

**WILDLIFE MITIGATION PROGRAM DRAFT EIS:
Comments and Responses**

Table of Contents

	Page
Comment Analysis	CR/1
Commenters	CR/1
Subjects	
Purpose and Need	CR/2
NEPA/Legal/Process	CR/4
NEPA	CR/4
Northwest Power Planning Act/Council	CR/6
Other Legal	CR/12
Alternatives	CR/12
No Action	CR/12
Existing Action Alternatives	CR/13
Other Alternatives	CR/17
Public Involvement	CR/18
Eight-Step Process for Public Implementation	CR/20
In General	CR/20
By Alternative	CR/22
Affected Environment	CR/24
Techniques	CR/27
General	CR/27
Table 2-1: Relative Use of Techniques	
CR/31	
Specific Techniques	CR/32
Impacts	CR/36
Existing Analysis	CR/36
Cumulative Effects	CR/40

Bonneville Power Administration Wildlife Mitigation Program Final EIS

	Page
Proposed Analysis	CR/42
Miscellaneous	CR/47
Outside the Scope	CR/53

**WILDLIFE MITIGATION PROGRAM DRAFT EIS:
Comments and Responses**

Comment Analysis

The comments within have been identified from the 20 letters submitted as comments on the Draft EIS.

- Each comment has been assigned a unique identifying number (e.g., the fourth comment in comment letter six is identified as 06-04). The name of the commenter also appears in italics at the end of each comment.
- Each comment is identified, where possible, by its referenced page in the DEIS.
- For greater clarity, specific subjects or sections are named at the end of some comments.
- Those comments that address improvements to the EIS or minor clarifications are grouped under a single heading (i.e., 05-X and 16-X) and placed under MISCELLANEOUS.
- Comments are arranged by general subject for greater ease of response.
- Changes to the EIS are listed at the end of each comment.

Commenters

01	J.W. Feigel	
02	James A. McGee	Wildlife Biologist, PUD #1 Douglas Co.
[03	<i>Determined not to be a comment on this project}}</i>	
04	J.D. Anderson	Stevens County Commissioner Dist. 2
05	Susan B. Barnes	Env. Spec/Beak Consultants, Inc.
06	Gordon Stewart	Flathead Wildlife Inc.
07	Howard A. Kemper	
08	Preston Sleeper	Acting Regional Environmental Office, U.S. Dept. Interior
09	Jane Cummins	League of Oregon Cities
10	Laura Schroeder	Schroeder Law Offices
11	Rebecca Inman	Washington Department of Ecology
12	Rick Bass	
13	Alexis DeCaprio) Emilee Moeller)	Northwest Environmental Defense Center
14	Bern Shanks	Washington Department of Fish and Wildlife
15	Arlene Montgomery	Friends of the Wild Swan/Montana Ecosystems Defense Council
16	Chris Merker	Wildlife Working Group
17	John Stanton	The Ecology Center/Alliance for the Wild Rockies
18	Cal Groen	Chief, Natural Resources Policy Bureau, Idaho Fish and Game

Bonneville Power Administration Wildlife Mitigation Program Final EIS

- 19 Richard B. Parkin Manager, Geographic Implementation Unit
Environmental Protection Agency
- 20 Preston Sleeper Acting Regional Environmental Officer
USDI [Bureau of Reclamation comments
forwarded]

PURPOSE AND NEED

COMMENTS

- 06-01 Commenter “applaud[s] your efforts to move forward in the area of wildlife mitigation through development of program standards and guidelines [and] would concur with your proposal to standardize the planning and implementation of new individual wildlife mitigation projects funded by BPA.”
- Gordon Stewart
Flathead Wildlife, Inc.*
- 14-01 This standardized approach should significantly reduce the amount of time to implement wildlife mitigation projects in the Columbia Basin, as well as provide a way to ensure consistency.
- Bern Shanks
Washington Department of Fish and Wildlife*
- 20-01 The Department [of the Interior] believes BPA’s Mitigation Program would, together with other mitigation projects throughout the Columbia River Basin, provide net benefits to wildlife and other natural resources.
- Preston Sleeper
US Department of the Interior*
- 18-01 We [Idaho Department of Fish and Game] feel the document will be beneficial in terms of streamlining implementation of wildlife mitigation projects around the region and will ultimately save the ratepayers of the northwest substantial money.
- Cal Groen
Chief, Natural Resources Policy Bureau, Idaho Fish and Game*
- 19-02 We [U.S. EPA] are pleased that BPA is implementing substantial and ongoing wildlife mitigation in response to habitat losses from hydroelectric projects. [Commenter requests more information in several areas; see other comments from 19.].
- Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA*

RESPONSE: Thank you for your comments.

COMMENT

19-03 The EIS would be greatly improved by the inclusion of more background information about (1) the overall goals and direction for the Wildlife Mitigation Program

Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA

RESPONSE: We have revised Chapter 1 to include additional background information.

COMMENTS

19-07 Is BPA interested in mitigating specifically for habitat types and species lost as a result of the dams, or is the intent simply to restore, improve, or protect what remains, regardless of what was lost with dam construction?

Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA

19-08 What emphasis is being placed upon maintaining regional biodiversity? . . . To be truly meaningful, a wildlife mitigation program of this magnitude should place significant emphasis upon the protection and maintenance of biodiversity.

Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA

RESPONSE: Section 1.1 of the DEIS states that BPA is responsible for mitigating the loss of wildlife habitat caused by development of the Federal Columbia River Power System. One of the principles identified in the Council's Fish and Wildlife Program is "Where practical, to mitigate losses in-place, in-kind." Wildlife loss assessments (see section 1.3) have established what types of habitat have been lost. The losses are reflected in Table 1-1, Columbia River Basin Wildlife Mitigation Habitat Type and Target Species Priorities.

BPA's legislative mandate is to mitigate the loss of wildlife habitat caused by development of the Federal Columbia River Power System, which may involve maintaining biodiversity. Although not as an emphasis, Alternative 6 (proposed) would require project management plans to include, as a project goal, "protection or improvement of natural ecosystems and species diversity over the long term." (See page 2/ 27 of the DEIS.) Ultimately, regional biodiversity may be an indirect benefit of the wildlife mitigation program.

COMMENT

17-04 [Pg. 1/2; Purposes] Purpose 2 [achieving cost and administrative efficiency] is inappropriate because “such a consideration will inevitably run in direct contradiction of many wildlife mitigation proposals.” The analysis should consider such an issue, but it should not be a “driving purpose.” Commenter asks that it be removed from the list of primary objectives.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: The Northwest Power Act and other laws relevant to BPA’s Wildlife Mitigation Program require BPA to consider cost and administrative efficiency in administering the Program. Therefore, it is considered appropriate for BPA to consider this factor in balance with the other Program objectives identified in section 1.2.

COMMENT

19-04 The EIS would be greatly improved by the inclusion of more background information about . . . (2) the types of projects that have historically been pursued and the benefits derived from them

*Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA*

RESPONSE: We have revised Chapter 1 to include additional information about past wildlife mitigation projects and their benefits.

NEPA/LEGAL/PROCESS

NEPA

COMMENTS

15-01 The DEIS information is not a substitute for NEPA on site-specific projects; it merely “sets the sideboards” for individual-site NEPA analysis. You can’t cover all possible scenarios in one EIS.

*Arlene Montgomery
Friends of the Wild Swan/Montana Ecosystems Defense Council*

17-02 [Pgs. 1/1-2, Purpose and Need] The commenters are “firmly opposed to any attempt by the BPA to circumvent, streamline, or in any other way alter the NEPA process.” Commenter cites case of Natural Resources Defense Council Inc. v. Morton: “. . . the court correctly points out the illegality of replacing the NEPA process with a programmatic document such as this:

A program statement may be very helpful in assessing recurring policy issues and insuring consideration of the cumulative impact that numerous decisions might have on the environment, but that does not mean that it will suffice to fulfill the NEPA mandate. The court is convinced that the . . . programmatic statement alone, unrelated to individual geographic conditions, does not permit the “finely tuned and ‘systematic’ balancing analysis” mandated by NEPA. [388 F. Supp. 829, 527 F2d 1386 (D.C.Cir.1976)]

This EIS is in clear violation of NEPA . . . and must be abandoned or modified so as not to violate NEPA. Furthermore, it must explicitly state that the NEPA process, in its entirety, will be applied to each individual proposal.”

John Stanton

The Ecology Center/Alliance for the Wild Rockies

RESPONSE: We agree that this programmatic EIS will not replace site-specific review of individual project funding by BPA. The draft EIS was incorrect in stating that “individual projects may not require further NEPA review.” We have corrected Chapters 1, 2, and 5 accordingly. BPA intends to review individual funding proposals to determine consistency with the decisions that result from this EIS, and the appropriate type of NEPA review warranted for specific proposals.

COMMENT

20-02 “The Department believes that based on the information presented in the DEIS that implementation of Alternative 6: Balanced Action, BPA’s preferred Alternative, would provide the greatest wildlife benefits for the following reasons:

1. Development of a programmatic NEPA planning process, consistent with the Northwest Power Planning Council’s goals and priorities, would allow not only BPA, but other project managers as well, to implement wildlife mitigation programs in a more timely and cost-effective manner. It will not require further review under . . . (NEPA) for many individual projects. Currently, all projects, including many projects similar in nature, require individual NEPA review which may add months to their completion.

However, we would like to emphasize each project would still require review and compliance with the Endangered Species Act, National Historic Preservation Act, and other applicable Federal, State and local ordinances.”

Preston Sleeper

U.S. Department of the Interior

RESPONSE: Under all alternatives, compliance with the Endangered Species Act, National Historic Preservation Act, and other applicable Federal, state, and local ordinances would be required. The specific steps to compliance are outlined in Alternative 2, which contains the basic requirements common to all alternatives. See also Chapter 5, Consultation, Review and Permits, of the final EIS.

Please note that the draft EIS was incorrect in stating that "individual projects may not require further NEPA review." We have corrected Chapters 1, 2, and 5 accordingly. BPA intends to use this EIS to facilitate more efficient project-level NEPA review. See response to comment 17-02, p. CR/ 5.

Northwest Power Planning Act/Council

COMMENT

04-05 [Summary] "The Federal Government has no Constitutional authority to spend the taxpayers money on this socialist program."

*J.D. Anderson
Stevens County Commissioner*

RESPONSE: The Northwest Electric Power Planning and Conservation Act directs the BPA Administrator to "use the Bonneville Power Administration fund and the authorities available to the Administrator under this chapter and other laws administered by the Administrator to protect, mitigate, and enhance fish and wildlife to the extent affected by the development and operation of any [federal] hydroelectric project of the Columbia River and its tributaries. . . ." 16 U.S.C. § 839b(h)(10)(A). If the commenter questions the constitutionality of this directive, he should address his concerns to a Federal court.

COMMENT

10-17 [App. A] "Available Mitigation techniques" (Appendix A) appear to conflict with the statutory directive to the BPA Administrator to acquire resources through conservation. (USC 16 Sec 839(d)(1)(B)). Specific conflicts exist with: Irrigation (Sec. 2.3), Wells (Sec. 4), Diversions (Sec 4.2), Spring Development (Sec 4.3), Water Rights Acquisition (Sec. 4.6). [Commenter quotes at length from Pacific Northwest Power Act on conservation, consultation and public involvement, cost-effectiveness, and the Council's Fish and Wildlife Program.]

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: This comment and commenter's reference to Appendix A are based on mistaken interpretations of the sections of the Northwest Power Act that address resource conservation. The commenter appears to believe that "resources" are natural resources and conservation is conservation of natural resources. However, the Act defines "conservation" as "any reduction in electric power consumption as a result of increases in the efficiency of energy use, production, or distribution." 16 U.S.C. § 839a(3). The Act uses the term "resources" in the context of electric-energy-producing resources. See 16 U.S.C. §§ 839a(10), (12), (16). In addition, many of the duties cited fall to the Power Planning Council, not BPA. Consequently, to the extent these comments rely

on these provisions of the Act, the comments are largely inapplicable to the Wildlife DEIS.

