



October 29th, 2010

Delivered via electronic mail (sstoro@or.blm.gov) and U.S. mail.

Steve Storo, Project Manager
Bureau of Land Management
Prineville Field Office
Attn.: West Butte Wind Power Project
3050 N.E. 3rd Street
Prineville, OR 97754

Re: Comments on the West Butte Wind Power Project Final Environmental Impact Statement

Dear Mr. Storo:

Please accept and fully consider these comments from The Wilderness Society on the Final Environmental Impact Statement (FEIS) for the West Butte Wind Power (WBWP) right-of-way (ROW) for the upgrade and realignment of an existing road, along with the construction of a transmission line associated with the development of the West Butte Wind Power Project on nearby private land. We appreciate this opportunity to comment and appreciate the Bureau of Land Management's commitment to environmentally responsible renewable energy development on public lands.

The Wilderness Society's mission is to protect wilderness and inspire Americans to protect our wild places. Founded in 1935, TWS works to protect America's wilderness and wildlife and to develop a nationwide network of wild lands through public education, scientific analysis and advocacy. Our goal is to ensure that future generations will enjoy the clean air and water, wildlife, beauty and opportunities for recreation and renewal that pristine forests, rivers, deserts and mountains provide. TWS and its more than 500,000 members and supporters nationwide, including close to twelve thousand members in Oregon, have a long-established history of involvement and interest in public lands.

Clearly, our nation's growing dependence on fossil fuels, coupled with the unprecedented threats brought about by global warming, imperil the integrity of our wildlands as never before. To sustain both our wildlands and our human communities, we believe the nation must transition away from fossil fuels as quickly as possible. To do this, we must eliminate energy waste, moderate demand through energy efficiency, conservation, and demand-side management practices, and rapidly develop and deploy clean, renewable energy technologies, including at the

utility-scale. Renewable energy development is not appropriate everywhere on the public lands, however, and thorough review under the National Environmental Policy Act is an essential part of determining which of the many proposed utility-scale projects should be permitted to go forward.

We strongly believe that long-term, environmentally responsible success of the Bureau of Land Management's renewable energy program depends on developing policy and guidelines that guide projects to the most appropriate locations, thus limiting environmental impacts and reducing obstacles to construction of the most appropriate projects. As detailed in Section IV of these comments, mitigation of project impacts, including through project design, habitat protection and restoration, and creation of the off-site mitigation fund is critical to the successful, environmentally responsible development of WBWP. We are submitting these comments in the hope that WBWP can be a project that is environmentally responsible and has greater benefits than impacts. As a Department of the Interior (DOI) "fast-track" project, we understand that BLM and DOI are devoting their resources to ensure the WBWP project is evaluated in a timely and responsible manner.

I. The BLM Should Carry Forward Alternative 1, the Proposed Action

Of the three Alternatives, it appears that Alternative 1, the proposed action, would have the least impact on the surrounding environment while still facilitating a renewable energy project. Although Alternative 2, characterized by the resulting northern access road, has approximately the same amount of total disturbance as the proposed alternative, Alternative 2 would cross Williamson Creek, along with 7 more drainage crossings as compared to Alternative 1. Crossing Williamson Creek could impact fish such as the Inland redband trout and Westslope cutthroat trout, and other aquatic species that might be affected by soil erosion, runoff, and vegetation loss within the riparian area.

Recommendation: the BLM should carry forward Alternative 1, the proposed action.

II. Potential Public Benefits of WBWP

a. Greenhouse gas emissions reductions

The WBWP offers the potential to reduce greenhouse gas (GHG) emissions related to electricity production during its 20 to 30 year or longer lifetime by avoiding electricity production and associated greenhouse gas emissions at fossil fuel fired electricity plants. The WBWP is expected to produce on average 273,312 megawatt hours (MWh) of no-emissions electricity annually, (FEIS p. 3-107¹) enough to power over 40,000 homes.²

¹ Unless otherwise indicated, all page, table and figure references are for the FEIS.

² Per the U.S. Energy Information Administration, in 2008, the average annual electricity consumption for a U.S. residential utility customer was 11,040 kWh (*available at:* http://www.eia.doe.gov/ask/electricity_faqs.asp#electricity_use_home)

b. Helping meet Oregon’s Renewable Portfolio Standard

The State of Oregon has passed a Renewable Portfolio Standard (RPS) rule requiring that the three largest utilities in the state generate 25 percent of their electricity from renewable resources by the year 2025. The WBWP could help the utilities reach the RPS goals.

c. Local economic benefits

The WBWP would provide the opportunity for local economic benefits including creation of jobs and tax revenues and the addition of personal income to the State of Oregon. The FEIS states that, “during the construction period, the Project would generate approximately 70 direct, fulltime equivalent (FTE) positions, 345 indirect FTE positions through the purchase of materials and offsite services, and 143 induced FTE positions through direct and indirect employee purchases of goods and services. During operation, the Project would annually generate approximately 6 FTE permanent positions for operation and maintenance of the facility, 9 indirect FTE positions, and 8 induced FTE positions.” (p. 3-100)

