

CLU-007



United States Department of the Interior
FISH AND WILDLIFE SERVICE

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Mark Korsness, Project Manager
Bonneville Power Administration
P.O. Box 491
Vancouver, Washington 98666-0491

JUN 12 2006

Subject: Bonneville Power Administrations Proposed Caribou 138/115-kilovolt Substation and Caribou-Lower Valley 115-kilovolt Transmission Line

Dear Mr. Korsness:

The Fish and Wildlife Service (Service) is writing in regards to Bonneville Power Administration's (BPA) scoping notice for the proposed Caribou 138/115-kilovolt (kV) Substation and Caribou-Lower Valley 115-kV Transmission Line (Caribou Energy Project).

National Environmental Policy Act (NEPA) regulation 40 CFR § 1503.1(a)(1) states that the action agency shall obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. As such we are responding to your request for concerns and comments for your use and consideration in your Environmental Assessment (EA) and to assist BPA in meeting its requirements under NEPA. Comments provided also are in accordance with section 7 of the Endangered Species Act (ESA) of 1973 as Amended.

The Service understands BPA is proposing to build, own, operate, and maintain a new Caribou 138-115-kV substation adjacent to the proposed construction of a PacifiCorp 345/138-kV substation. At the substation, BPA would connect to a new 138-kV point of delivery from PacifiCorp's substation to provide 115-kV service to Lower Valley Energy. Additionally, BPA is helping Lower Valley Energy site and complete environmental analysis on its proposed Caribou-Lower Valley 115-kV transmission line. The 20-mile double-circuit 115-kV line will run from BPA's new Caribou Substation to a tap on the Lower Valley Energy transmission system between its Lanes Creek and Valley substations. Briefly, the line would originate just north of Soda Springs, Idaho and west of Highway 34. The line would travel in an easterly direction for approximately 1.5 miles, then turn north at a 90 degree angle before crossing over Highway 34. The line would then parallel Highway 34 in a northerly direction, extending to just south of China Hat Road, where it would turn east and meander along the Blackfoot River corridor. The line would extend to Diamond Creek Road, where it would tie in to a pre-existing Lower Valley transmission line. Lower Valley Energy would build, own, operate, and maintain the new transmission line.

The proposed route will cross a portion of the Caribou-Targhee National Forest and may impact Bureau of Land Management and Idaho state lands, as well as private land.

On April 19, 2006, the Service attended a meeting hosted by BPA to discuss the Caribou Energy Project. At the meeting, a general overview of the project description was provided, and the proposed alternative (route) was discussed. Based on the information provided at the meeting regarding the proposed route for the Caribou Energy Project, the Service has a number of concerns we recommend be addressed in BPA's EA.

- Trumpeter swans frequent the Fivemile Meadows complex just north and west of the proposed new transmission line. Anywhere from 2 – 20 swans from that meadow may travel to any number of locations including: Woodall Springs, located to the east of the proposed transmission line; the Blackfoot River (including Blackfoot Reservoir); and Grays Lake Refuge, located north of the east-west portion of the proposed transmission line.

Sandhill cranes also use the Woodall Springs area; mainly in the fall when they come in to feed on the grain fields nearby. Anywhere from several hundred to a few thousand cranes may utilize the area in the fall, depending on the availability of food. The cranes may be roosting in the Woodall Springs area, or may travel north to roost at Blackfoot Reservoir (crossing over the area Lower Valley Energy proposes to construct the transmission line). In the spring, numbers are markedly lower, with likely only several pairs nesting in the area. In general, sandhill cranes use the entire Blackfoot River corridor, traveling along the river to any number of locations including Woodall Springs, Blackfoot Reservoir, and Grays Lake Refuge.

Other bird use of the Blackfoot River Narrows area, though the Service does not have data on actual numbers, includes pelicans, ducks, geese, and likely osprey. The Service recommends BPA coordinate with the Idaho Department of Fish and Game (IDFG) to assess use of the area by these species and the potential for conflict.

The Service recommends that the EA assess the potential impacts to migratory birds from the proposed transmission line, and that the preferred alternative contain measures that will minimize and mitigate the potential adverse impacts, including the feasibility of altering the route of the proposed transmission line away from areas of high, concentrated bird use.

- The Service is aware of at least one bald eagle nest within the Caribou Energy Project Area. This nest is located off of Monsanto's haul road, near the Blackfoot River. The bald eagles likely forage along the Blackfoot River, and may occasionally travel to the Reservoir to feed. The Blackfoot River corridor also provides winter roosting habitat for up to 15 bald eagles. As such, there is potential for bald eagles to roost and/or travel between the Blackfoot Reservoir and Blackfoot River corridor throughout the course of the year. The Service recommends BPA review the Greater Yellowstone Ecosystem Bald Eagle Management Plan (1996) during the Caribou Energy Project planning stages

to ensure consideration for bald eagle conservation. The Service also recommends that the potential for project-related impacts to bald eagles be considered in the EA.

