport energy across long distances.

In 2005, Congress directed federal agencies to address this situation by designating energy transport corridors and also performing necessary reviews of the environmental impacts of designation. A Programmatic EIS developed under the National Environmental Policy Act, better known as NEPA, represents that environmental review.

It is important to note that another round of site-specific NEPA analyses will be completed for each project proposed for location in a designated corridor. The Department of Energy, the Bureau of Land Management and the U.S. Forest Service developed the corridor locations proposed in the draft PEIS using a three-step process, which is detailed in the document in a handout available on the information table, which I trust everyone saw on the way in, and which the presentation will also describe.

In essence, today's hearing represents Step Four in that process. Public comments will help the agencies further refine the locations of corridors so that important goals of the project are met, balancing the need to improve energy delivery in the West with our responsibility to protect the many resources found on federal lands.

From the beginning, the agencies have been committed to this strategy, and your comments will be valuable in helping to ensure that it is carried through to the end of this planning effort. The Argonne National Laboratory is assisting DOE, BLM, and the Forest Service in preparing the Preliminary EIS. Representatives from all three agencies and Argonne are here to receive your comments.

Thank you, again, for your interest and participation.

LaVerne Kyriess:

Thank you, Glenn. We are here this afternoon to receive your comments on the Draft PEIS. You can also submit comments via the project website, by fax, or by mail. This hearing is being webcast and transcribed so speakers are asked to speak clearly and distinctly into the microphone. If you are having trouble hearing a speaker in the room, please signal me, and I'll advise the speaker accordingly.

After everyone who wishes to comment has spoken, we'll close the hearing. So far, we have two people who have signed up to speak—I think that's correct—and we will certainly open it up to—if you haven't signed up, we will let those people speak, and then we'll ask you who else wants to speak, and we'll do that until everyone has had a chance to make formal comments.

We'll start by giving everyone five minutes to make their comments, and if we need to go back and do extra rounds, we are happy to do that. When you have 30 seconds remaining, I will notify you. I have a handy-dandy little sign so you can wrap up.

This hearing is to take comments on a Draft Programmatic EIS prepared in response to direction given by Congress to five federal agencies—Energy, Agriculture, Interior, Commerce, and Defense. Section 368 of the Energy Policy Act directs the secretaries to designate corridors for oil, gas, and hydrogen pipelines and electric transmission lines on federal land in the 11 Western states to perform the necessary environmental review. Partly, because of this, we decided to prepare this Draft PEIS that's the subject of this hearing and to incorporate these designations into land use, land management, or equivalent plans.

A separate and distinct public process is expected to begin later this year to identify corridors in the other 39 states. This statute requires that when the secretaries designate these corridors, they must specify the corridor centerline, the corridor width, and the corridor compatible uses. Congress also directed the secretaries to take into account the need for electric transmission facilities to improve reliability, relieve congestion, and enhance the capacity of the national grid to deliver electricity.

The Draft PEIS proposes designating more than 6,000 miles of corridors. Sixty-two percent would incorporate existing locally designated corridors and rights-of-way.

Eighty-six percent would be on BLM land, and 11 percent on Forest Service land. The Draft PEIS identifies 166 proposed corridor segments in all 11 Western states. If all are included in the follow-on decision, this would involve amending 165 land use or equivalent plans.

Previously designated corridors are outlined in yellow on the project map. Some of these are proposed for upgrade only. In the case of existing previously designated utility corridors, amendments to land use plans designated these as 368 corridors would subject these corridors to interagency coordination processes described in the PEIS, and they would be assigned Section 368 criteria; in effect, the centerline, width, and compatible purposes.

Using existing corridors alone would not meet the requirements of Section 368, so we've identified an additional 2,300 miles of closed corridors. Closed corridors also vary in width. We used the 3,500-foot starting point to provide flexibility for siting multiple rights-of-way.

An energy corridor is defined as a parcel of land identified through a land use planning process as a preferred location for existing and future utility rights-of-way, and that it is suitable to accommodate one or more rights-of-way, which are similar, identical, or compatible. Corridor designation assists in minimizing adverse impacts in the proliferation of separate rights-of-way.

A right-of-way is a specific land use authorization, not a change in ownership, granted to allow construction and operation of a specific project that's often linear in character such as a utility line or a roadway. Rights-of-way permits include the requirements for compatible land uses, and they are not granted until a project applicant has complied with all relevant requirements including appropriate environmental review.

In November 2007, we published the Draft PEIS. Comments are due February 14th. We will analyze and respond to the comments and complete the other tasks necessary to prepare a final PEIS. We expect to have this ready sometime in mid-2008. The land management agencies will be able to sign Records-of-Decision notes to designate corridors through amendments to their land use plans no sooner than 30 days after the final PEIS is issued.

The Draft PEIS analyzes two alternatives—taking No Action and the Proposed Action. Choosing to adopt the No Action alternative would result in continuing ad hoc uncoordinated development as is done now. The proposed action is the result of a three-step corridor siting process described in detail in Chapter 2 of the PEIS. The first step was to incorporate comments by the public during scoping and after the draft map was released in 2006. Then the agencies worked closely with local federal land managers to accommodate local land use priorities, to incorporate local knowledge of areas, and to avoid areas known to be incompatible with potential future development. A handout summarizing this process for determining where the proposed corridors would be located is on the information table. Examples of specific corridors are also available on the project website.

We believe that the analysis of these alternatives meet NEPA's requirements for a hard look because the proposed action does not involve any site-specific ground-disturbing activities. Site-specific NEPA review will be required to support all proposed projects within a 368-designated corridor. And today we don't know when and where any projects will be proposed by applicants seeking to site height and/or transmission lines. As a result of this uncertainty, the environmental effects described in Chapter 3 of the

Draft PEIS are necessarily more general than a site-specific analysis of a known project would be.

Comments will be most useful if they are specific, include suggested changes or methodologies, provide a rationale for your suggestions, and refer to the specific section or page number of the Draft PEIS.