Nevertheless, BPA has balanced the numerous interests that the FCRPS and the Columbia River Basin serve by (1) recently completing a rate case that set competitive rates for all BPA customer classes, and (2) preparing the System Operations Review EIS with the Corps and BOR. Both of those processes, in addition to this EIS and the Council Amendments upon which it is based, offered many opportunities for broad participation of customers, consumers, and other parties interested in wildlife mitigation.

COMMENT

13-01

[Pg. 1/7] The stated issues to be resolved were not adequately answered or explored in the DEIS. Key factors were ignored that must be addressed: **1) the effect that the MOA funding cap will have on the goals and prioritization of management techniques within projects under each and all alternatives** Available resources and how they will affect each alternative must be disclosed, and effect of cost decisions on where and how much funding is allocated. Priorities (electricity needed versus salmon management) must be explored. [Cites (h)(8) of the Northwest Power Act, 16 USC 839b.] BPA must consider the impact of these cost decisions and must acknowledge them openly before any true evaluation of objectives for wildlife mitigation can be performed. What wildlife mitigation techniques might be eliminated under the influence of cost concerns? The DEIS does *not* resolve one of the issues (whether and to what extent BPA should prescribe conditions for funding types of wildlife mitigation actions). Some alternatives reference a cost analysis, but not a method or opportunity. The public has no means of reasonably predicting how these analyses will affect mitigation priorities within each alternative.

*Alexis DeCaprio/Emilee Moeller
Northwest Environmental Defense Center*

RESPONSE: The EIS directly responds to the three stated issues to be resolved, as presented on page 1/7 of the DEIS.

The first issue, whether and to what extent BPA should prescribe conditions for funding types of wildlife mitigation actions, is the basis of the alternatives; each alternative responds specifically to this issue. The alternatives examine the range of possible conditions that may be placed on projects (conditions, which include strategies, goals, and procedural requirements, are referred to collectively in the EIS as *prescriptions*).

The alternatives also respond to the stated second issue to be resolved: whether BPA should categorically eliminate any techniques from further funding consideration. Different ways to address this issue are listed for each alternative under Step 6 (which outlines the specific types of techniques that BPA would support or, in some cases, not support). For example, under alternative 4, Step 6,

the more costly techniques, such as irrigation and purchase of water rights, are categorically excluded (page 2/19 of the DEIS). Other techniques are allowed or encouraged, as described under Step 6 in the various alternatives.

The third issue—what is the most appropriate role for public, Tribal, and agency participation—is directly resolved in each alternative under Step 2, Involve Stakeholders (the step that specifically states the role of stakeholder involvement).

The MOA funding cap is not addressed in the EIS because this and other funding issues are well beyond the scope of the EIS. The EIS responds to the need for standard procedures and approaches and addresses the related resource issues and environmental consequences. The MOA is strictly a funding-level decision and is not part of the purpose and need to which BPA is responding in the EIS.

Nevertheless, cost control and effectiveness are always considered in developing wildlife mitigation projects. Cost efficiency is one of the primary purposes of Alternative 6, the proposed action; Alternative 4, Cost and Administrative Efficiency Emphasis, explores the types of conditions that would be applied should BPA choose to minimize costs above all other factors.

COMMENT

13-03 The stated issues to be resolved were not adequately answered or explored in the DEIS. Key factors were ignored that must be addressed: . . . **3) the degree of deference given to Tribal authorities and agencies.** There is no attempt to address Tribal/agency roles *within each alternative*. There must be information on what kind of role, how extensive it is, and how those roles differ from one alternative to the next. “Because of their expertise in their respective fields, Tribes and agencies should have complete deference in the decision-making process.” Their involvement should be integrated into the entire eight-step process (not just step 2).

*Alexis DeCaprio/Emilee Moeller
Northwest Environmental Defense Center*

RESPONSE: The Northwest Power Planning Council must give deference to the fish and wildlife management agencies and Tribes when determining what measures to include in the Program. See Northwest Resource Information Center v. Northwest Power Planning Council, 35 F.2d 1371 (9th Cir. 1994). BPA must fund fish and wildlife mitigation measures in a manner consistent with the Program, the Council’s Power Plan, and the other purposes of the Northwest Power Act. 16 U.S.C. § 839b(h)(10)(A). While it is not legally required, in practice BPA gives the agencies and Tribes a great deal of consideration in Program implementation. For instance, in prioritizing specific measures for funding, BPA funds virtually all measures sent to it and in the order requested by the agencies and Tribes.

We disagree with the commenters over the need for another alternative that would give the agencies and Tribes “full discretionary power over all decisions

and BPA would act as a financial conduit, funding all projects required by this entity.” To the extent that it is legal, BPA is already implementing mitigation in the manner proposed by the commenters. We plan to continue doing so, so long as our actions comply with Senator Gorton’s amendment to the Northwest Power Act, section 512 of the 1997 Energy and Water Development Appropriations Act. To go further would risk violations of the appointments clause of the Constitution (see Seattle Master Builders v. Northwest Power Planning Council, 786 F.2d 1359 (9th Cir. 1986)).

COMMENT

10-02 [Pg. 1/1] Re: conservation actions. The commenters propose cooperative projects with irrigation districts to expand water conservation infrastructure. Irrigation districts should be provided with a portion of the mitigation budget to carry out water conservation projects under the mitigation plan. [Ref. 16 USC Sec. 839d(1)(B)] Example: cost-sharing to update water systems that conserve water could both improve wildlife habitat and maintain productivity of irrigated crop lands.

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: Please see the response to comment 10-17 (p. CR/ 6) regarding the meaning and intent of the Northwest Power Act. If the commenter intends to address something other than *energy* conservation, that proposal would have to be presented to the Council for inclusion in the Program. To ensure adequate public review, BPA generally does not fund measures that are not in the Program.

COMMENT

10-14 [Pg. 4/94?] Additional use of water on mitigation areas should be prohibited because interference with existing water rights has severe economic impacts on users and the economy of local communities. Such additional use conflicts with the statutory directive to implement conservation.

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: Because BPA follows all applicable state laws when it acquires and uses water for wildlife mitigation, any such action would not interfere with existing senior water rights. See DEIS section 4.7, Economics, for impacts on local communities. As for the directive to implement conservation, please see the response to comment 10-17 (p. CR/ 6).

COMMENTS

16-01 [Pg. 1/2] Revise footnote 1 to read : While BPA does not embrace every provision in the Council’s Program, *BPA is required to act in a manner consistent with the Northwest Power Act*. BPA uses the Program to guide”

*Chris Merker, Chair
Wildlife Working Group (WWG)*

18-02 In implementing the program, BPA must act in a manner consistent with the Northwest Power Planning Council’s Columbia Basin Fish and Wildlife Program.

*Cal Groen
Chief, Natural Resources Policy Bureau, Idaho Fish and Game*

RESPONSE: The EIS has been revised to read as follows: *BPA is required to act in a manner consistent with the Program, the Council’s Power Plan, and the purposes of the Act—including the purpose to ensure an adequate, efficient, economic and reliable power supply for the Pacific Northwest*. BPA uses the Program to guide”

COMMENT

16-02 [Pg. 1/3] Revise first bullet to reflect role of Wildlife Working Group (WWG), as follows: “Development of a wildlife mitigation project prioritization process managed by the Columbia Basin Fish and Wildlife Authority *through the Wildlife Working Group*, with the

Attach footnote to WWG name, to read as follows: ³ *The Wildlife Working Group consists of representatives from state and federal fish, wildlife, and land management agencies; Tribes; the BPA; and utilities. Representatives from the Columbia Basin Fish and Wildlife Authority, as well as from the U.S. Army Corps of Engineers, U.S. Bureau of Indian Affairs, U.S. Bureau of Reclamation, U.S. Forest Service, U.S. Bureau of Land Management, and U.S. National Park Service comprise the Wildlife Working Group.*”

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: The EIS has been revised to reflect these suggestions.

COMMENT

16-03 [Pgs. 1/3, 1/5, Sec. 1.3] Add a bulleted paragraph that addresses the development of the Council's Wildlife Plan, after the fourth bullet (top page 1/3): *"Development of the Draft Wildlife Plan by the Wildlife Working Group (Council, 1995) which describes procedures for 1) standardizing and completing the existing wildlife loss assessments, 2) developing and implementing mitigation plans that will fully mitigate for wildlife losses, and 3) monitoring and evaluating mitigation activities to ensure mitigation success."*

Add the following paragraphs just prior to Sec. 1.4: *"The Wildlife Plan, which defines the goals and objectives, and describes the methodologies for proceeding with the Wildlife Program, will provide guidance to BPA and to mitigation planners (State, Tribes, federal agencies, and others). The Plan incorporates quality assurance procedures that address the technical quality of products and the consistency between region-wide efforts. The Wildlife Plan is also intended to provide a framework in which future biologists can continue to implement, monitor, and evaluate wildlife mitigation. The Plan will be finalized after the Wildlife Mitigation Program EIS is completed.*

Both the Wildlife Mitigation Program EIS and Wildlife Plan will be updated as needed through future years to reflect current information, laws and regulations, and Wildlife Program goals."

*Chris Merker, Chair
Wildlife Working Group (WWG)*

Similarly from 05-01

RESPONSE: We have modified section 1.3 to recognize development of the Draft Wildlife Plan. However, detailed reference to the Plan as requested would not be appropriate at this time because it is a working draft.

COMMENT

16-06 [Pg. 2/20, Step 7] Clarify that BPA will comply with the mitigation monitoring/evaluation goal of the Wildlife Program Rule. Include the following words: *" . . . efficiency alternative. However, as required by Section 11.4 of the Wildlife Program Rule, BPA will monitor and evaluate mitigation efforts to determine if projected benefits to wildlife result from mitigation efforts."*

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: Alternative 2, Base Response, responds only to those steps required by environmental regulations or laws, such as the Endangered Species Act, so elements of the Wildlife Program Rule are not included.

COMMENT

19-06 The EIS would be greatly improved by the inclusion of more background information about . . . (4) a description of the process and standards and criteria for selecting mitigation projects. Even though the Council makes the selections, this is BPA's Wildlife Mitigation Program. The reader cannot make an informed judgment about the proposed alternatives or their impact without some context.

Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA

RESPONSE: We have revised Chapter 1 to include additional background information.

Other Legal

COMMENT

06-02 Commenter supports the use of Alternative 2 (legal requirements only) as a base for other action alternatives.

Gordon Stewart
Flathead Wildlife, Inc.

RESPONSE: Thank you for your comment.

ALTERNATIVES

No Action

COMMENT

04-04 [Summary] No action is needed.

J.D. Anderson
Stevens County Commissioner

RESPONSE: Thank you for your comment.

COMMENT

17-09 We oppose all action alternatives . . . no single alternative would provide a comprehensive set of guidelines for the protection of the analysis area in its entirety.

John Stanton
The Ecology Center/Alliance for the Wild Rockies

RESPONSE: BPA's purpose is not to protect the entire Columbia River Basin within the United States (the study area), but to ensure appropriate environmental protection where BPA conducts wildlife mitigation activities. The proposed standards and guidelines would require both substantive environmental

protection and a process to ensure that affected interests have an opportunity to participate in project planning. The comment provides no evidence that lack of program-wide standards and guidelines, i.e., No Action, would provide superior environmental protection. See also response to comment 15-01 (p. CR/ 4.

Existing Action Alternatives

COMMENT

19-05 The EIS would be greatly improved by the inclusion of more background information about . . . (3) any change in direction from [the historical approach to such projects] that these alternatives may represent

*Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA*

RESPONSE: As explained in section 1.1 of the DEIS, wildlife mitigation projects have been and will continue to be managed by various Tribes, state agencies, and other organizations. BPA expects that establishing program-wide standards for project planning and implementation would improve project management by providing a common but flexible planning process for project managers to follow (and affected interests to expect) and by focusing planning efforts on site-specific issues. Project planning would become more consistent from project to project, and from manager to manager, and common issues would be addressed consistently.