- The Service recommends BPA review the “Avian Power Line Interaction Committee (APLIC) guidelines for Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 2006” to ensure the proposed construction of new power lines in all alternatives conforms to the suggested guidance. The updated 2006 guidelines are due to be released this summer; however, if that is not timely enough for BPA, the Service recommends BPA revert to the 1996 update, as that is the latest version (also see the following website for the Avian Protection Plan Guidelines: <http://www.fws.gov/migratorybirds/>).
- For your information, the Migratory Bird Treaty Act (MBTA) prohibits the taking (including harm and harassment), killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the Department of Interior (16 USC §703). Under the MBTA, the unauthorized taking of even one bird is legally considered “take” and is technically a violation. Unlike the ESA, neither the MBTA nor its implementing regulations (50 CFR Part 21) provide for permitting of “incidental take” of migratory birds that may be killed or injured by otherwise lawful activities such as construction of a transmission line.

While the MBTA has no provisions for allowing unauthorized take, it must be recognized that some birds may be harmed/killed due to collisions with the Caribou Energy Project. The Service’s Office of Law Enforcement carries out its mission to protect migratory birds not only through investigations and enforcement, but also through fostering relationships with individuals and industries that proactively seek to eliminate their impacts on migratory birds. While it is not possible to absolve individuals, companies or agencies (e.g., in this case, the Bureau who is permitting the project) from liability if they follow these recommended guidelines, the Office of Law Enforcement and Department of Justice have used enforcement and prosecutorial discretion in the past regarding individuals, companies, or agencies who have made good faith efforts to avoid the take of migratory birds.

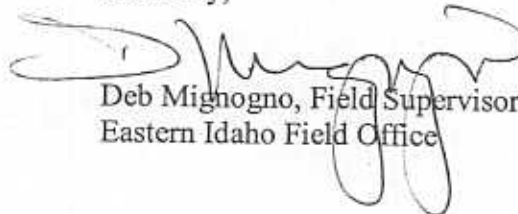
The Service is informing you of these regulations with the recommendation that mitigation and/or management strategies for migratory birds be identified in the preferred alternative outlined in the EA. If you have any questions about your responsibilities under the MBTA, please feel free to contact the Service’s Office of Law Enforcement in Boise, Idaho at 208-378-5333.

- At the April 19th meeting, there was discussion regarding the potential for the proposed transmission line to cross over State designated Wildlife Management Areas (WMAs). The Service recommends the EA address the WMAs that might be impacted, and how the proposed transmission line may affect big game or other species managed within the WMA.

- The Service recommends that BPA ensure it has the most up to date information on nesting, lekking, and wintering data for greater sage grouse in the Caribou Energy Project area. This information can be obtained by contacting the IDFG. Energy development (including construction of transmission lines), may be incompatible with sage grouse management; however, guidelines exist that may minimize the potential for conflict. According to the Guidelines to Manage Sage Grouse Populations and their Habitats (Connelly et. al., 2000), energy development “activities should be discouraged in breeding habitats, but when they are unavoidable, restoration efforts should follow procedures outlined in the guidelines.” Further recommendations in the Connelly guidelines suggest that “energy-related facilities should be located > 3.2 km from active leks whenever possible.” Specifically related to powerlines, Connelley recommends to “avoid building powerlines and other tall structures that provide perch sites for raptors within 3 km of seasonal habitats. If these structures must be built, or presently exist, the lines should be buried or poles modified to prevent their use as raptor perch sites.” The Service recommends that BPA ensures their EA addresses how the proposed Caribou Energy Project complies with the Connelly Guidelines and the Idaho Sage Grouse Management Plan (IDFG, 1997).

We appreciate the opportunity to provide these comments. If you need further assistance, please contact Sandi Arena of this office at (208) 237-6975 ext. 34.

Sincerely,



Deb Mignogno, Field Supervisor
Eastern Idaho Field Office

cc: IDFG, Pocatello (Mende)
Service-LE, Boise (Kabasa)

Literature Cited

Avian Power Line Interaction Committee (APLIC). 1996. Suggested Practices for Raptor Protection on Power Lines: The State of the Art in 1996. Edison Electric Institute and the Raptor Research Foundation. Washington, D.C.

Connelly, J.W., M.A. Schroeder, A.R. Sands, and C.E. Braun. 2000. Guidelines to Manage Sage Grouse Populations and their Habitats. *Wildlife Society Bulletin*, 28:967-985.

Greater Yellowstone Bald Eagle Working Group. 1996. Greater Yellowstone Bald Eagle Management Plan: 1995 Update. Greater Yellowstone Bald Eagle Working Group, Wyoming Game and Fish Department, Lander, Wyoming 82520. 47pp.

Idaho Department of Fish and Game. 1997. Idaho Sage Grouse Management Plan. Idaho Department of Fish and Game, Boise, Idaho. 35pp.