Programmatic Environmental Impact Statement

High-Voltage Transmission Facilities in Washington

Chapter 10 – Comments and Responses
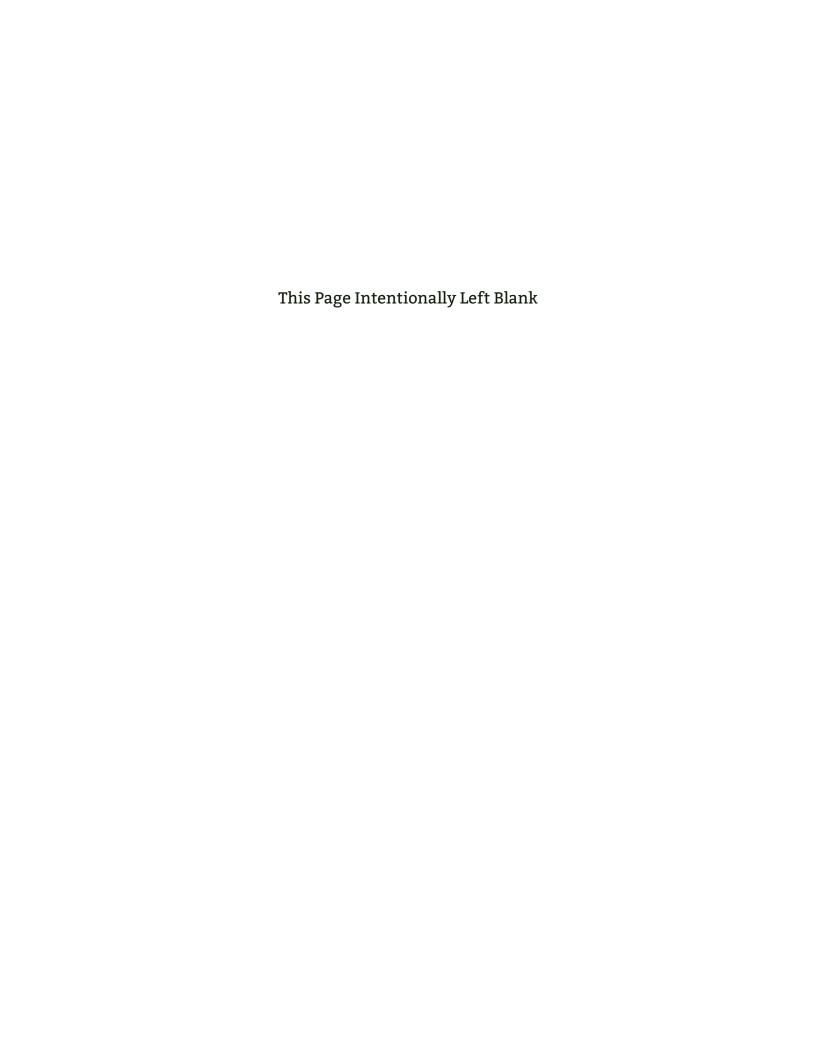to the Draft Programmatic EIS

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CommentSense Report: Comments Received on the Draft Programmatic EIS and Comment Responses

10.0 Chapter 10 – Comments and Responses on the Draft EIS

10.1 Introduction

The Washington Energy Facility Site Evaluation Council (EFSEC) sought comments on the Draft Programmatic Environmental Impact Statement (EIS) for high-voltage transmission in Washington from members of the public, regulatory agencies, Tribes, and stakeholders. The Draft Programmatic EIS was made available for review and comment to all interested parties and was posted to the publicly accessible EFSEC website: https://efsec.wa.gov/transmission-programmatic-environmental-impact-statement-peis.

The public comment period for the Draft Programmatic EIS began on March 31, 2025. In response to multiple requests for an extension, the comment period was extended by 15 days. As a result, the official public comment period lasted 45 days, concluding on May 15, 2025. This chapter describes the process by which comments were reviewed, categorized, and evaluated. It includes a set of consolidated responses that address key issues raised during the comment period. Where appropriate, the Draft Programmatic EIS was revised based on the comments received during the official comment period.