Finally, we do encourage you to submit comments via the project website. It's easy for you, it speeds our ability to get comments into the database for analysis and up on the website for public review. It doesn't require stamps or envelopes.

Now, during our hearing today, I'll call on speakers in the order in which you've registered. We ask you to please step up to the microphone and clearly state your name and your organization, if you are representing one, before making your comments. Please limit your comments to five minutes so everyone who wants to speak today may have a chance to be heard.

I will advise you when you have 30 seconds left so you can wrap up. We will repeat this process when everyone who is registered has had a chance to speak. I will ask if anyone else in the audience wants to speak. After those people have had a chance to speak, we'll go back and ask if the people who have already spoken have additional comments that they want to make.

We'll go through this until everyone has had a chance to say everything that they want to say, and then we will close the hearing. And I will remind you of what comments are due and how to submit them. If we need to take a break, we can do that. If we need to reopen the hearing, we can do that as well.

If you are speaking from a prepared statement, we'd ask you to leave a copy of that at the registration desk. If you are not prepared to do that today, we would ask you to submit that via the project website so we get a copy of your prepared statement.

Now, agency representatives won't be answering questions during the hearing, but we will stay afterward to discuss the Draft PEIS with you.

Are there any questions on the process of how we're going to conduct our hearing? Yes, sir?

Unidentified Speaker: Is there going to be an opportunity for questions?

LaVerne Kyriss: What we'll do is we'll take comments, and then when we've done—I mean, if you have questions, you can make them. We won't answer them, but then we'll answer those questions off the record, and if you want to make comments after that, we'll go back on the record so you can make those comments.

Unidentified Speaker: (inaudible)

LaVerne Kyriss: Other questions on how we're going to conduct the hearing? Oh, it's right here in front of me. Okay, if there are no other questions on the process for our hearing, we'll begin to take your comments. Our first speaker is Brent Arnold and, Brent, if you want to come up here, and our second speaker is Kirk Robinson.

Brent Arnold: Thank you and good afternoon. My name is Brent Arnold, I'm with Kern River Gas Transmission Company. Kern River is a mid-American energy holdings company

subsidiary, and we appreciate the opportunity to comment on the Programmatic Environmental Impact Statement. Kern River owns and operates 1,680 miles of interstate natural gas pipelines to the states of Wyoming, Utah, Nevada, and California, with compressor stations located in Wyoming, Utah, and Nevada, and California as well.

These compressor stations are located along our pipeline system and comprise approximately 286,000 horsepower. The Kern River pipeline system is currently designed at a capacity of more than 1.7 billion cubic feet per day and is considered critical energy infrastructure for the Western United States. Kern River delivers approximately 26 percent of the average daily demand of natural gas into the state of California and 84 percent of the average daily demand of natural gas into Southern Nevada.

Kern River applauds the efforts of the West-wide corridor study team for assessing corridors using traditional multiple-use principles and notes the potential designations accommodate multiple facilities with sufficient—with the width sufficient for compatible uses between multiple electric transmission lines and multiple pipelines.

Kern River's analysis of the PEIS identified several distinct advantages as well as some concerns related to the designation of these corridors as defined in the document. The advantages include the West-wide Corridor Designation will amend all existing federal land use plans to recognize the corridors, as this action would sufficiently reduce the time and expense required to be invested in the current authorization process.

The linking of corridors through different federal land units by West-wide Designation will allow the matching of corridor segments as they transect or transcend each federal boundary. Designation of corridors will provide a single point of contact for each project within the corridor, and the PEIS proposal allows for the right-of-way application to be received and processed for lines outside the designated corridors as well using the existing procedures.

Kern River has identified several areas of concern, and they include the fact that the PEIS does not clearly—does not clearly specify portions of potential corridor from existing encumbrances such as wilderness study areas, instant study areas, or areas of critical environmental concern. The designation process should address the mechanism available for establishing continuous and contiguous corridors on a regional basis including lands not federally managed. State, county, and local governments must be included in the process and encouraged to become stakeholders by designating corridors in their land use planning process as well.

The proposed designations do not include—and specifically for Las Vegas, we do have concerns there. We are commenting at that meeting as well, but we want our comments to be consistent. But the designations in Las Vegas do not include the North McCullough Pass area south of Las Vegas. This pass already has existing transmission lines and rights-of-way for pipeline routed through it, and it would be advantageous to have North and South McCullough passes designated to allow for siting flexibility in this highly congested area.

And also of note, where the PEIS proposed corridor leaves Nevada and enters into California, the designation changes from a multi-modal classification to an electric-only classification, which would exclude pipelines. This area already contains several gas pipelines, and the designation of this corridor is electric-only would potentially cause routing difficulties through that area, and we suggest that segments 27 to 25 be classified as multi-modal.

Kern River supports the actions of the West-wide study team and the efforts that they have taken, to date, and appreciate the immensity of the task that is still in front of them to be finalized and complete this environmental impact statement.

We thank you for this process and allowing us to comment and look forward to the rest of the comments and being able to review the final product. Thank you.

LaVerne Kyriss: Thank you, Mr. Arnold. Our next speaker will be Kirk Robinson.

Kirk Robinson: Thank you. My name is Kirk Robinson, and I am director of Western Wildlife Conservancy, which is a local nonprofit organization devoted to protection of wildlife, native wildlife, and native wildlife habitat and also Native American sacred sites, archeological treasures, et cetera.

And the hearing officer said two things that struck me as particularly pertinent. One is that this designation, if it occurs, will not interfere—this is my gloss on what you said, I hope I'm right—in any way with site-specific EIS analysis later. Am I correct in understanding that?

LaVerne Kyriss: That would be required, yes, sir.

Kirk Robinson: And another had to do with how the designation would, in some sense, make it easier to proceed later. I'm not quite sure how that works, and I'll have to do some more research of my own on that point. But it would make it easier to actually go ahead and develop these corridors at some future time if the need should arise. Is that reasonably accurate?

LaVerne Kyriss: Yes sir.

