



Appendix 10-1

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

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Laura Hiserote, (Submission 33)

Laura Hiserote
20218 NE 68th Street
Vancouver, WA 98682
(360) 909-4292

April 21, 2025

Energy Facility Site Evaluation Council

Regarding:

PacifiCorp 230kV Powerline from Swift Dam, down the length of Clark County to Troutdale, Oregon.

To All Concerned,

33-1

I wish to voice my objection to this high-voltage, PacificCorp powerline. It stands to reason that the landscape and population density was far different when these easements were purchased over 50 years ago. It also stands to reason that alternate routes must be considered that would not have as great an impact on existing homes and thousands of citizens as well as forested and agricultural acreage.

I am strongly opposed to the logging that would need to be done. We cannot afford to continue to lose habitat for birds and animals in and around our properties. This would not only effect wildlife, but it would degrade our quality of life.

I am opposed to the increased fire risk for homes adjacent to the powerlines as well as the penalties homeowners stand to pay when their fire insurance soars or becomes impossible to obtain.

I am strongly opposed to the financial impact this will have. Home and property values will decrease. There would be no remedy for this change in value.

I am opposed to the use of herbicides in close proximity to private homes.

I am opposed to the health risks. It is my understanding that some homes would be only 40' or so feet from the edge of the 100' foot wide corridor. EMFs exposure would be a serious problem for residents of these homes.

I must emphasize that there are alternate routes that would serve the purpose without having such a great impact on thousands of citizens. PacifiCorp would still need to acquire easements to complete the proposed corridor. Should citizens have the threat of eminent domain hanging over their heads when alternate routes can and should be considered.

Earnestly,
Laura Hiserote

Response to Laura Hiserote, (Submission 33)

33-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.1, Introduction; Section 3.5, Vegetation; Section 3.6, Habitat, Wildlife, and Fish; Section 3.8, Public Health and Safety; Section 3.9, Land and Shoreline Use; and Section 3.16, Socioeconomics to understand how the Programmatic EIS addresses potential impacts on property values, habitat and wildlife, neighboring land uses, and public health and safety.

Alexander Ferguson, Minister of the Interior, (Submission 45)



April 29, 2025

Lisa McLean
Tribal Liaison
State of Washington
Energy Facility Site Evaluation Council
PO Box 43172
Olympia, Washington 98504-3172

RE: KiKiallus Tribal Nation Response to EFSEC Draft Programmatic EIS

45-1 The KiKiallus Tribal Nation formally objects installation of high-voltage transmission facilities on KiKiallus Tribal lands, and adjacent areas, as outlined in the Draft Programmatic EIS, as it inadequately addresses impacts to Tribal lands and culturally significant areas, including Camino Island, Fir Island, Oak Harbor, and the Skagit River Valley. Specific concerns include:

Environmental and Cultural Impacts

- 45-2
- **Page 322 (Global Priority Bird Life):** Proposed transmission corridors threaten critical habitats for migratory birds and species of conservation concern, including those integral to Tribal subsistence and cultural practices^{[1][2]}.

45-3

 - **Page 344 (Priority Fish Habitats):** The Skagit River Valley and adjacent waters support ESA-listed salmonids, yet the PEIS fails to mitigate risks of habitat fragmentation or hydrological impacts from transmission infrastructure^{[3][2]}.

45-4

 - **Page 454 (Protected Wildlife):** Development in these areas risks irreversible harm to species with ecological and cultural significance, including those central to Tribal stewardship traditions^{[2][4]}.

45-5

 - **Page 516 (EMF Radiation):** The PEIS insufficiently evaluates health risks to Tribal communities and wildlife from prolonged EMF exposure, particularly in areas of spiritual or subsistence importance^{[1][5]}.

Requested Concessions

- 45-6
1. **Avoidance of Sensitive Areas:** Transmission lines must be rerouted to exclude Camino Island, Fir Island, Oak Harbor, the Skagit River Valley, and all Tribal lands^{[1][6][2]}.

45-7

 2. **Transparency in Routing:** Immediate disclosure of proposed routes and site-specific impact assessments for Tribal review prior to finalization^{[7][5]}.

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- 45-8
- 45-9
- 45-10
3. **Buried Infrastructure and Tribal Oversight:**
- o Any unavoidable crossings of Tribal lands must use buried lines to minimize EMF and ecological disruption^[5].
 - o A KiKiallus Tribal Representative must be included in all planning phases and on-site during construction or maintenance activities^{[1][5]}.
- The Tribe demands these provisions be incorporated into the Final PEIS and planning and deployment documents to uphold treaty-reserved rights and environmental justice obligations under RCW 43.21C.405 and federal consultation standards.

**

With Warm Regards,


Mr. Alexander Ferguson
Minister of the Interior



CC:

- ◇ Chief Kurt Riggin, Chief of KiKiallus Nation
- ◇ Barry Taylor, Attorney General of KiKiallus Nation

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Alexander Ferguson, Minister of the Interior, (Submission 45) - Continued



REFERENCES:

- ^[1]: Draft PEIS excludes Tribal lands from its Study Area, yet impacts adjacent territories (EFSEC, 2025).
- ^[2]: Fir Island's restored estuary and adjacent farmland host critical species (WDFW, 2024).
- ^[3]: Skagit River salmon habitats remain vulnerable to transmission-related disturbances (HistoryLink, 2021).
- ^[4]: Skagit Valley floodplain ecosystems are irreplaceable for Tribal and regional biodiversity (Skagit County, 2003).
- ^[5]: Mitigation framework (Sections 3.1.3.1–3.1.3.3) is non-prescriptive for Tribal concerns.
- ^[6]: Geographic Scope limitations ignore downstream/cumulative effects on Tribal ecosystems (Section 1.5.1, PEIS).
- ^[7]: PEIS relies on future project-level reviews but lacks binding safeguards for Tribal resources (Ch. 1, PEIS).
1. <https://www.efsec.wa.gov/energy-facilities/transmission-programmatic-eis>
 2. <https://wdfw.wa.gov/places-to-go/wildlife-areas/fir-island-farm-reserve-wildlife-area-unit>
 3. <https://www.historylink.org/File/21283>
 4. <https://www.skagitcounty.net/EmergencyManagement/Documents/2003HazMitFinal/Section II Final Documents/6 HIVA Skagit Flood.pdf>
 5. [https://www.efsec.wa.gov/system/files/filefield_paths/WAEFSEC-HighVoltageTransmission-EIS-Handout-FINAL-APPROVED\(1\).pdf](https://www.efsec.wa.gov/system/files/filefield_paths/WAEFSEC-HighVoltageTransmission-EIS-Handout-FINAL-APPROVED(1).pdf)
 6. <https://www.efsec.wa.gov/sites/default/files/181034/008/Draft PEIS Fact Sheet.pdf>
 7. <https://www.efsec.wa.gov/sites/default/files/181034/008/Draft PEIS Chapter 1 - Introduction.pdf>

Response to Alexander Ferguson, Minister of the Interior, (Submission 45)

45-1

EFSEC acknowledges and respects the sovereignty of the Kikiallus Tribal Nation and the significance of the areas identified in the comment. The Programmatic EIS was developed under RCW 43.21C.405 to provide a statewide framework for evaluating the environmental impacts of high-voltage transmission infrastructure. However, it does not authorize specific projects, nor does it replace the requirement for project-level environmental review and formal government-to-government consultation with affected Tribes.

In response to this comment, the Final Programmatic EIS has been edited to:

- Clarify that any future transmission project intersecting or adjacent to Tribal lands requires early, formal consultation with the Tribe, consistent with RCW 70A.65.305 and RCW 43.376.020.
- Emphasize that Tribal consent and participation are essential in identifying and mitigating impacts to culturally significant landscapes.
- Reaffirm that Tribal perspectives should be integrated into all stages of planning, permitting, and construction, and that environmental justice and cultural resource protection are central to SEPA compliance.

45-2

The Programmatic EIS considers protected areas, critical habitat, sensitive species habitat, and migration corridors in its impact assessment (refer to Section 3.6.3). The impacts of direct and indirect habitat loss for birds during the new construction stage, and the operation and maintenance stage are discussed in this section. Mitigation Strategies in Section 3.6.4 include avoidance of important habitat for migratory birds, including National wildlife refuges, Important Bird Areas, known stopover locations for migratory species, mapped critical habitat, and wetlands (see Avoidance Criterion AVOID-8).

45-3

The Programmatic EIS includes Mitigation Measures in Section 3.6.4 for reducing risk of habitat fragmentation and reducing other hydrological impacts on ESA-listed salmonids that could be caused by new construction, operation, and maintenance of electrical transmission facilities. Data on salmon/steelhead-bearing streams, including the Skagit River, available from WDFW GIS datasets were identified during the Programmatic EIS data review and included in the Programmatic EIS analysis and mapping (e.g., Figure 3.6-3). Several Avoidance Criteria and Mitigation Measures are identified in Section 3.6.4 to reduce impacts to sensitive fish habitat—specifically:

- AVOID-3 Sensitive Water Features
- AVOID-8 Important Habitat
- Fish-10 Maintain Fish Passage
- Fish-12 Reduce Number of Stream Crossings

Additionally, the Programmatic EIS provides General Measure Gen-10, which outlines various mitigation and management plans required to demonstrate regulatory compliance and effective risk management. Appendix 3.1-1 offers additional guidance for this General Measure, specifying that a wildlife species-specific mitigation plan should be developed for project-specific applications, along with details on the different components of the plan.

45-4

Avoidance Criteria in Section 3.6.4 of the Programmatic EIS regarding the new construction, operation and maintenance, upgrade, and modification stages of a transmission facility include avoidance of old-growth and mature forests (AVOID-6); important habitat for wildlife (including national wildlife refuges, Important Bird Areas, known stopover locations for migratory species, and mapped critical habitat) (AVOID-8); movement corridors (AVOID-9); and implementation of buffer setbacks around wildlife features (AVOID-10). Applicants would be required to provide additional information on existing conditions, project-specific impacts, and mitigation measures if these Avoidance Criteria cannot be met.

Response to Alexander Ferguson, Minister of the Interior, (Submission 45) - Continued

45-5

Although Section 3.8, Public Health and Safety, does not directly address health risks to Tribal communities and wildlife from prolonged EMF exposure, particularly in areas of spiritual or subsistence importance, Mitigation Measures promote engagement which would provide the opportunity for Tribes to identify concerns about EMF exposure in vulnerable areas not identified by the Programmatic EIS.

45-6

EFSEC acknowledges the importance of avoiding sensitive areas—including Tribal lands and culturally or ecologically significant landscapes—in the planning and siting of high-voltage transmission facilities. The Programmatic EIS, prepared under RCW 43.21C.405, does not authorize specific projects but provides a framework for evaluating potential adverse environmental impacts and identifying Mitigation Strategies.

In response to this comment, the Programmatic EIS has been revised to:

- Reaffirm that Tribal lands and culturally significant areas must be avoided to the maximum extent practicable, and that formal government-to-government consultation would be required for any project that may affect such areas.
- Emphasize that Camano Island, Fir Island, Oak Harbor, and the Skagit River Valley are recognized for their environmental, cultural, and community value.
- Recommend that early coordination with Tribes, local governments, and community stakeholders be a standard practice in route planning.

45-7

EFSEC acknowledges the importance of transparency, early engagement, and Tribal oversight in the planning and siting of transmission facilities. The Programmatic EIS, developed under RCW 43.21C.405, provides a broad, planning-level framework and does not authorize specific projects or routes. However, EFSEC recognizes that this approach must be strengthened with enforceable commitments to Tribal consultation and resource protection.

In response to this comment, the Programmatic EIS has been revised to:

- Recommend that applicants provide project-specific transmission facility routing maps, impact assessments, and cultural resource surveys to affected Tribes as early in the planning process as possible, and before the final route decision has been made.
- Acknowledge that the mitigation framework provided in the Programmatic EIS is non-prescriptive and has been revised to include clearer expectations for Tribal engagement, cultural monitoring, and avoidance of sacred or sensitive areas.

Response to Alexander Ferguson, Minister of the Interior, (Submission 45) - Continued

45-8

EFSEC acknowledges the importance of Tribal sovereignty, cultural resource protection, and minimizing environmental and health impacts when siting transmission infrastructure. While the Programmatic EIS does not mandate burial of lines across Tribal lands, it recognized that Tribal consultation is an essential component of project development. The Programmatic EIS also recognizes and assesses the potential impacts EMF may have on ecological resources.

In response to this comment, the Final Programmatic EIS has been edited to:

- Emphasize that early and meaningful consultation with Tribal governments is required under RCW 43.21C.405(3)(a)(iv) and RCW 70A.02.010, particularly when projects may affect Tribal lands, treaty rights, or culturally significant areas.
- Clarify that project-specific environmental reviews must evaluate alternatives to overhead lines, including undergrounding, and assess project-specific impacts in collaboration with affected Tribes.
- Reinforce that Tribal lands are not included in the Programmatic EIS Study Area, and any project intersecting Tribal lands has been edited to conduct a separate, project-specific environmental review and Tribal approval.

45-9

EFSEC recognizes the importance of Tribal sovereignty, government-to-government consultation, and the protection of cultural and natural resources. Under RCW 70A.65.305, state agencies are required to offer early, meaningful, and individual consultation with any affected federally recognized Tribe on projects that may impact Tribal resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order.

While the Programmatic EIS does not mandate the presence of specific Tribal representatives during construction, it did emphasize that project-specific environmental reviews must include Tribal consultation and that Tribes have the right to request monitoring or participation in project activities that may affect their interests.

In response to this comment, the Final Programmatic EIS has been edited to:

- Recommend that applicants engage directly with the KiKiallus Tribe (and other affected Tribes) early in the planning process to determine appropriate roles in project oversight.
- Encourage the inclusion of Tribal monitors or representatives on site during ground-disturbing activities, especially in areas with known or potential cultural significance.
- Emphasize that Tribal participation must include an offer for formal consultation and that applicants must respect Tribal protocols and preferences regarding involvement including the Tribal authority to require that consultation only occur on a government-to-government basis.

Response to Alexander Ferguson, Minister of the Interior, (Submission 45) - Continued

45-10

Chapter 3.16.4 of the Programmatic EIS includes Mitigation Measures to reduce impacts on overburdened and vulnerable communities encompassing Tribal communities.

Avoidance Criterion prioritizes avoiding disproportionate impacts on vulnerable populations or overburdened communities. Furthermore, the Programmatic EIS provides General Measure Gen-10, which outlines various mitigation and management plans required to demonstrate regulatory compliance and effective risk management.

Appendix 3.1-1 offers additional guidance for this General Measure, specifying that a communication plan should be developed for project-specific applications, along with details on the different components of the plan.

Scott Downes, (Submission 60)



State of Washington
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April 28, 2025

EFSEC
Attn: Draft PEIS
P.O. Box 43172
Olympia, WA 98503-3172

RE: WDFW Comments on the Draft Programmatic Environmental Impact Statement (PEIS) for Transmission Lines

Dear EFSEC Project Manager,

Thank you for the opportunity to comment on the draft Programmatic Environmental Impact Statement (PEIS) for high-voltage transmission facilities in Washington State. Washington Department of Fish and Wildlife (WDFW), specifically Region 3 in south-central Washington, offers up the following comments to enhance the existing comments regarding protection of shrubsteppe habitat and wildlife connectivity, particularly those in the Columbia Basin.

- 60-1 | 1. Page 3-331 under Avoid-8-Important Habitat it lists Washington Shrubsteppe Restoration and Resiliency Initiative (WSRRI) but only greater sage-grouse core and corridor areas to avoid. Xeric and mesic cores and corridors are designed to protect and restore other priority species beyond sage-grouse. Please add WSRRI xeric and mesic core and corridors to the avoidance list.
- 60-2 | 2. Page 3-331 under Avoid-9-Movement Corridors, only lists corridors listed under Washington Wildlife Habitat Connectivity Working Group. Washington State is producing the Washington Habitat Connectivity Action Plan to be completed in June 2025. The plan will have connectivity priority maps and locations. Please add this to the list of resources that should be used to avoid impacts in these priority areas. [Washington Habitat Connectivity Action Plan | Washington Department of Fish & Wildlife](#)

If you have further questions on these comments or need additional clarification, please contact me at 509-607-3578 or Scott.Downes@dfw.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Scott Downes".

Scott Downes
Regional Land Use Lead

Response to Scott Downes, (Submission 60)

60-1

Core and corridor areas available through the WSRRI have been included as appropriate in Avoidance Criteria and mapping.

60-2

Resources addressed in the Programmatic EIS were reviewed by EFSEC prior to inclusion to verify their applicability. EFSEC will consider additional corridor data provided by WDFW if submitted with sufficient time to incorporate it into the Final Programmatic EIS. EFSEC would request that WDFW clarify whether the Action Plan is intended to supersede the data available through the Washington Wildlife Habitat Connectivity Working Group.

Bob Washa, (Submission 61)

WA Siting Commission Comments on Regulations

- | | |
|------|---|
| 61-1 | 1. Fire safety is of paramount importance in view of catastrophic fires in California and Oregon positively proven to unsafe high voltage power lines in forested areas. The public needs to be assured that high voltage transmission routes have essential clearance from trees and that the routes are regularly maintained and kept clear. |
| 61-2 | 2. All proposals must be required to present and analyze alternative routes with selection priority given to established routes. These existing preferred routes can be upsized in capacity if needed. Using existing routes minimizes the environmental damage and loss of pristine forest land and the accompanying visual pollution. |
| 61-3 | 3. Require an insurance company analysis of each power company proposal for a rate impact assessment. It's proven that insurance companies are either cancelling homeowner policies in areas near high voltage power lines or increasing rates by exorbitant levels of 100% or more. Ensure that homeowners insurance rates will not be negatively impacted by new project proposals. |
| 61-4 | 4. Ensure that the environmental and health impacts to property owners near proposed routes are minimized. Require that high voltage power lines within 750' of houses and structures are installed underground just like in major cities like Seattle. Just because homeowners live in rural country areas should not have to suffer the impact of above ground power lines because "they cost more to construct". And post construction, require projects to restore the terrain to its original environmental state. |
| 61-5 | 5. Properties near high voltage power lines will lose value. This impacts county, city, and school district's tax collections with less funding or higher taxes on other property owners to make up for the losses. |
-

Response to Bob Washa, (Submission 61)

61-1

The Programmatic EIS provides General Measures that require projects to develop a fire mitigation plan that includes both preventative and remedial measures for potential ignition source operations. The measure requires such plans to be made for individual projects, and preventative measures would include vegetation management and avoidance. Appendix 3.1-1 offers additional guidance and details for this General Measure.

61-2

Upgrade or modification to transmission facilities, in relation to habitat, wildlife, and fish, is discussed in Section 3.6 of the Programmatic EIS, where it is stated that the impact of direct and indirect habitat loss for wildlife associated with upgrades or modifications to transmission facilities would generally be lower than the creation of new transmission facilities. Mitigation Measures require that transmission facilities be sited in existing ROWs or disturbed areas to the greatest extent practicable. Current visual conditions, including existing infrastructure, form an integral component of the baseline in visual impact assessments. Visual impacts are largely based on contrast between the existing and the resulting visual environment. Siting transmission facilities within established corridors or ROWs can reduce these visual contrasts and can significantly mitigate potential visual impacts. Project-specific siting decisions should consider opportunities to co-locate with existing infrastructure to reduce environmental and visual impacts wherever feasible.

61-3

The SEPA process identifies and analyzes environmental impacts associated with governmental decisions. These decisions may be related to issuing permits for private projects, constructing public facilities, or adopting regulations, policies, and plans. Further, purely financial or economic impacts, such as increased insurance rates, are considered outside the scope of the project-specific environmental review process. However, as discussed in Section 3.8, Public Health and Safety, developing transmission facilities may increase the risk of wildfires. In response to this comment, it is recognized that the increase in risk of fires may result in increased insurance rates or premiums. Therefore, Section 3.16, Socioeconomics, has been revised to include a qualitative discussion tying increased insurance premiums to environmental justice impacts. With further analysis, the Programmatic EIS may be revised to include the potential for displacement of vulnerable communities or to state that developing transmission facilities could inhibit recovery from environmental disasters (like wildfires).