10.2 Public Participation

EFSEC held a virtual informational public meeting on April 8, 2025, to present the Draft Programmatic EIS. The informational public meeting featured a presentation of the Draft Programmatic EIS materials. This meeting provided an overview of the project, outlined key findings, and offered an opportunity for the public to ask questions and learn more about the Programmatic EIS before submitting formal comments. No comments were taken at the public informational meeting.

Two public hearings on the Draft Programmatic EIS were held virtually, one on April 22, 2025 and one on April 24, 2025.

The events were attended by members of the public, representatives of governmental agencies and Tribes, and non-governmental organizations. The meeting transcripts and comments are available for review on the publicly accessible EFSEC website:

https://efsec.wa.gov/transmission-programmatic-environmental-impact-statement-peis.

10.3 Comments Received

EFSEC accepted comment submissions on the Draft Programmatic EIS during the public commenting period through several methods, including:

- A dedicated comment website

- Oral or written submission at public hearings

- Email to EFSEC staff

- Mail or direct delivery to EFSEC staff

Approximately 100 comment submissions were received from individuals, agencies, Tribes, and organizations.

10.4 The Comment Response Process

Each comment submission was logged upon receipt and placed in the project's administrative record with a unique identification number. Many of the comments that EFSEC received on the Draft Programmatic EIS focused on a single issue, but some expressed concerns on multiple issues. Individual substantive comments within each submission were identified in the comment database for the project. A comment was characterized as substantive if it did one or more of the following:

- Questioned the accuracy of information in the Draft Programmatic EIS

- Questioned the adequacy of, or the methodology and assumptions used for, the environmental analysis

- Questioned project details and/or the regulatory process

- Suggested new information relevant to the analysis

- Recommended changes or revisions to one or more of the alternatives

- Recommended additions, removals, or alterations to the Mitigation Strategies proposed in the Draft Programmatic EIS

- Suggested use of additional or alternative documents, studies, or methods of analysis

- Suggested additional analyses of topics or issues not covered in the Draft Programmatic EIS

- Requested EFSEC to undertake something (e.g., collect additional information)

Comments that did not fall into these categories were not considered relevant for the environmental analysis or structure of the Draft Programmatic EIS. These non-substantive comments were characterized by one or more of the following:

- General comments in favor of or against this nonproject review

- Comments requesting extensions on the public comment period

- Comments not pertaining to this nonproject review or the areas that could be affected by this nonproject review (such as comments pertaining to separate project-specific applications)

- Comments that took the form of ambiguous, open-ended, or unrelated questions or opinions

This process resulted in the identification of approximately 400 individual substantive comments. All substantive comments were assigned to a resource category or issue category so that similar comments could be grouped together and addressed by the appropriate resource specialist and agency staff. **Appendix 10-1** provides the submissions, individual substantive comments identified, and the comment responses.

10.5 Summary Responses to Comments Received on the Draft EIS

After all substantive comments were identified and sorted, common issues were identified for summary responses. Summary responses are provided in the following subsections to address multiple related issues and provide context for the discussion.

10.5.1   Introduction, Scope of Analysis, Purpose, and Overview

Some commenters questioned the broad application of the Programmatic EIS, expressing concern that it could be used to bypass project-level environmental review and public input. Some worried that the Programmatic EIS would "rubber-stamp" projects or treat all transmission facility projects as having the same impacts, regardless of local context. Others requested clarification on how the Programmatic EIS interacts with project-level environmental review and whether it replaces the need for detailed, site-specific studies. Still others requested clarity on the scope of the Programmatic EIS and its relationship to project-level environmental reviews. Concerns about the adequacy of public participation and the length of the comment period were identified throughout comments. Questions about the legal framework, including differences between the State Environmental Policy Act (SEPA) and National Environmental Policy Act (NEPA), and the role of federal, state, and Tribal authorities were also included in comments.