Kirk Robinson: Okay. Well, this raises one big question in my mind, and I had not thoroughly looked into this year, and I'll have to do that, but the question is—both of these ideas sound really good, but what is going to happen, then, to other kinds of resources as a result? What kinds of jeopardy or threat will this kind of scheme impose on them? And I'm thinking, particularly, of wildlife and archeological treasures, of course, because those are the ones my organization is concerned about protecting.

It's well-known these days, for example, that wildlife requires healthy landscapes that are relatively unroaded in order to thrive, and numerous studies have shown this with numerous species, and as our Western landscapes are further and further developed and used in various ways, there are more roads and trails, more motorized vehicles, et cetera, and this can only have a negative impact on wildlife (inaudible). So we need to look out for them. And that is one concern that I have.

Another has to do with archeological resources such as Native American rock art and granaries and pit houses, et cetera. I have not been able yet to look through this carefully enough to note whether or not or the extent to which any of these proposed corridors would affect these places, but one thing to keep in mind is that when an area becomes subject to high industrial use, lots of big trucks, for instance, traveling back and forth, there is a very high potential for damage and, in fact, damage that cannot be repaired, irreparable damage to rock art, for instance, and to other archeological resources.

This is happening right now in Nine Mile Canyon on a massive scale and has been documented. I'll just mention one example and some of you, I'm sure, have visited there, some of you know something about Nine Mile Canyon kind of northeast of Price, Utah.

It's sometimes referred to as the longest art gallery in the world. I'm not suggesting that any of these corridors would go through this area. I just want to use this as an example.

In the last five years, there has been a huge ramp-up in gas exploration and development there, and these enormous multi-ton trucks travel that road through Minimount Canyon now, something like every 20 minutes, there's one of them, and this is projected to go on for something like 20 years now. It's not only very difficult for tourists who enjoy the rock art, which is right there next to the road, but the dust that's being thrown out that's covering the rock art. I have access to photographs that show the before and after pictures of this and also the magnesium chloride that's sprayed on the road as a dust suppressant. Chemists have now analyzed this and shown that actually is very corrosive to the rock surfaces.

So these are just some of my concerns and, for that reason, I would be opposed to going ahead with this at this time, thank you.

LaVerne Kyriss: Thank you, Mr. Robinson. Are there other people in the room who would like to speak today to make a formal comment? Yes, sir?

Unidentified Speaker: I filled out a form and would like to speak..

LaVerne Kyriss: Okay, well, I apologize for not having that, but if I could get you to come to the microphone and give us your name and if you're representing an organization or not and make your comments, that would be great.

Jim Catlin: Thank you. My name is Jim Catlin, I'm with the Wild Utah Project, and we apply conservation biology to help the conservation community and land users try and plan for ecological health of regions.

We have been working, for a number of years, on ecoregional plans in Western Wyoming, Northeastern Utah, and parts of Idaho and Colorado, and I'm going to leave you with a CD here, and I'd like to suggest that this be one of your alternatives. You look at this, it has in it a network of wildlife corridors and core areas through which some of these corridors will pass, and I'd recommend that you follow the management prescriptions we propose in here as part of your—one of the alternatives.

That would mean to make certain that any utility use of those corridors, and most of them are already designated as corridors in this area, would be conducted in a manner that ensures that safe passage for the key focal species that are identified in this plan occur. So this may mean, in some cases, actually reducing the width and impacts of current corridor use, and it may—probably will mean that you don't increase them in size. So I'm going to leave this with you, and we'll be giving you written comments later.

I believe that we have a process now that is working properly in identifying needed corridors in the state of Utah and other places. Through land use plans, we are able to look at not only the need for energy development and interstate transfer of energy but also the other various needs the land has, especially for wildlife and watershed needs.

This particular study is unable to look at those, and one of the troubling parts of it is that—and I could be wrong. This is actually a question for you—I understand that this document will amend these land use plans and designate these areas and public lands and federal lands as utility corridors to the (inaudible) described, and that's a question. Later on, if you could make a note of that and maybe answer that for me.

If that is the case, that means that the commitment has already been made to designate that is for industrial use. So, later on, as we find out there's a critical wildlife need or some other watershed problem arises, we're going to come up against the obstacle that that's already been committed for some other application. So local communities, the people who depend on the land, the ranchers, private landowners, the wildlife users, are going to be shortchanged because the decision has already been made to do that.

This negates the obligation under FLMA to minimize the impacts of utility corridor proliferation. And it also would minimize the need to be efficient in the number of power lines you need, combining them and having one big one rather than a multiple number of small ones, and the proliferation of pipelines as well.

So I believe that this is part of a future that's unlikely to occur, and the need for these at the widths described, has not been proven. So we are facing now a need to address climate change, and that will cause us to reassess whether the coal-fired and the fossil fuel energy development that is behind the need for the super-sized utility corridors will actually come to be.

And I argue that as we are now beginning to address these issues in climate change, we are going to turn to other methods. We are going to look more closely at conservation, renewable energy, and more community-based sources for these. But there will still be a need for these many corridors, but I doubt at the degree and size we're looking at.

So I hope that we will—the preferred alternative will look seriously at using our existing land use planning process to meet those needs as the projects arise. Thank you very much. I'll leave this with you.

LaVerne Kyriss: Thank you, sir. And what was your last name again?

Jim Catlin: C-a-t-l-i-n.

LaVerne Kyriss: C-a-t-l-i-n. Thank you, Mr. Catlin. Are there other folks who would like to make a comment? Yes, sir? Please come up to the microphone and tell us who you are and if you're representing somebody.

A. Oscar Olson: My name is A. Oscar Olson. I didn't prepare anything because I wasn't sure what to expect, but I am the president of Utah Crossroads chapter of the Oregon-California Trails Association. Our primary interest is to preserve, protect, and identify Overland Trail sites that were made during the 1830s, 1840s, 1850s, and 1860s in this country as people ventured west to California, Oregon, and even parts of Utah—all of the West. There's an amazing amount of evidence out there. One speaker a moment ago mentioned archeological sites. These, to me, would be archeological sites.