61-4

The Programmatic EIS is a planning-level document and does not mandate specific actions like undergrounding or terrain restoration. Instead, it provides guidance and mitigation strategies that agencies may adopt. The requirement for underground installation near homes is not universally applied but may be considered where visual, health, or environmental impacts are high.

Underground transmission is included in the Action Alternative of the Programmatic EIS, and Chapter 2 acknowledges its benefits for visual impact reduction, reliability, and avoidance of sensitive land uses. However, the EIS notes that undergrounding is not typical due to cost, construction complexity, and longer timelines. It is generally reserved for exceptional circumstances where above-ground routing poses substantial environmental or community disruption.

Response to Bob Washa, (Submission 61) - Continued

61-5

Section 3.16.4 of the Programmatic EIS contains Mitigation Measures that reduce impacts on resources such as schools, homes, businesses, and public spaces, as well as reducing impacts on overburdened communities. Additionally, Mitigation Strategies recommend applicants to complete an analysis of the temporary housing market, which aims to address potential impacts on temporary housing and property values.

Teryn Yazdani, (Submission 82)



COLUMBIA RIVERKEEPER
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columbiariverkeeper.org

May 15, 2025

State of Washington
Energy Facility Site Evaluation Council (EFSEC)
P.O. Box 43172
Olympia, WA 98503-3172

Submitted via online portal at <https://comments.efsec.wa.gov/>

RE: Draft Programmatic Environmental Impact Statement for Electrical Transmission Facilities with a Nominal Voltage of 230 Kilovolts (kV) or Greater

Dear EFSEC,

Please accept these comments on behalf of Columbia Riverkeeper regarding the Draft Programmatic Environmental Impact Statement for Electrical Transmission Facilities with a Nominal Voltage of 230 Kilovolts (kV) or Greater (Draft PEIS). Columbia Riverkeeper's mission is to protect and restore the Columbia River and all life associated with it, from its headwaters to the Pacific Ocean. We are committed to clean water, strong salmon runs, and healthy communities. Columbia Riverkeeper represents roughly 16,000 members and supporters in Oregon and Washington and regularly engages in decisions and policies impacting the water quality of the Columbia River Basin. As an organization committed to environmental justice, Columbia Riverkeeper aims to ensure that, as energy projects are developed, Tribal governments' rights are honored and the Columbia River's iconic salmon will not suffer further degradation. Columbia Riverkeeper supports the comments submitted by the Columbia River Inter-Tribal Fish Commission (CRITFC) and incorporates them by reference.

82-1 Below are general comments focused on the Draft PEIS's application to one project covered under its scope: Cascade Renewable Transmission project (Cable Under the Columbia or Cable project). Due to the short timeframe to review this robust and complex document, comments are organized in high-level bullet points by section. This is the only project of its kind covered under the PEIS, and its grouping with other "underground transmission facilities" raises numerous concerns over an accurate impacts analysis. As discussed below, these comments strongly urge EFSEC to reconsider including the Cable project within the scope of the Final EIS. If, however, EFSEC decides to keep the Cable project under the scope of this PEIS, then the comments below demonstrate why a robust and thorough supplemental EIS (SEIS) for the Cable project is warranted.

Executive Summary

82-2

- This Draft PEIS explicitly does not apply to undersea and oceanic transmission.¹ Footnote 5 in the Executive summary states that, "the environmental impacts and technical considerations of sea cables can be significantly different from those of land-based transmission facilities. These differences might necessitate a distinct, focused EIS to adequately address the unique challenges and impacts." This reasoning applies with equal force to the Cable project. While the Cable Under the Columbia project is not an undersea or oceanic cable, it involves transmission lines *in* a body of water and is not simply a "land-based transmission facility" like other projects encompassed in this PEIS. While the Cable would be buried in the Columbia River's sediment and laid over portions of bedrock where in-sediment work is impossible, its impacts in the aquatic environment make it more analogous to undersea and oceanic cables. Considering this project as an "underground transmission facility" is arbitrary and not appropriate.

82-3

- If EFSEC continues to qualify the Cable Under the Columbia project as an underground transmission facility subject to this PEIS, then Columbia Riverkeeper strongly urges EFSEC to conduct a robust, project-specific SEIS to more accurately determine the impacts.

Chapter 2 - Transmission, Development Considerations, and Regulations

82-4

- For the Cable Under the Columbia project, a hydroplow will be used to liquify Columbia River sediment, creating a trench to lay a cable from The Dalles to Portland. However, this method of underground cable "construction" is not explicitly mentioned in the Draft PEIS.² When discussing underwater crossings for transmission lines along rivers, the Draft PEIS only discusses the method of laying cables directly on the waterbed.³ Other methods of construction mentioned are open trenching and numerous trenchless crossing options, including horizontal directional drilling, jack and bore, and tunneling.⁴ How does the Cable project's unique construction method fit into any of these categories, and why is it not contemplated in this document?

82-5

- Section 2.3.4 discusses decommissioning plan requirements. For the Cable Under the Columbia project, a thorough, site-specific decommissioning plan, along with additional maintenance and repair plans, must be required. Specifically, with emphasis in this decommissioning plan on how the disturbed, 100-mile corridor of the Columbia River sediment will be fully restored, to ensure sensitive and culturally important aquatic species do not suffer.

¹ Draft PEIS Executive Summary at ES-6.

² See Draft PEIS at 2-16–18.

³ *Id.* at 2-17.

⁴ *Id.* at 2-16–17.

Teryn Yazdani, (Submission 82) - Continued

- 82-6
- Further, the PEIS cannot make assumptions about site restoration and associated impacts if a project's developer actively contests the need for a decommissioning plan.

Chapter 3 - Affected Environment, Significant Impacts, and Mitigation

- 82-7
- In Section 3.2.3.2, regarding the upgrade and modification of underground transmission facilities, it should be noted that tiering to this analysis could be irrelevant for the Cable Under the Columbia project. This section states that “[w]hile adverse impacts would be similar to construction, adverse impacts from upgrading or modifying existing transmission facilities are generally anticipated to be lower than those for constructing new transmission facilities[.]”⁵ However, for the Cable Under the Columbia, this statement could be inaccurate given the unique nature of this being underwater and in river sediment. Any upgrade or modification could re-disturb the riverbed, impacting fish and sediment-dwelling aquatic creatures similarly to the initial construction.
- 82-8
- The discussion and analysis of Water Quality Impacts of projects under the Draft PEIS⁶ underscores the need for a SEIS for the Cable Under the Columbia project with all of its unknowns.
- 82-9
- Heat impacts on water quality are not something that is considered in the Draft PEIS sections on underground transmission facilities operation and maintenance.⁷ Any heat generated by cables in the sediment and the riverbed may dissipate into the river itself. This should be addressed in the Final PEIS.
- 82-10
- The Water Quality Summary of Impacts, Mitigation Measures, and Significance Rating for Water Resources (Table 3.4-6) stating that the water quality impacts for all stages of the projects will have a “less than significant impact” is overly conclusive and too varied to be applied to a project as unique and precedent-setting as the Cable Under the Columbia line. This again reinforces the need for this project having its own EIS, separate from the PEIS or a thorough SEIS.
- 82-11
- Regarding Section 3.6.3.2 - Action Alternative for underground transmission facilities and its impacts on fish and special status species (for all phases of a project—construction, operation, maintenance, modification/upgrading, and decommissioning):
 - The statement that “[t]renchless construction has little to no impact on rivers, lakes, or streams as the construction occurs under the water feature”⁸ is overly conclusive and unsupported.
 - Today, Columbia River salmon populations are a fraction of their historic size, and many populations are close to extinction. They face numerous threats along the Columbia, including habitat degradation and threats from increased water

⁵ Draft PEIS at 3-49.

⁶ *Id.* at pages 3-116–20.

⁷ *See id.* at 3-118.

⁸ *Id.* at 3-298.

temperatures. Direct habitat loss for fish, benthic species, and special status species is a huge concern for the Cable Under the Columbia project and warrants a SEIS.

- 82-12
- Regarding indirect habitat loss, Columbia Riverkeeper has concerns about sediment released during the construction of the Cable Under the Columbia project. Specifically, sediment near the Bradford Island Superfund site located at Bonneville Dam. Potentially hazardous and toxic pollutants in the sediment could be released into the Columbia River leading up to the Dam. This concern is unique to the Cable Under the Columbia project and warrants a thorough impacts assessment in a SEIS.
- 82-13
- Fish mortality and barriers to movement are other significant concerns around the Cable project. Adverse impacts of particular concern are electromagnetic fields (EMF), heat, and direct physical injury or death.

Chapter 4 - Cumulative Impacts

- 82-14
- In Chapter 4, Section 4.3.4.13 - Cultural and Historic Resources, the Cable Under the Columbia project is not one of the projects mentioned in this section as a covered project that “could impact historic and cultural resources.”⁹ This is a huge oversight, as this project could greatly impact Tribal resources and Tribal treaty rights. While we will leave the specifics of these concerns to the Tribal experts, Columbia Riverkeeper highlights this oversight and strongly urges EFSEC to do the required consultation with Tribal Nations on this matter, specifically as it pertains to the Cable project.
- 82-15
- Section 4.3.4.15 - Socioeconomics does not list the Cable Under the Columbia project as a project that could have adverse socioeconomic impacts, even though it could have negative environmental justice (EJ) impacts (including but not limited to impacts on Tribes and other subsistence fishing communities). Instead, it is labeled as a project that will only have beneficial cumulative impacts on socioeconomics and EJ.¹⁰ This is overly conclusive and does not accurately assess the full impacts of this project.
- 82-16
- Section 4.4 Summary of Findings (Table 4.4-1):
 - Regarding the finding of “no” probable significant cumulative impact analysis for water resources, how did EFSEC come to this conclusion, given the possible impacts of projects like the Cable Under the Columbia?
 - There are numerous water quality concerns with that project alone, including heat pollution from a cable bundle being buried shallowly in the sediment of the Columbia River.
 - The finding of “yes” probable significant cumulative impacts for habitat, wildlife, and fish points to the need for a SEIS for the Cable Under the Columbia project.
- 82-17

⁹ Draft PEIS at 4-41–42.

¹⁰ *Id.* at 4-43.

Teryn Yazdani, (Submission 82) - Continued

- 82-18 |
- As highlighted above, the findings of “yes” probable significant cumulative impacts for both “cultural and historic resources” and “socioeconomics and environmental justice” are accurate; however, the Cable project is not listed as a project being adversely affected under these categories, which is a significant oversight.

Conclusion

82-19 | In summary, there are numerous concerns with including the Cable project in this PEIS as an “underground transmission facility” given its unique and precedent-setting nature. The Draft PEIS is overly conclusive and fails to adequately analyze the specific issues raised with the Cable Under the Columbia. Qualifying this project as an underground transmission line is extremely problematic, given the Cable project’s in-river placement and similarity to undersea cables, which are outside the PEIS’s scope. The Cable project does not belong in the Final PEIS, should be left out like other undersea and marine transmission projects, and given its own EIS.

82-20 | If, however, EFSEC insists on including the Cable Under the Columbia within the scope of the Final PEIS as an “underground transmission facility,” Columbia Riverkeeper request EFSEC to complete a robust SEIS for the Cable project to ensure that a more accurate impacts analysis is done to better protect environmental health, salmon recovery, and water quality.

Sincerely,

Teryn Yazdani
Staff Attorney

Response to Teryn Yazdani, (Submission 82)

82-1

EFSEC has carefully evaluated whether in-water trenching or burial within freshwater bodies (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within freshwater bodies have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the scope of the Programmatic EIS.

82-2

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82-3

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82-5

EFSEC has carefully evaluated whether in-water trenching or burial within freshwater bodies (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within freshwater bodies have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the scope of the Programmatic EIS.

82-6

Section 2.3 of the Programmatic EIS outlines general decommissioning plan requirements for high-voltage transmission facility projects. The general requirements identify the need for the decommissioning plan to be supported by regulatory authority and project-specific mitigation measures to ensure they are implemented.

The SEPA Lead Agency maintains the authority to require a decommissioning plan as part of the project-specific environmental review. If an applicant contests this requirement, the SEPA Lead Agency would evaluate whether the absence of a decommissioning plan would result in significant adverse environmental impacts.

Response to Teryn Yazdani, (Submission 82) - Continued

82-7

The Programmatic EIS is not specific to a particular project. However, any upgrade or modification to an existing transmission facility would need to undergo project-specific environmental review. See Section 3.6, Habitat, Wildlife, and Fish, for a summary of impacts regarding the upgrade of an existing underground transmission facility and potential Mitigation Strategies.

Additionally, EFSEC has carefully evaluated whether in-water trenching or burial within freshwater bodies (e.g., lakes and rivers) should remain within the scope of the Programmatic EIS. It was determined that underwater installations within freshwater bodies have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the scope of the Programmatic EIS.

82-8

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82-9

EFSEC has carefully evaluated whether in-water trenching or burial within freshwater bodies (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within freshwater bodies have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the scope of the Programmatic EIS.

82-10

EFSEC has carefully evaluated whether in-water trenching or burial within freshwater bodies (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within freshwater bodies have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the scope of the Programmatic EIS.

82-11

Trenchless construction is a method that uses drilling to pull cables under features, such as rivers, from entry and exit shafts located on either bank. This method of installing cable can be used to avoid impacts on instream and riparian habitat if entry and exit shafts are set outside of the riparian area. The statement referenced by the commenter in Section 3.6.3.2 is followed by this explanation: "If trenchless construction is undertaken under inappropriate soil stabilization conditions, it may result in accidental spills ("frac-outs"), causing degradation of aquatic habitat due to release of deleterious substance, including drilling fluid or sediment-laden groundwater," which acknowledges the potential impacts this method may have on aquatic features. Section 3.6 Habitat, Wildlife, and Fish analyzes the predictable impacts associated with transmission facilities and does not include accidents and malfunctions. As such, the Programmatic EIS compares the anticipated impacts of both above- and below-ground cable installation.

Additionally, EFSEC has carefully evaluated whether in-water trenching or burial within freshwater bodies (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within freshwater bodies have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the scope of the Programmatic EIS.

Response to Teryn Yazdani, (Submission 82) - Continued

82-12

The Programmatic EIS is not specific to a particular project. However, identifies and considers impacts related to sediment released during construction of underground transmission facilities related to direct and indirect habitat loss for fish in Section 3.6.3.2.

The Programmatic EIS recognizes the following Avoidance Criteria: AVOID-1 - Hazardous Areas: Avoid known hazardous areas, including, but not limited to, contaminated soils, geologically hazardous areas, landfills, and cutbanks.

If a project-specific application could not meet this Avoidance Criteria, the SEPA Lead Agency may determine that additional environmental analyses and Mitigation Measures are required to address related project-specific impacts. Additional guidance on Avoidance Criteria AVOID-1 can be found in Appendix 3.1-1.

82-13

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS. However, fish mortality and barriers to movement are identified as potential adverse environmental impacts within this Programmatic EIS in Section 3.6 for overhead and underground transmission facilities. A separate discussion of EMF is also provided in Section 3.6.

82-14

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.15, Historic and Cultural Resources, to understand how the Programmatic EIS addresses engagement with Tribes. Additionally, Appendix 3.1-1 provides additional guidance for the Mitigation Strategies identified throughout the Programmatic EIS. The additional guidance provided for Avoidance Criteria AVOID-21, AVOID-22, AVOID-23, and AVOID-24, as well as for Mitigation Measure Hist/Cultural-2 emphasize the importance of early and meaningful engagement with Tribes.

82-15

Section 4.3 of the Programmatic EIS recognizes that a variety of RFAs, including those related to energy generation and transmission, could contribute to probable adverse cumulative impacts on socioeconomics and environmental justice communities. While this section highlights two specific RFAs for each relevant category provided in Table 4.2-1, it also acknowledges that many other RFAs listed in the table may contribute to these impacts.

Furthermore, General Measure Gen-7 requires that a project-specific cumulative impact assessment be completed for each project-specific application. This assessment supports the baseline cumulative impact analysis provided in the Programmatic EIS. Additional guidance and details regarding this General Measure can be found in Appendix 3.1-1 and guidance for conducting a project-specific cumulative impact assessments can be found in Appendix 4.1-1. As a result, the Cable project would be required to conduct a project-specific cumulative impact analysis and evaluate its probable significant cumulative adverse impact on socioeconomics and environmental justice. No changes to the Programmatic EIS were made in response to this comment.

Response to Teryn Yazdani, (Submission 82) - Continued

82-16

As discussed in Section 3.1, Introduction, the analysis in the Programmatic EIS assumes that project-specific applications incorporate and conform to relevant federal, state, and local regulations, as well as the General Measures and Avoidance Criteria identified in the Programmatic EIS. Additionally, project-specific applications would implement applicable Mitigation Measures. It was determined that a project-specific application would not likely have a significant probable adverse environmental impact when implementing these regulations and Mitigation Strategies. If a project-specific application is inconsistent with or cannot conform to all General Measures and Avoidance Criteria outlined in this Programmatic EIS, then the SEPA Lead Agency may determine that additional project-specific environmental analyses and mitigation measures outside the scope of this Programmatic EIS are required.

Furthermore, General Measure Gen-7 requires that a project-specific cumulative impact assessment be completed for each project-specific application. This assessment supports the baseline cumulative impact analysis provided in the Programmatic EIS. Additional guidance and details regarding this General Measure can be found in Appendix 3.1-1 and guidance for conducting a project-specific cumulative impact assessments can be found in Appendix 4.1-1. As a result, the Cable project would be required to conduct a project-specific cumulative impact analysis and evaluate its probable significant cumulative adverse impact on socioeconomics and environmental justice.

82-17

As discussed in Chapter 1, project-specific applications would be subject to project-specific environmental reviews. The adoption of the Programmatic EIS with preparation of a supplemental EIS would be required for any project-specific application that is likely to have one or more probable significant adverse environmental impacts that were not identified or addressed in the Programmatic EIS. Should a project-specific application identify a probable significant adverse cumulative impact as a result of implementing General Measure Gen-7, a supplemental EIS would be required.

82-18

The Programmatic EIS does not authorize specific projects and does not replace the eliminate the needs for project-specific environmental reviews.

Chapter 4, Cumulative Impacts, includes a list of reasonably foreseeable actions (RFAs), where the Cable under the Columbia Project is identified. These RFAs may contribute to cumulative impacts when combined with the impacts caused by other developments, including transmission facilities, in the region over time.

As discussed in Section 3.1, General Measure Gen-7 requires that a project-specific cumulative impact assessment be completed to support the baseline cumulative impact analysis provided by the Programmatic EIS.

Since the Programmatic EIS does not authorize any specific project and because project-specific applications will still undergo a project-specific environmental review, along with a project-specific cumulative impact assessment, no changes were made to the Programmatic EIS.

82-19

EFSEC has carefully evaluated whether in-water trenching or burial within freshwater bodies (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within freshwater bodies have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the scope of the Programmatic EIS.

Response to Teryn Yazdani, (Submission 82) - Continued

82-20

EFSEC has carefully evaluated whether in-water trenching or burial within freshwater bodies (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within freshwater bodies have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the scope of the Programmatic EIS.

