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DEQ cover letter

September 4, 2007

Bonneville Power Administration
Communications - DM-7
P.O. Box 14428
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To Whom It May Concern:

The Montana Department of Environmental Quality (DEQ) has reviewed the Draft Environmental Impact Statement for the Rebuild of the Libby (FEC) to Troy Section of the Libby-Bonners Ferry 115-kilovolt Transmission Line. DEQ submits review comments in the attachment to this letter.

DEQ recognizes the effort of BPA and the USFS in producing this Draft EIS. The document is well written, very comprehensive and extremely detailed. It contains a wealth of information on mitigating measures that would be employed to reduce potential impact levels. However, we believe that the general public may be easily overwhelmed by its level of detail, complexity of analysis, and heavy use of acronyms that seem to be directed toward resource managers rather than decision makers or the general public. The document would benefit from a succinct and readable summary of impacts that clearly communicates levels of impact remaining after mitigation is applied.

DEQ has identified several areas where additional information would clarify impact descriptions and support the substantive findings to be made under the Montana Major Facility Siting Act (Title 75, chapter 20, part 1, Montana Code Annotated) (MFSA). These are described in our comments.

The Draft EIS identifies the agency preferred alternative as the Proposed Action (rebuild to single-circuit 115-kV) with the Kootenai River realignment option. If carried forward as the agency selected alternative, the Final EIS should clearly describe the weighting of resources, land use impacts and other factors that led to not selecting realignments, such as Pipe Creek and Quartz Creek, that would avoid residences and subdivisions that have been built since the line was constructed. The Final EIS should compare impacts of realignments after application of mitigating measures to segments of the existing line that share common endpoints with each realignment. DEQ notes that several rebuilds of transmission lines by Western Area Power Administration over the past 15 years (Havre to Rainbow, Fort Peck to Havre, Fort Peck to Wolf Point, and Wolf Point to Williston) have utilized realignment of existing lines to accommodate substantial changes in land use since the lines were constructed.

Following publishing of the Notice of Availability for the Final EIS by BPA, DEQ will issue draft department findings of substantive compliance with MFSA, including a report supplementing BPA's studies as necessary to determine compliance of the project with Montana environmental protection standards.

The Montana Department of Fish, Wildlife and Parks and the Department of Transportation have also reviewed the document and provided comments under separate letters.

Please contact either Tom Ring (406-444-6785) or Nancy Johnson (406-444-6797) with any questions.

Sincerely,

Warren McCullough
Bureau Chief
Environmental Management Bureau
Montana Department of Environmental Quality

Attachment

Comments of the Montana Department of Environmental Quality 9/4/07
Draft Environmental Impact Statement
Rebuild of the Libby (FEC) to Troy Section of the Libby-Bonners Ferry 115-kilovolt Transmission Line

GENERAL COMMENTS

The analysis in the Draft EIS (DEIS) does not directly compare impacts of the Pipe Creek, Quartz Creek, and Kootenai River realignments with equivalent segments of line on the existing location. In the Final EIS (FEIS) please provide a comparison of resource impacts after application of mitigating measures and other factors leading BPA to select either the existing line location or realignment. Discussion should help decision makers determine tradeoffs between alternatives and which alignment represents the least impact when various factors and costs are considered.

Residual impacts remaining after application of mitigating measures are not consistently described in the DEIS. For example, impacts to fish, amphibians, and reptiles are first described in Section 3.6.2 without application of proposed mitigating measures. Following this discussion, impacts that would remain after the application of mitigating measures are described on the bottom of page 3-137. However, in section 3.5.2 (Environmental Consequences of Action Alternatives – Wildlife) impacts are described and a list of mitigating measures is offered, but the reader is left wondering what the level of impacts would be after application of mitigating measures. Similarly, Tables S-1, S-2, 2-4, and 2-5 are very detailed but it is unclear what impacts would remain after mitigating measures are applied. Lastly, text in Section 3.17 Adverse Effects that Cannot be Avoided is not clear on the reduced level of impact after mitigating measures are applied. Readers would be better informed if residual impacts likely to remain after successful application of mitigating measures were clearly described.