COMMENT

17-05 [Section 2.1, Alternatives] The alternatives are misleading. Commenter objects to title “Biological Objectives” [Alternative 3] for an alternative in which herbicide/pesticide use and ground-disturbing activities take place. “Unless the ‘biological objective’ is to poison virtually every species of flora and fauna, every watershed, and the air of the project area, how does this benefit the biology of anything at all?”

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

17-06 [Section 2.1, Alternatives] Commenters object to the “General Environmental Protection Alternative [Alternative 5; environmentally preferred] because it does not “eliminate practices detrimental to the environment.” Commenter notes in particular that practices such as logging, grazing, mining, and “general ecosystem destruction” are characterized as environmental resources [because they contribute to local economic productivity] and asks how they fit into an ecosystem. Commenter holds that because resource extraction activities are detrimental to the environment, “they must be eliminated from any alternative which proposes to meaningfully address environmental concerns.”

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: To form a full range, Alternatives 3, 4, and 5 were each developed with a strong (biased) response toward one of the purposes identified in section 1.2. The Biological Objectives Alternative (Alternative 3) strongly favors achievement of Fish and Wildlife Program biological objectives, with relatively less emphasis on achieving general environmental protection or cost and administrative efficiency. Alternative 3 allows use of pesticides because they are known to be effective for control of noxious weeds, and such control is important to preserve and improve wildlife habitat. As indicated in the Base Response Alternative (Alternative 2), use of pesticides would be restricted to those approved by the Environmental Protection Agency and in the manner specified; see page 2/ 13 of the DEIS.

The General Environmental Protection Alternative (Alternative 5) includes protection of socio-economic resources because the ecosystem approach developed by the Interagency Ecosystem Management Task Force, and adapted in the EIS as the basic project planning process (see section 2.1.1), defines ecosystem as “an interconnected community of living things, including humans, and the physical environment within which they interact.” (Interagency Ecosystem Management Task Force 1995, p. 17) This definition is consistent with regulations for implementing the procedural provisions of NEPA: “‘Human environment’ shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment.” (40 CFR 1508.14) Therefore, within the range of alternatives considered, the Alternative 5 appropriately incorporates standards and guidelines for protection of socio-economic resources. See also comment 19-13 (p. CR/ 16).

COMMENTS

07-02 Commenter supports Alternative 6.

Howard A. Kemper

06-03 “[Flathead Wildlife, Inc.] would recommend that BPA select Alternative 6, which would balance wildlife mitigation objectives, costs and administrative efficiency, and general environmental protection.” Recent years have brought “much more attention to ecosystem concepts [vs. single-species indicators] and a balance within the communities of wildlife in habitats and landscapes affected by hydropower development. We believe Alternative 6 provides direction and the opportunity to implement concepts of ecosystem management into projects funded by the [Program].”

*Gordon Stewart
Flathead Wildlife, Inc.*

09-01 [The League of Oregon Cities] “supports Bonneville’s process to ensure that the agency’s individual wildlife mitigation projects are planned and managed with appropriate consistency across projects, jurisdictions, ecosystems, and time. . . . the approach outlined in Alternative 6 (Bonneville-preferred) is reasonable.”

*Jane Cummins
League of Oregon Cities*

20-03 Alternative 6 also proposes to reduce BPA’s on-ground involvement and would allow project managers to take the lead in preparing project management plans.

*Preston Sleeper
US Department of the Interior*

See also Comment 20-02, p. CR/ 5.

RESPONSE: Thank you for your comment.

COMMENT

19-10 [Pg. 1/4, Table 1-1; pg. 2/27 Alt. 6] This table lists Columbia River Basin wildlife mitigation habitat types and target species priorities. The description of Alternative 6 states that project managers would include as project goals the “protection of high-quality native or other habitat or species of special concern,” and the “protection or improvement of natural ecosystems and species diversity over the long term.” We support these project goals, but there is no indication of the level of emphasis upon these vs. other goals.

*Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA*

RESPONSE: The BPA-preferred alternative (Alternative 6: Balanced Action) would require establishing measurable biological objectives as a project goal, and six other goals directly relevant to biological objectives. Additional goals identified in the Alternative 6 require only “consideration” of indirectly related goals for fire management, or allowance of sustainable revenue generation consistent with biological objectives. This contrast indicates BPA’s relative emphasis on biological objectives in balance with other considerations.

COMMENT

19-12 [U.S. EPA is] concerned about the emphasis or lack of emphasis of Alternative 6 on specific wildlife mitigation techniques: (1) Land Acquisition. This technique is an important tool to protect and maintain biodiversity, to prevent further degradation and loss of intact native habitats, and to safeguard what remains. [Example: Shrub-steppe conversion to agriculture means increasing number of associated plants/wildlife becoming rare/listed.] Land acquisition is the best way to ensure long-term protection of these habitats and species.

Our understanding is that land acquisition has been used often with very positive results. We are concerned that Alternative 6 calls for infrequent use of this technique and states an intent to avoid removing land from the local tax/economic base. “Hopefully, stakeholder involvement will help to resolve rather than increase the conflict over public vs. private landholdings. We feel it is unwise to adopt broad programmatic policy that limits the use of land acquisition as a mitigation technique.

*Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA*

16-10 [Pg. 2/30-32, Table 2-1] “Fee-Title Acquisition and Transfer” is rated as “infrequent.” This technique has been frequently used to achieve wildlife mitigation in the past (and will likely continue); the WWG requests that this rating be changed under Alternative 6 from a “-” to a “*”.

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: Table 2-1 is intended to show each alternative’s tendency to influence a relative increased or decreased use of particular techniques; it is not intended not as an absolute measurement or quota. The Council’s Fish and Wildlife Program does include the principle, “To use publicly owned land for mitigation or management agreements on private land (in preference to acquiring private land), while providing permanent protection or enhancement of wildlife habitat in the most cost-effective manner.” However, fee-title land acquisition has been a moderately used technique approved by the Council in Program amendments. We agree that moderate use of this technique would likely continue under the Balanced Approach Alternative and have modified Table 2-1 accordingly.

COMMENT

19-13 Alternative 6 calls for moderate use of herbicides, fertilizers, and predator controls. We believe that the best wildlife mitigation will also serve to protect or re-establish ecological integrity. Herbicides/fertilizers may represent quick/inexpensive “fixes,” but do little to re-establish a self-sustaining ecosystem, which is also the most cost-efficient system. We prefer to see infrequent use of these techniques.

Predators are essential to any healthy, functioning ecosystem. We recommend that [predator control] not be used. If it is employed, only non-lethal methods should be applied.

*Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA*

RESPONSE: BPA has reviewed both the use of chemicals and the control of nuisance animals/predators and believes that the U.S. EPA’s recommendations for infrequent use of these techniques better represents BPA’s intentions under the Preferred Alternatives.

BPA concurs with the U.S. EPA's belief that re-establishing self-sustaining ecosystems is better than relying on resource-intensive use of chemical fertilizers and herbicides. However, such chemicals can be effective tools, especially in the short-term, when attempting to restore damaged ecosystems. Use of fertilizers can be an important tool to establish plants on damaged soils, and herbicides are sometimes the most efficient technique available to control noxious weeds, as required by local weed control boards and as encouraged by local landowners concerned about the spread of weeds onto their property.

Under BPA's preferred alternative, Project Managers would rely primarily on natural regeneration rather than on active restoration to achieve biological objectives, which in turn would require infrequent use of fertilizers or herbicides.

We therefore agree with this comment, and have revised Table 2-1, Relative Use of Techniques Among Alternatives, to indicate infrequent use of herbicides and pesticides under the Preferred Alternative, which is more appropriate for the natural regeneration approach that would be emphasized.

For predator control, BPA intends to support this technique only when needed in the short-term to increase rare species or to establish new populations. This has been clarified in the list of prescriptions under Alternative 6 (step 6). These instances should be infrequent. Some form of nuisance animal control may be needed to protect newly planted vegetation. However, because of the emphasis on natural regeneration, only limited planting is expected. Therefore, nuisance animal control would be better shown as infrequent, rather the moderate. Table 2-1 has been revised to show infrequent use of control of predators and nuisance animals.

Other Alternatives

COMMENT

17-01 [General] DEIS is inadequate to the scope of the proposal; far more time and study are needed. The scientific analysis (such as it is) is "at best horrendous." The analysis should be done over. . . . BPA should use comments to draft a "real 'General Environmental Protection' alternative which precludes resource extraction activities, use of harmful chemicals, road building, and provides for the protection of all facets of the ecosystem.

John Stanton

The Ecology Center/Alliance for the Wild Rockies

RESPONSE: Given the broad scope of establishing program-wide standards and guidelines as proposed, BPA considers the generic type of analysis appropriate. More detailed information would not be relevant to the decisions at issue (see section 1.5). This type of analysis is consistent with regulations implementing the procedural provisions of NEPA (see 40 CFR 1502.4 and 1508.28). As Table 2-1 shows, road construction and "resource extraction" activities such as crop and timber production would tend to be used relatively seldom. Under both the

General Environmental Protection (5) and the Balanced Action (6) Alternatives, these activities would be allowed only if consistent with project biological objectives. Similarly, use of pesticides would be strictly controlled. While each alternative incorporates many environmental protection measures, the proposed process for project management planning is designed to develop appropriate site-specific measures by providing for stakeholder participation. We encourage all commenters and others to participate in project planning when their interests may be affected.

COMMENT

13-04 [Re: **the degree of deference given to Tribal authorities and agencies.**] Commenter feels that Tribal/agency expertise is so important [see comment 13-03, p. CR/ 8) that there should be a separate alternative that constructs a regional entity made up of managers selected from fish and wildlife groups, agencies, and Tribal authorities. The entity would have full discretionary power over all decisions, and BPA would [merely] fund all projects required by the entity. [This alternative] . . . is the most consistent with the goals of wildlife mitigation. BPA has the responsibility for wildlife mitigation, but these groups are more experienced to properly handle this responsibility.

*Alexis DeCaprio/Emilee Moeller
Northwest Environmental Defense Center*

RESPONSE: Please see response to comment 13-03 (page CR/ 8).

PUBLIC INVOLVEMENT

COMMENTS

10-06 [Pg. 1/7] Any advisory committee to review mitigation plans from a basin-wide perspective should have an agricultural member. The advisory committee must balance the public and private sector so they are equally represented. [See Council's "Wildlife Mitigation Rule and Response to Comments," 11/21/89, Dissenting Statement by John C. Brenden.]

*Laura Schroeder
Schroeder Law Offices*

10-07 [Pg. 1/7] A regional program must involve local experts to provide adequate expertise on the economic and social costs of a specific mitigation project. In addition, without consistent local participation, the statutory requirements to balance interests will be violated. A case-by-case approach is necessary to adequately balance differing local economic impacts. Citation of 16 USC Sec. 839 b(c)(8) and b(h)(5).

*Laura Schroeder
Schroeder Law Offices*

Bonneville Power Administration Wildlife Mitigation Program Final EIS

RESPONSE: The EIS does not propose an advisory committee to review mitigation plans from a basin-wide perspective. Agricultural and other affected interests are welcome to participate in the Council's project recommendation process and in project management planning.

COMMENT

10-08 [Pg. 2/10] Step 2. Private and local stakeholders need to be assured of equal participation in order to balance power interests. The Draft EIS does not address how statutorily required balanced representation of interests is going to be achieved in the process. If public involvement is streamlined, adjacent landowners should be involved in cooperative planning and partnerships. Citation: 16 USC Sec 839b(h)(5).

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: The statute cited addresses the Council's mandates, not BPA's. However, as project managers implement measures consistent with the Council's Program, and because the process requires public involvement as part of the project planning process as proposed, landowners and others will have opportunities to participate in project planning and implementation.

COMMENT

13-02 [Pg. 1/7] The stated issues to be resolved were not adequately answered or explored in the DEIS. Key factors were ignored that must be addressed: . . . 2) **the degree of participation by the public** If the public involvement under each alternative is to "replace NEPA's familiar and tested public input requirements," the EIS should stipulate how much public involvement would occur under each alternative; for instance, *how* similar it would be to "project scoping and public involvement that occurs in a NEPA analysis" [Summary, p. 2]. Efficiency is a good idea, but possible mechanisms for input should be discussed and evaluated.