10.5.1.1 Summary Response

The Programmatic EIS is a planning-level tool that does not replace or eliminate the need for project-level environmental review and site-specific studies. Each transmission facility project will still require project-specific environmental analysis, public engagement, and compliance with all applicable federal, state, and local laws. The Programmatic EIS is intended to streamline and inform, not bypass, the project-level environmental review process. The comment period for the Draft Programmatic EIS met the 30-day regulatory requirement as outlined in Washington Administrative Code (WAC) 197-11-455(6); a 15-day extension was provided upon request as provided for in WAC 197-11-455(7).

10.5.2   Alternatives Analysis, Mapping, Data, and Resource Sensitivity Tools

Many commenters requested that the Programmatic EIS consider a broader range of alternatives, including upgrades to existing transmission lines, use of existing corridors, new construction of underground facilities, and non-transmission solutions.

Some objected to the lack of detailed analysis of alternatives for specific projects. Specifically, comments covered the following topics:

- Requests for more robust analysis of alternatives, including brownfield vs. greenfield siting, use of existing corridors, and undergrounding

- Calls for explicit consideration of high-voltage direct current (HVDC) lines and grid-enhancing technologies

- Calls for the use of existing corridors, including existing transportation and transmission corridors

- Transparency and accessibility of mapping tools

- Clarification that sensitivity maps are for planning, not regulatory purposes

- Concerns about the definition and analysis of the No Action Alternative

10.5.2.1 Summary Response

The Programmatic EIS encourages alternatives analysis and considers the use of existing corridors where feasible. The Programmatic EIS provides a high-level framework for evaluating alternatives, including upgrades, modifications, and the use of existing rights-of-way (ROWs). Project-level environmental reviews may further analyze technology and siting alternatives based on site-specific conditions and regulatory requirements. The Programmatic EIS has been updated to further differentiate the descriptions and impact analyses for various project stages, including new construction, modification, upgrade, and operation and maintenance.

The Programmatic EIS has been updated to clarify data transparency and the advisory nature of planning tools. It clarifies that no specific tool is required, mapping is for planning purposes only, and all regulatory requirements must be met at the project level. Language has also been added, clarifying the definition of the No Action Alternative for this nonproject review and why this definition is appropriate for this document.

10.5.3 Water Resources

Some concerns focused on water sourcing, impacts on surface and groundwater, and adequacy of mitigation for water quality and quantity. Commenters highlighted the complexity of water rights and the need for robust analysis in over-appropriated basins.

10.5.3.1 Summary Response

The Programmatic EIS identifies demonstration of legal water availability as a mitigation measure and assumes compliance with all water rights and permitting requirements. Mitigation for water impacts should be tailored to local hydrology and ecological sensitivity, with applicants providing detailed information to the SEPA Lead Agency during project-level environmental review.

10.5.4 Vegetation, Habitat, Wildlife, and Fish

Public and agency comments on the Vegetation and Habitat, Wildlife and Fish sections of the Programmatic EIS focused on several recurring themes:

- **Habitat Fragmentation and Priority Species:** Commenters expressed concern about the fragmentation of habitats, impacts on priority and sensitive species (including Endangered Species Act listed salmonids, migratory birds, and shrubsteppe wildlife), and the adequacy of mitigation for these impacts. There were specific calls for more robust mitigation for fish passage, riparian impacts, and cumulative effects on salmonids and other species.

- **Buffer Distances and Avoidance Criteria:** Many commenters requested clarification and scientific justification for buffer distances, such as the 300-foot wetland buffer and the 775-foot edge effect buffer. Some questioned the practicality and regulatory basis for these Avoidance Criteria, noting that local Critical Areas Ordinances often use variable, science-based buffers and that a one-size-fits-all approach may be overly restrictive.

- **Definitions and Regulatory Basis:** There were requests for clearer definitions and regulatory grounding for terms such as "sensitive water features," "important habitat," and "movement corridors." Some commenters noted that designations like Important Bird Areas (IBAs) are not regulatory and should not be treated as such.