Throughout the document impacts are classified as low, moderate and high. Please explain the impact threshold for each category for each resource.

NEED FOR THE PROPOSED ACTION

In 2003 BPA acquired ownership of the Libby-Troy section of a 115-kV transmission line that had been constructed by Pacific Power and Light in the mid-1950s to address concerns that the aging line would fail and adversely affect reliability of service in northwestern Montana. DEQ agrees that the transmission line is in need of major repair and that rebuilding the line to provide redundant load service is a cost-effective solution.

DEQ concludes that the need for a single or double circuit 230-kV line cannot be justified at this time. We also recognize that it may be wise to secure additional right-of-way to preserve the option of a future upgrade. If the acquired right-of-way were on public land, land use(s) would be less likely to change compared to private land.

PLANS FOR GRID EXPANSION

Another transmission path potentially being considered by BPA for future expansion of the grid was discussed during the public meeting held in Libby on August 15th. It could

be developed to handle future generation additions at Libby Dam, should they occur, and would consist of another 230-kV line from Libby Dam to Noxon and further west into Idaho. It was noted that BPA has a vacant right-of-way west of Noxon.

DEQ understands that the Clark Fork valley in the Trout Creek-Noxon-Heron area is seeing a substantial influx of new residents, with many second homes being developed. If this transmission path is proposed for development at some future date, a comprehensive comparison of alternatives and impacts will need to be completed at that time. Alternatives could include one from Libby Dam to Noxon and into Idaho, and a second alternative from Libby Dam to Bonners Ferry.

SUMMARY
Page S-11. Section S.3.1 lacks information describing the human environment and subdivisions.

Section S.3.3 lists the resources that may be cumulatively affected but does not tell readers what the cumulative impacts are likely to be.

Page S-14, mitigation measures, last bullet. Does the statement 'minimize or eliminate public access to project facilities through postings and installation of gates and barriers at appropriate access points' mean that public access would be closed on public land?

Page S-17, proposed action, first bullet. Would drainage structures that are installed as part of the project be maintained for the life of the project?

Page S-18, No Action Alternative column. While fires are mentioned as a result of a failing line, the secondary impacts of a major forest fire on fish and wildlife habitat deserve mention.

Page S-20, Visual Resources, Proposed Action and Alternative 1, first bullet. What would be the visual impacts of the described design modifications? Would the line be moved closer to or farther away from residences?

Page S-21, Recreation Resources, Proposed Action, bullet 2. Clarify whether short-term impacts to recreational use from closure of the road during construction would occur only on Kootenai National Forest land or on State of Montana land as well. Would recreation access be allowed on weekends and evenings?

Page S-22 and 2-35. Montana's standard for electric field strength at the edge of a right-of-way (ARM 17.20.1607 (2)(d)) has been adopted through the administrative rule making process, just as air quality and water quality standards have been adopted. It should not be considered a guideline as stated in the DEIS.
The rule is substantive, stating "for electric transmission facilities, that the electric field at the edge of the right-of-way will not exceed one kV per meter measured one meter above the ground in residential or subdivided areas unless the affected landowner waives this

condition, and that the electric field at road crossings under the facility will not exceed seven kV per meter measured one meter above the ground."

ALTERNATIVES INCLUDING THE PROPOSED ACTION
Page 2-14. Would the conductor have to be 26.5 feet from the ground to meet BPA or NESC standards?

GEOLOGY, SOILS AND WATER RESOURCES
Page 3-12. Clarify why text at the bottom of the page describes impacts of the Quartz Creek realignment as moderate to high for clearing of new right-of-way and construction of new structures, while the following discussion only mentions low to moderate impacts.