Julie Carter, (Submission 86)

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May 15, 2025

Filed via email to comments@efsec.wa.gov

Sonia E. Bumpus
EFSEC Executive Director
WA Energy Facility Site Evaluation Council
ATTN: Draft PEIS
P.O. Box 43172
Olympia, WA 98503-3172
sonia.bumpus@efsec.wa.gov

RE: Comments on Draft Programmatic EIS: High-Voltage Transmission Facilities

Dear Ms. Bumpus:

86-1 The Columbia River Inter-Tribal Fish Commission (CRITFC) appreciates the opportunity to comment on the Washington Draft Programmatic Environmental Impact Statement on High-Voltage Transmission Facilities (PEIS). CRITFC is frustrated with the limited time for review of a lengthy document that is so broad in application and so uncertain in its impact. Many transmission projects in Washington significantly impact tribal resources, making it especially troubling that tribes were not engaged or consulted during the development of the PEIS.

86-2 CRITFC is a tribal organization wholly owned and governed by four sovereign treaty tribes: the Confederated Tribes and Bands of the Yakama Nation, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation, and the Confederated Tribes of the Warm Springs Reservation of Oregon. Formed in 1977, CRITFC ensures the protection and restoration of tribal treaty fishing rights through coordination, technical assistance, and management. For environmental reviews such as this PEIS, CRITFC typically provides significant technical comment. For purposes of these comments, CRITFC supports and incorporates by reference the comments of our member tribes, including the Yakama Nation and CTUIR.

In 2022, CRITFC published its *Energy Vision for the Columbia River Basin* (Energy Vision), outlining how future energy development in the region could harmonize with the protection and restoration of tribal treaty resources, including fish, wildlife, water, and cultural sites. The Energy Vision emphasizes that a clean, reliable, and affordable electricity system can

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Sonia Bumpus, WA EFSEC
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86-2

coexist with the restoration of healthy and harvestable salmon populations and broader ecosystem resilience. CRITFC advocates for a regional energy strategy that integrates renewable energy, storage, demand reduction, and efficiency while minimizing harm to tribal resources and reducing reliance on fossil fuels.¹

A core concern highlighted in the Energy Vision is the siting and expansion of transmission infrastructure. Poorly sited projects have impacted tribal communities, First Foods, and cultural resources.² Recurring vegetation management and construction have damaged ecologically and culturally sensitive areas.³ Section 3.6 of the Energy Vision recommends a comprehensive planning process that prioritizes strategic siting of transmission to avoid these impacts and reduce the need for new infrastructure. Section 3.10 further recommends investments that could reduce the need for transmission lines and prevent further damage to lands and waters significant to tribes. Transmission services should be designed to avoid undermining tribal resource protections and salmon recovery efforts. "Fish protection measures need not be sacrificed to provide transmission stability. Rather transmission services need to be planned and developed in a way that enables salmon protection measures to be implemented at high levels of reliability."⁴

86-3

While the PEIS is part of an effort to plan for and strategically site transmission projects in Washington, the comprehensive transmission planning that is needed and called for in our Energy Vision will be lost to programmatic and streamlined project review. The question of *need* for a transmission proposal may be lost in the application for a project that follows the PEIS to identify location. Likewise, while the PEIS repeats ideologies of avoidance and mitigation, it does not incorporate consideration of grid enhancing technologies (GETs) and, in fact, may reduce incentives for developers to consider such technology.

86-4

To that end, Washington's Energy Facility Site Evaluation Council (EFSEC) process should have included meaningful tribal consultation and review.⁵ The lack of tribal involvement in this draft PEIS is inconsistent with that requirement. EFSEC is mandated to offer "early and meaningful consultation" with any affected tribe before any policy action is taken that has tribal implications. This consultation must be independent from public comment processes and is intended to identify and address potential impacts to tribal rights, interests, and resources prior to making policy decisions. These impacts could affect cultural sites, sacred places, fisheries, and treaty-reserved areas. Unfortunately, the draft PEIS reflects minimal tribal engagement.

Washington state law further requires environmental review documents to assess direct, indirect, and cumulative impacts on cultural resources and tribal rights. Additionally, the

¹ <https://critfc.org/energy-vision>

² Energy Vision at 23.

³ *Id.* at 98-99.

⁴ *Id.* at 104.

⁵ RCW 43.21C.405(5).

Julie Carter, (Submission 86) - Continued

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Sonia Bumpus, WA EFSEC
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- 86-4 | review should identify specific measures to avoid, minimize, or mitigate such impacts.⁶ To adequately complete this review, EFSEC should consult with tribes at all stages of its planning, analysis, and decision-making.
- 86-5 | **Exemption for Underwater Cables**
While the PEIS explicitly exempts undersea cables from its scope, we seek clarification as to whether this exemption also applies to underwater transmission cables placed within freshwater systems, such as rivers. We recommend that the scope of the PEIS explicitly exclude all underwater cables from programmatic review. Unlike overhead transmission lines, each proposed underwater transmission project presents a unique set of site-specific challenges and impacts that cannot be adequately addressed through a generalized, one-size-fits-all framework. Additionally, as a mode of transmission with which EFSEC has limited experience, it is poorly suited for approval under a programmatic framework.
- Specifically, the scope of the PEIS should exclude underwater transmission cables that are proposed within ecologically sensitive and culturally significant river systems such as the Columbia River. These waterbodies are vital migratory corridors for treaty fisheries and these cables have the potential to impact important benthic habitat. In addition, installation of these cables could directly conflict with our ongoing efforts to restore cold-water refugia for salmon through sediment dredging, a strategy in response to climate impacts and flow alterations caused by dams. The presence of transmission infrastructure in riverbeds may limit or preclude dredging activities, undermining these restoration goals and posing a direct threat to treaty-protected resources.
- 86-6 | Furthermore, EFSEC appears to have little precedent for evaluating long-distance underwater cables. These projects pose unique environmental risks. The effects of electromagnetic fields (EMF) on aquatic and benthic species are not well understood and have received far less independent research compared to terrestrial systems. Thermal impacts from buried or submerged cables are likewise poorly studied and could significantly affect aquatic habitats, especially in river systems already under thermal stress. In the event of failure or damage, underwater cables could introduce catastrophic risks to aquatic ecosystems, including potential chemical leakage, sediment disruption, and long-term habitat degradation—risks that are not comparable to those associated with above-ground infrastructure.
- 86-7 | Since the risk of unintended consequences is higher with underwater cables, it is inappropriate to evaluate such projects within a broad programmatic framework. We request that underwater transmission lines be exempted from general, programmatic review and instead such a project should have full, project-specific environmental review.

⁶ RCW 43.20C.405(3)(a-b); WAC 197-11-444.

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Sonia Bumpus, WA EFSEC
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- 86-8 | Relatedly, the PEIS noted that projects may get further site-specific impact review. CRITFC encourages that for projects with the potential for more intensive and/or localized impacts to tribal resources, Washington conduct additional impacts review as well as coordinate with CRITFC and its member tribes. A programmatic approach cannot substitute for detailed, project-specific environmental reviews, especially in cases involving sensitive tribal resources across such a diverse and ecologically complex region. CRITFC is deeply concerned that project developers will assume their (and regulatory agency) obligations to engage meaningfully with tribes have been satisfied through the preparation of the PEIS.

Specific Concerns

In addition to the general concerns outlined above, CRITFC has identified the following specific issues within the Draft PEIS that warrant attention and correction:

Scope and Clarity of the Action Alternative

- 86-9 |
- Undefined extent of action (Section 1.4): The PEIS does not appear to place an upper limit on the number of transmission projects that could fall under its coverage. It is unclear whether the PEIS assumes full buildout of all possible suitable corridors. Greater specificity is needed regarding the extent of anticipated transmission development.
- 86-10 |
- Transparency in SEPA Phased Review (Section 1.6.1.2): It is unclear whether there are sideboards or transparency requirements governing when SEPA lead agencies may rely solely on the PEIS for compliance, versus requiring an addendum or a Supplemental EIS. More clarity is needed to ensure adequate tribal consultation opportunities.

Impacts on Fish, Wildlife, and Habitat

- 86-11 |
- Electromagnetic fields and fish migration (p. 3-302): The limited scientific understanding of electromagnetic field (EMF) impacts on fish migration requires a precautionary approach, particularly for underwater transmission projects (e.g., Verhelst et al. 2025). As noted above, the appropriate and precautionary approach would be to exclude underwater transmission projects of all types from the PEIS.
- 86-12 |
- Riparian impacts from ROW maintenance (p. 3-306, 3-309): Transmission projects should avoid siting within riparian corridors, and herbicide or chemical use near waterways should be strictly limited. Where unavoidable, mitigation must be robust and net-beneficial. It is also unclear whether transmission-related mitigation projects can fulfill SEPA compliance through the PEIS.
- 86-13 |
- Infrastructure upgrades and fish passage (p. 3-328 to 3-329): For upgrade/modification projects relying on the PEIS for SEPA compliance, there should be a requirement to remediate existing infrastructure impacts to fish passage. This could be addressed through revisions to mitigation measure Fish-10.
- 86-14 |
- Clarification of “wetlands” definition: Measures AVOID-2 and AVOID-8 should clarify whether the term “wetlands” encompasses streams and adjacent riparian zones.
- 86-15 |
- Pre-construction surveys (Wild-2, Veg-2): Survey requirements should explicitly include knowledge and identification of species of unique tribal importance.

Julie Carter, (Submission 86) - Continued

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- 86-16
- Riparian management planning (Fish-5, Fish-15, Hab-5): The delineation of riparian management zones should be tied to mitigation plans that define requirements for all riparian vegetation impacts.
- 86-17
- Fish passage standards (Fish-10): Standards for maintaining fish passage should be clearly cited (e.g., Barnard et al. 2013) within mitigation measures to ensure consistent and enforceable minimum design expectations.

Impacts on Tribal Cultural Resources

- 86-18
- Narrow focus on NHPA Section 106 compliance (Section 3.15): While Section 106 is addressed, broader tribal concerns, such as cumulative impacts on fish, wildlife, and habitat critical to cultural practices, are not fully integrated into the analysis.
- 86-19
- Tribal access impacts: The impacts to tribal access are reviewed primarily through a recreational lens (Section 3.14), rather than in the context of treaty-reserved rights, which must be distinctly analyzed in Section 3.15.
- 86-20
- Increased recreation in transmission corridors: Greater access for recreation (e.g., OHVs, hunters, anglers) may result in user conflicts and displacement of tribal cultural use. These indirect impacts are not sufficiently considered.
- 86-21
- Conflict area mapping (Figure 3.15-2): It is unclear whether this map reflects tribal usual and accustomed areas (U&A). Clarification is needed to ensure appropriate tribal areas are recognized. While the PEIS excludes tribal lands, more clarity could be provided throughout that acknowledge tribal cultural and treaty-reserved natural resources permeate beyond tribal borders.

Cumulative Impacts Analysis

- 86-22
- Omissions in the reasonably foreseeable actions list affecting Cultural and Historical Resources (Section 4.2.3.14): The cumulative impacts analysis for tribal resources appears to omit major projects such as the Goldendale Pumped Storage Hydro (PSH) Project, despite its known tribal impacts and consideration elsewhere in the document for other resource areas. Other preliminary PSH projects, such as Badger Mountain and Saddle Mountains, should also be monitored.
- 86-23
- Assessment of cumulative impacts given undefined action scope: Without a defined upper boundary for transmission development under the PEIS, it is unclear how cumulative impacts are being meaningfully assessed.

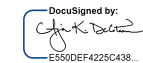
Additional Tribal Consultation and Procedural Concerns

- 86-24
- Terminology consistency: Throughout the PEIS, the term “public” or “stakeholders” is often used without consistently referencing tribes separately. Tribes are sovereign governments, not members of the public or general stakeholders, and the PEIS should consistently reflect this.
- 86-25
- Reservation inclusion in study area (ES-6): The PEIS states that tribal lands are excluded unless a tribe seeks inclusion, but it is unclear when and how tribes must declare this inclusion, during PEIS preparation or at the project-specific stage?

- 86-26
- Ceded lands and treaty rights: The PEIS focuses heavily on tribal reservations but does not meaningfully discuss tribal rights and resources on ceded lands, where treaty rights also apply.
- 86-27
- Federal nexus determination (ES-9, Decision Tree): It is unclear how a federal nexus will be determined for specific projects. Further clarification is needed about triggers for federal involvement and how consultation obligations would be met.
- 86-28
- Transmission project impacts on river operations: The PEIS does not appear to analyze how new transmission facilities impact operations at hydroelectric facilities, which could in turn affect treaty-reserved fisheries and river management.
- 86-29
- Funding for tribal cultural resource staffing: Funding for tribal cultural resource staff was identified as a need (e.g., PEIS Table 3.7-2). CRITFC requests clarification on whether this funding has been allocated and whether it is a required element under the programmatic action.

We appreciate this opportunity to provide comments. If you have any questions, please contact CRITFC staff, Julie Carter or Christine Golightly, at (503) 238-0667.

Sincerely,

DocuSigned by:

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Aja K. DeCoteau
Executive Director

Cc: Maria Belkina, maria.belkina@efsec.wa.gov
Patty Betts, Patty.Betts@efsec.wa.gov
Sean Greene, Sean.Greene@efsec.wa.gov

Response to Julie Carter, (Submission 86)

86-1

The Programmatic EIS is intended to provide a broad planning framework, but EFSEC recognizes that its potential implications for Tribal resources—particularly in areas with a history of significant transmission facilities—require more time and engagement than was afforded during the initial comment period.

In response to your comment, the Final Programmatic EIS has been edited to:

- Clarify that project-level environmental reviews would include early and sustained Tribal engagement, independent of public comment processes.

86-2

EFSEC recognizes CRITFC as a Tribal organization governed by the sovereign treaty Tribes of the Yakama Nation, the Nez Perce Tribe, the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), and the Confederated Tribes of the Warm Springs Reservation of Oregon.

EFSEC acknowledges CRITFC's incorporation of comments from its member Tribes, including the Yakama Nation and CTUIR, and will ensure that those perspectives are fully considered in the Final Programmatic EIS.

The Energy Vision's emphasis on harmonizing energy development with the protection of fish, wildlife, water, and cultural resources aligns with the goals of the Programmatic EIS. In particular, EFSEC recognizes the following key concerns raised:

- Transmission Siting: Poorly sited infrastructure has historically harmed Tribal communities and ecologically sensitive areas. The Programmatic EIS has been revised to incorporate recommendations from Section 3.6 of the Energy Vision to prioritize strategic siting that avoids cultural and ecological impacts.
 - Vegetation Management and Construction Impacts: The Programmatic EIS has been revised to strengthen guidance on minimizing recurring disturbance in culturally significant landscapes.
 - Transmission and Salmon Recovery: EFSEC agrees that transmission planning must not undermine fish protection measures. The Programmatic EIS has been revised to emphasize that transmission reliability and salmon recovery are not mutually exclusive and must be jointly prioritized.
-

Response to Julie Carter, (Submission 86) - Continued

86-3

CTRIFC is correct that the Programmatic EIS is part of an effort to plan for and guide future transmission facility projects in Washington. However, the Programmatic EIS is not intended to replace comprehensive transmission planning, but rather to inform it by identifying environmental considerations and siting constraints at a programmatic level. Additionally, the Programmatic EIS does not preclude the implementation or consideration of grid enhancing technologies (GETs).

In response to this comment, the Programmatic EIS has been revised to:

- Clarify that the Programmatic EIS does not circumvent the need for comprehensive transmission planning or project-specific environmental review.
- Acknowledge the benefit of GETs, such as dynamic line ratings, power flow control devices, and advanced conductors.
- Acknowledge reconductoring and GETs as viable alternatives to improve the capacity, efficiency, and effectiveness of existing transmission facilities without having to construct new facilities.

86-4

EFSEC acknowledges and respects the sovereign status of Tribal Nations and the critical importance of protecting Tribal rights, cultural resources, and Treaty-reserved areas.

Washington law and policy—including RCW 70A.65.305 and Executive Order 21-02—require early, meaningful, and independent consultation with affected federally recognized Tribes when state actions may impact Tribal resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. This consultation must be distinct from general public comment processes and is intended to identify and address potential impacts before policy decisions are made.

In response to this comment, the Programmatic EIS has been revised to:

- Clarify that future project-specific environmental reviews must include comprehensive assessments of direct, indirect, and cumulative impacts on Tribal rights and cultural resources, as required by SEPA and the State Environmental Review Framework.
- Recommend SEPA Lead Agencies adopt protocols to ensure Tribal consultation is initiated at the earliest stages of planning and maintained throughout the decision-making process.

86-5

EFSEC has carefully evaluated whether in-water trenching or burial within bodies of freshwater (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. As a result of this review, underwater installations within bodies of freshwater have been excluded from the technical scope of the Programmatic EIS to ensure that these activities receive appropriate, project-specific environmental review and mitigation planning.

Response to Julie Carter, (Submission 86) - Continued

86-6

EFSEC has carefully evaluated whether in-water trenching or burial within bodies of freshwater (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within bodies of freshwater have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the technical scope of the Programmatic EIS.

86-7

EFSEC has carefully evaluated whether in-water trenching or burial within bodies of freshwater (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within bodies of freshwater have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the technical scope of the Programmatic EIS.

86-8

EFSEC agrees that a programmatic approach, such as the one used in this Programmatic EIS, cannot substitute for detailed, project-specific environmental analysis—especially in a region as ecologically and culturally diverse as Washington. The Programmatic EIS is intended to provide early planning guidance and identify broad environmental considerations, but it does not authorize or streamline individual projects.

In response to this comment, the Final Programmatic EIS has been edited to:

- Reiterate that project-specific environmental review is required for all transmission proposals.
- Emphasize that government-to-government consultation with affected Tribes must occur independently of the Programmatic EIS process and that such consultation must be initiated early and maintained throughout the project lifecycle.
- Recommend that state agencies coordinate directly with Tribes when evaluating projects with potential localized or cumulative impacts to Tribal resources.

86-9

The intent of the Programmatic EIS is to provide a broad, statewide planning framework for high-voltage transmission facility development, identifying general environmental considerations and potential impacts across a range of scenarios.

In response to this comment, Chapter 1 of the Programmatic EIS was revised to clarify the following:

- The Programmatic EIS does not authorize or assume a full buildout scenario of transmission facilities.
 - The Programmatic EIS is being prepared as directed by the legislature in RCW 43.21C.405. This legislation outlines the scope for which the Programmatic EIS must analyze probable significant adverse environmental impacts. The legislation does not provide a limit or full buildout assumption.
 - All subsequent transmission facility projects will require project-specific environmental review.
-

Response to Julie Carter, (Submission 86) - Continued

86-10

Under WAC 197-11-060 and guidance in the SEPA Handbook, phased review is permitted to allow SEPA Lead Agencies to focus on decisions that are ready to be made, while deferring analysis of later phases. However, each phase must be clearly identified, and subsequent environmental documents must address issues not adequately covered in earlier reviews. The Programmatic EIS alone is not sufficient for project-specific environmental review.

In response to this comment, the Programmatic EIS has been revised to:

- Recommend SEPA Lead Agencies explicitly document their rationale when determining whether to rely on the Programmatic EIS alone, issue an addendum, or require a Supplemental EIS during their environmental review.
- Emphasize that Tribal consultation must occur independently and early in any project-specific analysis, regardless of whether the Programmatic EIS is referenced or adopted.
- Include a checklist or decision framework to help SEPA Lead Agencies determine when additional environmental analysis is warranted, particularly for projects with potential impacts on culturally or ecologically sensitive areas.

86-11

EFSEC has carefully evaluated whether in-water trenching or burial within bodies of freshwater (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within bodies of freshwater have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the scope of the Programmatic EIS.

86-12

As described in Section 3.5, Vegetation, riparian areas are important ecosystems and are identified as a priority habitat by WDFW. Furthermore, as detailed in Section 3.6, Wildlife, Habitat, and Fish, riparian areas play an important role in supporting fish habitat. The Programmatic EIS provides several strategies for project-specific applications to protect riparian areas. Avoidance Criterion includes the avoidance of infrastructure and equipment within floodplains, thereby preserving some riparian areas. Mitigation Measures identify areas where certain activities, such as herbicide treatment, may be restricted. The purpose of these Mitigation Strategies is to maintain water quality and riparian function next to watercourses. All project-specific applications must comply with the Avoidance Criteria and implement applicable Mitigation Measures (for medium or high impacts) identified in this Programmatic EIS. If a project-specific application cannot adhere to all the Avoidance Criteria, additional environmental analyses and additional mitigation measures may be required.