*Alexis DeCaprio/Emilee Moeller
Northwest Environmental Defense Center*

04-02 [Summary] Citizens/ratepayers are not aware of the proposed action; or are so surprised that they are acting in a backlash to "so many surprises."

*J.D. Anderson
Stevens County Commissioner*

RESPONSE: The proposed action includes standards and guidelines for inviting stakeholder participation in wildlife mitigation project management planning, which should lead to fewer "surprises." The Council's process for approving wildlife mitigation projects also provides opportunities for public comment. In addition,

where mitigation projects require site-specific environmental analysis, BPA will invite public participation.

COMMENTS

15-11 Commenter requests that they be informed/involved as process continues.

*Arlene Montgomery
Friends of the Wild Swan/Montana Ecosystems Defense Council*

17-27 Commenter asks to be kept on the mailing list.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: Your names have been included on the mailing list. For future reference, you can call BPA's toll-free public information line at (800) 622-4519, or contact us on the Internet at comment@bpa.gov (please specify the project you are interested in).

EIGHT-STEP PROCESS FOR PROJECT IMPLEMENTATION

In General

COMMENT

16-04 [Pg. 2/10, Sec. 2.11] The eight-step process needs to emphasize flexibility and clarify that steps can be followed in any order, as deemed appropriate by project proponents. It is not clear at what point lands would be purchased. The WWG is concerned that mitigation lands may be acquired by someone else before Project Managers address each step Add the following words to the end of the second paragraph:

"The eight steps described below are not necessarily intended to be followed in the order presented. For example, it is likely that Step 5 will be often addressed prior to Steps 2, 3, and 4 during the planning process. Also, some steps may occur concurrently. The eight standard planning steps are intended to be flexible; the order in which the steps are followed will be dependent on the specific Project Management Plan and the Contract Officer Technical Representative's sign-off that each step has been adequately addressed. BPA will likely channel funds for mitigation implementation after project goals are established, the area of interest/concern is defined, stakeholders are involved, historical and present site conditions and trends are established, and a statement of the desired future condition is developed."

*Chris Merker, Chair
Wildlife Working Group (WWG)*

Bonneville Power Administration Wildlife Mitigation Program Final EIS

RESPONSE: We have revised section 2.1.1 to emphasize flexible application of the eight-step process. However, we have not incorporated the suggested text on project funding because contracting details are not appropriate in the EIS. We intend to follow the EIS and Record of Decision with written guidance for project management planning that will address contracting details.

COMMENT

19-11 [U.S. EPA] thinks that the Standard 8-step Planning Process will provide a useful approach to program implementation . . . it is systematic and includes important steps that should foster thoughtful and inclusive decisionmaking, provide a mechanism for establishing accountability, and enable learning and adaptive management.

(a) What has been the mechanism for establishing programmatic accountability thus far?

(b) Has there been project follow-up in the past to determine results?

(c) Is an annual report prepared; if so, who reviews and responds to it?

(d) What will be the procedure for establishing accountability under the proposed approach?

*Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA*

RESPONSE: Project monitoring and accountability has occurred primarily through project contracting oversight, and sometimes by project advisory committee. Project managers submit annual reports reviewed by BPA contracting officials. This oversight would continue, but under the structure of standards and guidelines resulting from the EIS process.

COMMENT

09-02 [Pg. 2/10] Step 2. EIS should identify city agencies (as well as others) in the second step (involving stakeholders).

*Jane Cummins
League of Oregon Cities*

RESPONSE: We have revised section 2.1.1 to recognize city agencies as potential stakeholders.

COMMENT

10-10 [Pg. 2/11] Step 5. Under included project goals, development of habitat should also complement the existing activities of private landowners.

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: We have revised Alternative 5, General Environmental Protection, and Alternative 6, Balanced Action (BPA's Preferred Alternative) to include the suggested project goal.

COMMENT

10-09 [Pg. 2/11] Step 8. Benefits to wildlife habitat should be measured on an ongoing basis by a preset criteria [sic]. If no benefits are revealed, then spending on a specific mitigation project should be halted. Doing so complies with statutory requirements to cost-effectively enhance wildlife habitat. Citation: 16 USC Sec. 839b(e)(1).

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: The proposed action includes requirements to establish measurable biological objectives, monitor performance, and adapt accordingly (see section 2.1.7). Whether project funding should continue would be an issue for the Council to decide through the independent scientific review process required by section 512 of the Energy and Water Development Appropriations Act of 1997, 16 U.S.C. section 4(h)(10)(D).

By Alternative

COMMENT

16-05 **Alt. 2** [Pg. 12, Step 1] Project Managers will need documented standards for conducting an adequate hazardous materials survey. Edit fifth bullet to read : “. . . toxic wastes. *A hazardous materials survey protocol, prepared or approved by BPA, will be available for use by Project Managers in the project planning process.*”

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: The text has been modified to reflect this concern.

COMMENT

16-07 **Alt. 6** [Pg. 2/26, Step 2] Move first bulleted paragraph to Alternative 2 (Pg. 2/12] since the identifying of a desired future condition applies to all action alternatives.

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: Alternative 2 applies only to elements required by regulation. However, this step does apply to Alternatives 3-6, and we have modified the text accordingly.

COMMENT

16-08 **Alt. 6** [Pg. 2/28, Step 6] Edit third bulleted paragraph to clarify that natural regeneration will be favored over active restoration: *“Favor natural regeneration over active restoration where the same biological objectives can be achieved in a reasonable amount of time.”*

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: We have made this change.

COMMENT

16-09 **Alt. 6** [Pg. 2/28, Step 6] Edit sixth bullet paragraph to distinguish between revenue gained on mitigation lands that will be channeled back to the mitigation projects to offset implementation costs versus those monies that may be generated that cannot be easily attributable to wildlife mitigation activities. *“Dedicate to the project any site-specific user fees or revenue gained from commerce that results from the exclusive use of the property. (Revenues generated from hunting licenses or other wildlife recreation-related fees which cannot be directly linked to wildlife mitigation activities or that is identified in site-specific management plans will be excluded.)”*

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: We have modified the text to note which revenues will be dedicated to a project.

AFFECTED ENVIRONMENT

COMMENT

17-10 [Chapter 3] The DEIS contains no information on the current conditions . . . of soils, water quality, fisheries, and wildlife and threatened and endangered species habitat in the analysis area. Without in-depth analysis of these issues, the BPA cannot provide planners with a proper baseline for project implementation. FEIS must have specific analysis for each of these issues, including current and potential habitat maps for all protected species.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: The EIS evaluates the alternatives generically; more detailed information is not relevant. All action alternatives would require project managers to characterize site conditions and trends as part of project planning, including the potential presence of threatened or endangered species. See also the response to comment 17-01 (p. CR/ 17).

COMMENT

05-04 [Pg. 3/38, Sec. 3.3, second par] Add “land management activities” after word “obstruction.” **Fish.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: We have made this change.

COMMENT

05-05 [Pgs. 3/41-2, Sec. 3.7] This section needs language specific to shorelines.

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: Language specific to shorelines has been added to Chapter 3.

COMMENT

16-13 [Pg. 3/42, Sec 3.8] Add “pasturing livestock” to the list [end of first paragraph]; this activity is historically significant to Tribes in the Basin.
Cultural Resources.

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: We have made this change.

COMMENT

16-14 [Fig. 3-5] Figure is hard to read and may not accurately represent areas of interest of each Tribe. Delete figure and add fifth bullet [Pg. 4/90, Sec. 4.6.4] to explain how Tribal interests within the Basin will be addressed: "*Project Managers will coordinate project activities with the appropriate and affected Tribe(s) to ensure that Tribal interests are addressed.*" **Cultural Resources.**

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: We have made these changes.

COMMENT

16-15 [Pg. 3/43, Sec. 3.9] Revise first paragraph to read "Major sources of employment include agriculture, forestry, *recreation/tourism*, real estate, retail, services, and government." **Economics/recreation.**

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: We have made this change.

COMMENT

15-05 [Pg. 3/43, Sec. 3.9] Natural resource extraction is not the driving force behind economic vitality in the northwest. See recent economics studies such as Economic Well-Being and Environmental Protection in the Pacific Northwest: A Consensus Report by Pacific Northwest Economists, (Dec. 1995) and Lost Landscapes and Failed Economics (1996) by Dr. Thomas Power. **Economics.**

*Arlene Montgomery
Friends of the Wild Swan/Montana Ecosystems Defense Council*

RESPONSE: The text states that only 9% of the employment in 1990 was derived from these employment sectors. Although real estate, retail, services, and government employment make up much larger portions of the labor market, this 9% is typically considered important by the residents living in rural Pacific Northwest areas. This figure is consistent with the findings of Thomas Power (Lost Landscapes and Failed Economics 1996). On page 43, he states that nonmetropolitan areas employed 8% more of the work force in extractive activities (agriculture, forestry, and mining) than metropolitan areas. Thus, no changes were made to the text. However, the Power reference has been added to the references chapter.

COMMENT

10-12 [Pg. 3/43, Sec. 3.9] The agricultural industry provides more than 9% of the employment in certain local areas of the Columbia River Basin.
Agriculture/economy.

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: It is true that the agricultural industry provides more than 9% of the employment in some local areas of the Columbia River Basin. However, the EIS is a regional (five-state) programmatic analysis for which detailed analyses or discussion would not be possible or appropriate. Thus, no changes were made to the text.

COMMENT

05-06 [Pg. 3/43, Sec. 3.9] Add examples of small rural communities to be consistent with treatment of other population centers. **Economics.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: Examples of small rural communities have been added to the FEIS.

COMMENT

05-07 [Pg. 3/43, Sec. 3.10] Photography and birdwatching are not necessarily associated with camping and hiking. Add the former activities to first sentence instead. **Recreation.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: We have made this change.

COMMENT

05-08 [Pg. 3/44, Sec. 3.1.1] Air Quality discussion seems vague. There are no qualifying statements about air quality in the Basin (e.g., average number of limited air quality days in major population centers within the Basin). More information needed.

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: More information regarding air quality within the Columbia River Basin has been provided in the FEIS.

TECHNIQUES

General

COMMENT

07-01 Commenter would like to see “as much private land as possible acquired or leased for wildlife habitat and public use, such as hunting and wildlife watching.” **Land acquisition.**

Howard A. Kemper

RESPONSE: Thank you for your comment.

COMMENT

15-02 Does reintroduction of wildlife species include hatchery stocking of fish?

*Arlene Montgomery
Friends of the Wild Swan/Montana Ecosystems Defense Council*

RESPONSE: No, it does not.

COMMENT

15-03 Why would predator control be necessary under any scenario? Predators are a natural part of the ecosystem; they have been unfairly exterminated . . . mostly to accommodate cattle and sheep grazing.

*Arlene Montgomery
Friends of the Wild Swan/Montana Ecosystems Defense Council*

RESPONSE: BPA does not intend to support predator control as a major element of wildlife mitigation. Please see response to comment number 19-13 (p. CR/ 16).

COMMENT

15-04 Please define: nuisance animals; unwanted or competing vegetation (noxious weeds? Or native species that BPA might find undesirable?).

*Arlene Montgomery
Friends of the Wild Swan/Montana Ecosystems Defense Council*

RESPONSE: Appendix A of the DEIS (page 19) defined undesirable species as those that extensively damage habitat, other species, or human property, or that are endangering public health or safety. Several examples of undesirable animals are also given. Appendix A also describes (page 14) plants that may be considered undesirable, include noxious weeds, non-native invasive plants, and aggressive, weedy species. Please see Appendix A for more information.

COMMENT

15-10 Monitoring requirements are primarily limited to verifying whether the standards and guidelines are being applied. Monitoring to determine the effectiveness of the measure outlined in INFISH are given a low priority. Monitoring the validity of the assumptions used in developing INFISH will not be done. Please clarify this in your document.