LAND USE
Page 3-19. In Section 3.2.2 please list the types of activities that would be restricted on private land resulting from rerouting the line or acquiring additional right-of-way in the following areas:

- Near Structures 17/15 to 17/18;
- Structures 17/15 to 18/6 where additional right-of-way would be required; and
- Near structures 28/3 to 28/7, 29/1 to 30/2, and 31/1.

In our experience the easement would likely restrict or prohibit the use of private land for houses, garages, pole barns, some orchards and ornamental trees, flagpoles, tall radio and television antennas, operation of over-height vehicles or equipment, use of certain irrigation equipment, and excavation near the line. There may be other restrictions we are not aware of. These restrictions may apply to the Pipe Creek residential area and along Kootenai River Road and although people would be able to continue residential land uses, there would be new restrictions on land uses (see page 3-20). Acquisition of additional right-of-way would contribute to cumulative land use impacts by restricting uses listed above.

Any long-term restrictions to land use in the Bighorn Terrace Subdivision and restrictions on public lands need to be described on page 3-20.

What land use restrictions would apply to Lincoln County lands near structures 26/1 to 26/8?

Would the Pipe Creek realignment result in a net reduction of impacts to private land?

Would there be new restrictions on property adjacent to the line by moving it to the north side of Kootenai River Road? From Figure 2.5 it appears several residential properties would be affected by the move.

VEGETATION
Page 3-40. Effects on Geyer's biscuit-root. How would re-establishment of Geyer's biscuit-root occur when herbicides are used to treat weeds?

Tables 3-19 and 3-20. Is there any alternative alignment that would reduce old growth impacts? In the Pipestone planning subunit, how can the impact be moderate to high while still fully complying with old growth standards requiring there to be 10% old growth (Table 3-19)?

Page 3-37. Please clarify the level of impact to individual plants versus subpopulations for effects on Geyer's biscuit-root from construction of new access roads.

Page 3-46. While treating Dalmatian toadflax populations would reduce the possibility of transporting seed, seed can remain viable for up to 10 years. Vehicles would still need to be cleaned before moving from infested areas.

WILDLIFE

Page 3-81. What are the proposed spacings for conductor to conductor and conductor to ground? Would the suggested 60-inch spacing recommended by APLIC (Avian Power Line Interaction Committee) be maintained for the 115-kV line?

Page 3-100. Would fewer access roads be necessary because of longer span lengths and fewer structures under Alternative 1? Or would similar span lengths be used in Bear Management Units 1 and 10?

Page 3-110, first paragraph. The discussion should clarify whether there would be potential for re-growth of trees along the existing right-of-way should the Pipe Creek realignment be selected.

WILDLIFE – BALD EAGLE

Page 3-110. New bald eagle management guidelines from the USFWS (May 2007) suggest that a buffer between power lines and bald eagle nests be 660 feet if the activity would be visible from a nest and 330 feet if the activity would not be visible. Can the Pipe Creek realignment be modified to attain these revised buffer distances, and if so, would impacts to bald eagles be decreased?

Page 3-113 to 3-114. How long are agencies obligated to consider bald eagle nest sites which are no longer active, especially when the species is no longer listed under the Endangered Species Act? The Quartz Creek bald eagle nest was blown down six years ago and no new nest has been found since then in close proximity to the realignment. The May 2007 U.S. Fish and Wildlife Service (USFWS) document, *National Bald Eagle Management Guidelines*, states on page 15 that "Where nests are blown from trees during storms or are otherwise destroyed by the elements, continue to protect the site in the absence of the nest for up to three (3) complete breeding seasons. Many eagles will rebuild the nest and reoccupy the site."

FISH, AMPHIBIANS AND REPTILES

Page 3-139, end of third complete paragraph. While an increase in nutrients might lead to a short-term increase in productivity, this can be viewed as a negative impact if the goal in the area is to maintain existing water clarity and benthic productivity.

RECREATION

With many trails in the vicinity of the transmission line, it is possible that some people are using GPS. Would the line interfere with recreational use of GPS equipment, and if so, what steps would BPA take to address it?