Response to Julie Carter, (Submission 86) - Continued

86-13

EFSEC acknowledges the importance of protecting and restoring fish passage, particularly in areas where existing transmission infrastructure may contribute to habitat fragmentation or barriers to aquatic species movement. The Programmatic EIS includes Mitigation Measure Fish-10 which focuses on avoiding and minimizing impacts on fish-bearing streams during new construction and operation of transmission facilities.

In response to the commenter's suggestion, EFSEC has revised Fish-10 to explicitly address opportunities for remediation of existing fish passage barriers during modification or upgrade projects, including:

- Assessing existing infrastructure for existing impacts to fish passage during project planning
- Coordinating with relevant resource agencies (e.g., WDFW, NOAA Fisheries) to identify priority remediation opportunities

These revisions align with the Programmatic EIS's broader goals of minimizing cumulative impacts and enhancing ecological connectivity where practicable. The updates to Fish-10 are reflected in the Appendix 3.1-1 of the Final Programmatic EIS and will be considered during project-specific environmental reviews.

86-14

As described in Section 3.5, Vegetation, wetlands were estimated based on the Priority Habitat and Species database and the NWI database to determine the extent of wetlands in the Study Area, with the exclusion of marine habitats, lakes, and freshwater. Mitigation, therefore, is applied excluding marine habitats, lakes, and freshwater. Additional mitigation is provided for streams and riparian zones, which includes requirements for projects to avoid floodplains and thus would protect some riparian vegetation; requirements to clear-span or trenchless methods for water crossings where feasible to minimize disturbance to riparian areas and wetlands; and requirements that the riparian management zone or buffer be delineated.

86-15

The Programmatic EIS provides General Measure Gen-9, which outlines various preconstruction surveys and assessments that help identify project-specific probable significant adverse environmental impacts and inform the development of project-specific mitigation measures. Appendix 3.1-1 offers additional guidance for this General Measure, specifying that a desktop assessment and pre-disturbance survey for plant priority species, sensitive ecosystems, and special status wildlife species should be conducted prior to construction.

In response to this comment, additional guidance was added to Appendix 3.1-1 of the Programmatic EIS, as follows:

- Pre-disturbance Surveys for Plant Priority Species and Sensitive Ecosystems: If a project has the potential to result in adverse environmental impacts on suitable habitat for plant priority species, sensitive ecosystems, or Tribally important species, appropriate pre-disturbance surveys should be conducted. Pre-disturbance surveys for plant priority species, sensitive ecosystems, and Tribally important species would be conducted prior to new construction in permanent and temporary footprint areas where suitable habitat occurs. Completing this pre-disturbance survey would reduce the likelihood of plant priority species being directly lost during new construction activities. If plant priority species or sensitive ecosystems are identified, a management plan would be developed. The management plan would identify mitigation measures specific to the species and follow the hierarchy of avoid, minimize, restore, and offset. Mitigation measures may include avoidance buffers, compensation, habitat enhancement, and exploring opportunities for translocation of populations or seed propagation.
- Pre-Construction Surveys for Occupied Sensitive Wildlife Features: Applicants should conduct preconstruction surveys for occupied sensitive wildlife features when it is not possible to avoid suitable habitat during the sensitive windows or setbacks of important wildlife habitat identified in Appendix 3.6-1. Methods for preconstruction surveys (e.g., preconstruction bird nesting survey, burrow surveys for mammals) should be developed in consultation with WDFW and approved by the SEPA Lead Agency.
- Pre-Disturbance Surveys for Special Status Wildlife: If a project has the potential to result in adverse environmental impacts on suitable habitat for special status wildlife or species of cultural importance identified by Tribes during project-specific consultation, appropriate pre-disturbance surveys should be conducted. Pre-disturbance surveys for

Response to Julie Carter, (Submission 86) - Continued

86-15

special status wildlife would be conducted prior to construction in permanent and temporary footprint areas where suitable habitat occurs. These surveys would reduce direct and indirect adverse environmental impacts on special status wildlife species, including habitat loss, mortality, and barriers to movement. Surveys would be developed in consultation with WDFW. The results of surveys would be used to develop species-specific management plans for approval by the SEPA Lead Agency.

86-16

The Programmatic EIS provides General Measure Gen-10, which requires that a mitigation plan be developed to manage potential impacts on fish resources and habitat, which would include riparian habitat. This General Measure has been updated to clarify that it is intended to include delineated riparian zones. Appendix 3.1-1 offers additional guidance and details of the different components of the plan.

86-17

Barnard et al. 2013 (Water Crossing Design Guidelines) is cited under Table 3.6-2 Siting and Design Considerations for Habitat, Wildlife and Fish, which includes guidance documents, management plans, and best management practices used.

86-18

EFSEC agrees that Tribal cultural landscapes, First Foods, and Treaty-reserved resources such as fish, wildlife, and habitat are integral to Tribal identity and cultural practices, and that these values must be considered beyond the procedural requirements of Section 106.

In response to this comment, the Programmatic EIS has been revised to:

- Expand the scope of Section 3.15 to include cumulative and landscape-scale impacts on Tribal cultural resources, including fish, wildlife, water, and habitat critical to traditional practices.
- Recommend that project-specific environmental reviews incorporate Traditional Ecological Knowledge (TEK) and Tribal-led cultural resource assessments to ensure a more holistic understanding of potential impacts.
- Emphasize that government-to-government consultation must address both tangible and intangible cultural values, including spiritual, subsistence, and intergenerational knowledge systems.

86-19

Tribal access in the context of Treaty-reserved rights has been added to the analysis in Section 3.15, Historic and Cultural Resources, particularly in regard to Tribal Resources, including Usual and Accustomed Areas and Traditional Cultural Properties.

86-20

The analysis for indirect impacts from increased recreation and potential conflicts/displacement of Tribal cultural use has been added to Section 3.15, Historic and Cultural Resources.

Response to Julie Carter, (Submission 86) - Continued

86-21

Tribal Usual and Accustomed Areas have not been incorporated into the environmental sensitivity mapping. Understandably, U&A boundaries were not readily available in their entirety in public geospatial datasets. Some information has restricted access due to sensitive cultural or subsistence-use data due to concerns about misuse or misrepresentation. It was decided that it was best for these areas to be identified and analyzed at a project-specific level so that SEPA Lead Agencies may defer to Tribal governments to initiate inclusion, rather than proactively incorporating these areas in this Programmatic EIS.

86-22

CRITFC states that the cumulative impact analysis omits projects, such as the Goldendale Pumped Storage hydroelectric (PSH), Badger Mountain PSH, and Saddle Mountains PSH projects.

In response to this comment, the Programmatic EIS has been revised to:

- Include the three referenced projects in the list of reasonably foreseeable actions
- Identify the projects on Figure 4.2-1.

86-23

As indicated in Chapter 4, Cumulative Impacts, cumulative impacts are discussed in general qualitative terms due to the broad size and scale of the Study Area. The Programmatic EIS provides General Measure Gen-7, which requires project-specific cumulative impact assessments to be completed to support the baseline cumulative impact analysis provided by the Programmatic EIS. Applicants would prepare an updated, reasonably foreseeable action list based on the geographic setting associated with a project at the time of its planning in coordination with the SEPA Lead Agency. The SEPA Lead Agency would analyze cumulative adverse impacts, identify appropriate mitigation measures, and determine significance based on any environmental resources of concern, using the information provided in this Programmatic EIS. Appendix 3.1-1 offers additional guidance and details on the different components of the assessment for this General Measure.

In response to this comment, the Programmatic EIS has been revised to:

- Clarify that the scope of the action, or "transmission facility development," could be any of the following "options or stages of development" described in Chapter 2, Overview of Transmission Facilities, Development Considerations, and Regulations.
- Emphasize that project-specific cumulative impacts must be assessed per Gen-7.

86-24

The Programmatic EIS has been revised to identify Tribes as separate sovereign governments that should be engaged individually and independently of stakeholders or the general public for the purposes of communication and consultation.

Response to Julie Carter, (Submission 86) - Continued

86-25

As noted in Chapter 1, Tribal lands were excluded from the Programmatic EIS Study Area unless a Tribe explicitly requested inclusion. This approach was intended to respect Tribal sovereignty and jurisdiction over their lands. Additionally, it is recognized that Tribal lands are not subject to state jurisdiction under SEPA unless voluntarily included by the Tribe. Tribes could have requested inclusion of their lands or interests at any stage of the Programmatic EIS process. In response to this comment, the Programmatic EIS was revised to:

- Clarify that future transmission facility projects affecting Tribal Lands or resources require consultation consistent with protocols specific to each Tribe and would be conducted in accordance with applicable laws and executive orders.
- Clarify that this Tribal consultation should be conducted independently of the public comment process to ensure that Tribal rights, interests, and knowledge are fully considered.
- Emphasize the importance of early and meaningful consultation with constituent Tribes.
- Clarify that future transmission facility projects affecting Tribal Lands may make use of this Programmatic EIS as technical guidance to support their environmental review, but this Programmatic EIS was not developed with the assumption of applying within Tribal Lands.

86-26

In response to this comment, the Programmatic EIS has been revised to:

- Map the treaties outlined in Section 3.15.2.3
- Clarify in the Final Programmatic EIS that the framework it establishes does not replace or diminish the need for project-specific consultation and project-specific environmental review where Tribal rights and resources may be affected.
- Clarify that project-level environmental reviews would include early and sustained Tribal engagement, independent of public comment processes.
- Clarify that future project-specific environmental reviews must include comprehensive assessments of direct, indirect, and cumulative impacts on Tribal rights and cultural resources, as required by SEPA and the State Environmental Review Framework.

Response to Julie Carter, (Submission 86) - Continued

86-27

The determination of a federal nexus, which may trigger federal permitting, consultation, or review requirements, is based on whether a proposed transmission project involves the following:

- Federal lands or facilities
- Federal funding or financial assistance
- Federal permits or approvals (e.g., Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act)
- Potential effects on resources protected under federal laws (e.g., Endangered Species Act, National Historic Preservation Act)

The Programmatic EIS provides a general framework for identifying when federal involvement may be required. However, the presence and scope of a federal nexus will ultimately be determined during project-specific planning and permitting in coordination with the appropriate federal agencies (e.g., U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, NOAA Fisheries).

To improve clarity, the Programmatic EIS has been revised to include additional guidance on:

- Common triggers for federal involvement
- Types of federal consultations that may be required

86-28

The scope of the assessment of impacts on fish and wildlife is limited to effects associated with the new construction, operation and maintenance, upgrade, and modification of transmission facility projects and does not include changes to dam operations. However, the Programmatic EIS was revised to expand upon water-related Mitigation Strategies to ensure that changes in hydroelectric dam flow regimes are minimized to the greatest extent possible. Appendix 3.1-1 further clarifies that, if hydroelectric dam flow regimes may be altered, flow change modelling should be conducted under different dispatch scenarios for the operation and maintenance of the proposed project. Additional measures would be developed and implemented for real-time monitoring of flow and fish passage conditions.

86-29

At this time, the Programmatic EIS identifies the need for Tribal cultural resource staffing as a critical recommendation but does not have the authority to establish a dedicated or mandatory funding mechanism under the programmatic action. The Programmatic EIS recognizes that meaningful Tribal engagement and protection of cultural resources require adequate staffing and technical capacity.

In response to this comment, the Programmatic EIS has been revised to:

- Clarify that, enhanced resources for Tribes is needed. The burden of paying for siting-related archeological and cultural review should not fall on the Tribes. It is critical that we identify mechanisms for funding Tribal governments to carry out this vital work.
 - Encourage the Washington State Legislature, EFSEC, and relevant SEPA Lead Agencies to explore dedicated funding streams or grant programs to support Tribal staffing needs as part of future transmission planning and permitting.
 - Recommend that project-specific environmental reviews include early coordination with Tribes to identify cultural resource staffing needs and incorporate those needs into project budgets and mitigation plans.
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Casey MacLean, (Submission 88)

Comments on EFSEC PEIS

Comments on EFSEC PEIS



May 15, 2025

**Re: Renewable Northwest's comments on the Energy Facility Site Evaluation Council
Programmatic Environmental Impact Statement for electrical transmission facilities**

Renewable Northwest (RNW) appreciates the opportunity to comment on the Energy Facility Site Evaluation Council's (EFSEC) Draft Programmatic Environmental Impact Statement (PEIS) for electrical transmission facilities with a nominal voltage of 230 kilovolts (kV) or greater in Washington State. RNW is a regional nonprofit organization dedicated to advancing the transition to renewable electricity and accelerating decarbonization across the Northwest. Our diverse membership includes renewable energy developers, environmental advocates, and consumer groups committed to a clean energy future.

We commend EFSEC for developing a forward-looking planning document intended to streamline and improve consistency in environmental review for high-voltage transmission projects. The PEIS offers a strong foundation by identifying common environmental impacts and proposing mitigation strategies that can inform early-stage project planning. To strengthen the document's clarity and usefulness, we recommend refining several key areas, including the defined roles of applicants and SEPA Lead Agencies, the structure and analysis of the Action and No Action Alternatives, the approach to impact identification and mitigation, the evaluation of decommissioning activities, and the intended use and application of GoldSET suitability maps.

The following sections provide general feedback on the PEIS's intended use, procedural framework, and approach to environmental impacts and mitigation.

1. Adoption and Use of the PEIS by SEPA Lead Agencies

The Draft PEIS notes that it may be adopted or otherwise used, as applicable, by a SEPA Lead Agency to meet SEPA requirements for a specific project. However, the processes and criteria for such adoption remain unclear.

We seek clarification on the following:

- What criteria will SEPA Lead Agencies use to determine whether this PEIS is appropriate for adoption or supplementation in a project-specific environmental review?

88-1

- Will these determinations be made on a case-by-case basis, or can an agency choose to adopt or not adopt the PEIS for all future projects under its jurisdiction?
- Will guidance or thresholds be provided to assist agencies in deciding when the PEIS is sufficiently comprehensive or relevant for project-level use?

Recommendations:

- Clearly outline the factors a SEPA Lead Agency should consider when determining whether the PEIS is suitable for adoption or requires supplementation. These may include project type, location within the Study Area, alignment with analyzed impact scenarios, or level of proposed mitigation.
- Indicate whether Lead Agencies must evaluate adoption on a per-project basis, or if formal adoption for all future applicable projects is permissible. If both are allowed, describe the procedural requirements for each.
- Provide recommended thresholds or decision tools (e.g., checklists, matrices, or flowcharts) that determine when the PEIS is sufficiently comprehensive for project-level review.

88-2

2. Roles of Applicants and Agencies in Using the PEIS

There is ambiguity throughout the Draft PEIS regarding whether it is the applicant's responsibility to rely on the PEIS and whether SEPA Lead Agencies are required to use it during project-level environmental review. Greater clarity is needed to ensure consistent application and to support the state's objective of streamlining SEPA review for high-voltage transmission facilities.

Currently, the document provides conflicting or unclear guidance:

- The Executive Summary (Section ES1.1) states the Action Alternative aims to identify impacts and adopt potential mitigation measures to streamline future project-specific reviews. It also notes that the PEIS "would guide the development of project-specific applications," suggesting a voluntary or advisory role.
- Section 1.6.1.1 states that "A SEPA Lead Agency conducting a project-specific environmental review for transmission facilities must begin with a review of this Draft Programmatic EIS," implying a mandatory role for agencies.
- Section 1.6.1.2 states that "Applicants would consider this Draft Programmatic EIS," which seems to limit the agency's responsibility and place more emphasis on applicant discretion.

Recommendations:

- Clearly delineate the responsibilities of SEPA Lead Agencies versus applicants in using the PEIS.

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- 88-2
- If the PEIS is adopted under SEPA, require Lead Agencies to use it as the foundation for project-level review, especially for impacts addressed within the document.
 - Clarify that applicants may use the PEIS to identify and propose avoidance, minimization, and mitigation strategies, but that it is ultimately the Lead Agency's role to determine the significance of impacts and the adequacy of proposed mitigation.

88-3

3. Clarification of Figure 1.6-1: Decision Tree

Figure 1.6-1 is a useful tool for understanding how SEPA Lead Agencies might determine whether a proposed project can appropriately rely on the PEIS. However, several elements within the decision process would benefit from further explanation to support consistent interpretation and application.

Step 3.6: "Has the applicant committed to the mitigation measures identified within this Programmatic EIS associated with moderate or high impacts?"

- It is unclear whether this question refers to moderate/high impacts identified by the applicant during project-specific environmental review or those characterized as moderate/high within the PEIS. The PEIS frequently presents impact ranges (e.g., "low to high"), making it difficult to determine which level applies in a given case.
- If a project-specific review concludes that an impact is "moderate," would the applicant be required to commit to all corresponding mitigation measures listed in the PEIS for that impact type in order for it to be considered "less than significant"? Or could a subset of mitigation measures be applied based on the specific nature of the project and its context?

Step 4.1: "Adopt the Programmatic EIS without the need for an addendum or supplemental analysis."

- This language implies that no additional project-specific analysis is necessary, but it raises the question: if the PEIS is adopted, does this mean the SEPA review process is complete and a Mitigated Determination of Non-Significance (MDNS) is automatically issued? Or are there circumstances under which further documentation (e.g., a checklist, addendum, or MDNS with conditions) would still be required?

Recommendations:

- Clarify the intended interpretation of impact severity in Step 3.6—whether based on project-level findings, PEIS conclusions, or both.
- Indicate whether full adherence to all PEIS mitigation measures is necessary to reduce impacts to less than significant.
- Explain the procedural outcome of Step 4.1, including whether PEIS adoption constitutes full SEPA compliance and if a DNS is automatically issued or if further documentation may still be needed.

88-4

4. Decommissioning Impacts and EFSEC SEPA Compliance

The Draft PEIS does not evaluate potential environmental impacts associated with the decommissioning of high-voltage transmission facilities. While the document notes that applicants must prepare a decommissioning plan and conduct appropriate environmental analyses as directed by the SEPA Lead Agency at the time of decommissioning, this omission raises important procedural questions.

Given that EFSEC requires environmental analysis of decommissioning activities, and that the PEIS does not address these impacts, it appears that project-specific SEPA supplementation would be necessary in all cases to address this phase of the project lifecycle.

Recommendations:

- Clearly indicate whether all projects intending to use the PEIS for SEPA compliance will still require supplemental SEPA documentation to analyze decommissioning-related impacts.
- Consider including general guidance or recommended approaches for evaluating decommissioning impacts, such as typical considerations, likely impact areas, and common mitigation strategies.

88-5

5. Impact Determination Methodology and Mitigation

The Draft PEIS notes that impact determinations for various resources are based on project activities without incorporating avoidance or mitigation measures. While this approach may provide a conservative estimate of potential impacts, it also raises questions about how mitigation requirements are ultimately determined—especially if initial impact characterizations are overstated relative to the mitigation strategies that would likely be employed in practice.

88-6

In addition, Table 3.5-9 outlines habitat impacts and potential mitigation, but it is unclear how final mitigation requirements are established when avoidance measures cannot be applied or are only partially feasible.

88-7

Recommendations:

- The final PEIS should explain how the absence of mitigation in the initial impact determinations affects the identification and evaluation of required mitigation measures. Specifically, clarify how mitigation reduces impacts to "less than significant" thresholds and how that judgment is made.
- Provide guidance on how residual impacts are addressed when avoidance measures outlined in the PEIS cannot be fully implemented. For instance, if key avoidance strategies in Table 3.5-9 are infeasible, specify if impacts will be offset solely through

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- 88-7 compensatory mitigation in a Habitat Mitigation Plan, or if there are additional regulatory steps or evaluations required.
- Identify how project-specific documents (e.g., Habitat Mitigation Plans or Biological Assessments) will build upon or deviate from the PEIS's generalized impact framework, and clarify the regulatory implications of such deviations.
 - Clarify whether there will be a corresponding Programmatic Biological Opinion from the Services (USFWS and NMFS) assessing potential impacts to ESA-listed species including any additional conservation measures.