To a lesser extent, also the Pony Express, 1860, 1861, many sites out there as well as a little bit in the 20th century, the Lincoln Highway that crisscrossed America through our part of the country through here. These sites are important to us. We would like to let you know we are out there, and we're concerned with what's going on. We have identified gravesites, inscriptions from the 1840s, 1850s, and 1860s that are out there, much like the rock art, Indian 'glyphs. These are important sites to us, too, and part of our heritage, and our interest with Oregon/California trails is that we be allowed to know what's going on and that our sites, our historic sites, our markers, swales, ruts, be protected, and that is our concern. Thank you very much.

LaVerne Kyriss: Thank you, sir, and I'm sorry, I didn't catch your name. Could you tell me it again?

- A. Oscar Olson: Initial A, Oscar, o-s-c-a-r, Olson, O-l-s-o-n.
- LaVerne Kyriss: Thank you so much. Are there other folks who would like to make a comment? Yes, sir, please come to the microphone.
- Jim Hansen: My name is Jim Hansen. What else do you have to know?
- LaVerne Kyriss: Are you representing an organization or not?
- Jim Hansen: No.
- LaVerne Kyriss: Tell us what your thoughts are.
- Jim Hansen: Okay, thank you. I've spent 42 years as elected official. I am not one now, however. As 12 years on a city council, eight years in the state legislature, two years as speaker of the House, and 22 years as a United States congressman, and my last years I was chairman of the resource committee, which had jurisdiction over all of the things that you're talking about here.
- I still spend time as an advisor to those people and an advisor to the people on the Interior Department. Let me say I think this is overdue, and I don't know the particulars of it and apparently none of the rest of us really know it from one end to the other. It's like a piece of legislation. If you asked 535 members of Congress to explain a piece of legislation, they'd be hard put to do that, but they hopefully have staff that can do it, unless they're carrying the bill, then they better know what's going on in that particular instance.
- I carried the President's energy package in 2002, and one of the big problems we always had is how do you get something from one point to the other? Anwar is an interesting question because it takes 74 miles to go from where Section 1021 is, which is not in Anwar, contrary to popular belief, over to the Aliyeska pipeline.
- This gentleman made a point that he's worried that wildlife would really be hurt if you put corridors in. I respectfully disagree, because, I'm with you, I love wildlife, and I've spent much of my life doing those things. On the other side of the coin, a class case in point, is the Aliyeska Pipeline that runs from Prudhoe Bay down to Valdez. Along that, I've flown it in a helicopter many, many times, and what you find there, there's more reproduction of caribou and forest grouse than there ever was before. In fact, they stand under it to keep warm.
- I look at some of the things that have happened in the state—a lot of you brought up concerns—I agree with the concern on the Oregon Trail, I agree with concerns on some of these things. Keep in mind, if you start counting the bills that are going to help you out, the '65 Wilderness Act, the '76 Flip Map, the '69 NEPA Act, the list goes on and on, and they're all very complicated. I seriously doubt if anyone is going to be able to obstruct those, even though, from time to time, we do see that. I have to admit that I have quite a hangup with President Clinton when he did the Grand Staircase Escalante.
- In that he, in my opinion, violated the 1906 Antiquity Law, and I subpoenaed all of the papers from the Environmental Quality Committee. I subpoenaed the papers from the Interior committee, I subpoenaed the papers from the White House, and out of that the best lawyers that we could possibly come up with wrote this manual right here. It's called "Behind Closed Doors." It's interesting to note that Kathleen McGinty, the head of the

Environmental Quality thing said, "This ground does not qualify as a natural museum," and she pointed out that it violated the precedence of the 1906 Antiquity Law.

Not to bore you with this, but there's three things that the President of the United States is supposed to say. One, it's a natural thing, like an archeological thing like you have down there with the Archways at Rainbow Bridge. It's a historical thing like we have up here with the two trains coming together. The president, in his proclamation, didn't do any one of those things, and the last sentence for you who are familiar with these laws says this—"And he"—referring to the president—"shall use the smallest acreage available to protect that site."

One million seven hundred thousand acres when the average national monument was 72 acres, it's hard to believe. And in that, there's a lot of areas that should be open because most of that is nothing but sagebrush as the Clinton administration said in here, Secretary Babbitt and others.

There are so many wonderful things it could be used for, and a lot of people should see that. Perea Canyon, all those areas are beautiful, and they should be preserved, and we should have made part of that into that particular area.

So I'll just tell you that I haven't seen this bill completely. I would like to take a look at it. I'd like to know what's considered in it, but I think most of the concerns that are raised, as one who has had to handle most of those bills, as one who has initiated more lawsuits than anybody in the state of Utah concerning this because of my position as a member of Congress, I can tell you that you're probably pretty well protected in some of these areas.

But, in America today, we have the largest energy crisis I have ever seen. I have flown to Norway, to Australia, all those areas for the administration looking at what we can do to increase energy. And somewhere along the line we cannot buy the idea that corridors aren't necessary as we worked on the Kern River one with Cuba and a few of those other people years ago when Dick Cheney initiated that up in the Powder River area. You get down to these things—if we don't have energy in America, we're all going to be in big trouble, regardless of what our philosophical belief is.

I would urge you, before you become too upset about some of these ideas, to give the administration and give these people some right to look at this and get so you understand the bill. I have found, in all of my years in Congress, very few people really understood the bills that they were against. Thank you for your time.

LaVerne Kyriss:

Thank you, Mr. Hansen. Are there other folks who would like to speak during this formal portion of our hearing? Anyone who has already spoken would like to add to their comments? If no one would like to do that, we'll take a short—well, we'll take a recess. So what we're going to do is temporarily close the hearing. I'd like to thank you for joining us today—oh, absolutely, I didn't hear—I apologize. I am so sorry. I didn't see your hand or something.

Rex Allen:

Hello, my name is Rex Allen. I'm the former tribal secretary with the Skull Valley Band of Goshute Indians. Our reservation is out in Tooele County, in western Tooele County, and also I'm representing the—I'm the president of Native Americans Consulting, Inc., also a member of the Native American Church here local and also with the Navajo Nation.