Regarding employee income, the FEIS states that, “direct construction employee income would be approximately \$4.3 million, indirect employee income would be approximately \$13.2 million, and induced employee income would be approximately \$4.7 million,” and “direct operation employee income would be approximately \$400,000 annually, indirect employee income would be approximately \$300,000, and induced employee income would be approximately \$300,000.” (p. 3-100)

The FEIS also states that, “Property taxes would equate to approximately \$600,000 annually and the property lease would equate to approximately \$300,000 annually.” (p. 3-100)

III. Relative Suitability of the WBWP Site

a. Characteristics conducive to utility-scale wind development

The WBWP project, including the proposed actions by the BLM, possesses some features that should help minimize the project’s impact on the environment. The project is near existing infrastructure and the ROW would only necessitate an access road of 3.9 miles on public land with the 115 kV line located 6 feet from the road edge, and all actions remaining within a 30ft-wide corridor. The project is also located near other developed lands, does not overlap with proposed or existing Wilderness areas, and would likely have limited visual impacts.

b. Potential impacts to important resources

Despite the project's positive attributes, wildlife impacts from the project are likely to occur. Section 3.5 of the FEIS describes concerns about impacts to various avian species, as Oregon lies within the Pacific Flyway, and the surrounding sagebrush habitat of the project area has many sensitive bird species such as the Greater sage-grouse, Loggerhead shrike, and Golden Eagle and other raptors. The proposed wind turbines and other infrastructure could potentially cause mortality by direct collisions, and/or habitat loss due to fragmentation and avoidance. According to the FEIS, this site does not appear to be in a major migratory pathway due the unavailability of water (p. 3-15), but will likely impact a nearby sage-grouse lek situated within the project area and the active raptor nest sites located near the project area. There is a sage-grouse lek within the main project boundary, and two other lek sites within a 3-mile radius of the project (Figure 3-4A).

The pygmy rabbit, another sagebrush dependent species, may also be present in the project area. Though no sightings were made during surveys of the project area, there are previous records of pygmy rabbits on the south slope of West Butte (p. 3-46). Because pygmy rabbits are a species of concern and a potential candidate for listing under the Endangered Species Act and previous sightings indicate this area might be pygmy rabbit habitat, the Record of Decision and ROW grant ("project approval documents") should detail and include as ROW conditions specific measures to avoid or mitigate harm to pygmy rabbits, including, if appropriate, elimination of a turbine or turbines closest to recent rabbit sighting locations.

Recommendation: There will be significant impacts from WBWP, and at a minimum the project approval documents must detail and include as ROW conditions the protective elements described in the FEIS, as required by the Federal Lands Policy and Management Act (FLPMA). 43 U.S.C. § 1765. As detailed below, the BLM should also improve upon these measures, as several of the protective elements are deficient because they do not constitute actual mitigation for the harm to species from WBWP. Further, because of the significant impacts expected from WBWP, the BLM should also recognize and support additional mitigation measures, described in greater detail in Section IV.

IV. Mitigation

Mitigation measures can help reduce or avoid impacts, or compensate for impacts by preserving or restoring nearby areas with important natural resource qualities. The FEIS describes potential mitigation measures at pages 2-27 and 3-113 and in tables 2.5-1 and 3.13-1. Under FLPMA, the BLM has both the authority and the legal obligation to impose conditions on a granted ROW, including requiring mitigation of impacts that the project may have on both federal and adjacent lands.

Mitigation planning should be done to provide the greatest net benefit to the environment in the presence of disturbance. To ensure that this mitigation potential is realized, the project approval documents should detail and include as ROW conditions information on the specific proposals and next steps for the BLM, developer, or third party to administer this action.

a. Mitigation measures included in the FEIS that may have beneficial effects

The following proposed mitigation activities described within the FEIS are measures we feel could potentially lessen project impacts:

- Modification to wind turbine layout to reduce impacts on nearby sage-grouse lek site
- Monitoring plan of sage-grouse breeding to understand how wind development might affect breeding behavior and lek attendance
- Purchase of a conservation easement to protect other areas from being developed
- Juniper removal in areas to improve sagebrush plant communities
- Modification of electric lines by burying lines to reduce impacts on raptors and other birds
- Limitations on turbine cut in speed and turbine operation to reduce bat mortality

The project approval documents should detail these measures and include them as ROW conditions.

b. Additional mitigation that will be important for environmentally responsible development of WBWP

The off-site mitigation fund should be set up to distribute monies for purchase and protection of nearby private lands and off-site restoration projects, as it will also be important to ensuring environmentally responsible development of WBWP.

c. Mitigation measures that require improvement

We have some concerns about the description of some potential mitigation measures and discrepancies between recommended measures within the FEIS including:

i. Wildlife watering stations

Wildlife watering stations are often of limited value in mitigating impacts, and can in fact be harmful to wildlife if improperly sited or constructed. For these reasons, the BLM should either eliminate water stations from the list of mitigation measures, or at the very least the project approval documents must detail and include as ROW conditions least-impact construction and operation requirements for such stations. If the BLM does include watering stations as a mitigation measure, the agency should not weigh the mitigation value of watering stations heavily.