- **Application to Upgrades/Modifications:** Commenters raised concerns about the application of Avoidance Criteria to upgrades and modifications of existing lines, noting that strict adherence may be infeasible where infrastructure already exists in constrained areas. They requested flexibility and proportionality in mitigation for upgrades versus new construction.

- **Compensatory Mitigation:** Some requested that compensatory mitigation ratios for unavoidable impacts be specified, particularly for high-value habitats, and that mitigation banking or in-lieu fee options be considered.

- **Use of Disturbed Lands and Existing Corridors:** There was strong support for prioritizing the use of previously disturbed lands, brownfields, and existing ROWs for new transmission development, as these approaches minimize new habitat disturbance.

- **Riparian and Wetland Protection:** Commenters called for more robust mitigation for riparian impacts, including clear requirements for riparian management zones, and for clarification on whether "wetlands" include streams and riparian buffers.

- **Best Available Science and Adaptive Management:** Several comments emphasized the need for all Mitigation Measures and impact determinations to be based on best available science, with regular updates as new information becomes available.

10.5.4.1 Summary Response

The Programmatic EIS emphasizes avoidance and minimization of impacts on sensitive habitats and species as the primary recommended approach for transmission siting and design. Where impacts are unavoidable, the Programmatic EIS identifies that mitigation plans should be developed in consultation with state agencies (such as the Washington Department of Fish and Wildlife [WDFW] and Department of Natural Resources) and that mitigation may be required by the project-level SEPA Lead Agency, tailored to the specific habitat and project context.

EFSEC provided the following key clarifications and commitments in response to comments:

- **Buffer Distances:** The 300-foot wetland buffer and 775-foot edge effect buffer are planning-level guidelines, not regulatory requirements. They are based on conservative application of best available science (e.g., Bentrup [2008] for edge effects) and are intended to flag areas where more detailed, site-specific environmental analysis would occur and appropriate mitigation may be identified. Mitigation, including final buffer requirements, will be determined through project-level environmental review and compliance with local, state, and federal regulations.

- **Definitions and Regulatory Basis:** The Programmatic EIS has been revised to clarify that terms like "sensitive water features" and "important habitat" are intended as planning tools, not regulatory designations. Local jurisdictions retain the authority to determine how non-regulatory designations (e.g., IBAs) are considered in critical areas review.

- **Upgrades and Modifications:** The Programmatic EIS now distinguishes between new construction, upgrades, and modifications. Not all Avoidance Criteria will apply to upgrades and modifications, especially where existing infrastructure is already sited in constrained areas; however, applicants must provide a clear explanation to the project-level SEPA Lead Agency for any deviations from the Avoidance Criteria. Mitigation for upgrades and modifications is expected to be proportional to the scale and nature of the impact.

- **Compensatory Mitigation:** The Programmatic EIS requires that mitigation plans be developed for unavoidable impacts (e.g., Gen-10), with offset requirements determined in consultation with state agencies. While specific ratios are not prescribed, the Programmatic EIS encourages the use of mitigation where appropriate and has used best available science and agency guidance (such as WDFW Wind and Solar Guidelines) to inform mitigation.

- **Use of Disturbed Lands:** The Programmatic EIS considers siting transmission facilities in existing corridors, brownfields, and previously disturbed areas which can minimize new habitat disturbance. This is reflected in both the alternatives analysis and mitigation framework.

- **Riparian and Wetland Protection:** The Programmatic EIS clarifies that wetlands, streams, and riparian zones are addressed through a combination of General Measures, Avoidance Criteria, and Mitigation Measures (e.g., Gen-10, AVOID-2, AVOID-4, and Fish-5). Riparian management zones would be delineated and included in mitigation plans, and all project-specific applications would be expected to comply with applicable regulations.