I was just reviewing some of this—I just recently got this and reviewing some of the Draft EIS on this and some of the corridors related to natural lands and other state lands related to the corridors.

My concern is related to the corridors and the right-of-ways is like the Native American treaties and the impacts related to that. Also related to NEPA, identification of a sensitive cultural, religious, and gathering, also hunting sites. Related to what the other persons—these other guys were talking about is the wildlife that the native people and also the agricultural and also the archeological sites that Native Americans seem sensitive.

I've seen some of the—where the corridor is going to along desert lands and mountain areas. The Goshute people were nomadic people. They basically roamed all of Tooele County and not only speaking with the Goshutes, speaking about the Goshute people, there are native people within the state of Utah that have been roaming all over the areas, and there are a lot of impacts that have been addressed here and also not only today but in the past related to EISs and sensitive sites related to oil and also other natural resources.

My main concern is the gravesites and sensitive sites. The sensitive sites are the hunting and gathering areas for the Goshute people—not only the Goshutes, the Native American people, where these corridors are being addressed. I looked at here, at this area map, and (inaudible) this area map related to Delta, it's like, I guess it's 30 mile by 50 miles. So in this area, you understand, you know, because it's Delta City, that's going to have an impact.

I don't see an area map related to the Skull Valley Band of Goshute Indians. You can see that on the map. It clearly shows Skull Valley Indian Reservation, but the area and the radius related to the impacts to these corridors, you know, Salt Lake City is there, that's fine, but, you know, there are band corridors related to, I guess, the environmental impacts also. But I see the corridor going up around Great Salt Lake related to the wetlands area. You know, there's a lot of wetlands area up there and also sensitive sites that the native people been addressed to.

I haven't seen any—you know, there's a lot of Native American people talking about, you know, this area, this environmental impact statement, but they haven't come up to address this. I know there's a letter—there's a lot of address and a lot of concerns were laid down in Las Vegas area, but I haven't seen any Native Americans come up and speak here for the state of Utah or just any impacts on this. That's my main concern is related to—because you're working with the federal agencies, and you're talking about local—you guys mentioned about local towns and governments. What about the government relationship between the Indian tribes and their Indian governments? They are sovereign nations, and they are governments, too. There are impacts, you know, if you're going to do anything related to environmental—related to NEPA, you know, the government relationship has to address the native people, because they are governments.

Thank you.

LaVerne Kyriss:

Thank you, sir. Are there other folks who would like to make formal comments at this time? If there are not, what we're going to do is we're going to temporarily close the hearing. I'd like to thank you for joining us today to provide oral comments on the Draft PEIS proposing to designate energy corridors on federal lands in the West. I want to remind you that comments are due February 14th and can be submitted online via the project website by mail or by fax. All comments received by February 14th will be

considered in preparing the final PEIS. Comments received after February 14th will be considered to the degree possible.

Again, I want to thank you for your attention and remind you that we will be staying around to informally discuss the Draft PEIS with you, and, sir, we can call up the map and look at your specific land so we can talk to you about government-to-government consultation because we are doing that with every tribe that asks. And I know some of you had questions, and we're going to be happy to talk to you informally about those kinds of things, and then if you want to make a comment formally we can reopen it again.

So, again, I want to thank you for taking the time to share your thoughts with us today.

Salt Lake City, Utah, January 17, 2008, 6:00 p.m.-8:00 p.m.

LaVerne Kyriss: Okay, ladies and gentlemen, I have that it's six o'clock, so if I could ask your indulgence and everyone would take their seats, we'll start our public hearing. Good evening. Thank you for joining us for a public hearing on the Draft Programmatic Environmental Impact Statement on Designating Energy Corridors on Federal Lands in the West. I'm LaVerne Kyriss from the Department of Energy, and I'll serve as this evening's hearing officer.

Before we begin the formal hearing, Glenn Carpenter, who is BLM's Salt Lake City Field Office manager, will make a brief opening statement. But first, if you haven't signed in or let us know that you want to speak at this meeting, you can do so right now at the registration table, which is just outside the door.

Handout material—we've got a fact sheet and a series of maps out there for you. Restrooms are located right down the hall just before you get to the gift shop.

In the event of a fire or other alarm, please take your personal belongings with you and evacuate the building as quickly and quietly and safely as possible. The nearest entrance is here to my right, and there's an alternate entrance to the left—or exits.

With us today representing the Federal Interagency Team managing this work are Glen Parker from Forest Service, sitting in the back, and Ron Montagna from BLM, also sitting in the back.

And now I'd like to turn the mike over to Glenn.

Glenn Carpenter: Good evening, and thank you for coming. We appreciate you being willing to provide your comments on the Draft Programmatic Environmental Impact Statement for the Designation of Energy Transportation Corridors on Federal Lands in the West. My name is Glenn Carpenter. I'm the BLM Salt Lake Field Office manager. My office is right here in Salt Lake. In a few moments you'll hear a brief presentation about the document which the Departments of Interior, Energy, and Agriculture are preparing to meet requirements identified in the Energy Policy Act of 2005.

Currently, applications for rights-of-ways to cross federal lands with pipelines or electrical transmission infrastructure are considered on a case-by-case basis without much coordination between the various federal agencies whose lands are often involved in projects that transport energy across long distances. In 2005, Congress directed federal agencies to address this situation by designating energy transport corridors and also performing necessary reviews of the environmental impacts of designation. A Programmatic EIS developed under the National Environmental Policy Act, also known as NEPA, represents that environmental review. It's important to note that another round

of site-specific NEPA analyses will be completed for each project proposed for location in a designated corridor.

The Department of Energy, the Bureau of Land Management, and the U.S. Forest Service developed the corridor locations proposed in the Draft PEIS using a three-step process, which is detailed in the document and in handouts available on the information table which you passed on your way in, and which the presentation will also describe.

In essence, today's hearing represents Step Four in that process. Public comments will help the agencies further refine the locations of corridors so that important goals of the projects are met, balancing the need to improve energy delivery in the West with our responsibility to protect the many resources found on federal lands.