To provide any benefits to wildlife, wildlife watering stations require proper construction, monitoring, and maintenance. These considerations are also critical to ensure that watering stations do not facilitate the growth of invasive vegetation or create mosquito habitat. Expansion of open water in sage-grouse habitat presents a serious threat to this species by spreading mosquito-borne West Nile Virus.

According to a passage in “Effects of management practices on grassland birds: Greater Sage-Grouse” regarding water stations:

Avoid development of livestock-watering structures in sage-grouse habitat (Connelly et al. 2000). If water developments are constructed for sage-grouse or other wildlife, they should be placed to ensure that water is available during movement of sage-grouse from spring to summer ranges (Wakkinen 1990). Connelly et al. (2000) recommended that pipelines from springs be built so that free water is available to maintain the spring and associated wet meadows.

The BLM should strictly limit wildlife watering stations to locations outside the project area to avoid drawing wildlife to a potentially dangerous environment. The BLM should also require that watering stations be restricted to areas outside of sage grouse habitat, and in locations where the agency can demonstrate that there will be no adverse impacts to sage-grouse. We recommend that the BLM and/or the Oregon Department of Fish and Wildlife (“ODFW”) be involved in construction, monitoring, and maintaining structures so that water stations provide a benefit to wildlife. The BLM should also require that the project approval documents detail and include as ROW conditions maintenance of the water stations in functioning condition.

Finally, the FEIS is inconsistent regarding whether wildlife water stations will be included as a potential mitigation measure. The construction and maintenance of wildlife watering stations is included as a potential mitigation measure in Table 2.5-1, however it is absent from the description in Table 3.13-1. The BLM should clarify whether or not this mitigation measure will be included and ensure that the project approval documents are consistent on this question.

ii. Monitoring plans

Monitoring is not mitigation, but it can provide important information for managers to understand impacts on wildlife and other natural resources. The project approval documents must detail and include as ROW conditions detailed monitoring plans for impacted species.

iii. Avian fatality monitoring plan

This plan is identified as a potential measure at table 2.5-1, but is not mentioned at table 3.13-1. This plan is very important because it will allow managers to understand the impacts of turbines on birds. The project approval documents must detail and include as ROW conditions the avian fatality monitoring plan.

iv. Conservation easements

The project approval documents must detail and include as a ROW condition that the purchase of conservation easements should be directed at off-site private lands and not within the boundary of the project area.

v. Juniper removal

Juniper removal is not described in detail in the FEIS. Juniper removal should be directed at early phase juniper removal.

vi. Habitat improvements

We urge the BLM to consider mitigation measures on the BLM lands including habitat upgrades. The Greater sage-grouse lek within the project boundary requires mitigation so that the habitat lost from development might be protected from development in another area. Greater sage-grouse are a species recently identified by the US Fish and Wildlife Service as warranting an endangered species listing under the Endangered Species Act (“ESA”) because of widespread declines in sage-grouse populations throughout the West.

Beyond the measures specifically defined in the FEIS, BLM should require more definite measures to protect sage-grouse, including designating core sage-grouse habitat areas as unsuitable for industrial development.³

In addition to concerns about birds, sensitive bat species like Townsend’s big-eared bat are known to live this region of Oregon. According to the FEIS, Northwest Wildlife Consulting found five different bat species in the area including the Townsend’s big-eared bat. Because of the presence of several bat species in the project area, the BLM should support the potential mitigation measure that would enforce shut-off times during bat migratory periods to reduce the likelihood of impacts to migratory bats.

Recommendation: The BLM should maximize the benefits and minimize any potential negative impacts from potential mitigation measures by following the recommendations outlined above.

V. U.S. Fish and Wildlife Service and ODFW Coordination

We recommend that the BLM work proactively with the U.S. Fish and Wildlife Service and ODFW so that the project complies with the agencies’ most current guidance and policies directed at wind energy development and special status wildlife, as well as specific recommendations for this project. We also expect BLM to comply with its own recently issued guidance, such as Instruction Memorandum 2010-156 (Bald and Golden Eagle Protection Act).

³ M.A. Gregg and J. A. Crawford. 2009. Survival of greater sage-grouse chicks and broods in the northern Great Basin. *J. Wildl. Manage.* 73(6): 904-913.

Recommendation: The BLM should follow the recommendations outlined above regarding U.S. Fish and Wildlife Service and ODFW coordination.

We appreciate the opportunity to comment. If you have any questions, please do not hesitate to contact us.

Sincerely,

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