*Arlene Montgomery
Friends of the Wild Swan/Montana Ecosystems Defense Council*

RESPONSE: As discussed on page 4/55 of the DEIS, the Inland Native Fish Strategy (INFISH) may apply to BPA-supported mitigation actions taking place on Federal lands. However, it is not the responsibility of BPA or of project applicants to monitor the validity of the assumptions used in developing INFISH. Under all alternatives, BPA would support monitoring performance standards specific to the project's biological objectives. See also comments 15-06, 17-11 (pgs. CR/ 48 and 49).

COMMENTS

15-07 Please define "decommissioning of roads." This should mean removing culverts and excavating the fill down to the natural stream channel; and involve total re-contouring of the affected lands.

*Arlene Montgomery
Friends of the Wild Swan/Montana Ecosystems Defense Council*

15-08 Please define "necessary" and "unnecessary" roads. What criteria will be used to determine whether a road is necessary or unnecessary? This should include existing and planned roads.

*Arlene Montgomery
Friends of the Wild Swan/Montana Ecosystems Defense Council*

Commenters are referring to a program-wide measure listed under Soils (Chapter 4).

RESPONSE: Decommissioning of roads is a flexible tool. It could mean closing them permanently to traffic by blocking access. It could involve planting the roadbed or removing culverts and re-shaping to grade. Each situation is different. Each site-specific Management Plan will identify roads necessary to carry out the program on that area. Whether existing or new roads are necessary will depend on site conditions and project needs to be identified for individual projects.

COMMENT

15-09 Roads should not be constructed in the floodplain or along stream/river channels. **Roads**

*Arlene Montgomery
Friends of the Wild Swan/Montana Ecosystems Defense Council*

RESPONSE: We agree. Roads should not be placed in floodplains or along stream channels. However, in some cases that is the only location available. If necessary, safeguards will be used to keep disturbance to a minimum.

COMMENTS

10-01 [Pg. 1/1: likely mitigation actions] Irrigated lands should be excluded from fee title land acquisition and management. A stricter standard for a showing of loss to wildlife needs to be shown before taking any irrigated land out of production, or imposing greater power costs on irrigators. The [DEIS] lists and describes irrigation as a technique for wildlife enhancement [ref: App. A, p. 4]. Therefore the relationship between the maintenance of irrigated farmlands and related positive effects on wildlife populations needs to be examined. [See: Council's "Wildlife Mitigation Rule and Response to Comments," 11/21/89, Dissenting Statement by John C. Brenden.]

*Laura Schroeder
Schroeder Law Offices*

10-05 [Pg. 1/7] Point 2 (elimination of mitigation techniques). Private agricultural land and private land with appurtenant public grazing rights should be excluded from land acquisition program because acquisition cost is not equal to proposed return. Such acquisitions take a larger share of the total budget available for mitigation. [Cites typical 1993 market values for Basin land showing relatively higher values for agricultural cropland and pasture.] Without more evidence of a direct benefit to wildlife, such lands should not be acquired for mitigation purposes. Market value should be a greater factor in determining whether a piece of land is acquired.

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: BPA places a priority on using publicly owned land over private land for wildlife mitigation, including private agricultural lands. However, BPA does not wish to limit future options by incorporating your suggestion. Private agricultural lands may be used to meet mitigation objectives where they represent the most cost-effective approach. In many cases, agricultural lands can provide long-term habitat values. In other cases, agricultural lands can sometimes effectively be returned to natural habitats. Private lands to be used for wildlife mitigation projects are acquired only from willing sellers and at market prices.

COMMENT

17-07 Commenter objects to DEIS proposal to use logging as a deterrent to fire, asserting that a growing body of evidence shows that logging increases the risk of wildlife; cites a 1995 Forest Service General Technical Report that finds “All harvest techniques were associated with increasing rate of spread and flame length” Commenter holds that logging will increase risk to private landowners, as well as intensity of wildfires. “In carrying out these types of fire suppression activities, . . . you would actually [be] endangering the public in the area and the forests” Fire suppression methods are costly and outdated; the EIS should try to reintroduce historic fire patterns into the area. [Citation: Congressional Research Service 1994]

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: Logging is not proposed as a method to reduce the risk of fire. Silvicultural methods, including pruning and thinning, have been used as a way to reduce fuel loads in certain situations; use of such techniques would remain an option for Project Managers under BPA's Preferred Alternative.

BPA is proposing to adapt the recommended goals outlined in the Federal Wildland Fire Management Policy and Program Review (USDI and USDA 1995, as cited in the DEIS). That review recommends that agencies develop a plan-by-plan strategy to introduce landscape-scale prescribed burns across agency boundaries. The report also directs agencies to seek opportunities to enter into partnerships with Tribal, state, and private land managers to achieve this objective.

COMMENT

17-25 [App. A] The appendix does not disclose the full range of management techniques or their effects (e.g., the ecologically detrimental [effects] of fire suppression activities, grazing, or logging). Timber harvest is not included, not to mention hard rock mining, oil and gas drilling, and the creation of hydroelectric and nuclear power facilities. Full disclosure and discussion of these and all other “management techniques” must be made.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: Timber harvest has been added as an available management technique in Appendix A, and the consequences of timber harvest have been disclosed in the revised Environmental Consequences section of the FEIS. Hard-rock mining, oil and gas drilling, and the creation of hydroelectric and nuclear power facilities are not wildlife management techniques nor are they the types of activities that would occur on wildlife mitigation lands.

COMMENT

19-14 Only Alternative 3 emphasizes water rights acquisition as a mitigation technique. Since water rights are seriously over-allocated, it may be beneficial, for the purposes of fish and wildlife mitigation, to secure some of the excessively over-allocated water rights. We suggest further examination of the feasibility and cost-effectiveness of this technique.

*Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA*

RESPONSE: BPA agrees that water-rights acquisition can benefit wildlife where water is seriously over-allocated. Under Alternative 6, which is BPA's preferred alternative, Project Managers would consider the full range of management techniques available and use the methods that best achieve the biological objective in a cost-effective manner, as determined on a case-by-case basis. Water-rights acquisition would be considered along with the other available techniques.

Table 2-1: Relative Use of Techniques Among Alternatives

COMMENT

16-11 [Pgs. 2/30-32, Table 2-1] Frequency of use rating is inconsistent. Example: "Creating or Expanding Wetlands" has a "*" under Alternative 6, but techniques likely to be used to achieve wetlands creation goals ("Wells, Diversions, Check Dams/ Impoundments, Pipelines, and Drainage Ditches) are given a "-" rating. BPA ought to review the assumptions and change ratings as appropriate.

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: Table 2-1 may create some confusion because some techniques can be achieved by the use of other techniques, as pointed out in your comment. You may expect, then, that if one technique can be achieved by another, then each should be shown to be used at the same level of frequency.

However, this is not necessarily the case. The confusion comes from the fact that each supporting technique (in this case wells, diversions, check dams/ impoundments, pipelines, and drainage ditches) may not be used as frequently as the primary technique (in this case, wetland creation or expansion). The difference occurs because each supporting technique is not used every time the primary technique is used.

For example, wells can be used to provide a water source for a created wetland. However, every wetland project does not require a well. Perhaps only one in ten wetland projects may require a well. Therefore, while wetland creation and expansion may be used at a moderate level, the specific technique of establishing a well may be used infrequently.

Likewise, each of the other specific techniques would be used on some occasions and not used on others. In some cases, none of these techniques would be used (wetland creation and/or expansion does not always require a new water source). As a whole, water development techniques would be used at a moderate level, but each specific technique, as listed in Table 2-1, would be used at a somewhat lower level. They are, therefore, indicated as infrequent in Table 2-1.

COMMENT

16-12 [Pg. 2/32, Table 2-1] Add "Public Use Management" row under "Multiple Use Techniques" to more explicitly represent public use interests.

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: In response to your comment, Public Use Management has been added as a subtitle below Education and Recreation in Table 2-1, since education and recreation are the primary public uses that BPA expects to require management on mitigation lands. In many cases, techniques were grouped so as to avoid unwieldy number of techniques. Such is the case for public use management, which is discussed collectively under "Education and Recreation" (see page 21 of Appendix A in the DEIS). See also comment by 05-X (Miscellaneous), p. CR/ 50-51.

Specific Techniques¹

COMMENTS

05-09 [Pg. 4/49] Add "Culverts can be installed to divert water to vegetated areas in order to decrease sedimentation and reduce water flows." **Soils: Water dist.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

05-18 [Pg. 4/59] If designed correctly, culverts and drainage ditches can protect water quality (see related question under 05-X, p. CR/ 51). Potential benefits should be listed. Culverts are not inherently bad. **Fish/water: Water dist.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: BPA has added your suggested wording to the FEIS. The potential benefits of culverts and drainage ditches have been added to the discussion in Chapter 4, Environmental Consequences.

¹ Each comment is identified at the end as to Resource and Technique applied.

COMMENT

16-17 [Pg. 4/59] Edit second paragraph to read “Development of culverts with elevated outfalls . . . downstream sediment loads *and potentially block fish passage.*” **Fish/water: Water dist.** Also from commenter 05-X, p. CR/ 51.

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: We have made this change.

COMMENT

05-12 [Pg. 4/49-50] This section does not mention timber harvest (i.e., selective cutting, thinning, pruning). This seems to be an important and frequently used technique for managing and controlling vegetation. **Soils: Vegetation mgmt.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: Timber harvest has been added as an available management technique in Appendix A, and the consequences of timber harvest have been disclosed in the revised Environmental Consequences section of the FEIS.

COMMENT

05-22 [Pgs. 4/67-68] Address the use and impacts of fertilizers because they can affect wildlife populations. Also address use of fertilizers in Veg. Mgmt., pg. 4/69. **Wildlife: Plant prop./Vegetation mgmt.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: Impacts of fertilizers on wildlife populations have been added to the discussions under Wildlife in Chapter 4.

COMMENT

05-15 [Pg. 4/56] Change sentence to read “Fertilizers and herbicides *may* be used . . .” “Would” implies that they will definitely be used to meet mitigation goals. **Fish/water: Alternative 3**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: We have made this change.

COMMENT

02-01 [Pg. 4/64] By recommending that no herbicides be used within 15 meters (49 feet) of perennial streams, the EIS fails to address the problem of containing noxious weeds (in particular, purple loosestrife) in wetland/riparian zones. Commenter notes EPA and Washington Department of Ecology have authorized use of Rodeo™ for such control in wetlands/riparian areas, and recommends it. **Fish/water: Mitigation measures**

*James A. McGee
Wildlife Biologist, PUD #1 Douglas CO.*

RESPONSE: The bullet immediately preceding the one referenced specifies use of EPA-approved herbicides for uses in riparian/wetland zones.

COMMENT

05-14 [Pgs. 4/52-53] Project managers will need protocols/standards for decommissioning and for constructing roads. **Soils: Mitigation measures**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: Both the General Environmental Protection (5) and the Balanced Action alternatives (6) would incorporate several program-wide mitigation measures regarding construction and decommissioning roads; see section 4.1.4.

COMMENT

02-02 [Pg. 4/78] The EIS does not discuss the need for fire protection to preserve habitat created by the program. Public carelessness could destroy results. PUD's experience is that rural fire district personnel have little stake in controlling fires on lands that don't provide direct funding/tax money to the district. Managers of the habitat projects should have the ability to contract with a rural fire district, if necessary, to insure the protection of Northwest rate payers investment in the Program. **Vegetation: Mitigation measures**

*James A. McGee
Wildlife Biologist, PUD #1 Douglas CO.*

RESPONSE: Under the preferred alternative, project managers would be expected to consider partnerships with Tribal, state, and private land managers to develop and implement landscape-scale prescribed burns. (See the prescriptions in project planning steps 5 and 6.) Also, BPA would expect project managers to plan projects cooperatively with government agencies or other entities to maximize planning and management efficiencies (see step 2).

COMMENT

10-13 [Pg. 4/93] To balance agricultural interests, the alternative chosen should require the continued commercial use of any mitigation lands where economic benefits are obtained, UNLESS there is predictable and measurable future loss to wildlife habitat which outweighs the economic benefits obtained.

Economics: Land acquisition.