From the beginning, the agencies have been committed to this strategy, and your comments will be valuable in helping to ensure that it is carried through to the end of this planning effort. The Argonne National Laboratory is assisting DOE, BLM, and the Forest Service in preparing the Programmatic EIS. Representatives from all three agencies and Argonne are here to receive your comments. And thank you again for your interests and your participation.

LaVerne Kyriss: Oh, I'm going to let John flip the slides. We didn't do this right before.

John Krummel: There we go.

LaVerne Kyriss: Thanks, John. We are here this evening to receive your oral comments on the Draft Programmatic Environmental Impact Statement. You can also submit comments via the project website, by fax, or by mail. This hearing is being webcast and transcribed, so speakers are asked to speak clearly and distinctly into the microphone. If you are having trouble hearing—oh, you can't hear me. If you are having trouble hearing a speaker in the room, please signal me, and I'll advise the speaker accordingly. After everyone who wishes to comment has spoken, I'll close the hearing.

So far, we have two people who have signed up to speak to this issue this evening. Each of you will have an initial five minutes to make your presentations. When you have 30 seconds remaining, I will notify you so you can wrap up. And we'll take comments from people who have pre-registered. Then we'll take comments from people in the room who want to speak. We'll give everybody an opportunity. We'll go back to people who have already spoken before, and we'll do that until everybody has said everything they want to say on the record. At that point, we'll close the formal part of the hearing, and we'll move to an informal discussion period. And then if we need to open the record again because people want to make more formal comments, we'll do that.

Oops. I don't know where I am. I'm in the wrong place. This hearing is to take comments on a Draft Programmatic EIS prepared in response to directions given by Congress to five federal agencies—Energy, Agriculture, Interior, Commerce, and Defense. Section 368 of the Energy Policy Act of 2005 directs the secretaries to designate corridors for oil, gas, and hydrogen pipelines and electric transmission lines on federal lands in the 11 Western states to perform the necessary environmental reviews. Partly because of this requirement, we decided to prepare this Draft Programmatic Environmental Impact Statement—that's the subject of this hearing—and to incorporate these designations into land use, land management, or equivalent plans. A separate and distinct public process is expected to begin later this year to identify corridors in the other 39 states.

The statute requires that when the secretaries designate these corridors, they must specify the corridor centerline, the corridor width, and the corridor compatible uses. Congress also directed the secretaries to take into account the need for electric transmission facilities to improve reliability, to relieve congestion, and to enhance the capacity of the national grid to deliver electricity.

The Draft PEIS proposes designating more than 6,000 miles of corridors. Sixty-two percent would incorporate locally designated corridors and/or rights-of-way, 86 percent would be on BLM land, and 11 percent on Forest Service land. The Draft PEIS identifies 166 proposed corridor segments in all 11 Western states. If all of these are included in the follow-on decisions, this would involve amending 165 land-use or equivalent plans.

Previously designated corridors are outlined in yellow on the project maps. Some of these are proposed for upgrade only. In the case of existing previously designated utility corridors, amendments to land use plans designating these as 368 corridors would subject these corridors to the interagency coordination processes described in the PEIS, and they would be assigned Section 368 criteria—in effect, the centerline width and compatible purposes.

Using existing corridors alone would not meet the requirements of Section 368, so we've identified an additional 2,300 miles of proposed corridors. Proposed corridors also vary in width. We used a 3,500-foot starting point to provide flexibility for siting multiple rights-of-way.

An energy corridor is defined as a parcel of land identified through a land-use planning process as a preferred location for existing and future utility rights-of-way and that it is suitable to accommodate one or more rights-of-way which are similar, identical, or compatible. Corridor designations assist in minimizing adverse impacts and the proliferation of separate rights-of-way.

A right-of-way is a specific land use authorization—not a change in ownership—granted to allow construction and operation of a specific project that's often linear in character, such as a utility line or a roadway.

Rights-of-way permits include requirements for compatible land uses and are not granted until a project applicant has complied with all relevant requirements, including appropriate environmental review.

In November 2007, we published the Draft PEIS. Comments are due February 14. We will analyze and respond to the comments and complete the other tasks necessary to prepare a Final EIS. We expect to have this ready sometime in mid-2008. The land management agencies will be able to sign Records of Decision to designate corridors through amendments to their land use plans no sooner than 30 days after the final PEIS is issued.

The Draft PEIS analyzed two alternatives—taking No Action and the Proposed Alternative. Choosing to adopt the No Action alternative would result in continuing ad hoc uncoordinated development, as is done now. The Proposed Action is the result of a three-step corridor siting process described in detail in Chapter 2 of the Draft PEIS.

The first step was to incorporate comments provided by the public during scoping and after the draft map was released in 2006. Then the agencies worked closely with local federal land managers to accommodate local land use priorities, incorporate local

knowledge of the areas, and to avoid areas known to be incompatible with potential future development.

A handout summarizing this process for determining where the proposed corridors would be located is on the information table. Examples of specific corridors are also available on the project website. We believe that the analysis of these alternatives meets NEPA's requirement for a hard look. Because this Proposed Action does not involve any site-specific, ground-disturbing activities, site-specific NEPA review will be required to support all proposed projects within a 368-designated corridor.

And today we don't know when and where any projects will be proposed by applicants seeking to site pipelines and/or transmission lines. As a result of this uncertainty, the environmental effects described in Chapter 3 of the Draft PEIS are necessarily more general than a site-specific analysis for a known project would be.

Comments on the Draft PEIS will be most useful if they're specific, if they include suggested changes or methodologies, if they provide a rationale for your suggestions, and if they refer to the specific section or page number of the Draft PEIS.

Finally, we encourage you to submit comments via the project website. It's easy for you, it speeds our ability to get comments into the database for analysis and up on the website for public review, and it doesn't require stamps or envelopes.

Now for our hearing process. I'll call speakers in the order in which you registered. We ask you to please step up to the microphone and clearly state your name and organization, if you're representing one, before making your comment. Please limit your oral comments to five minutes so that everyone who wants to speak today may have a chance to be heard. I will advise you when you have 30 seconds remaining so you can wrap up. And I have a nice little sign to show you that.