88-8 **6. Alternatives Analysis**

The Draft PEIS presents a disconnect between how the Action Alternative is defined and how it is analyzed. In both the Fact Sheet and Executive Summary, the Action Alternative is described as "use of this Programmatic EIS to evaluate potential impacts associated with the development of high-voltage transmission facilities." However, the body of the PEIS does not analyze the impacts of implementing the PEIS itself. Instead, it analyzes the impacts that transmission development could have on environmental resources—essentially treating transmission development as the Action Alternative.

This creates a misalignment: the Action Alternative is defined as the use of a planning tool (the PEIS), but the analysis focuses on the physical impacts of transmission construction. Consequently, the PEIS currently lacks a clear and consistent framework for comparing the Action and No Action Alternatives.

Recommendations:

- Revise the Action Alternative to reflect what is actually analyzed in the document—i.e., the impacts of transmission development on environmental resources.
- Correspondingly, ensure the No Action Alternative evaluates the impacts of not developing transmission infrastructure.
- Alternatively, if the intent is to evaluate the environmental effects of implementing the PEIS as a planning tool, then the analysis should be reframed to reflect that intent, and should not include analysis of transmission development impacts.

88-9 **7. Use of GoldSET Suitability Maps**

The Draft PEIS includes GoldSET Cards (suitability maps) for a variety of environmental resources to assist SEPA Lead Agencies and applicants during project siting and design. These tools offer valuable insight into potential conflict areas, but additional guidance is needed to understand how they will be interpreted and applied within the SEPA review process.

During the public information meeting held on April 8, 2025, EFSEC staff clarified that the purpose of the GoldSET Cards is to identify areas where EFSEC anticipates potential resource

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88-9 conflicts. They also indicated that future applicants will be able to utilize the GoldSET platform by inputting defined start and end points for proposed transmission lines, which would generate resource-specific conflict information. However, it remains unclear how and when the GoldSET tool will be made publicly available, and whether all applicants—particularly those outside of EFSEC's jurisdiction—will have access to it. Given that GoldSET is a proprietary software product developed by WSP (*GoldSET®: Sustainability evaluation across the project lifecycle*), additional transparency is needed regarding its availability, licensing, and integration into the SEPA review process.

Key questions include:

- How will SEPA Lead Agencies use GoldSET data during environmental review? Will it serve as a screening tool, a basis for determining significance, or an advisory reference?
- Will GoldSET data be publicly accessible, and if so, in what format? Transparency and access will be important for both applicants and stakeholders to effectively engage in project development and review.

Recommendations:

- The final PEIS should define whether GoldSET maps are intended to inform initial screening only, or if they carry weight in evaluating significance, mitigation needs, or site suitability.
- Confirm that GoldSET data and maps will be publicly available in a user-friendly and GIS-compatible format. This will allow applicants, agencies, and stakeholders to conduct their own analysis and enhance transparency

88-10 **8. Conflict Versus Suitability**

The Suitability Maps included throughout the Draft PEIS use a conflict indicator key (ranging from low to very high) to represent varying levels of resource conflicts across the state. However, it is unclear how these conflict levels relate to the actual *suitability* of a given area for transmission development.

Key questions include:

- What are the procedural or regulatory implications if a proposed project intersects areas identified as "medium" or "high conflict" in the Suitability Maps? Does this trigger additional mitigation requirements or alternative siting expectations?
- If an area is categorized as "high conflict," does this designation imply that the area is inherently unsuitable for transmission development? If so, this could have significant implications—particularly for the critical corridor between eastern Washington, where many renewable energy resources are located, and western Washington, where the majority of electricity demand resides. Large portions of this area are marked as high conflict, potentially suggesting it may be off-limits for transmission.

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- 88-10 To improve clarity and utility of the maps, we further recommend that EFSEC revise the map labeling by removing the term "suitability," as suitability reflects a broader range of factors than resource conflict alone—such as engineering feasibility, grid need, cost, land use compatibility, and other community and environmental considerations. If the maps are intended to serve strictly as preliminary screening tools, this should be explicitly stated. Ground-truthing and site-specific studies should remain the primary means of determining project feasibility and site suitability.
- Recommendations:**
- Clarify how areas designated as medium or high conflict will be treated during SEPA review, including whether such areas will require additional analysis or mitigation, or if they are effectively precluded from development.
 - Revise map labeling to remove the term "suitability," which implies a broader evaluative context than the maps provide.
 - Clearly state if the maps are intended for preliminary screening purposes only, and emphasize ground-truthing and site-specific studies for guiding project feasibility and siting decisions.

88-11 9. Mapping of Federal Lands

Figure 3.5-6 appears to show generally low conflict across most federal lands, including areas like the Cascades. This may understate potential conflicts due to limited data or the exclusion of federally managed resource constraints. We acknowledge that a separate NEPA process would be required for projects crossing federal lands, but it would still be helpful to clearly identify federal lands on the map for context.

Recommendations:

- Revise Figure 3.5-6 to include federal land boundaries or provide a companion map showing federal jurisdictions. This will help users better interpret apparent conflict levels and understand where separate NEPA reviews may be required.

10. Baseline for Analysis and Avoidance Criteria

Section 3.1.3 of the Draft PEIS establishes the foundation for environmental analysis by assuming that applicants will adhere to a defined set of general conditions and avoidance criteria. These assumptions shape the impact analysis presented throughout the document. Section 3.1.3.2 further outlines the specific avoidance criteria that projects are expected to meet in order to minimize environmental impacts; when a project cannot meet one or more of these criteria, additional environmental review and the implementation of mitigation measures are required.

- 88-12 AVOID-9 directs applicants to avoid impacting modeled wildlife movement corridors with medium to very high ecological linkage, as identified by the Washington Wildlife Habitat Connectivity Working Group. However, this criterion relies on desktop-modeled data to

88-12

determine where avoidance is necessary, rather than incorporating site-specific, field-verified information. Moreover, the movement corridors referenced in AVOID-9 were originally developed to assess the impacts of roadway development, which has different characteristics and potential impacts compared to transmission lines. Applying these same standards to transmission infrastructure may result in overly conservative restrictions that do not accurately reflect the nature or scale of potential impacts. Similarly, AVOID-8 (Important Habitat) and AVOID-10 (Buffer Setbacks for Wildlife and Wildlife Features) may be overly restrictive when applied to long-distance transmission projects, potentially rendering large areas unsuitable for development.

To enhance the utility of the avoidance criteria, we encourage EFSEC to reassess their applicability specifically in the context of transmission infrastructure. Given that long-distance transmission lines often cross varied and expansive landscapes, the PEIS should allow for flexibility in how these criteria are applied, recognizing that complete avoidance may not always be practical or achievable. Field verification should be prioritized over sole reliance on desktop modeling to ensure that decisions are grounded in actual site conditions. Additionally, the final PEIS should clearly indicate whether the avoidance criteria are mandatory or advisory, and outline a transparent process for seeking exceptions or modifications when strict adherence is not feasible.

88-12

Recommendations:

- Reassess the applicability of avoidance criteria specifically for transmission infrastructure.
- Prioritize field verification over exclusive reliance on desktop modeling.
- Allow flexibility in applying avoidance criteria and establish a transparent process for seeking exceptions or modifications when criteria cannot be fully met.
- Clarify whether the avoidance criteria are mandatory or advisory.

88-13

11. Upgrade/Modification of Existing Transmission Facilities

Section 2.2.1.3 of the Draft PEIS describes "upgrade or modification" of existing transmission facilities as activities that may include replacing transmission towers, transformers, substations, switchyards, underground cabling, and ancillary equipment. It further states that these actions may involve reconductoring or integrating advanced transmission technologies and may require expansion of an existing right-of-way (ROW), depending on the project specifics.

While the Draft PEIS acknowledges that the impacts of upgrades or modifications may vary widely, it treats these actions similarly to new transmission line construction in terms of environmental review and mitigation. Chapter 3.0 notes that construction, operation and maintenance, and upgrade or modification of transmission utilities are all assumed to result in impacts across all environmental elements identified under WAC 197-11-444, WAC 463-60-535, and RCW 43.21C.405(3). Similarly, Section 3.1.3.3 states that mitigation measures are applied uniformly across all project types, regardless of whether the action involves new construction or minor upgrades.

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Comments on EFSEC PEIS

88-13

Grouping low-impact upgrades with major new construction activities imposes unnecessary and disproportionate mitigation requirements. This approach may lead to an over-application of environmental review and mitigation for relatively minor actions—such as reconductoring or equipment upgrades within an existing right-of-way—that do not involve ground disturbance, increase visual impacts, or affect sensitive resources. These types of upgrades can often be completed with minimal to no environmental impact.

Applying the same assumptions and mitigation measures to all transmission activities—regardless of their scale or footprint—undermines the flexibility and responsiveness the PEIS is intended to provide. To improve the clarity and proportionality of the environmental review process, we recommend clearly distinguishing between low-impact upgrades and more extensive modifications that may require right-of-way expansion or result in more significant environmental effects.

Recommendations:

- Establish a separate impact category for upgrades or modifications that do not involve new ground disturbance or ROW expansion.
- Allow such projects to qualify for streamlined review or reduced mitigation requirements based on a clear threshold of environmental impact.
- Develop a screening tool or checklist to help agencies and applicants determine whether a proposed upgrade/modification qualifies as low-impact.
- Alternatively, provide a process to apply for a mitigation exemption or modification when the project's footprint and effects are demonstrably minimal.
- Clarify in the final PEIS that not all upgrades or modifications will require the same level of review or mitigation as new construction.

RNW appreciates EFSEC's efforts to develop a proactive and strategic planning tool that supports responsible transmission development in Washington State. We hope the recommendations provided in this letter will assist in refining the final PEIS to ensure it is both practical and effective for agencies and applicants alike. We look forward to continued engagement with EFSEC and other stakeholders to advance the state's clean energy goals while ensuring environmental protection and regulatory clarity.

/s/ Casey MacLean
Casey MacLean
Washington Policy Manager
Renewable Northwest

/s/ Diane Brandt
Diane Brandt
Policy & Legislative Affairs Director
Renewable Northwest

Response to Casey MacLean, (Submission 88)

88-1

In response to this comment, Chapter 1 and Section 3.1 of the Programmatic EIS have been revised to:

- Outline specific criteria that the SEPA Lead Agency should consider when determining whether to adopt the Programmatic EIS, including:
 - Whether the project is located within the Programmatic EIS Study Area.
 - Whether the project type and scale are consistent with those analyzed in the Programmatic EIS.
 - Whether the environmental impacts and Mitigation Measures are adequately addressed in the Programmatic EIS.
 - Whether Tribal resources or site-specific cultural concerns require additional analysis.
- Clarify that adoption decisions must be made during project-specific environmental reviews.
- Emphasize that adoption of the Programmatic EIS does not substitute for Tribal consultation, which must occur independently and early in the project-specific environmental review process.

To support the project-specific environmental review process, EFSEC has developed a Programmatic EIS Manual, checklists, and interactive online siting and design tools that help applicants and the SEPA Lead Agency assess how well a proposed project aligns with the Programmatic EIS recommendations. These tools are intended to promote transparency and consistency while ensuring that mitigation is tailored to the specific context of each project.

88-2

In response to this comment, the Programmatic EIS has been revised to:

- Clearly delineate responsibilities: Section 3.1 provides additional details regarding the responsibilities expected to be completed by the applicant and the SEPA Lead Agency.
- Clarify the procedural framework: Chapter 3.1 of the Programmatic EIS has been revised to provide additional details regarding the four methods in which applicants and the SEPA Lead Agency would use the Programmatic EIS.
- Include decision-support tools: The Programmatic EIS has been revised to provide a Programmatic EIS Manual, checklists, and interactive online siting and design tools that help applicants and the SEPA Lead Agency assess how well a proposed project aligns with the Programmatic EIS recommendations. These tools are intended to promote transparency and consistency while ensuring that mitigation is tailored to the specific context of each project.

Response to Casey MacLean, (Submission 88) - Continued

88-3

Any future transmission project that relies on this document must undergo a project-specific environmental review, led by the appropriate SEPA Lead Agency. This includes a consistency analysis with the Programmatic EIS's General Measures, Avoidance Criteria, and Mitigation Measures.

Specifically, the Programmatic EIS provides General Measure Gen-7, which requires that a project-specific cumulative impact assessment be conducted. If that assessment identifies a probable significant adverse cumulative impact, the SEPA Lead Agency is responsible for requiring additional mitigation to minimize those impacts. Appendix 3.1-1 offers guidance and details on the different components of the assessment.

In Chapter 4, Cumulative Impacts, the Programmatic EIS explains that cumulative impacts are addressed in general, qualitative terms due to the broad geographic scope and the absence of specific project details. The analysis assumes that all applicable laws, regulations, siting and design criteria, and BMPs will be followed.

To improve clarity and transparency, Chapter 1, Introduction, of the Programmatic EIS has been revised to outline ways that this Programmatic EIS can be used for project-specific applications.

Additionally, Section 3.1 of Chapter 3, Affected Environment, Significant Impacts, and Mitigation, includes the following clarifications:

- Impact determinations described in the Programmatic EIS have been changed to include "medium" instead of "moderate."
- The reference to "medium or high impacts" has been clarified to mean impacts identified during project-specific environmental review, not solely those described in the Programmatic EIS.
- The Programmatic EIS provides general impact ranges (e.g., "low to high") to reflect variability across geographies and project types.
- Applicants are not required to implement all Mitigation Measures listed for a given impact category. Instead, the SEPA Lead Agency would evaluate whether the proposed subset of Mitigation Measures is sufficient to reduce the project-specific adverse environmental impacts to a less-than-significant level, based on context,

88-3

location, and scale.

- The SEPA Lead Agency is encouraged to document the rationale for determining which Mitigation Measures are applicable and adequate—particularly in cases where high impacts are identified but not all Mitigation Measures are applied.

The Programmatic EIS does not complete the SEPA environmental review process or result in a Determination of Nonsignificance (DNS) or Mitigated DNS (MDNS) by default. Additional project-specific environmental analyses and mitigation may still be required.

Response to Casey MacLean, (Submission 88) - Continued

88-4

EFSEC acknowledges that the Programmatic EIS currently does not include a detailed analysis of adverse environmental impacts associated with the decommissioning stage of transmission facilities.

As noted, EFSEC requires that adverse environmental impacts from the new construction, operation, and decommissioning be evaluated as part of its comprehensive siting process. Because the Programmatic EIS focuses primarily on planning and siting considerations, it does not fully address the site-specific and long-term impacts that may arise during decommissioning.

In response to this comment, the Programmatic EIS has been revised to:

- Clarify that project-specific decommissioning analyses and environmental review would be required, even when the Programmatic EIS is adopted for earlier stages of a project.
- Acknowledge regulatory authority and requirements for decommissioning plans and environmental review under WAC 463-60 and related rules.
- Include additional guidance on decommissioning considerations, such as removal of above- and below-ground infrastructure, soil and habitat restoration, management of hazardous materials, long-term monitoring, and land use compatibility.
- Recommend that decommissioning plans be developed in consultation with affected Tribes and local communities, particularly where cultural or ecological resources may be impacted.

88-5

EFSEC acknowledges that this approach—assessing potential impacts based on project activities—was intended to provide a conservative, precautionary baseline for analysis. However, EFSEC also recognizes that this may lead to an overstatement of impact severity in cases where effective Mitigation Strategies are likely to be implemented during project development.

In response to this comment, the Programmatic EIS has been revised to:

- Clarify the rationale for the conservative approach used in the initial impact determinations, emphasizing that it is intended to identify the full range of potential impacts in the absence of mitigation.
- Clarify that the SEPA Lead Agency will evaluate whether the proposed mitigation in this Programmatic EIS is sufficient to reduce impacts to a less-than-significant level.

88-6

As described in Section 3.1, the SEPA Lead Agency is responsible for determining whether project-specific applications adhere to all applicable Avoidance Criteria and implement applicable Mitigation Measures. If the project-specific application cannot conform to these Mitigation Strategies, then the SEPA Lead Agency will identify what additional environmental analyses and mitigation measures may be required.

Response to Casey MacLean, (Submission 88) - Continued

88-7

In response to this comment, the Programmatic EIS has been revised to:

- Clarify the Role of Mitigation in Impact Determinations. The Programmatic EIS has been revised to explain that initial impact determinations are made without assuming mitigation, in accordance with SEPA guidance, to provide a conservative baseline for analysis. It will further clarify that Mitigation Measures are evaluated during project-specific analysis to determine whether they address impacts.
- Address Residual Impacts and Infeasible Avoidance. The Programmatic EIS has been revised to include guidance on how to evaluate residual impacts when Avoidance Criteria are infeasible. It clarifies that in such cases, compensatory mitigation—such as through a Habitat Mitigation Plan—may be required, but that this does not preclude additional regulatory review or conditions. SEPA Lead Agencies will be advised to assess whether residual impacts trigger the need for a Supplemental EIS.
- Clarify the Role of Project-Specific Documents. The Programmatic EIS has been revised to note that project-specific applications, including Habitat Mitigation Plans and Biological Assessments, are expected to build upon the generalized impact framework in the Programmatic EIS. It also clarifies that any deviations from the Mitigation Strategies identified in this Programmatic EIS should be documented, and the SEPA Lead Agency may require additional environmental analyses, mitigation measures, or agency coordination.
- Address Federal Coordination and Biological Opinions. The Programmatic EIS has been revised to recommend future coordination with federal agencies to pursue a Programmatic Biological Opinion from the USFWS or National Marine Fisheries Service (NMFS). Additionally, guidance was provided to recommend that project-specific Section 7 consultations be conducted for any project with potential effects on ESA-listed species, and that conservation measures be coordinated with the agency with jurisdiction.

88-8

EFSEC acknowledges the concern regarding the perceived disconnect between description of the Action Alternative—specifically, as the use of the Programmatic EIS as a planning tool—and how it is analyzed—which focuses on the potential environmental impacts of high-voltage transmission facility development.

The Programmatic EIS aims to provide a broad evaluation of potential environmental impacts associated with a range of high-voltage transmission facility development activities across the state. While the Action Alternative is framed as using of the Programmatic EIS to support future SEPA compliance, the analysis primarily focuses on the types of transmission facility development activities that fall under this programmatic approach. This includes evaluating the potential impacts of those activities on environmental resources, thereby aligning with the purpose of a programmatic EIS under SEPA.

EFSEC recognizes the need for greater clarity and consistency in defining and comparing the Action and No Action Alternatives. In response to this recommendation, the Programmatic EIS has been revised to:

- Clarify the scope and intent of the Action Alternative, indicating that it includes both the use of the Programmatic EIS as a planning tool and the types of transmission facility development activities it is intended to support.
- Revise the No Action Alternative to more clearly describe the likely environmental impacts in the absence of coordinated transmission facility planning and development under the Programmatic EIS.
- Enhance the comparative analysis between the Action and No Action Alternatives to ensure a consistent and transparent evaluation of potential environmental impacts.

These revisions will help ensure that the alternatives analysis aligns with SEPA requirements and provides meaningful information for decision-makers and the public.