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: Both the General Environmental Protection (5) and the Balanced Action alternatives (6) would require project managers to address local economic concerns. BPA's intent is to provide opportunities for local interests to identify and resolve local issues in collaboration with project managers. We are not aware of a model for weighing wildlife benefits against economic benefits that would better resolve such issues. The Balanced Action Alternative would allow commercial use of wildlife mitigation lands if consistent with project biological objectives.

COMMENT

16-21 [App. A, A-2, Sec 1.2.2] It is not true that easement acquisition is "usually less expensive than fee-title and transfer." Easement acquisition is less expensive in the short-term, but more costly in the long-term (when O&M costs are considered). All General Benefits and General drawbacks sections should address short-term and long-term costs. Cite: Oregon Trust Agreement Planning Project: potential mitigations to the impacts on Oregon wildlife resources associated with relevant mainstem Columbia River and Willamette River hydroelectric projects. February 1993. [Lists all project coordinators.]; U.S. Army Corps of Engineers. 1983. Special Report for Congress: Lower Snake River Fish and Wildlife Compensation Plan. **Available Management Techniques: Easement acquisition.**

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: This factual correction has been made in Appendix A.

IMPACTS

Existing Analysis

COMMENT

05-10 [Pg. 4/49] In the short-term, it is true that natural fire management would increase the risk of high-intensity wildfires; that is not necessarily true for the long-term. Perhaps add "*However, the risk of high-intensity wildfires would likely decrease in the long term.*" **Soils: Fire mgmt.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: Additional language has been added to reflect that the risk of high-intensity fire would be reduced after these areas burn.

COMMENT

05-11 [Pg. 4/49] First sentence is vague. Need more information on general decomposition rates of herbicides to better understand the short-term, long-term, and cumulative types of herbicides. **Soils: Veg. mgmt.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: More information on the general decomposition rates of herbicides has been provided.

COMMENT

05-13 [Pg. 4/51] First paragraph. True initially, but over time the impacts of constructing fences and gates will diminish. Distinguish between short-term and long-term impacts. **Soils: Transportation/access.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: This factual correction has been made.

COMMENT

05-20 [Pg. 4/62] End par 1: Add words to read "Should access be increased or roads developed, then stream sedimentation near roads and alteration of stream courses might increase, *therefore directly affecting fish habitat and fish survival, production, and passage.*" **Fish/Water: Transportation/ Access.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: Impacts of roads or increased recreational use on fish have been noted in the FEIS, as suggested by your comment.

COMMENT

05-16 [Pg. 4/58] The potential implications of land acquisition on fish and water quality are greater than described here, e.g., change in land use could have a significant effect on fish and water quality. Also, should lands be taken out of crop/stock production, associated erosion impacts would likely be reduced [not "might be"]. **Fish/Water: Land acquisition.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: More emphasis has been placed on the implications of land acquisition on fish and water quality.

COMMENT

05-17 [Pg. 4/59] Why would no significant change in water use of management practice occur in many cases on lands where water rights are acquired? Impacts often affect fish and water quality. Why obtain water rights if in most cases there would be no significant change in water use? **Fish/water: Water mgmt.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: In many cases, water rights may be obtained for mitigation sites to maintain flows rather than to change water use significantly. In other cases, changes in water use and management would occur. These changes are described in the DEIS under Water Development and Management Techniques. See comment/response for 19-14 (p. CR/ 31).

COMMENT

05-19 [Pg. 4/62] Change sentence to read "Reduction of grazing as a mitigation action *would* likely improve fish habitat . . ." "Could" is weak, likely an understatement. **Fish/water: Multiple use.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: We have made this change.

COMMENT

17-08 Grazing has arguable been one of the most damaging activities to have occurred in the West. [Cites article on ecological costs] Cattle wastes associated with massive degradation of water quality, plant biodiversity, and riparian areas and the species dependent on them. Studies indicate grazing's major impact on the ecological processes that normally maintain ecosystems health. Grazing dramatically decreases fire frequency and intensity [changing plant makeup in grasslands], and retards plant regeneration. **Grazing.**

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: Thank you for your comment. Grazing is addressed in the EIS.

COMMENT

05-21 [Pg. 4/67] Re: Alternative 6. Text states that no significant impacts are expected. Aren't significant beneficial impacts expected? (Negative impacts aren't the only ones that count.) **Alternative 6: Wildlife.** See similarly pg. 4/112, Sec. 4.13.2, **Probable Adverse Effects.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: We have made changes in the text to clarify this point; benefits are already mentioned in the second reference.

COMMENT

05-23 [Pg. 4/69] First par. The direct loss of habitat from pipelines, culverts, ditches etc. would not significantly impact wildlife. Add "*However, these structures are often placed in already disturbed areas, so the loss of habitat would likely be minimal.*" **Wildlife: Water dist.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: We have added this material to the text.

COMMENT

05-24 [Pgs. 4/70-71] Address timber harvest here since it can significantly impact wildlife. **Wildlife: Mult. use.**

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: The environmental consequences of timber harvest have been added to the FEIS.

COMMENT

05-25 [Pg. 4/76] Paragraph 2 focuses on adverse effects of such projects on vegetation. Water development may also benefit vegetation (new sources may allow vegetation to establish in new areas). Please discuss. **Vegetation:**
Water level.

Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.

RESPONSE: Beneficial effects on vegetation from habitat creation and conversion have been noted in the FEIS.

COMMENT

05-26 [Pg. 4/83] Lands converted to or from forestland would change land use; however, this is not mentioned. **Land/shoreline: Habitat creation.**

Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.

RESPONSE: Changes in land use resulting from mitigation projects are discussed under Alternative 2 on page 4/81 of the DEIS.

COMMENT

02-03 [Pg. 4/90] Deep-rooted vegetation (which can damage an archeological site) should not be developed, as appropriate, on any archeological site identified by a SHPO or a Tribe. **Cultural resources: Mitigation measures.**

James A. McGee
Wildlife Biologist, PUD #1 Douglas CO.

RESPONSE: The Base Response Alternative would require—in consultation with the State Historic Preservation Officer and affected Tribes—identification of historic and archeological resources, and preparation of a cultural resource management plan for significant resources. We expect the cultural resource management plan to identify appropriate restrictions.

COMMENT

16-18 [Pg. 4/93, Sec. 4.7.3] The government usually pays taxes on lands that they acquire. Change second paragraph to read as follows [changes in italics]: “For fee-title acquisition of private property, the property *may be* converted from taxable private ownership to nontaxable governmental ownership. Property and other taxes *may be* lost to the county and state in which the property is located and possibly to established special districts that receive funds from tax assessments. *However, federal and state land management agencies commonly do make payments to counties. When governmental agencies make payments to counties, it is done as in-lieu payments or other payments which*

generally compensate the county for any potential revenue loss. Severity of the impact” **Economics: Land acquisition.**

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: The text has been modified to reflect this idea.

COMMENT

10-15 [Pg. 4/98, Sec. 4.8.1] Project managers should seek a desired future condition that does not promote or encourage recreational activity that conflicts with current agricultural and ranching uses of private and public land. **Recreation: Context.**

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: Access and recreational use will be considered, and affected interests involved, in the planning for each project.

COMMENT

16-19 [Pg. 4/103, Sec. 4.8.4] Edit third bullet to emphasize the idea the reintroduction will not occur near important public use areas: “For projects involving the reintroduction of threatened or endangered species, establish reintroduction sites *consistent with species management and/or recovery plans.*” **Recreation/visual: Mitigation measures.**

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: These words have been added to the text.

Cumulative Effects

COMMENTS

05-27 [Pg. 4/110] Cumulative Impacts, par. 4. Benefits of wildlife mitigation activities on wildlife are covered in one sentence. If the purpose of the program is to benefit wildlife, shouldn't there be more?

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

17-24 [Pgs. 4/109-110] BPA has missed the point of a Cumulative Effects analysis, which is supposed to determine what effect such “localized and relatively minor” [BPA words] impacts will have *cumulatively*. Instead, the section defines what it is supposed to do, instead of doing it. In fact, the EIS should “include an in-depth analysis of the past, present, and reasonably foreseeable future actions of the BPA, BLM, USFS, State and county land managers, and

private individuals. This would mean contacting each of these entities to determine what they have, are and plan on doing.” The reasonably foreseeable future should be 5 decades, not a single decade.

John Stanton

The Ecology Center/Alliance for the Wild Rockies

16-20

[Pg. 110, Sec. 4.10.2] Replace weak last paragraph on cumulative benefits of wildlife mitigation activities with the following:

“Wildlife mitigation activities will have numerous beneficial effects on the wildlife and other resources throughout the Columbia River Basin. For example, the process of securing and managing lands for wildlife would provide both short-term and long-term benefits to wildlife. The acquisition of lands for wildlife will protect existing wildlife habitat values and ensure habitat availability for wildlife species in the future. Human populations would also benefit from lands acquired for wildlife as opportunities for recreation (e.g., wildlife viewing) are maintained. Acquisition of private lands also provides additional protection of cultural resources not required of private land owners.

Plant propagation also will benefit resource within the Basin. Plant propagation techniques (e.g., seeding, planting) will increase vegetative diversity, thus providing wildlife with greater habitat diversity. Also plant propagation will decrease soil erosion by stabilizing exposed soils. This will benefit water quality which is important to fish and wildlife, as well as to human populations. The removal of livestock will improve habitat conditions, increasing wildlife populations.

Habitat restoration/enhancement techniques will also benefit fish, wildlife, and human populations. Where wetland habitats are restored or enhanced, the quality of ground and surface waters is expected to improve. Restoration of wetlands may also raise groundwater levels (which may allow agricultural practices to occur with less irrigation or result in new naturally occurring vegetated areas) and buffer the effects of floods. Island restoration and other habitat enhancement projects will increase habitat diversity, thus benefiting wildlife populations.

Water development, management, and distribution techniques will bring water to areas previously without water. These new sources of water will benefit wildlife populations and the increased presence of vegetation will improve wildlife habitat diversity. Opportunities for agricultural development may be extended which will generate revenue and provide habitat for certain wildlife species.

Vegetation management techniques will help control invasive species which are currently limiting vegetative diversity. Thus, wildlife will benefit from improved habitat diversity. The re-establishment of native species will benefit fish and wildlife, as well as traditional Native American cultural uses.

Implemented fire management techniques will help protect wildlife habitats and areas of human concern (e.g., facilities) from the risk of high-intensity fires. Prescribed burns will benefit wildlife by creating and maintaining habitat diversity.

Species management techniques such as species introductions or the control of certain species will be beneficial by creating a more natural ecosystem in the Columbia River Basin. The reintroduction of certain species will help ensure their long-term survival. Humans will benefit from these efforts as well since the intrinsic and aesthetic values of wildlife will be preserved for future generations.

Multiple use techniques implemented in conjunction with wildlife mitigation activities will also provide benefits to resources throughout the Columbia River Basin. For example, grazing by cattle and crop production will create and maintain habitat types required by wildlife species while also providing economic benefits. The preservation of undeveloped areas in the Basin will provide short-term and long-term benefits to wildlife habitat and populations, protect aesthetic values, and provide recreational opportunities."

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: [05-27] Benefits of wildlife mitigation projects are discussed throughout the EIS. Major benefits have been summarized in the Cumulative Impacts section of the FEIS.

[17-24] The DEIS discloses the elements of the wildlife mitigation program that might contribute to significant cumulative effects (loss of timber or grazing lands and potentially adding to air quality problems). An in-depth analysis of all past, present, and future actions in the Columbia River Basin is well beyond the scope of this EIS; therefore, no change has been made in response to this comment.

[16-20] We have added your summary to section 4.10.2 of the FEIS.

PROPOSED ANALYSIS

The comments below suggest new avenues or approaches to analysis that commenters think should be used for the Final EIS.

COMMENT

17-12 The EIS should have comprehensive effects analyses for each of the proposed activities on all forest management indicator species (especially elk) and should show that the species identified are the correct ones for this type of project. Any substitutions should be justified. The EIS should address species-specific

habitat losses expected to occur and the effects project activities will have on the distribution and movement patterns of wildlife. It should project effects area-wide.