We'll repeat this process until everyone who's registered to speak has had a chance to provide comments. I'll then ask if anyone else wants to speak. After everyone has had a chance to speak and add to their comments, as I said earlier, we'll then close the hearing and remind you of when comments are due and how to submit them.

If you're speaking from a prepared statement, please also leave us a copy at the registration desk. If you are not prepared to leave us a copy of your statement, we'd ask you to submit that via our website.

While agency representatives won't be answering questions during the hearing, we will stay around afterward to discuss the Draft PEIS with you. And if we need to go back on the record after we've had our informal session, we're happy to do that as well.

Are there any questions on the process we're going to use this evening to take comments? I see no questions, so we will now begin taking comments.

And our first speaker is Daron Smith, I believe. I think I got that right. And our second speaker will be J. Mark Ward. So Daren, take the microphone. Thank you.

Daron Smith:

Thank you. I appreciate the opportunity to comment. My name's Daron Smith. I'm a county commissioner from Millard County, which is the West/Central part of Utah. And there is a segment of this West-wide corridor that runs through my county. I appreciate the opportunity on behalf of the County Commission and the citizens of our county to comment.

We have right now the IPP power plant. It's located in our county, which provides electricity to LA Power, California. We know the importance of planning and having the ability to have corridors where utilities can be put. We're in the process right now in Millard County, because of a number of projects, in going through a planning process. We have gone through a process of a comprehensive land use process where we've invited the community, federal and state agencies to cooperate and input with us in trying to come up with a county general plan that is more specific.

Utility corridors are one of the things that came up as a priority to us. This was good timing for us. We're in the process right now of amending our county general plan and our ordinances to allow an area where utility corridors can be put, where things like we're talking about here can travel through our county, and so we appreciate the opportunity to comment.

We have a couple of projects that have been, that are out there going through, proposed to go through our county, and so we've been working with our local BLM office, and this West-wide corridor issue came up, and we'd just like to comment and say—I guess I had a question, but I'll ask that later. We would like to comment and say that the current proposed route through our county has a number of negative impacts to us, and that we'd like to comment on those. I think I'll just submit those as written comments to you and not identify each one of those right now.

And we would like to propose an alternative. We—80% of Millard County is either federal or state land, and it makes sense to us in our planning process for a utility corridor like this to go through federal property and to avoid our private property. We don't have very much of it, and so that would be the best-case scenario for us. We have a lot of BLM ground as well as Forest Service. And the current IPP corridor that we have comes through our county, and to us, would make a great alternative—because it's already there—to this corridor, this West-wide corridor.

We think that that corridor that we would propose be an alternative, that there are not very many negative impacts to us economically, socially, environmentally, to us in our planning process that's indicated that that would be the best scenario for us, and we would like to propose an alternative. Hopefully, we can. We appreciate being in the planning process and being involved with our state and federal agencies, and we really feel the need for planning and be able to identify areas where things like this can be placed for our, for all our best interests.

So I have a map and an alternative proposal and comments that I'd like to submit for the record that indicate the negative impacts of the current proposal, and I guess the positive impacts of the alternative. We are in the process, we have a moratorium in our county on planning right now until we get our county ordinances in place. We're going through that process. We have public hearings scheduled. We have a process for planning and zoning scheduled. We're anxious to get through that. We feel like the timing is really good in that process to make comments on this process, and we appreciate the opportunity to do so. Thank you.

LaVerne Kyriss:

Thank you, Commissioner Smith. Sure, I'll take it. Happy to do that. And our next speaker is J. Mark Ward, so—I don't know who that is. Mr. Ward?

J. Mark Ward:

Appreciate this opportunity. I'm here on behalf of Millard County. I actually work for the Utah Association of Counties and represent a number of different counties on public lands issues.

Just to supplement what Commissioner Smith said with respect to Millard County, I just want to pose two questions. They're genuine questions, that as, I think Millard County would like to partner with BLM in searching for the answers to these two questions that are more or less procedural.

The one question would be that, as you heard Commissioner Smith say, Millard County has a proposal to reroute the corridor slightly. Though it's slightly in terms of the whole West-wide corridor, but maybe significantly in terms of if you're just focusing on Millard County. And the procedural question is, since the EIS only focuses on the Proposed Alternative and the No Action Alternative, and I take it that the Proposed Alternative is the corridors as outlined, is it within the parameters of this process—if, say, BLM liked what hypothetically would suggest, suppose that they were in favor of what Millard County was proposing—is, has the scope of this EIS been drawn so narrowly that we can only, your only options are either to accept the proposed corridor or nothing at all? Or is there wriggle room within the NEPA process to make modifications on a county-by-county basis to adopt, possibly adopt that? In other words, is it within your power under this EIS process to modify, or is it either, is it either the proposed or nothing? That's one question.

LaVerne Kyriss: I think it depends on what the proposal is. As an answer to clarifying answer.

J. Mark Ward: Uh-huh. We hope, we hope's there's wriggle room there, that you're not, that someone's not going to take up, you know, come by and second guess the process afterwards and say, "Hey, you were scoped down only to looking at only the proposed corridor or nothing at all." So we hope there's, we hope there's a way that that can happen.

The second question is—and I haven't been able to find the actual language—but there was a moratorium. It's professionally known as the Jim Hansen Moratorium on, against any plan revisions in that part of Utah that was subject to the Utah Test Training Range, which could possibly affect a lot of West Utah. And as I read the part of the Draft EIS and also the Federal Register notice that gave notice of this public comment period, there's express reference to the goal of the EIS being to amend various RMPs, including the, let's see, in Millard County it's the Warm Springs and the House something. House Bench, House Range? House Range RMP. So the question is, how can we, can we affect that? Can we affect those changes to those RMPs and other RMPs that are within the scope of the Hansen Moratorium without offending the Hansen Moratorium? That's just a question. We hope, we hope there's a way to do it, but those are two procedural red flags that came up to us—.

LaVerne Kyriss: We'll try and check that out.