Response to Casey MacLean, (Submission 88) - Continued

88-9

In response to this comment, the Programmatic EIS was revised to:

- Emphasize that the environmental sensitivity maps were developed to better understand resource sensitivities across environmental, social, economic, and technical dimensions. They were also developed to illustrate and assess the relative sensitivity of areas for transmission facility development. This spatial data was evaluated and assigned a sensitivity level (1, 2, or 3), with Level 3 representing the highest sensitivity.
- Describe how the Programmatic EIS provides environmental sensitivity maps to help inform the siting and design of transmission facilities. These maps are intended for a broad, comparative analysis at a regional scale, and should not be used for reviewing or approving project-specific applications. These maps can be used for preliminary screening purposes, but do not replace or substitute site-specific studies or assessments.
- Include Appendix 3.1-2, which provides the source location for the data used for the criteria cards and the methodology used for processing the data used for each of the environmental sensitivity criteria cards.
- Note that while a specific methodology was used for the environmental sensitivity maps in the Programmatic EIS, applicants and SEPA Lead Agencies are not required to use this same process. A variety of other tools, frameworks, and methodologies—including open-source, agency-developed, or consultant-supported options—can be used to conduct project-specific analyses and to demonstrate consistency with the recommendations in the Programmatic EIS.
- Inform readers that EFSEC has developed a dynamic, publicly available GIS-based tool that allows users to explore underlying data layers relevant to transmission planning and project-specific environmental review. This tool provides interactive access to mapped features such as land use designations, ecological sensitivities, and regulatory overlays, enabling users to visualize potential siting conflicts.

88-10

The environmental sensitivity maps included in the Programmatic EIS were intended to serve as preliminary planning and screening tools that highlight areas of potential resource sensitivity based on available statewide data. The sensitivity levels represent the relative density and sensitivity of environmental, cultural, and land use resources that may be affected by transmission facility development. These maps are not intended to determine final project suitability or regulatory outcomes.

To address concerns and improve clarity, the Programmatic EIS has been revised to include the following clarifications and revisions:

- Clarify the role of sensitivity levels:** Areas identified as “Level 2” or “Level 3” are not categorically excluded from development. However, projects proposed in these areas may require more detailed environmental analysis, enhanced mitigation measures, or consideration of alternative alignments during project-specific environmental review.
- Revise map labeling:** The term “suitability” has been reconsidered and replaced with “sensitivity” to better reflect the maps’ purpose and avoid implying a comprehensive evaluation of site feasibility.
- Emphasize the need for site-specific analysis:** The Programmatic EIS has been revised to explicitly state that these maps can be used for preliminary screening purposes, but do not replace or substitute site-specific studies or assessments.

88-11

In response to this comment, the Programmatic EIS has been revised to include a new figure in Section 3.9, Land and Shoreline Use, illustrating land ownership, including federal entities.

Response to Casey MacLean, (Submission 88) - Continued

88-12

The decision tree provided in Chapter 1, Introduction, describes the process to be followed if Avoidance Criteria cannot be met, which may occur particularly with longer transmission routes. The Programmatic EIS is intended as a guide for transmission projects across Washington and therefore requires conservative assumptions to manage potential impacts on wildlife and wildlife habitat, given the lack of project-specific details. In the event that specific Avoidance Criteria cannot be met, the applicant would provide additional information on the resource for submission as part of an addendum or a supplemental EIS. Applicants would work with the SEPA Lead Agency and appropriate regulators to determine if additional studies should be conducted. This may include additional analysis of habitat and wildlife use to verify whether these areas support movement corridors and sensitive species. The results of these studies could then be used to refine project-specific impacts and mitigation measures.

88-13

The Programmatic EIS has been revised to include the following clarifications and refinements:

- Differentiation of Upgrade Types:** Chapter 2 of the Programmatic EIS has been revised to distinguish between upgrades and modifications. This discussion provides an overview of the potential opportunities that may be associated with upgrading existing transmission facilities or modifying existing transmission facilities.
 - Streamlined Review Pathways:** Chapter 1 of the Programmatic EIS provides additional detail regarding the different methods applicants and the SEPA Lead Agency would consider this document. The Decision Tree found in Chapter 1 of the Programmatic EIS also provides a high-level overview of the different pathways that the Programmatic EIS can be used.
 - Screening Tool Development:** A manual and checklists have been created for the SEPA Lead Agency and applicant to consider when using the Programmatic EIS. These documents are intended to help the SEPA Lead Agency and applicants determine how to use the Programmatic EIS.
 - Mitigation Flexibility:** Chapter 1 and Section 3.1 has been revised to clarify that applicants would select applicable resource-specific Mitigation Measures identified in this Programmatic EIS to minimize the adverse environmental impacts of their project. The SEPA Lead Agency would be responsible for verifying that applicants have committed to all applicable Mitigation Measures for medium and high adverse environmental impacts identified in this Programmatic EIS. If the applicant has not committed to all appropriate Mitigation Measures, the SEPA Lead Agency would conduct additional environmental analyses to determine impacts, project-specific mitigation, and impact significance.
 - Clarification of Intent:** The Programmatic EIS has been revised to explicitly state that its purpose is to provide a flexible, scalable framework for project-specific environmental reviews. It is not intended to impose uniform requirements regardless of project scope and scale.
-

Altinay Karasapan, (Submission 89)



May 15, 2025

Sonia Bumpus
EFSEC Director
Energy Facility Site Evaluation Council
621 Woodland Square Loop SE
Lacey, WA 98503-3172

RE: Climate Solutions' Comments on the Energy Facility Site Evaluation Council Draft Transmission Programmatic Environmental Impact Statement

Dear Director Bumpus,

Climate Solutions is grateful for the opportunity to comment on the Energy Facility Site Evaluation Council's ("EFSEC") draft transmission programmatic environmental impact statement ("PEIS"). We are also deeply appreciative of EFSEC's decision to extend the comment deadline in response to requests from various interested parties, including Climate Solutions. Climate Solutions is a clean energy nonprofit organization working to accelerate clean energy solutions to the climate crisis, and transmission is foundational to our work.

The intent of SSHB 5165, the enabling law of the Transmission PEIS, is to support the state in increasing its transmission capacity to bring additional clean energy projects online and meet requirements under the Clean Energy Transformation Act. The law does so by requiring long-term planning, early engagement with stakeholders and rightsholders, and analyzing and understanding impacts and solutions. The PEIS analysis, per RCW 43.21C.405, is key to achieving the law's success. If implemented successfully, the PEIS can help identify impacts, mitigation strategies, and least-conflict lands early in the state's process to expand transmission, saving time and resources for all invested parties.

Climate Solutions appreciates the comprehensiveness of this draft. The inclusion of maps, delineation of impacts to avoid, minimize, or mitigate, summary tables, and the decision tree are useful tools for ensuring that the contents of the PEIS are usable and easy to understand. We were also glad to see some of our comments from the scoping period reflected in the draft – specifically, including transmission upgrades and modifications as an alternative to building lines aboveground and belowground.

While we believe EFSEC's document is a useful starting point, we offer the following comments intended to identify points of confusion and improve clarity.

I. Align Impact Determination Scale in 3.1-1 with existing State Environmental Policy Act categories.

We appreciate EFSEC's attempt to provide greater flexibility through creating five separate impact categories in the draft PEIS Impact Determination Scale per 3.1-1. However, we are



89-1

concerned that this will cause confusion given that the State Environmental Policy Act's ("SEPA") project-specific process only has three categories. We strongly encourage EFSEC to funnel these five categories into the existing SEPA categories. For example, "nil" and "negligible" actions could be those that are unlikely to have significant adverse impacts; "low" and "moderate" could be those that are likely to have some adverse impacts that can be mitigated; and "high" could be those that are likely to have significant adverse impacts even with mitigation. An approach like this could help reduce confusion and avoid creating two separate scales.

89-2

II. Action Alternatives Recommendations:

- a. Include a statement that summarizes the degree of impact of each alternative, particularly in recognition of the more limited impact of upgrades and modifications to existing transmission lines as compared to building new lines.**

We urge EFSEC to include a section that summarizes the overall impact of each action alternative and the no action alternative. This would support the PEIS' stated purpose of supporting "informed decision-making." An overarching statement for each alternative would help the state, developers, and other interested parties in understanding impacts up front and make initial siting and design choices that could avoid or minimize those impacts.

89-3

Action Alternative: Transmission Upgrades and Modifications

Climate Solutions appreciates the inclusion of upgrading existing transmission lines as an additional action alternative to building new lines. Throughout EFSEC's analysis of the impact of transmission lines on various resources, it was often highlighted that, while the type of adverse impact would be similar to construction, "impacts from upgrading or modifying existing transmission facilities are anticipated to be lower than those for constructing new transmission facilities." For example, in the analysis of water resources in Section 3.4-5, the PEIS notes that upgrades would lead to reduced land and water disturbance, minimized erosion and sedimentation, lower risk of water contamination, and efficient use of existing infrastructure.

Furthermore, increasing existing transmission capacity reduces the need for building new lines and thus leads to fewer adverse impacts in the long-run. Thus, we urge EFSEC to include a section that summarizes the overall impact of each action alternative. We recommend acknowledging the lessened impact of upgrades and modifications as compared to building new lines and the stronger likelihood of project upgrades to receive a determination of non-significance per EFSEC's analysis.

89-4

No-Action Alternative

It would also be useful to better understand the impact of the no-action alternative. EFSEC should consider how the absence of the PEIS might lead to less efficient and more impactful projects. What is the projected timeline for a project with and without a PEIS? Furthermore, it may also be worth considering treating the no-action alternative as the status quo—i.e., the impact of *not* building additional transmission or upgrading existing transmission lines. This may

89-1

Altinay Karasapan, (Submission 89) - Continued



89-4 | offer a stronger characterization of the tradeoffs that come with building new lines versus not building new transmission lines and the impact on resources from not meeting the state's climate mandates and clean energy laws.

89-5 | **b. Add road and highway right-of-way to alternatives analysis, either as part of upgrades and modifications of existing transmission or separately.**

Throughout the draft PEIS, EFSEC notes that building new lines in existing rights-of-way helps to minimize impacts. For example, the draft states that siting transmission facilities in existing right-of-way or disturbed areas to the greatest extent practicable helps to mitigate impacts to vegetation (see 3-52). Given the reduced impact of building in right-of-ways, we encourage EFSEC to add buildout in these disturbed areas as part of the alternatives analysis—either as part of the upgrades and modifications of existing transmission alternative, or as an additional alternative.

89-6 | **III. Include a map that layers the impacts of each resource and ensure that maps are usable by developers.**

Climate Solutions is generally supportive of including maps that highlight areas that may be associated with significant adverse impacts. We have advocated for the inclusion of maps in the Department of Ecology's Utility-Scale Solar and Wind PEIS process as well as a useful tool to support developers in identifying impacts up front. However, as presented right now, we are concerned that the GoldSET cards will not serve this intended purpose.

We recommend combining each map layer to make a single map that highlights where there are significant adverse impacts and to help identify priority corridors for siting transmission. To that end, we recommend that GoldSET data and maps be made publicly available in a user-friendly and GIS-compatible format. This will allow applicants, agencies, and stakeholders to conduct their own analysis and enhance transparency. We also want to encourage EFSEC to work with transmission developers to ensure that the maps in the PEIS can be used to effectively site transmission lines for lowest impact.

89-7 | **IV. Avoidance Criteria Recommendations:**

a. Clarify expectations for analysis and mitigation of avoidance criteria.

For projects that can't meet each avoidance criterion, Figure ES-2 states that the project applicant must then "complete additional environmental review and identify mitigation." It is unclear what this additional review would entail, and without more specific or clear language, we are concerned this will lead to different interpretations of scope and scale of review. Furthermore, the threshold determination of significance under SEPA occurs after impact mitigation. This means that if projects are unable to mitigate significant adverse impacts and receive a determination of significance, they must undergo a full environmental impact assessment.



89-7 | To reduce confusion and align with the existing SEPA process, Climate Solutions recommends removing the phrase "complete additional environmental review" and to amend what remains to read as "identify applicable mitigation." We assume this aligns with EFSEC's intent and is a relatively small fix that will help clarify expectations.

89-8 | **b. Consider including more specific language around avoiding adverse impacts.**

Overall, Climate Solutions supports the intent of including avoidance criteria to encourage buildout in areas with probable adverse impacts. To that end, we recommend that EFSEC considers revising language of avoidance criteria such that avoidance is intended to avoid "adverse" impacts, rather than just impacts. This fits more squarely within the scope of SEPA and the intent of avoidance.

89-9 | **c. Consider potential low-conflict opportunities associated with certain "hazardous areas" listed in the draft PEIS.**

We appreciate the intent of this criterion to ensure safety. However, it may be worth considering that certain hazards listed, such as areas with contaminated soils, may be a low-conflict option for development, upgrades, or new construction given that this land may not be viable for other uses.

89-10 | **d. Provide additional clarity on what it means to avoid "land use and zoning incompatibility and conflicts."**

State and local land use and zoning laws limit where projects can be located. Ensuring that projects comply with zoning laws seems to fit within step 3.1 in the Decision Tree in Figure 1.6-1, wherein projects must adhere to state, federal, and local regulations. Thus, it is unclear what type of "conflict" this avoidance criterion is meant to address and or what types of land use may be "incompatible" if it is not referring to these laws and regulations. We are concerned that it will be challenging for applicants to implement or adhere to this avoidance criterion without additional clarity. As a starting point, we strongly recommend specifying the different types of land uses that EFSEC deems incompatible. EFSEC should also consider whether avoiding "conflicts" is feasible given the nature of building large-scale transmission projects.

89-11 | **e. For transmission upgrades and modifications, separately identify mitigation criteria and consider eliminating certain avoidance criteria.**

While avoidance criteria are useful in the case of scoping for new projects, we question the feasibility of applying all of the avoidance criteria to transmission upgrades and modifications. As Washington's grid ages, it will be critical to modernize existing infrastructure to ensure reliability, safety, and efficiency. In the case that existing lines already do not meet avoidance criteria (e.g., are within 300 feet of a wetland or are located on contaminated soils), it will still be critical to enable upgrades on those lands, even if they require additional mitigation. We recommend reducing avoidance criteria requirements for upgrades or eliminating them for upgrades altogether. In that same vein, we recommend developing alternative mitigation

Altinay Karasapan, (Submission 89) - Continued



89-11

requirements for upgrades and modification given the different degrees of impact reflected in the draft PEIS as compared to building new above or belowground lines.

.....

Climate Solutions greatly appreciates the opportunity to comment on this critical resource and we look forward to working closely with EFSEC as it finalizes its draft and implements recommendations from this draft PEIS. In particular, we are interested in tracking and engaging in the process of developing an additional PEIS to analyze specific planned transmission development projects and corridor-specific impacts and mitigation.

Sincerely,

Altinay Karasapan
Washington Regulatory Policy Manager
Climate Solutions

Response to Altinay Karasapan, (Submission 89)

89-1

In response, the Programmatic EIS was revised to include interpretive guidance that aligns the five-tiered scale with SEPA's impact determination categories. For example: "Nil", "Negligible", "Low" are generally consistent with actions unlikely to have significant adverse impacts (i.e., Determination of Nonsignificance). Impact determinations described in the Programmatic EIS have been changed to include "medium" instead of "moderate". "Medium" impacts may involve adverse impacts that can likely be mitigated to a nonsignificant level (i.e., Mitigated Determination of Nonsignificance). "High" impacts are likely to result in significant adverse impacts even with mitigation (i.e., Determination of Significance). This clarification will help ensure consistency with SEPA while preserving the value of a more detailed impact scale for programmatic-level analysis.

89-2

In response to this comment, the Programmatic EIS has been revised to include the following enhancements:

- Separated upgrade from modification.** Recognizing upgrades have similar impacts to maintenance activities than new construction.
- Recognition of Upgrade and Modification Impacts:** The summary for each explicitly acknowledges that upgrades and modifications to existing transmission infrastructure generally result in fewer and more localized environmental impacts than new transmission facility construction.

89-3

The Programmatic EIS was revised to separate the analysis of impacts associated with upgrading and modifying existing transmission facilities. Resource sections throughout Chapter 3 now provide a summary of the overall impact of each action alternative. The Programmatic EIS considers why the impacts associated with upgrades and modifications are generally anticipated to be lower than those associated with constructing new transmission facilities. This distinction is important for both environmental planning and permitting efficiency.

89-4

In response to this comment, Chapter 2 of the Programmatic EIS has been revised to provide an expanded description of the No-Action Alternative. This discussion highlights the following:

"Transmission facility siting and development would continue under existing state and local regulatory processes. Each project would be evaluated for environmental compliance independently, without the advantage of using all or portions of the environmental analysis provided in this document.

The No-Action Alternative could lead to longer timelines for project-specific environmental reviews, duplicative reviews, and less coordinated mitigation at the project level. Having to conduct full, standalone project-specific environmental reviews without the use of this Programmatic EIS could also increase costs and create uncertainty for transmission facility developers, utility providers, and the State Environmental Policy Act (SEPA) Lead Agency."

89-5

As noted in several sections of the Programmatic EIS (e.g., Section 3.5.2 of Section 3.5, Vegetation), utilizing existing corridors—including utility, transportation, and other disturbed ROWs—can help minimize new land disturbance and reduce impacts to sensitive resources. This approach aligns with the broader goals of impact avoidance and efficient land use. The additional guidance for Mitigation Measure Veg-1 provided in Appendix 3.1-1 clarifies that road and highway ROWs are included within the broader category of disturbed areas considered for transmission siting.

Response to Altinay Karasapan, (Submission 89) - Continued

89-6

In response to the commenter's recommendations, the Programmatic EIS has been revised to:

- Include Appendix 3.1-2, which provides the source location for the data used for the criteria cards and the methodology used for processing the data used for each of the environmental sensitivity criteria cards.
- Describe how the Programmatic EIS provides environmental sensitivity maps to help inform the siting and design of transmission facilities. These maps are intended for a broad, comparative analysis at a regional scale, and should not be used for reviewing or approving project-specific applications. These maps can be used for preliminary screening purposes, but do not replace or substitute site-specific studies or assessments.
- Note that while a specific methodology was used for the environmental sensitivity maps in the Programmatic EIS, applicants and SEPA Lead Agencies are not required to use this same process. A variety of other tools, frameworks, and methodologies—including open-source, agency-developed, or consultant-supported options—can be used to conduct project-specific analyses and to demonstrate consistency with the recommendations in the Programmatic EIS.

89-7

In response to this comment, Chapter 1 and Section 3.1 of the Programmatic EIS have been revised to improve clarity. The SEPA Lead Agency may determine that additional project-specific environmental analyses and mitigation are required if a project-specific application is inconsistent with or does not conform to all the Mitigation Strategies outlined in this Programmatic EIS. The SEPA Lead Agency would be responsible for performing the following actions:

- Review project-specific applications to verify that all applicable Mitigation Measures have been implemented for adverse environmental impacts to the greatest extent practicable.
- Review project-specific applications to ensure that there are no additional impacts not analyzed in this Programmatic EIS.
- Review project-specific applications to ensure that the project would not result in a higher significance rating for any adverse environmental impacts already considered in this Programmatic EIS.
- Conduct additional environmental analyses for impacts not analyzed in this Programmatic EIS and identify mitigation measures, as appropriate, for those identified adverse environmental impacts. Determine if any of these impacts with the identified mitigation would result in a significant adverse environmental impact.

89-8

EFSEC acknowledges the commenter's suggestion to revise the language of the Avoidance Criteria to specify avoidance of "adverse" impacts, rather than simply "impacts." This is a thoughtful recommendation that more accurately reflects the intent of SEPA, which focuses on identifying and mitigating probable significant adverse environmental impacts. The language in the Draft Programmatic EIS was intended to broadly encourage project siting in areas with fewer environmental constraints. However, EFSEC agrees that specifying "adverse impacts" would provide greater clarity and consistency with SEPA terminology and intent. In response to this comment, the relevant sections of the Programmatic EIS have been revised to clarify that the Avoidance Criteria are intended to minimize adverse environmental impacts.