John Stanton

The Ecology Center/Alliance for the Wild Rockies

RESPONSE: Consistent with regulations implementing NEPA, the EIS provides a generic impact analysis. Without knowing the specific sites of all future wildlife mitigation activities, it is impossible to evaluate potential effects on specific wildlife species and their habitat (except that priority species shown in Table 1-1 would be expected to benefit under any alternative.) However, the Balanced Action Alternative (6) would require project managers to focus on habitat type and species priorities that the Council has identified in its Fish and Wildlife Program. Project managers would also be required to identify the presence of listed and proposed threatened and endangered species and their habitat; to involve affected jurisdictions and other interests; and to identify other biological information needed to make sound project management decisions, establish project goals, and monitor results. We expect that these procedures would enable managers to identify indicator species appropriate for individual projects, and appropriate project-specific consideration for and monitoring of distribution and movement of wildlife.

COMMENTS

17-13 The EIS should adequately evaluate impacts of the proposed timber sale on ungulate habitat, hunter opportunity, wildlife habitat fragmentation, biological diversity, and ESA listed species.

John Stanton

The Ecology Center/Alliance for the Wild Rockies

17-14 Analyses must assess how the “timber sale proposals” modify T&E and sensitive species habitats. EIS should address possibility of extinction, specific effects on habitat, species survey results, habitat losses associated with each alternative. Commenter wants to see formal documented consultation with USFWS for all listed species and particularly the grizzly bear.

John Stanton

The Ecology Center/Alliance for the Wild Rockies

RESPONSE: BPA does not propose timber sales or clearcut logging in the EIS. The Balanced Action Alternative (6) would allow project managers to harvest timber *only* if consistent with project biological objectives. All action alternatives would prohibit activities adversely affecting threatened and endangered species or their habitat. Alternative 6 would also require project managers to follow procedures ensuring appropriate consideration of potentially affected interests and resources.

COMMENT

17-15 Thorough surveys for threatened, endangered, and sensitive species and management indicator species must be conducted before NEPA documents are finalized. Potential effects must be expressed in terms of both local and overall populations and habitat acres, and distribution of the species in question. Commenters cite document supporting minimum viable population for grizzlies at 1,670-2000 bears; cites need for at least 25 million acres for grizzlies. "All currently suitable habitat must be protected, and corridors linking subpopulation areas must also be protected." Commenters ask that BPA include a stipulation that a thorough site-specific consideration of [cited] research for each proposed project [be undertaken].

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: Surveys are not required nor are they practical for this programmatic EIS because mitigation sites have not yet been chosen. All alternatives would require compliance with the Endangered Species Act, including identification of the presence of listed and proposed threatened and endangered species and their habitat. The Balanced Action Alternative (6) would also require project managers to follow procedures ensuring appropriate consideration of potentially affected resources. A program-wide stipulation to consider research on grizzly bears would not be appropriate because relatively few projects would involve grizzly bears or their habitat. The procedural requirements discussed above should effectively lead to such consideration for projects involving grizzly bears.

COMMENT

17-16 Commenters request "careful analysis of the impacts to fisheries and water quality," including considerations of sedimentation, increases in peak flow, channel stability, and increases in stream temperature. Cumulative effects section should also address stream conditions. EIS should disclose specific locations of specific water sources and effects.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: As noted elsewhere, the EIS provides a *generic* impact analysis. Without knowing the specific sites of all future wildlife mitigation activities, it is impossible to evaluate potential effects on specific water bodies. The Balanced Action Alternative (6) would require project managers to follow procedures ensuring appropriate consideration of potentially affected resources and program-wide measures to protect fish and water resources. As discussed in section 4.10.2, the cumulative effect on fish and water resources is expected to be beneficial.

COMMENT

17-17 Commenters are concerned over potential, unacceptable degradation of aquatic environment, including impacts on water quality and sensitive fish species (e.g., bull trout). EIS should assess impacts of grazing activities on vegetation diversity, soil compaction, streambank stability, and sedimentation. No timber harvesting should take place in riparian areas. No new stream crossings should be constructed in any drainages.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE Comment noted. BPA is very concerned about protection of fish and water quality; however, as noted elsewhere in BPA's responses to public comment, the Wildlife Mitigation Program EIS provides a *generic* impacts analysis. Without knowing the specific sites of all future wildlife mitigation activities, it is impossible to evaluate potential effects on specific water bodies. Under Alternative 6 (BPA's preferred alternative), BPA would apply program-wide mitigation measures as appropriate to protect the aquatic environment.

COMMENT

17-23 FEIS must have detailed section on roads and road building activities in analysis area, including road density numbers versus site standards. [Commenters specify nature of information to be included and nature of study.] Analysis must describe timing for obliteration and revegetation, as required by National Forest Management Act (NFMA). Sites and methods of closure should be specified, as well as effectiveness of such closures estimated.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: Road building is a very minor element of the overall wildlife mitigation program because (1) roads are generally developed only for operation and maintenance, and (2) BPA intends to rely on existing roads wherever possible. (See Table 2-1 of the DEIS: it indicates relatively infrequent use of road construction.) BPA addressed impacts from roads at a level commensurate with the anticipated low level of impact. In addition, because no specific mitigation areas are addressed in this EIS, no detailed analysis of roads and road building can be provided.

The NFMA applies only to National Forests and would therefore not apply to the vast majority of wildlife mitigation projects that occur off National Forest Lands. Where National Forest lands are involved, then the responsible Forest Service official would ensure that laws and policies applying to the Forest Service are met, including NFMA.

The Balanced Action Alternative (6) would require project managers to follow procedures ensuring appropriate consideration of interests and resources that might be affected by future proposed road building or closure.

COMMENTS

17-19 Any project analysis should contain detailed consideration of impacts on inventoried roadless land with the analysis areas. Commenters are very concerned about incremental erosion in roadless areas that might prevent designation as Wilderness. The FEIS should stipulate that timber harvest activities will be excluded from roadless areas.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

17-20 Commenters note a 1990 court ruling that interprets NEPA to require the Forest Service to consider [give a “hard look” at] biological corridors. The FEIS should analyze the effects of each alternative on possible biological corridors, using species-specific assessments of corridor location and emphasizing grizzly, wolf, wolverine, and elk.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: The Balanced Action Alternative would require project managers to follow procedures to ensure appropriate consideration of potentially affected interests and resources, including roadless areas and biological corridors.

COMMENT

17-21 Soils analysis should include stability, regeneration capacity, identification of mass movement potential, soil types, areas unsuitable for timber harvest, past compaction and erosion and potential for future increases, actual effectiveness [or failures] of proposed BMP’s in preventing sediment from reaching water courses.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: The Balanced Action Alternative (6) would require project managers to identify basic physical information needed to make sound decisions, consideration of erosion control measures, and monitoring.

COMMENT

17-22 The EIS includes old growth. BPA must complete a comprehensive analysis of this issue for the EIS and provide a plan for the management of such lands under its care. [Commenters specify techniques to be followed for such analyses.] Commenters are “firmly opposed” to any reduction in old growth.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: Old growth is a high-priority habitat for protection. In some cases, silvicultural prescriptions may be used to accelerate the development of old growth

conditions to support old-growth-dependent species. Otherwise, old growth would not be changed. A “comprehensive analysis” of old growth is unwarranted because no significant impacts are expected.

COMMENT

17-18 [Modeling] If computer models are used to assess watersheds, then model assumptions used to determine Equivalent Clearcut Acres be explained. All cumulative effects should be modeled, including mining, grazing, road building, timber cutting, and agriculture.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: BPA does not propose timber sales or clearcut logging in the EIS. Please see response to comment 17-13/14 (p. CR/ 43).

COMMENT

10-16 [Pg. 5/117, Sec. 5.7] Because wildlife mitigation . . . must balance agricultural interests, a rating lower than 160 on the USDA rating system should be used as a threshold to require the project manager to consider alternatives to converting farmland. For example, commercial crops could be used to achieve wildlife mitigation objectives.

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: This change was not made because the referenced section (Chapter 5) specifically addresses regulatory requirements, and the 160 rating is that required under the Farmland Protection Policy Act. Protection of farmland would be considered as part of project development, as stakeholders provide input.

MISCELLANEOUS

COMMENTS

08-01 [U.S. Department of the Interior] reviewed the draft EIS and has no comment. [However, see later comments under #20-01, -02, -03, pgs. CR/ 2, 5, 15.]

*Preston Sleeper
U.S. Department of the Interior*

19-01 [U.S. Environmental Protection Agency] rates the EIS as EC-2, ‘Environmental Concerns, Insufficient Information.’ Rating is intended to call attention to the fact that the reader would benefit from having more information about the

Bonneville Power Administration Wildlife Mitigation Program Final EIS

Program in the EIS. [See other comments from **19** regarding specific information needs.]

Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA

14-02 The commenter [Washington Department of Fish and Wildlife] endorses the comments submitted by the Wildlife Working Group (see all comments by **16**).

Bern Shanks
Washington Department of Fish and Wildlife

18-03 Commenters [Idaho Fish and Game] have provided specific comments to the WWG, which is providing them under separate cover [see all comments by **16**].

Cal Groen
Chief, Natural Resources Policy Bureau, Idaho Fish and Game

RESPONSE: Comments noted.

COMMENTS

15-06 The Inland Native Fish Strategy (INFISH) is only being applied on Forest Service (not BLM) lands. (PACFISH applies to both agencies.)

Arlene Montgomery
Friends of the Wild Swan/Montana Ecosystems Defense Council

17-11 FEIS must stipulate how the standards will conform to INFISH and PACFISH guidelines.

John Stanton
The Ecology Center/Alliance for the Wild Rockies

RESPONSE: **15-06:** This factual correction has been made.

17-11 As discussed on page 4/55 of the DEIS, INFISH and/or PACFISH may apply to BPA-supported mitigation actions taking place on Federal lands. Specific compliance requirements would be identified on a case-by-case basis as individual wildlife mitigation projects are developed.

COMMENT

05-02 [Pg. 2/18] Under Step 4, Alternative 4, add statement that Project Managers would gather baseline information.

Susan B. Barnes
Env. Spec./Beak Consultants, Inc.

RESPONSE: Because the Cost and Administrative Efficiency Alternative (4) would minimize expenses, it excludes a requirement for project managers to establish baseline information. However, although we would not consider this step as critical,

such development would be a reasonable expense that would benefit achievement of biological objectives; we have therefore included this requirement in the Balanced Action Alternative (Alternative 6: BPA's Preferred Alternative).

COMMENT

05-03 [Pg. 2/19] List examples of passive recreation in third bulleted paragraph.

*Susan B. Barnes
Env. Spec./ Beak Consultants, Inc.*

RESPONSE: The material has been added.

COMMENT

17-26 The maps are few and unhelpful. The FEIS should have detailed maps that disclose effects for all issues, including logging, grazing, and so on. They should be scaled so that they may be compared.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: Given the broad scope of establishing program-wide standards and guidelines as proposed, BPA considers the generic type of analysis appropriate. More detailed maps would not be relevant to the decisions at issue (see section 1.5). In addition, the specific location of projects has not yet been determined, so mapping them is not possible or necessary as part of this programmatic EIS. See also response to comment 17-01 (p. CR/ 17).

COMMENT

16-16 [Pgs. 4/54-55, Sec. 4.2.1] Tribes have legal authority over the protection, use, and management of water resources. Revise first sentence of second paragraph to read "Several state agencies *and Tribes* also have regulatory authority"[Pg. 4/54]

Also add a 10th point [pg. 4/55] "10. **Indian Tribes:** some Tribes regulate water quality and use."

*Chris Merker, Chair
Wildlife Working Group (WWG)*

RESPONSE: These changes have been made.

COMMENTS

05-X The commenter made numerous miscellaneous suggestions to improve the document.

RESPONSE: Text has been changed to reflect all comments as made, with exceptions as noted below.

* [Pg. 2/20, Sec. 2.1.6; pg. 2/23, under 6.] Add “or avoided” after the word “minimized.”

* [Pg. 32, Table 2-1] Add a table key at the bottom.

* [4/45] Regarding the concept of Potential Program-Wide Mitigation Measures. It seems odd that there are mitigation measures for mitigation measures. Can another term be used? **RESPONSE:** We have decided not to make this recommended change because the term “mitigation” is used in the CEQ NEPA regulations.