Page 3-168. Text under Remoteness notes that public use of the Bighorn Trail would likely be restricted during the construction phase for safety reasons. Would public access to hiking trail #2W Historic Highway also be restricted during construction?

Page 3-168. Clearing of danger trees along portions of the historic Highway 2 hiking trail (#2W Historic Highway) will decrease the natural setting, creating more open views of Highway 2 on the valley floor or surrounding hillsides. This will affect the Naturalness component of the Recreation Opportunity Spectrum and potentially affect the experience of some trail users. Over time some vegetation would be allowed to grow, but not to the extent that it affects line operation or reliability.

NOISE, PUBLIC HEALTH AND SAFETY

Page 3-175. Text under "Toxic and Hazardous Substances" states that there are no known hazardous materials or contaminants. However, text on page 4-14, Section 4.23 Pollution Control Acts says "Most of the poles and cross arms removed from the 115-kV line were likely treated with a wood preservative (creosote or pentachlorophenol), listed as hazardous waste under RCRA." Please clarify these two statements.

Page 3-181. Two studies (Ahlbom et. al., 2000 and Greenland et al., 2000) raise the possibility of, but do not prove, an association between magnetic field strengths greater than 3-4 mG in homes and an increased incidence of childhood leukemia. The DEIS notes that average magnetic fields above 3 mG in homes are rare. Conservatively, how many homes along the proposed line and alternatives would be within a zone where magnetic field strength would exceed 3-4 mG as a result of the line?

Page 3-188. Would the Pipe Creek realignment result in a positive impact to some residences compared to the proposed action? If a positive impact would occur, how many residences would benefit?

Page 3-189, end of paragraph 8. Add 'In addition, current easement and right-of-way restrictions would be removed in the Big Horn Terrace area. These restrictions imposed on people's activities are designed to prevent electrocutions and line outages.'

Page 3-190, second complete paragraph. Although text notes that similar safety issues to the action alternatives and other realignments would be present during construction and installation of the structures and conductor for the Kootenai River Crossing Realignment, there are no people living in close proximity to this proposed realignment.

TRANSPORTATION

Page 3-210, paragraph 5. Would there be a delay at the Highway 2 crossing near Troy due to conductor stringing?

Page 3-210, paragraph 6. Text at the end of this paragraph states "If requested by an owner, BPA would consider installing controls such as gates to minimize unauthorized access. Impacts would be ***low***." However, text on page 3-168 states that "ORV users may circumvent gates to use new roads and could develop new routes from the roads where terrain is suitable. If it occurs, such use likely would spread noxious weeds, eliminate vegetation, and result in erosion. This is considered to be a ***moderate, long-term impact***." Please clarify these two statements describing impacts of unauthorized access.

Page 3-213, paragraph 2. Clarify text stating "these delays would be short-term (2 to 4 days)." Do you mean short delays would occur over a 2 to 4 day period?

Page 3-213, bullet two. Describe this mitigation measure in more detail. Who would determine when flaggers and warning signs would be used? Would BPA consult with Montana Department of Transportation and follow their recommendations?

Page 3-213. Mitigation. BPA should work with the Montana Department of Transportation to identify segments of Highway 2 where traffic control flaggers and warning signs would be stationed during clearing of trees that are directly above the highway along the historic Highway 2 hiking trail (#2W Historic Highway).

FIGURES

There are no topographic maps in the entire document. One should be included for reader information. Slope constrains line location and is a contributing factor in impact assessments.

Figure S-2 gives information about types of structures including height, span length and proposed corridor width. What are the base dimensions for each structure type?

Please indicate data sources for Figure 2-1.

TABLES

For Table 2-2 Summary of Engineering Characteristics for Realignment Options (page 2-15) clarify why the Kootenai River realignment for the 115-kV option would cost $75,000 to construct, while the 230-kV option would cost $43,000.

In addition to comments provided above, DEQ has enclosed a copy of pages with typographical or grammatical errors noted through page 3-86 of the document.