Response to Altinay Karasapan, (Submission 89) - Continued

89-9

EFSEC acknowledges the commenter's recognition of the balance between ensuring safety and identifying practical siting opportunities. The Programmatic EIS includes hazardous areas as part of the Avoidance Criteria to minimize risks to human health, environmental quality, and project feasibility. However, EFSEC acknowledges that some contaminated or otherwise constrained lands may have limited competing land uses and, with appropriate safeguards, could present viable options for infrastructure development.

In response to the comment's recommendation, the Programmatic EIS has been revised to:

- Clarify that the presence of a hazard does not automatically preclude development but rather signals the need for additional evaluation and potential mitigation.
- Acknowledge that certain hazardous areas—such as brownfields or contaminated sites—may offer low-conflict siting opportunities, particularly when environmental remediation is feasible or already underway.
- Encourage case-by-case assessment of such areas, with a focus on ensuring safety, regulatory compliance, and environmental stewardship.

89-10

Compliance with applicable land use and zoning laws is addressed in Step 2.1 of the Decision Tree (previously Step 3.1 in the Draft Programmatic EIS) (Figure 1.6-1), which requires adherence to state, federal, and local regulations. The intent of the "land use and zoning incompatibility and conflicts" criterion is to go beyond legal compliance and encourage early identification of potential land use issues or tensions that may not be codified in law but could still present challenges during project development.

New ROW for transmission facility development could create land use conflicts, such as the following:

- Reduce the overall land use type, leading to GMA jurisdictions having to adjust their urban growth area boundaries, or to a point that is below a county's baseline or targeted total land use coverage.
- Limit the desirability or allowable uses for future development
- Impact surrounding land uses, particularly in areas that have ongoing agricultural or grazing operations.
- Site near residential neighborhoods, schools, or recreational areas where transmission infrastructure may be perceived as incompatible, even if technically allowed.
- Be located near designated scenic areas, cultural or historic sites, or lands with strong community attachment.
- Be located in areas where comprehensive plans or local development goals discourage industrial-scale infrastructure, even if zoning permits it.

In response to the commenter's recommendation, the Final Programmatic EIS has been revised to:

- Clarify the intent of this criterion as a tool for identifying and minimizing potential land use conflicts beyond strict regulatory compliance.
 - Provide examples of land uses that may be considered incompatible or sensitive in the context of transmission siting in Section 3.9, Land and Shoreline Use and Appendix 3.1-1.
 - Acknowledge in Appendix 3.1-1 that there may be practical limitations on avoiding all land use conflicts, particularly for large-scale infrastructure, and emphasize the importance of early engagement with local jurisdictions and communities.
-

Response to Altinay Karasapan, (Submission 89) - Continued

89-10

89-11

This comment raises a valid concern about the feasibility of applying all Avoidance Criteria to upgrades of existing lines, particularly in cases where infrastructure is already located in areas that would not meet current avoidance thresholds (e.g., proximity to wetlands or location on contaminated soils). In response to the commenter's recommendation, the Programmatic EIS has been revised to:

- Differentiate between upgrades and modifications and analyze them independently of one another.
 - Clarify that certain Avoidance Criteria may not be applicable to projects involving an existing transmission facility.
-

Julian Santos, (Submission 91)



May 15, 2025

Energy Facility Site Evaluation Council (EFSEC)
Attn: Sean Greene and Patricia Betts
621 Woodland Square Loop SE
PO Box 43172
Olympia, WA 98503-3172

RE: Comments on EFSEC Draft Programmatic Environmental Impact Statement (PEIS) for High-Voltage Transmission Facilities

Dear Sean Greene and Patricia Betts,

Washington Conservation Action (WCA) appreciates the opportunity to provide comments on the Draft Programmatic Environmental Impact Statement (PEIS) for high-voltage transmission facilities in Washington State. We commend EFSEC's efforts to develop a strategic planning tool intended to streamline environmental review while addressing key environmental, cultural, and community impacts. As a statewide organization dedicated to advancing clean energy and environmental justice, WCA believes that thoughtful planning, grounded in equity and meaningful consultation, is essential to achieving Washington's energy goals, and we offer the following comments based on these values.

Strengths of the Draft PEIS

We appreciate EFSEC's leadership in developing a statewide PEIS, which represents a proactive step toward strategic and equitable infrastructure planning. We support the following aspects of the Draft PEIS:

- The use of avoidance criteria and general conditions to minimize harm to sensitive resources.
- The effort to standardize mitigation measures and streamline future project reviews.
- The inclusion of sections addressing environmental justice and Tribal sovereignty.

Recommendations for Improvement

While we recognize the value of this PEIS as a framework for future project reviews, we recommend the following adjustments to ensure that environmental justice, Tribal sovereignty, and community engagement remain central to the process.

Environmental Justice & Community Impacts - EFSEC should:

- Clearly define how maps will be used in project permitting, how communities



91-1

can challenge or contextualize mapped designations, and how free, prior, and informed consent will be obtained from impacted Tribal Nations to verify or adjust mapped information before it is published or applied to decision-making.

91-2

- Work with all impacted Tribes to determine how any maps developed will avoid sharing sensitive information from usual and accustomed areas, will or will not include Tribal lands, and other issues.

91-3

- Require that community engagement continues throughout the project lifecycle—not as a one-off event during early review.

91-4

- Recommend the consideration of Community Benefit Agreements (CBAs) as a best practice for transmission projects, especially those that impact Tribes and overburdened communities. CBAs, shaped through early community dialogue, could include benefits such as direct rate relief for low-income households, infrastructure investments like broadband, and mitigation of impacts particular to a given project.¹

91-5

Tribal Consultation and Study Area Scope (5.3) - We recognize that areas designated as Tribal lands by EFSEC were excluded from the study area scope, and that Tribes are invited to opt in to have their lands considered. We recommend EFSEC:

- Uphold and operationalize its commitment to robust Tribal consultation and facilitate resources to support capacity for early, informed Tribal participation.
- Clarify how it will engage with Tribal governments to assess potential impacts beyond reservation boundaries and trust lands, including in Usual and Accustomed Areas.

91-6

Caution, Collaboration, and Shared Commitment

WCA remains committed to supporting the successful implementation of the PEIS as a model for thoughtful, just, and effective infrastructure planning. We urge EFSEC to:

- Balance the need for streamlined processes with equitable outcomes.
- Maintain transparency and accountability throughout implementation.
- Center the voices of those impacted—particularly sovereign Tribal nations and overburdened communities.

Thank you for the opportunity to comment on this important planning document. We look forward to continued engagement with EFSEC and other stakeholders as the PEIS

¹ Refer to examples from Maine (<https://climate.law.columbia.edu/sites/climate.law.columbia.edu/files/content/CBAs/NECEC%20Stipulation.pdf>) and California (<https://climate.law.columbia.edu/sites/climate.law.columbia.edu/files/content/CBAs/Cable%20Companies%20Agreement.pdf>)

91-1

Julian Santos, (Submission 91) - Continued



process moves forward. Please feel free to contact us to discuss any of the points raised herein.

Sincerely,

Julian Santos
Climate and Clean Energy Senior Manager
Washington Conservation Action

Response to Julian Santos, (Submission 91)

91-1

The Programmatic EIS provides General Measure Gen-10, which outlines various mitigation and management plans required to demonstrate regulatory compliance and effective risk management. Appendix 3.1-1 offers additional guidance for this General Measure, specifying that a communication plan should be developed for project-specific applications, along with details on the different components of the plan. General Measure Gen-10 requires a communication plan that includes a mechanism for handling complaints. Section 3.16.4 includes Mitigation Measures that would reduce impacts on resources such as homes. Mitigation Measures aim to ensure vulnerable populations and overburdened communities can participate in the energy transition through active engagement.

91-2

EFSEC acknowledges the importance of protecting sensitive Tribal information, including data related to usual and accustomed areas, cultural resources, and Tribal lands. In alignment with SEPA and Executive Order 13175 on Tribal consultation, this Programmatic EIS recommends early and ongoing government-to-government consultation with all potentially affected Tribes during project-specific environmental reviews to identify concerns related to project-specific applications.

91-3

The Programmatic EIS outlines a framework that encourages ongoing, inclusive, and adaptive engagement with communities—especially overburdened and vulnerable populations—throughout all stages of planning, permitting, new construction, operation, and decommissioning.

To that end, the Programmatic EIS includes commitments to:

- Establish clear expectations for applicants to develop and implement long-term community engagement plans.
- Ensure transparency and accountability by requiring regular updates, accessible communication channels, and opportunities for feedback at key project milestones.
- Support culturally appropriate engagement strategies that reflect the needs and preferences of diverse communities, including Tribal Nations, non-English-speaking populations, and historically marginalized groups.
- Monitor and evaluate engagement effectiveness over time, with mechanisms for communities to raise concerns and influence project decisions.

91-4

While the Programmatic EIS does not mandate Community Benefit Agreements, it supports the principle of early, inclusive, and culturally appropriate engagement with Tribes, environmental justice communities, and other stakeholders. The Programmatic EIS has been revised to include a discussion of Community Benefit Agreements as a recommended best practice for applicants, particularly in areas where transmission facilities may disproportionately affect historically underserved or overburdened communities.

Response to Julian Santos, (Submission 91) - Continued

91-5

In response to the commenter's recommendations, the Programmatic EIS has been revised to include the following commitments:

- Conducting Robust Tribal Consultation: EFSEC and partner agencies will uphold their government-to-government consultation responsibilities by providing early notice, sufficient time for review, and culturally appropriate engagement methods.
- Assessing Impacts Beyond Reservation Boundaries: Clarify that Tribal interests extend beyond reservation and trust lands, including Usual and Accustomed Areas, Traditional Cultural Properties, and areas of historical and ecological significance. The SEPA Lead Agency will attempt to work directly with Tribal governments to identify and assess potential impacts in these areas, consistent with treaty rights and the principles of Free, Prior, and Informed Consent.

91-6

The Programmatic EIS has been revised to include the following clarifications:

- Balancing Streamlining with Equity: The Programmatic EIS framework is designed to improve the efficiency of permitting processes while maintaining rigorous environmental review standards. Equity considerations—including the needs and rights of overburdened communities and Tribal Nations—are integrated into decision-making criteria to ensure that streamlined processes do not come at the expense of fair outcomes.
 - Centering Impacted Voices: The Programmatic EIS process prioritizes early and sustained engagement with those most affected by transmission facilities. This includes sovereign Tribal Nations, environmental justice communities, and other historically marginalized groups. Their input will continue to shape project-specific decisions.
-

George Lynch, (Submission 92)



STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • 360-725-4000
www.commerce.wa.gov

May 15, 2025

Energy Facility Site Evaluation Council
PO Box 43172
Olympia, WA 98503-3172

RE: Comments on Draft Transmission Programmatic Environmental Impact Statement

Dear Energy Facility Site Evaluation Council:

Thank you for the opportunity to submit comments on the draft transmission PEIS. Please find attached comments by the Energy Policy Office of the Washington Department of Commerce.

We are generally in support of the analysis that EFSEC has developed of potential environmental impacts of transmission projects in our state. We would like to highlight two priority suggestions to strengthen the final PEIS:

- 92-1 • Develop an analysis of transmission upgrade actions that is more distinct from actions to construct new transmission facilities. We believe the draft PEIS does not adequately capture the lesser impacts from improvements to existing facilities, relative to construction of new facilities. It would be especially helpful to transmission operators in making transmission upgrades if the potential impacts of upgrades are more carefully and specifically identified in the PEIS.
- 92-2 • Provide a more thorough analysis of the indirect and cumulative impacts of transmission projects by including the environmental benefits that will result from reduced use of fossil fuels in electric power generation as a result of expanded transmission capacity. These include reduced impacts of climate change, reduced emission of criteria pollutants, reduced public health effects, and reduced environmental harm from fossil fuel generation, which could be provide positive indirect benefits for air quality; water resources; vegetation; habitat, wildlife, and fish; public health and safety; land and shoreline use; transportation; recreation; and socioeconomics.

Please direct any questions concerning these comments to George Lynch, Senior Energy Policy Specialist, Transmission Policy, at george.lynch@commerce.wa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glenn Blackmon".

Glenn Blackmon
Director, Energy Policy Office

George Lynch, (Submission 92) - Continued

Page ES-9; Figure ES-2 Decision Tree

- 92-3
- This Decision Tree is a very helpful illustration of the SEPA environmental review process. Could this concept be expanded to include additional guidance on the entire application and review process, such as timelines of when documents are due, lists of resource reports and other documents that must be submitted, and any other information that an applicant or state agency can reference to understand exactly what will be expected and when in the process? I understand that this would not be able to be done in a neat one-page decision tree or flow chart, but possibly as a type of guidebook?

Page 1-19

- 92-4
- Text:** "...SEPA's purpose and goals are almost identical to NEPA's, but federal agencies may have environmental review processes that vary slightly from SEPA's. The main areas of divergence typically relate to the scope of the review, types of impacts, and range of alternatives.
 - Comment:** Recognizing that all federal agencies have their own NEPA processes, can the PEIS identify certain processes that generally differ between SEPA and NEPA? Perhaps. DOE NEPA processes that serve as a proxy since DOE can be the lead agency for transmission permitting under the Energy Policy Act of 2005 Section 216(h).

Pages 2-8; 2.2.1.3 Upgrade/Modification of Existing Transmission Facilities

- 92-5
- Comment:** The PEIS should distinguish between upgrade/modification projects that include Advanced Transmission Technologies and reconductoring that does not require new transmission towers (which would likely fall into the "Nil" or "Negligible" Impact Determinations) versus larger upgrading and reconductoring that would have additional land disturbances.
 - This section differentiates various types of upgrades/rebuilds, such as reconductoring, advanced transmission technologies, right-size replacements, modifying, re-routing, and converting. Making a general differentiation between upgrades/modifications that involve additional disturbances, and environmental impact would be useful. For example, a distinction can be made between reconductoring, advanced transmission technologies, and right-size replacement (which generally do not require much additional disturbances) versus modifying, re-routing, and converting, (which involve additional disturbances).
 - The absence of a distinction between different scales of upgrade/modification can be found throughout the document, such as the Water Resources section, the Vegetation Management section, Wildlife and Fish section, etc.
 - The U.S. Department of Energy recognized the nominal environmental impact of upgrading and rebuilding transmission lines when it provided categorical exclusions to the National Environmental Policy Act in April 2024 ([Federal Register / Vol. 89, No. 84 / Tuesday, April 30, 2024](#)).
 - DOE found that the record shows "that the actions normally do not have significant environmental impact, individually or cumulatively."
 - DOE stated in the Federal Register: "To establish the record in this rulemaking, DOE evaluated environmental assessments prepared by DOE and by other Federal agencies, categorical exclusion determinations, technical reports, applicable requirements, industry practices, and other publicly available information."

92-5

- In the [Technical Support Document](#) for DOE's categorical exclusions for upgrading and rebuilding transmission lines, it stated: "BPA and WAPA have documented no potential for significant environmental impacts in NEPA reviews for the types of actions covered" by the categorical exclusions. Page 3.

92-6

Chapters 3 and 4: Indirect Effects and Cumulative Impacts of Transmission Development

- Provide a more comprehensive analysis of the indirect effects and cumulative impacts, particularly indirect and cumulative benefits of transmission development
- Expand upon the indirect and cumulative benefits of reduced impacts of climate change, reduced emission of criteria pollutants, reduced public health effects, and reduced environmental harm from fossil fuel generation, which could be provide positive indirect benefits for air quality; water resources; vegetation; habitat, wildlife, and fish; public health and safety; land and shoreline use; transportation; recreation; and socioeconomics.
- See Pages 111-112 of the "Draft Generic Environmental Impact Statement", prepared for the Office of Renewable Energy Siting and Electric Transmission, New York Department of Public Services", available at <https://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={90DADA93-0000-C713-811A-3B1771FEE38B}>, for example:
 - "By accelerating the State's transition to renewable energy, the proposed action is expected to contribute to the State reducing its reliance on fossil fuels. This shift will curtail climate change-inducing GHG emissions, reduce criteria air pollutants, improve public health, and preserve natural resources. **The following section provides a summary of the potential environmental benefits indirectly generated by the proposed action.**" Page 111.
 - "**The proposed action, by accelerating the phasing out of fossil fuel generation plants, will contribute to the reduction of criteria air pollutants like SO₂ and NO_x, especially in disadvantaged communities which have been disproportionately exposed to pollutants resulting from dependence on fossil fuels.**" Page 111.
 - "Emissions from fossil fuel-based electric generation can negatively affect human health. Exposure to ozone can aggravate lung diseases including asthma, emphysema, and chronic bronchitis, as well as increase the risk of premature mortality from heart or lung disease. Health effects from PM_{2.5} include aggravated asthma, irregular heartbeat, decreased lung function, nonfatal heart attacks, and premature mortality in those with heart or lung disease. NO_x can increase the risk of respiratory diseases and exacerbate existing respiratory symptoms, especially in children, the elderly, and the poor. Individuals with asthma may experience aggravated symptoms when exposed to NO_x. Additionally, exposure to NO_x can cause irreversible structural changes to the lungs. One study estimated health impacts from fossil fuel energy sources at \$362 to \$886 billion in economic value annually, based on premature mortality, workdays missed, and direct costs to the U.S. healthcare system resulting from PM_{2.5}, NO_x, and SO₂. The same study estimated that the economic value of negative health impacts was equal to approximately \$0.14 to \$0.31 per kWh. These costs may be even higher if GHG emissions are included. Outdoor PM_{2.5} pollution from burning fuels in our buildings led to an estimated 1,300 early deaths and roughly \$14.4 billion in health impact costs in New York in 2017. **The proposed action is expected to contribute to further reductions in such air emissions and related costs and health impacts.**" Pages 111-112.

George Lynch, (Submission 92) - Continued

92-6

- Coal combustion in traditional legacy baseload generating plants generates significant amounts of solid waste. Much of this waste is disposed of in abandoned mines or landfills, potentially allowing pollutants to leach into ground or surface water. Soil contaminated by pollutant deposition near coal-fired power plants can take years to recover. Acid rain due to emissions of NOX and SO2 also impairs the growth of trees or kills them. **The proposed action will contribute to accelerated reductions in these types of resource impacts.**

Response to George Lynch, (Submission 92)

92-1

In response to this recommendation, the Programmatic EIS has been revised to:

- Expand the analysis in Chapter 2 regarding upgrades to existing transmission facilities.
- Provide a summary in Chapter 2 on how proposed upgrades may result in adverse environmental impacts of lesser magnitude than those for new construction.
- Provide a comparative impact analysis throughout Chapter 3 that distinguishes between upgrades and new construction.

92-2

WAC 197-11-330 states, "A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section."

To be consistent with WAC 197-11-330, beneficial impacts have not been analyzed in this Programmatic EIS. However, additional information was provided in Chapter 1 of the Programmatic EIS highlighting potential benefits of transmission facilities at a broad level. The chapter includes information regarding the following topic areas:

- Regulatory and Planning Efficiencies
- Enabling Clean Energy and Grid Modernization
- Minimizing Environmental Impacts
- Long-Term Environmental and Climate Benefits
- Socioeconomic and Community Benefits
- Opportunities for Recreation Resources

92-3

The Programmatic EIS has been revised to be accompanied by several tools, including a manual and templates that include:

- Step-by-step outline of the application and review process, including roles and responsibilities, best practices, and additional recommendations.
- Templates for both the Applicant and SEPA Lead Agency to use during the pre-application and application review process.

The Programmatic EIS Manual has been incorporated into the eProgrammatic and EFSEC website to make the Programmatic EIS more user-friendly and modular. For example, it will allow users to quickly find the information relevant to their role and stage in the process.

Chapter 1, Introduction, was also revised to include more information on the different ways that an applicant and SEPA Lead Agency could use this Programmatic EIS.

92-4

The Programmatic EIS notes that SEPA and NEPA share similar goals but may diverge in implementation. In response to your comment, the Programmatic EIS has been revised to expand this discussion to include specific examples of procedural differences, using DOE's NEPA process as a reference point.