* [4/48, Sec. 4.1.3] Add “the implementation of” after “reduced by.” Change “and seedbed preparation” to “as well as seedbed preparation.” Plant Propagation.

* [4/48] Should “nest types with foundation” be “nest types with foundations?” Habitat Creation.

* [4/49] Change last sentence of first paragraph from “reclamation” to “site restoration and regeneration.” Fire Mgmt.

* [4/52 vs. 4/49] Culverts are characterized as type of erosion control feature, but also as posing a risk to soil erosion. Need to include benefits on 4/49 to make consistent with recommendation on 4/52.

* [4/58] Wetland creation may also have no effect on fish. Habitat Conversion.

* [4/59] Add to end of sentence “and block fish passage.” Water Dist. Techniques, second paragraph.

* [4/60] Change sentence to read “An analysis of each type of herbicide is beyond” Veg. Mgmt, second paragraph, next-to-last sentence.

* [4/66, Alt 3; also App A, pg. 14, par. 2] Change “prescribed burn” to “prescribed burning.”

* [4/69, par 5] Re: Veg. Mgmt impacts discussion. Also applies to fish, but is not addressed in fish section. Add this discussion to Veg. Mgmt. Section for fish.

* [4/70] Predator control is listed in table 2-1 as an implemented technique, but is not discussed here. Species Mgmt.

* [4/84] Change sentence to include increase or decrease of water table. Veg. Mgmt, last sentence.

- * [4/106, Alt. 5] Table 2-1 says fertilizers/herbicides have an “infrequent use” rating; fire a moderate level of use. In text here, it says low level of all three for Alternative 5. Please address inconsistency.
- * [4/106] “Locally” is too vague: how far might effects be seen/measured? Could use some more information here. Plant Propagation Tech.
- * [4/107] If auto emissions would disperse quickly, would the dust/vehicle emissions mentioned (Habitat Creation, Water Devel. Mgmt., Water Dist. Techniques) also do so? Seems inconsistent. Mult. Use Tech.
- * [App. A, pg. 13] re: General Drawbacks. Add “can increase sediment delivery into rivers and streams.” **RESPONSE:** This change was not added because only general drawbacks are described in Appendix A. The main text in Chapter 4 provides details regarding impacts.
- * [App. A, Sec. 9.1.1, pg. 20] Change second sentence to read “. . . and planting uncultivated areas can improve habitat for certain species.”
- * [App. A, Sec. 9.4.3, pg. 22] Add the following bullet: “Adverse impacts to soil, water quality, fish habitat, and riparian vegetation from trampling of vegetation, soil compaction increase sediment loading into streams.”
- * [App. A, Sec. 10.1.3, pg. 23] Add bullet: “aesthetically unpleasant” to characteristics of fences and gates.
- * [App. A, Sec 10.2.3] No mention of effects of roads on natural resources. Add bullet: “Impacts to natural resources (i.e., water quality, wildlife populations).”

*Comments from Susan B. Barnes
Env. Spec./Beak Consultants, Inc.*

COMMENT

13-05 [Pgs. 1/4, 3/36] Tables 1-1 and 2-3. **Table 1-1** represents present [Council] priorities [for wildlife species], but the table’s function in the DEIS among alternatives is unknown. **Table 2-3.** Compliance row for Alternative 5 states that the alternative may be inconsistent with agency statutory authorities; this statement is not explained anywhere in the text.

*Alexis DeCaprio/Emilee Moeller
Northwest Environmental Defense Center*

RESPONSE: Table 1-1 identifies the Council’s priorities for wildlife mitigation, based on the loss assessments, and therefore the species most likely to benefit from implementation of the Fish and Wildlife Program. Table 1-1 was intended to provide context for understanding the program; we have revised the EIS to include additional context. The table has no particular function among the alternatives.

The statement in Table 2-3 refers to the fact that Alternative 5 includes assisting local economies as a major goal; project managers would have to obtain funding for these monitoring and assistance activities from entities other than BPA, because BPA has no legal authority to provide funding for economic mitigation. The text has been revised to expand on this concept.

COMMENT

16-X The commenter made the following miscellaneous suggestions to improve the document:

RESPONSE: Text has been changed to reflect all comments as made, with exceptions as noted below.

* [Pg. 2/23, Step 6] Edit last bulleted paragraph to read “*To protect farm land, acquire lands not currently under commercial agricultural use.*”

* [Pg. 25, Step 7] Edit first bulleted paragraph to read “Monitor performance . . . and natural resources(e.g., fish, *wildlife*, soils, water quality).”

* [Pg. 2/27] Edit first asterisk, second bullet under Step 5 to read “. . . protection of high quality native or other habitat or species of special concern (whether at the project site or *adjacent to the project site*), including”

* [Pg. 2/29, top bullet] Edit bullet paragraph to clarify that use of local supplies and labor may not be possible in all circumstances, but will be the preferred choice: “*Encourage the use of available local supplies and labor*”

* [Pg. 4/97, Sec. 4.7.4] Change first bullet to read “*Encourage the use of available local supplies*” (it’s not always feasible to do so).

* The phrases “wetland creation” and “habitat creation” are no longer commonly used; such projects are now referred to as “restoration” or “enhancement” projects. Change all references throughout EIS to correspond (wetland restoration/enhancement *or* habitat restoration/enhancement). Specific locations include: Table 2-1, Pgs. 4/47 (Alternative 5), 4/48, 4/63 fourth and fifth bullets, Appendix A, Pgs. 5-6. **RESPONSE:** BPA has not made the suggested change, and continues to use the term “creation” because we feel it best describes the specific technique we are intending to characterize. BPA specifically avoided the use of the term “enhancement” because it can be misunderstood to connote efforts above and beyond the act of mitigating for habitat lost due to Federal hydroelectric projects. The specific technique of wetland creation, as intended by BPA, is to establish wetlands where none previously existed. Wetland restoration, an activity aimed at restoring existing but degraded wetlands to more natural conditions, is and will remain an important element of the wildlife mitigation program and, according to the way we categorized techniques, would be accomplished at mitigation sites by employing other techniques described in Appendix A, such as plant propagation techniques and water development, management, and distribution techniques.

* Fee-title acquisition and transfer are not one and the same; they may be implemented separately and therefore should be (a) considered separate techniques in the EIS and (b) discussed separately. Change throughout to “Fee-Title Acquisition” and “Fee-Title Transfer” and address appropriately. See especially pg. 30 (Table 2-1) and App. A, pg. 1. **RESPONSE:** BPA agrees that these techniques can be separated. However, for the purposes of this EIS, these techniques are considered collectively because they have essentially identical environmental consequences. BPA will support the approach to resource acquisition that best accomplishes wildlife mitigation objectives in a cost-effective manner.

*Comments from Chris Merker, Chair
Wildlife Working Group (WWG)*

OUTSIDE THE SCOPE

The comments below fell outside the scope of this EIS. We have supplied some information on each.

COMMENT

01-01 Commenter wants to ensure that the importance of maintaining the food chain in nature is covered in the EIS.

J.W. Feigel

RESPONSE: This is an important concept, but does not fall within the need or purposes of this EIS.

COMMENTS

04-01 [Summary] There has been no evidence to show that wildlife were damaged by the dams or that mitigation to address such damage is appropriate.

*J.D. Anderson
Stevens County Commissioner*

04-03 [Summary] The EIS uses jargon and doubletalk here as in other government proposals; it hides the fact that no mitigation is needed.

*J.D. Anderson
Stevens County Commissioner*

RESPONSE: A legal document that discusses biological and technical issues must at times use terms specific to law and science. BPA has attempted to ensure that technical and legal terms are adequately defined. Without specific reference to passages of the EIS, no change can be made.

As for the need for mitigation, Congress disagreed with commentor. See section 4 of the Northwest Power Act, 16 U.S.C. §§ 839b(h)(1)-839b(h)(11), and the accompanying legislative history.

COMMENT

11-01 When site-specific projects are identified, a wetland analysis should be prepared for each specific site for the Washington Department of Ecology review.

*Rebecca Inman
Washington Department of Ecology*

RESPONSE: Such analyses will take place, but at the project level; results will be reported out at that time; and in any subsequent NEPA documents.

COMMENT

12-01 Commenter recommends that BPA funds be used to purchase river bottom lands available from timber companies that have clearcut lands in Yaak Valley area where habitat loss has occurred through the creation of Lake Koocanusa, genetically isolating species.

Rick Bass

RESPONSE: We suggest that the commenter direct his idea to the Northwest Pacific Planning Council for potential funding; this EIS does not cover site-specific actions.

COMMENT

17-03 FEIS must not discuss any local economic considerations, grazing, timber harvest, and other resource extraction activities because this document is supposed to deal with effects of hydroelectric development.

*John Stanton
The Ecology Center/Alliance for the Wild Rockies*

RESPONSE: We believe it is appropriate to discuss such considerations. According to regulations implementing the procedural provisions of NEPA, "Human environment' shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment." (40 CFR 1508.14) Also, "Effects include . . . cultural, economic, social . . ." (40 CFR 1508.8)

COMMENT

10-03 [Pgs. 1/6-7] Decisions to Be Made. Budget allocations for actions proposed by any one impacted party, such as the Tribes, should be strictly limited to fixed percentages. [Commenter cites Washington Wildlife mitigation budget; 11.3% made available for projects proposed by the Confederated Tribes of the Umatilla Indian Reservation; provisions that coalition members could agree to

change percentage allocations.] The [Wildlife Mitigation] plan should prohibit changes in fixed allocations because doing so would not be consistent with this NEPA process to allow a balancing of interests.

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: Other than contracts for specific mitigation measures, BPA has no legal obligation to fund any particular wildlife manager—agency or Tribe—in any particular amount. There are no “fixed allocations” to change. BPA intends to use the Program and the new Northwest Power Act section 4(h)(10)(D) prioritization process (the Gorton Amendment) as guides to fund the most cost-effective wildlife mitigation measures, regardless of what entity proposes the measure or hopes to implement it.

COMMENT

10-04 [Pgs. 1/6-7] Decisions to Be Made. Project funding should be prohibited unless actual loss and high probability of improvement are shown with scientific evidence. Implementing a mitigation project upon a finding of a previous loss of wildlife habitat, without evidence of probable benefits to wildlife habitat upon implementation, is not enough to compensate for increased power costs.

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: We disagree. Section 4(h)(6) of the Northwest Power Act encourages the Council to adopt into the Program mitigation measures that will address system-wide impacts, not just impacts on a project-by-project basis. Similarly, BPA has been authorized to fund those system-wide measures. BPA may undertake these measures without conducting a cost-benefit analysis. (See response to comment 13-01, p. CR/ 7.) BPA does endeavor to mitigate in place, in kind, but this is not always possible.

COMMENT

19-09 What proportion of mitigation dollars or projects are being focused on important upland habitats, e.g., old growth forest, shrub-steppe habitat, and native grass and shrublands, vs. riparian areas and wetlands? What proportion of funds and projects are devoted to land acquisition and maintenance of natural habitats vs. restoration or manipulation of managed lands? How would each alternative change these emphases?

*Richard B. Parkin
Manager, Geographic Implementation Unit, U.S. EPA*

RESPONSE: No studies have been done to determine the proportion of expenditures on habitat types or mitigation techniques, there are no quotas, and such studies are outside the scope of this EIS. Table 2-1 indicates each alternative’s tendency to

influence a relative increased or decreased use of particular techniques, but is not an absolute measurement or quota.

COMMENT

10-11 [Pg. 2/11] Step 6. Funding should be directed to agricultural members of the region, perhaps through the Oregon Department of Agriculture and its extension service, to cover costs to identify and implement the use of pesticides, herbicides, and fertilizers with the lowest environmental cost that still achieve results economically viable to the agricultural industry.

*Laura Schroeder
Schroeder Law Offices*

RESPONSE: This comment is beyond the scope of the FEIS. If commenter believes that this proposal has a place in the Region's wildlife mitigation strategy, she should submit her proposal to the Council for consideration.

2