J. Mark Ward: As we saw it, and again, I wanted to be able to, it's the Hansen Moratorium was part of the, I'm told it's part of the 2002 Defense Authorization Act, and I have tried in vain to look for it. So, but those are just two questions. Again, we hope that we can, the county hopes, and the other counties as well, that we can kind of work through those two questions so that we don't get tripped up on those procedural issues. Thank you.

LaVerne Kyriss: Thank you, Mr. Ward. And we will get answers to your questions. Do we have other folks who would like to speak tonight who have not yet signed up? Do you want to speak, sir? No, or, you were just adjusting your glasses. Okay. It's like an auction, you know. Sometimes people make a move and you don't know if they're signaling you or not. Would either of you gentlemen like to add to your comments tonight? Okay. If not,

then what we're going to do is we're going to take a recess. I've got a couple of things to say first. And again, if we need—do you want to say something?

Daron Smith: You know, the impacts that I referred to in my recent comments, I'd like to read those or (inaudible) written form.

LaVerne Kyriss: They absolutely do—.

Daron Smith: I don't know. I can read them. I don't know if you want to be here and listen to the (inaudible) I don't want to prolong the meeting. But I'd like to at least have them in the record in the best form I can.

Unidentified Speaker: I think it's worth stating that all comments where others speak are essentially treated equal.

LaVerne Kyriss: Well, the question is your fellow citizens are here. Do they want to, I mean, you know, if you want to describe them. I mean, I don't want to stop you from—.

Daron Smith: I'd like to do that if I could.

LaVerne Kyriss: Sure. Why don't you come back into the mike, tell us who you are. I know we all know in the room, but there are people listening to the webcast who don't necessarily know who you are.

Daron Smith: My name is Daron Smith. I'm a Millard County commissioner, and I'd just like to, in reference to my earlier comments, just kind of describe the alternative proposal that the county has as far as the corridor through Millard County. If you can see this map, this is just the eastern section of Millard County. This is the current proposed utility corridor. It parallels a highway, which is 257, and you can see it ends right here when it hits the private area of our county. And you see the little red segments when it gets close to BLM property, but it's really fragmented all the way until it gets to the other side of our county, going through the private area right there.

And the green line right here is the Intermountain Power, the IPP corridor that runs to California. And as you can see, it pretty well avoids all of the private land in the county. It is on BLM properties with a little bit of School Trust land sections that it hits.

Millard County would propose that this West-wide corridor would parallel the IPP corridor when it gets up here to the top of our county, and then come up and either come across the federal property until it gets back to where the other corridor is in Juab County, or propose that it go on an angle to shorten the route, which would be across BLM property also as it gets within Juab County.

We also have the Kern River Pipeline that is over here that goes through a bit of our private property that parallels I-15, which is a gas line. Those are the two major corridors that we have in our county. We have a proposed wind generation farm in Beaver County that, like this IPP corridor, they're running green power over to IPP to hit their transmission lines to go to LA Power, who has purchased the first 200 megawatts of their project.

And so we feel like this is a very good alternative. With another project already agreeing to go that way, that it would be a good place to put a westwide corridor of that magnitude. From two-thirds of a mile to a mile wide, that really has a great negative effect on our private property if it goes right through here.

Delta is our largest community. We have Fillmore, two communities over here along the Forest Service. We have large sections of School Trust land, blocks of property that we've blocked together in areas that we feel will be developed in the future. There were federal land trades made to acquire those blocks. Most of those blocks were traded out of WSA areas for the School Trust Land sections, because they were really of no value there, and they have value here. And I think the value, although they can speak for themselves, of having a mile-long corridor go through here kind of disrupts the plan that we've had with them to develop these areas right here into industrial areas, agricultural areas.

We have four or five dairies situated in this area, and as you all well know, electricity and dairy cows sometimes create a problem. We have a stray voltage issue in our county—a lawsuit, actually, that's been filed—because some of the local dairies feel like there's some, some stray voltage issues created by IPP. And we don't feel it would be in our best interest to kind of magnify that issue by running power lines through this area. If they're out here, they're away from our agriculture, they're away from the area that we'd like to develop economically.

This corridor runs next to Clear Lake Waterfowl Management Area, which is very close. We feel out here we avoid that area. We have a Snow Goose Festival. Our area is an area where the snow geese migrate back through our area, and that's one of the largest activities that we do economically every year is have this Snow Goose Festival when the geese show up. Folks come down and take lots of pictures, and it's a beautiful thing to see. And that's kind of a major part of that. That's, you know, where they land as they come through, right there. And then we have another reservoir here and here. And to put that corridor right through there, you know, we feel like there's some negative impacts there, and we feel like this alternative route would be the best win-win situation for everyone.

We appreciate, you know, the idea of planning and having a place for those utilities to go. We would encourage them to be on public land, because we don't have a lot of private land. That makes sense to us, and any questions? Can I, can I ask anyone who has questions or—?

LaVerne Kyriss: Well, in our formal process, we'd like you to make your comments, and then we'll do that in the—.

Daron Smith: Okay. All right. But again, we appreciate the opportunity to comment. Thank you.

LaVerne Kyriss: Thank you, Commissioner Smith. Is there anyone else who would like make comments on the record? Okay. At this point, then, I'm going to ask John to—I didn't get up here fast enough to unlock this. We all have security on our computers so that nobody can break into them. Thanks, John. If there are no other speakers, I'm going to close the hearing for the moment, and I'd like to thank you for joining us to provide oral comments on the Draft PEIS Proposing to Designate Energy Corridors on Federal Lands in the West. Comments on the Draft PEIS are due February 14 and may be submitted online to our project website, by mail, or by fax. All comments received by February 14 will be considered in preparing the Final PEIS. Comments submitted after February 14 will be considered to the degree possible.

Again, thank you for your attention, and now we're going to stay around afterwards to informally discuss the Draft PEIS. We've got some local BLM folks who can talk about some of the specifics on the Jim Hansen Moratorium and other things like that that are

specific in nature. So, again, thank you for your time. And if you want to go back on the record later to take formal comments, we're happy to do that.