- **Best Available Science and Adaptive Management:** The Programmatic EIS has used best available science for impact determinations and Mitigation Measures. Project-level reviews would be responsible to use current science and regulatory standards.

- **Tribal and Agency Consultation:** The Programmatic EIS affirms the need for early and meaningful consultation with Tribes and resource agencies, especially

where projects may affect treaty-reserved resources, culturally significant habitats, or sensitive species.

In summary, the Programmatic EIS provides a flexible, science-based framework for protecting vegetation, habitat, wildlife, and fish, while supporting the modernization and reliability of Washington's transmission system. All project-specific applications are subject to project-level environmental review and should expect mitigation to be tailored to the unique characteristics of each site and resource.

10.5.5   Land and Shoreline Use

Commenters expressed concern about the conversion of agricultural land, impacts on property values, and the use of outdated or narrow easements. Some requested that the Programmatic EIS require wider ROWs and avoid siting in sensitive or developed areas.

10.5.5.1 Summary Response

The Programmatic EIS recognizes the importance of protecting agricultural lands and minimizing land use conflicts. It provides guidance on ROW widths and emphasizes that final siting decisions will be made through project-level environmental review, considering local land use plans and stakeholder input. This Programmatic EIS does not have the authority to regulate ROW widths, but provides technical analysis on ROWs and a summary of existing ROW width regulations that should be used in the planning and SEPA review of future projects.

10.5.6   Historic and Cultural Resources

Tribal governments and others emphasized the need for early, meaningful consultation, protection of treaty rights, and avoidance of impacts on cultural sites and traditional use areas. Some requested that the Programmatic EIS clarify how Tribal input will be incorporated and how confidential information will be handled.

10.5.6.1 Summary Response

The Programmatic EIS affirms the requirement for government-to-government consultation with Tribes, protection of treaty rights, and confidentiality of sensitive information. Project-level environmental reviews are recommended to include early, meaningful Tribal engagement and site-specific cultural resource assessments.

Project-level SEPA Lead Agencies are recommended to offer formal consulation to affected Tribes.

10.5.7 Visual Quality, Light and Glare

Visual impacts on homes, scenic areas, and recreation sites were a concern. Commenters requested more robust mitigation, including the installation of underground transmission facilities in sensitive areas and the use of visual screening.

10.5.7.1 Summary Response

The Programmatic EIS includes a range of Mitigation Strategies, such as careful siting, use of existing corridors, and visual screening. Installing facilities underground is considered where warranted by significant visual impacts, but is not a default requirement due to cost and feasibility.

10.5.8 Recreation

Several commenters expressed concern that new or upgraded transmission facilities could restrict access to parks, trails, rivers, and other recreational resources. There is particular worry about permanent closures or reduced enjoyment in these areas. Many comments noted that overhead transmission facilities could degrade the scenic quality of recreational areas, affecting the experience for hikers, anglers, hunters, and other users. Some comments mentioned potential noise during construction and operation, as well as safety concerns for recreationists near transmission corridors. Tribes and Tribal organizations highlighted that increased recreational use in transmission corridors could displace or conflict with traditional cultural practices and treaty-reserved rights. They requested that impacts on Tribal access be analyzed distinctly from general recreation.

A few commenters noted that transmission corridors can sometimes be co-located with recreational trails or provide new recreational opportunities, such as multi-use paths, if planned thoughtfully. Some suggested that the Programmatic EIS should recognize the potential for compatible recreational uses within transmission corridors, not just focus on negative impacts.

10.5.8.1 Summary Response

In response to public comments about recreation, the Programmatic EIS was revised to provide greater clarity and address the concerns raised by commenters. The document

now emphasizes that permanent impacts on access to recreation areas from transmission facility development are uncommon and that most disruptions are temporary—such as short-term trail closures or detours during construction. Where permanent effects on access might occur, these are expected to be limited in scope and subject to careful review.

To better guide planning and minimize conflicts, the Programmatic EIS now includes a list of exceptional recreation assets, drawing from the Washington State Recreation and Conservation Office's statewide inventory. This addition helps clarify which areas are considered especially sensitive to transmission-related impacts and ensures that Avoidance Criteria are used as a tool for early planning, rather than as a blanket prohibition on development near recreation sites.

The Programmatic EIS also acknowledges that, in some cases, transmission corridors can be compatible with recreational uses. For example, multi-use trails may be co-located within transmission ROWs, providing new opportunities for public access and recreation if designed thoughtfully and in coordination with local stakeholders. However, the feasibility and desirability of such co-location are recognized as site-specific and dependent on safety, land ownership, and operational considerations.

Importantly, the Programmatic EIS now distinguishes between general recreational impacts and those that may affect Tribal access and cultural practices. Tribal access is analyzed in the section on cultural resources, ensuring that treaty-reserved rights and traditional uses are not conflated with general public recreation.

Finally, the Programmatic EIS recommends that project-level environmental reviews include site-specific assessments of recreational impacts and encourages early engagement with both recreational user groups and Tribes. This approach is intended to ensure that the unique characteristics and values of each recreation area are considered and that Mitigation Measures are tailored to the specific context of each project.

10.5.9 Transportation

Commenters expressed interest in using existing transportation corridors for the siting of transmission facilities, as well as identified concerns regarding the transportation standards and methodologies presented in the Draft Programmatic EIS, emphasizing the importance of consistency with existing regulations and the use of best available science.

Specifically, commenters noted that the designation of level of service (LOS) C as a threshold for transportation impacts is more stringent than what is typically required under local, regional, and state standards. These standards often permit temporary reductions in LOS during construction activities. As such, it was recommended that short-term impacts should not necessitate avoidance measures and that the LOS C threshold be reconsidered or removed.

Additionally, commenters questioned the appropriateness of requiring a traffic impact analysis (TIA) for certain project types, such as upgrades and modifications to existing facilities or those utilizing existing transmission facility corridors. These projects are unlikely to result in significant changes to transportation patterns and, therefore, may not warrant a full TIA.

10.5.9.1 Summary Response

To the extent practicable, the use of existing corridors, including utility, transportation, and other previously disturbed rights-of-way, is recognized as a preferred strategy for minimizing new land disturbance and reducing impacts to sensitive resources.

The Avoidance Criteria presented in the Programmatic EIS are not regulatory requirements. Rather, they are conservative planning tools intended to support early-stage project screening and promote impact avoidance. These Avoidance Criteria are designed to help identify potential constraints and facilitate more efficient permitting by encouraging applicants to incorporate avoidance and minimization strategies early in the project development process. Where avoidance is not feasible, the SEPA Lead Agency would conduct additional environmental analyses and may identify project-specific mitigation measures to address probable adverse environmental impacts.

The Programmatic EIS uses Level of Service (LOS) C as a benchmark for identifying potential transportation impacts. Temporary reductions in LOS during construction are acknowledged as common and may be considered acceptable by the SEPA Lead Agency when appropriately managed through traffic control plans and coordination with local agencies.

A TIA is not automatically required for all transmission facility projects. For upgrades to existing facilities or projects utilizing established corridors, where construction-related traffic is minimal and no long-term changes to transportation patterns are anticipated, a full TIA may not be necessary. The Programmatic EIS has been revised to

clarify that the requirement for a TIA is project-specific and subject to the discretion of the SEPA Lead Agency during the project-level environmental review process.

10.5.10 Public Health and Safety

Key concerns included electromagnetic field (EMF) exposure, fire risk, herbicide use, and proximity of lines to homes and schools. Some commenters cited scientific studies on EMF and requested larger setbacks, while others raised concerns about wildfire risk and the use of hazardous chemicals.

10.5.10.1 Summary Response

The Programmatic EIS acknowledges public concerns about EMF and recommends setbacks consistent with current scientific consensus and regulatory guidance. Fire risk is addressed through required fire mitigation plans. Herbicide use is minimized through integrated vegetation management and compliance with state regulations. All health and safety issues will be further evaluated during the project-level environmental review process.

10.5.11 Socioeconomics

Concerns included property value impacts, economic justice, and the adequacy of compensation for affected landowners. Some commenters requested more analysis of impacts on rural and overburdened communities.

10.5.11.1 Summary Response

The Programmatic EIS addresses socioeconomic impacts through Mitigation Measures such as community engagement, compensation, and avoidance of disproportionate impacts on vulnerable populations. Project-level environmental reviews will further assess local economic and social effects.

10.5.12 Environmental Justice and Tribal Consultation

Commenters emphasized the importance of strengthening the Programmatic EIS's approach to Tribal and community engagement. A recurring theme was the need for early, meaningful, and ongoing consultation with Tribal governments, recognizing

that Tribes must be engaged not as stakeholders but as sovereign entities with distinct legal and cultural rights.

Several comments called for explicit recognition of treaty rights, including access to Usual and Accustomed Areas, and the affirmation of Tribal sovereignty throughout the planning and permitting processes. Commenters stressed that these acknowledgments should be clearly reflected in both the language and implementation of the Programmatic EIS.

In addition, commenters highlighted the need for enhanced engagement with overburdened and vulnerable communities, particularly those historically impacted by infrastructure development. They urged EFSEC to incorporate cumulative impact analysis that accounts for the layered and long-term effects of transmission projects on these populations, ensuring that equity and environmental justice considerations are central to decision-making.

10.5.12.1 Summary Response

The Programmatic EIS has been developed in alignment with Washington State law (RCW 70A.02.010 and RCW 70A.02.050), which mandates the identification and mitigation of environmental harms to overburdened communities and vulnerable populations. Section 3.16.4 and Appendix 3.1-1 provide Mitigation Strategies and guidance for evaluating these impacts. For example, Mitigation Measure SE-2 requires engagement with community leaders and organizations representing vulnerable populations and overburdened communities. General Measure Gen-7 ensures that a project-specific cumulative impact assessment is conducted using site-specific data and stakeholder input.

EFSEC responded to Tribal and community comments by reaffirming its commitment to Tribal sovereignty, government-to-government consultation, and environmental justice. The discussion of Usual and Accustomed Areas within the Programmatic EIS has been expanded to further emphasize the importance of these areas as Tribal resources and stress that impacts to these areas require Tribal engagement to appropriately assess. The Programmatic EIS was revised to clarify that it does not authorize specific projects but instead provides a statewide framework for evaluating transmission infrastructure impacts. Any future project affecting Tribal lands or culturally significant areas should offer affected Tribes early and meaningful engagement and offer formal consultation when appropriate. Project-level environmental reviews will further assess site-specific impacts to Tribal resources.

While the Programmatic EIS does not mandate Community Benefit Agreements, it supports their use, particularly in areas where transmission facility development may disproportionately affect underserved communities.

10.5.13 Cumulative Effects

Commenters requested a more robust analysis of cumulative impacts, including the long-term effects of multiple projects on ecosystems, communities, and Tribal resources. Some asked for the inclusion of beneficial impacts, such as reduced fossil fuel use.

10.5.13.1 Summary Response

The Programmatic EIS provides a qualitative cumulative impacts analysis and provides General Measure Gen-7, which requires subsequent projects to prepare a project-specific cumulative impact assessment. While SEPA focuses on adverse environmental impacts, the Programmatic EIS acknowledges the enabling role of transmission in supporting clean energy and reducing long-term environmental harm, as discussed in Chapter 1.

10.5.14 Out of Scope of the Programmatic EIS

Numerous comments addressed concerns about specific projects or proposed routes. Many of these were determined to be outside the scope of the Programmatic EIS, which does not evaluate individual projects.

10.5.14.1 Summary Response

The Programmatic EIS is a nonproject review document and does not authorize or approve specific projects. Site-specific concerns will be addressed during project-level environmental review, which remains mandatory for all project-specific applications.

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