Response to George Lynch, (Submission 92) - Continued

92-5

In response to this comment, the Programmatic EIS has been revised to provide clearer differentiation between low-impact upgrades and high-impact modifications, as follows:

- Upgrades: Upgrading existing transmission facilities is considered to improve the facility's efficiency, reliability, and capacity without increasing its footprint or disturbance. Upgrading an existing transmission facility can include reconductoring and installing advanced transmission technologies.
- Modifications: Modifying existing transmission facilities is considered to improve efficiency and reliability, and increase the existing system's capacity. According to RCW 80.50.060, modification means a significant change to an electrical transmission facility. Modifying existing transmission facilities would not result in new or expanded ROWs unless required for safety, regulatory compliance, or necessary access. Modification of existing transmission facilities could result in new or expanded footprint or disturbance. Modifying an existing transmission facility can include replacing transmission towers, transformers, substations, switchyards, underground cabling, and ancillary equipment.

The Programmatic EIS was also revised to evaluate potential impacts associated with both upgrades and modifications to ensure consistency and transparency in evaluating potential adverse environmental impacts.

92-6

EFSEC acknowledges the comment and this supporting information. EFSEC agrees that transmission facilities plays a critical enabling role in Washington's transition to a clean energy future. By facilitating the integration of renewable energy resources and reducing reliance on fossil fuel-based generation, expanded transmission can yield significant environmental and public health benefits. However, WAC 197-11-330 states, "A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section." Therefore, no beneficial impact analysis has been included in Chapter 3, Affected Environment, or Chapter 4, Cumulative Impacts.

Joshua Rubenstein, (Submission 96)



May 15, 2025

Submitted Electronically

Patty Betts & Sean Greene
Energy Facility Site Evaluation Council
621 Woodland Square Loop SE
Lacey WA 98503-3172

RE: Draft Transmission PEIS, Docket 181034

Dear Patty Betts and Sean Greene,

The Nature Conservancy (TNC) is a non-profit conservation organization working locally, nationally, and internationally to conserve the lands and waters on which all life depends. On behalf of our Washington members, we thank EFSEC for the opportunity to provide comments for the Draft Transmission Programmatic Environmental Impact Statement (PEIS).

Increasing transmission capacity is necessary to:

- Meet increasing energy demand across the state.
- Meet that demand with clean electricity, lowering greenhouse gas (GHG) emissions.
- Interconnect wind and solar generation in lower conflict sites within Washington to meet Clean Energy Transformation Act (CETA) mandates and lower GHG emissions.
- Access diverse clean energy resources across the west, lowering GHG emissions and environmental impacts of wind and solar development in Washington.
- Lower energy costs for Washington ratepayers by accessing and enabling development of lowest-cost clean energy resources.

The Nature Conservancy acknowledges that infrastructure development, and particularly greenfield development, can have adverse impacts on natural and working lands. At the same time, increased transmission capacity is critical for delivering on our state's commitments to greenhouse gas reductions and 100% clean electricity. According to the Clean Energy Transition Institute's Net Zero Northwest study, expanding transmission maximizes the chances of meeting net-zero goals while minimizing overall decarbonization cost. **Critically, rapidly expanding transmission infrastructure lowers the environmental impact of the energy transition in Washington by shrinking the necessary footprint of wind and solar sited in Washington through increased access to generation in other states, especially Montana and Wyoming wind.**¹

Therefore, **building all the transmission required for a least-cost decarbonization of Washington's energy needs will reduce adverse environmental impacts and create environmental benefits**, even though the immediate impacts of transmission projects will increase relative to the current transmission system. We urge EFSEC to capture the

96-2

environmental benefits of transmission and the adverse environmental impacts of not building transmission in the PEIS.

TNC appreciates the PEIS's role in accelerating transmission permitting without sacrificing environmentally smart planning. TNC commends EFSEC for the comprehensive and in-depth analysis of each resource on the SEPA checklist, and the detailed mitigation criteria assigned to each resource. TNC appreciates that the PEIS seeks to provide an explicit pathway for transmission projects to receive DNS and MDNS decisions by following the specific recommendations in the PEIS as required in RCW 43.21C.408(3).

We urge EFSEC to consider the following recommendations as well as those from other commenters seeking to strengthen the effectiveness of the PEIS to get transmission built in ways that minimize environmental impacts.

Recommendations:

96-3

1. **Require compensatory mitigation for greenfield overhead transmission projects impacting class 1 and class 2 habitat types consistent with WDFW Wind and Solar Guidelines, and pursue flexible mitigation pathways such as mitigation banks.** There is no question that building the transmission system Washington needs will impact the environment, and overhead transmission in greenfield areas is the highest impact method of building transmission. It appears that the mitigation recommendations in the PEIS are primarily in the avoid, minimize, and rectify stages of the mitigation sequence (WAC 197-11-768). While avoiding and minimizing impact is critical where possible, compensatory mitigation should also be a tool for addressing unavoidable impacts. TNC recommends EFSEC require compensatory mitigation for unavoidable impacts to class 1 and class 2 habitat types in line with the mitigation requirements and ratios that will be adopted in the WDFW Wind and Solar Guidelines. Establishing functional mitigation banking will help accelerate both transmission development and habitat restoration. Clear requirements for compensatory mitigation will also minimize additional environmental analysis when a project cannot meet avoidance criteria.

96-4

2. **Separately identify mitigation criteria for upgrades, modification, and colocation within existing transmission and transportation corridors**, which are the lowest environmental impact way to add capacity to the transmission grid. Any capacity added by these strategies lowers the need for greenfield transmission. Therefore, the PEIS should treat this as a separate alternative for impact determination and mitigation and clarify if any mitigation criteria would not apply. For upgrades and modifications where avoidance criteria cannot be followed due to historical siting of existing infrastructure, TNC recommends limiting any additional environmental analysis, due to the clear environmental benefits of upgrades, modifications, and use of transportation rights of way relative to building greenfield transmission.
 - a. **Add road and highway rights-of-way to the upgrade/modification of existing transmission alternative:** Placing new transmission in road rights of way is a low impact way to build new transmission infrastructure and should have mitigation

Joshua Rubenstein, (Submission 96) - Continued

96-4	requirements aligned with upgrades and modifications as opposed to greenfield development.	96-9	6. Identify priority corridors for transmission development and provide “Corridor/Route Optimization” from GoldSET Data. The maps in the PEIS “must be prepared with the intention to illustrate probable, significant impacts and areas where impacts are avoided or capable of being minimized or mitigated , creating a tool that may be used by project proponents, tribes, and government to inform decision making” RCW 43.21C.405 (6). This requires:
96-5	3. Use levels of impact aligned with the language of SEPA in “Impact Determination” sections. Align nomenclature in Impact Determination Scale with SEPA triggers. That would include non-significant impact, moderate significant impact where PEIS mitigation is adequate to achieve an MDNS, and significant impacts requiring additional SEPA analysis.		a. Make the underlying GoldSET data easily accessible to project proponents, tribes, and governments, and
96-6	4. Amend Action Alternative and No Action Alternative to include high and low buildout scenarios, enabling the cumulative impacts assessment to reflect the pace and scale of transmission construction needed to meet CETA targets and GHG mandates. To adhere to WAC 197-11-440, which asserts that “reasonable alternatives shall include actions that could feasibly attain or approximate a proposal’s objectives, but at a lower environmental cost or decreased level of environmental degradation”, this Transmission PEIS should include alternatives that avoid and minimize the potential impacts of building transmission while still meeting CETA and GHG mandates. The Draft PEIS does not acknowledge that no action will lead to insufficient development to meet our state’s climate laws and commitment to greenhouse gas reductions, and should account for the climate, socio-economic, environmental justice, and grid reliability costs associated with no increase in the pace of transmission buildout from current practice. TNC recommends analyzing an alternative that assumes constructing enough transmission to meet forecasted demand by 2050 and an alternative that assumes status quo rates of transmission development. If EFSEC would like to maintain its current structure of assuming the only difference between action and no action alternatives is the following of avoidance criteria, then this would require four alternatives (high and low buildout scenarios each with an action and no action alternative). It is critical to first analyze the full transmission buildout needed to meet GHG and CETA goals and then use the cumulative impacts analysis and mapping analysis to identify where transmission should be developed to minimize the cumulative impact of that full buildout.	96-10	b. Overlay the GoldSET maps of different resources and conduct the corridor/route optimization step for areas with known transmission needs in a high transmission buildout scenario , potentially with multiple starting and ending points to account for different possible substations. There are several projects that EFSEC knows have been proposed, including the Garrison to Ashe line from Montana to the Tri-Cities area as well as the Cross Cascades North line from the mid-C to the west side of the Cascades, as well as other lines identified in utility and/or regional transmission planning.
		96-11	c. Use the cumulative impacts analysis and GoldSET mapping to identify the transmission routes needed in a high buildout scenario with minimum cumulative impacts on avoidance criteria. A key role of the PEIS is identifying transmission corridors with the lowest cumulative impacts to meet system needs. We recommend keeping the option of conducting addendum or supplemental route-specific PEISs that retain the benefits of tying to this PEIS.
96-7	5. Clarify treatment of avoidance criteria when they prove unavoidable, minimizing additional environmental analysis required in step 3.4 of Figure 1.6-1: Decision Tree. Transmission lines are linear infrastructure, nearly guaranteed to cross some of the avoidance criteria areas. When avoidance criteria are unavoidable, EFSEC should clarify the applicability of the PEIS for the rest of the project, and specify the level of additional analysis required to identify alternatives or mitigation.	96-2	7. Account for the environmental benefits of building transmission and the environmental harms of insufficient transmission in the cumulative impacts analysis. The analysis of sufficient and insufficient transmission analysis should include the GHG and socioeconomic impacts of transmission enabling the development and use of clean energy, and the potential land use impacts of meeting CETA requirements if lack of transmission leads to extra wind and solar resources needing to be sited in Washington.
96-8	a. Identify compensatory mitigation ratios for unavoidable conflicts with avoidance criteria. TNC recommends providing clear compensatory mitigation ratios for avoidance criteria in line with the WDFW Wind and Solar Guidelines where applicable so that projects have clarity on their responsibility to mitigate when impacts are truly unavoidable. This will help limit the scope of the additional analysis required in the Decision Tree.		

This Transmission PEIS is a critical opportunity to achieve a smart-from-the-start, landscape-scale approach for a balanced build out of transmission infrastructure in Washington. We hope our comments can contribute to a comprehensive Transmission PEIS that evaluates a range of alternatives and directs transmission buildout towards approaches that conserve cultural, natural, agricultural, and community resources while meeting our state’s transmission needs for reducing GHGs and achieving CETA targets. Thank you for your consideration of these comments. Please feel free to follow-up with any questions by contacting me at joshua.rubenstein@tnc.org.

Sincerely,

Joshua Rubenstein
The Nature Conservancy
Climate Policy Associate

Response to Joshua Rubenstein, (Submission 96)

96-1

The Programmatic EIS acknowledges the critical role of transmission infrastructure in supporting Washington's transition to a net-zero energy system. While EFSEC recognizes that expanding transmission can facilitate access to out-of-state renewable resources—such as wind generation in Montana and Wyoming—and potentially reduce the in-state footprint of wind and solar development, this assertion reflects a broader policy and strategic planning perspective. The Programmatic EIS focuses on evaluating environmental impacts associated with transmission actions rather than prescribing specific pathways to achieve decarbonization goals. Therefore, no changes have been made to the Programmatic EIS in response to this comment.

96-2

To be consistent with WAC 197-11-330, beneficial impacts have not been analyzed in this Programmatic EIS. However, additional information was provided in Chapter 1 of the Programmatic EIS highlighting potential benefits of transmission facilities at a broad level. The chapter includes information regarding the following topic areas:

- Regulatory and Planning Efficiencies
- Enabling Clean Energy and Grid Modernization
- Minimizing Environmental Impacts
- Long-Term Environmental and Climate Benefits
- Socioeconomic and Community Benefits
- Opportunities for Recreation Resources

Chapter 2 of the Programmatic EIS has been revised to provide an expanded description of the No-Action Alternative. This discussion highlights the following: "Transmission facility siting and development would continue under existing state and local regulatory processes. Each project would be evaluated for environmental compliance independently, without the advantage of using all or portions of the environmental analysis provided in this document.

The No-Action Alternative could lead to longer timelines for project-specific environmental reviews, duplicative reviews, and less coordinated mitigation at the project level. Having to conduct full, standalone project-specific environmental reviews without the use of this Programmatic EIS could also increase costs and create uncertainty for transmission facility developers, utility providers, and the State Environmental Policy Act (SEPA) Lead Agency."

Additional details have been provided in Chapter 1 of the Programmatic EIS regarding the methods that a SEPA Lead Agency reviewing project-specific applications for transmission facilities could use this Programmatic EIS, as directed by RCW 43.21C.408. More information on how the Programmatic EIS could be used can be found in the Programmatic EIS Manual and Checklists prepared to accompany the document.

Response to Joshua Rubenstein, (Submission 96) - Continued

96-3

The Programmatic EIS provides General Measure Gen-10, which outlines various mitigation and management plans required to demonstrate regulatory compliance and effective risk management. Appendix 3.1-1 offers additional guidance for this General Measure, specifying that project-specific applications should prepare and implement a habitat mitigation plan, a revegetation and restoration plan, and a special status species management plan. Each of plan should detail their specific components and requirements.

General Measure Gen-10 also identifies that a mitigation plan be prepared to identify potential impacts and determine the necessary offset requirements to prevent a net loss of natural habitats. This measure does not specify offset ratios, as it is expected that these ratios will be tailored to individual projects and habitat. These ratios are expected to be developed in consultation with state agencies, such as the Washington Department of Fish and Wildlife, as well as the SEPA Lead Agency.

Furthermore, Gen-10 requires project-specific applications create revegetation and restoration plans, as well as special status species management plans. These plans would also be developed in consultation with appropriate state agencies and the SEPA Lead Agency.

96-4

Chapter 2 and Section 3.1 of the Programmatic EIS was revised to:

- Differentiate between upgrades and modifications and analyze them independently of one another.
- Summarize how upgrades and modification may result in adverse environmental impacts of lesser magnitude than those for new construction.
- Acknowledge that some Avoidance Criteria may not be fully applicable to upgrades and modifications due to existing transmission facilities.
- Provide clearer guidance on how to use the Programmatic EIS to streamline project-specific environmental reviews.

96-5

The Programmatic EIS used a descriptive scale to characterize the relative intensity of environmental impacts.

The Programmatic EIS has been revised to include clarifying language in Section 3.1 to explain how the existing impact scale corresponds to SEPA thresholds for significance.

96-6

As discussed in Chapter 1, Introduction, of the Programmatic EIS, RCW 43.21C.405 does not identify the need to evaluate transmission facility development based on buildout assumptions or specific corridors. It also does not limit the number of subsequent transmission facility projects that consider or use this Programmatic EIS. This Programmatic EIS evaluates adverse environmental impacts associated with transmission facility development at a broad level throughout Washington, rather than focusing on specific sites, corridors, or buildout scenarios.

Chapter 2 of the Programmatic EIS has been revised to provide an expanded description of the No-Action Alternative. This discussion highlights the following: "Transmission facility siting and development would continue under existing state and local regulatory processes. Each project would be evaluated for environmental compliance independently, without the advantage of using all or portions of the environmental analysis provided in this document.

The No-Action Alternative could lead to longer timelines for project-specific environmental reviews, duplicative reviews, and less coordinated mitigation at the project level. Having to conduct full, standalone project-specific environmental reviews without the use of this Programmatic EIS could also increase costs and create uncertainty for transmission facility developers, utility providers, and the State Environmental Policy Act (SEPA) Lead Agency."

Response to Joshua Rubenstein, (Submission 96) - Continued

96-7

The intent of the Avoidance Criteria is to guide early planning and reduce conflict, not to disqualify projects that cannot achieve full avoidance due to geographic or system constraints. In response to this comment, Chapter 1 and Section 3.1 of the Programmatic EIS have been revised to:

- Clarify that nonconformance with any of the items identified in Step 2 (previously Step 3 in Draft Programmatic EIS) in the Decision Tree does not invalidate the use of the Programmatic EIS for the remainder of the project. The project-specific environmental review would adopt the Programmatic EIS for adverse environmental impacts that conform, while addressing nonconforming impacts through additional environmental analysis.
- Refine the Decision Tree to:
- Encourage early consultation with SEPA Lead Agencies and affected Tribes to determine the appropriate scope of supplemental review.
- Provide examples or case scenarios in the Programmatic EIS Manual or guidance materials to illustrate how projects can proceed when partial avoidance is not feasible, including how to document mitigation and alternatives analysis.

96-8

The Programmatic EIS provides General Measure Gen-10, which outlines various mitigation and management plans required to demonstrate regulatory compliance and effective risk management. Appendix 3.1-1 offers additional guidance for this General Measure, specifying that project-specific applications should prepare and implement a habitat mitigation plan, a revegetation and restoration plan, and a special status species management plan. Each of these plans should detail the specific components and requirements.

General Measure Gen-10 also identifies that a mitigation plan be prepared to identify potential impacts and determine the necessary offset requirements to prevent the net loss of natural habitats. This measure does not specify offset ratios, as it is expected that these ratios will be tailored to individual projects and habitat. These ratios are also expected to be developed in consultation with state agencies, such as the Washington Department of Fish and Wildlife, as well as the SEPA Lead Agency. Furthermore, Gen-10 requires project-specific applications create revegetation and restoration plans, as well as special status species management plans. These plans would also be developed in consultation with appropriate state agencies and the SEPA Lead Agency.

Response to Joshua Rubenstein, (Submission 96) - Continued

96-9

In response to this comment, the Programmatic EIS includes an environmental sensitivity map that integrates multiple environmental and land use criteria to assess the relative sensitivity of areas for transmission facility development. The full, public dataset and associated GIS layers are identified and made available through a publicly accessible online portal. While a specific methodology was used for the environmental sensitivity maps in the Programmatic EIS, applicants and SEPA Lead Agencies are not required to use this same process. A variety of other tools, frameworks, and methodologies—including open-source, agency-developed, or consultant-supported options—can be used to conduct project-specific analyses and to demonstrate consistency with the recommendations in the Programmatic EIS

The methodology used for the environmental sensitivity maps used in the Programmatic EIS is part of a broader multicriteria analysis that could aid in corridor optimization. Since the Programmatic EIS broadly evaluates the potential for transmission facility development across the state, it does not identify specific points of connection or corridors. Applicants may develop or identify corridors between specific points of connection and analyze options or alternatives using a variety of methods or tools before submitting a project-specific application.

96-10

As outlined in RCW 43.21C.405, the purpose of the Programmatic EIS is to assess and disclose the probable significant adverse environmental impacts, and identify related Mitigation Measures, for the development of transmission facilities. The Programmatic EIS is not required to identify or evaluate transmission corridors with the lowest cumulative impacts to meet system needs.

In response to this comment, the Programmatic EIS has been revised to:

- Clarify how the cumulative impacts analysis and environmental sensitivity maps provided in the Programmatic EIS can be used to inform corridor planning.
- Reaffirm how the Programmatic EIS can be used for project-specific applications by restating the options for which project-specific applications can use the Programmatic EIS, including the preparation of an addendum or supplemental EIS.

96-11

While Chapter 1, Introduction, of the Programmatic EIS has been revised to identify potential benefits and opportunities associated with transmission facility ROWs, it does not include an analysis of beneficial impacts in Chapter 4, Cumulative Impacts. This approach is consistent with WAC 197-11-330, which states: "A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section."

Nadine Nadow, (Submission 97)



May 15, 2025

Energy Facility Site Evaluation Council
621 Woodland Square Loop SE
Lacey, WA 98503-3172

Submitted electronically at <https://comments.efsec.wa.gov/>.

Re: Comments on Draft Programmatic Environmental Impact Statement for High-Voltage Transmission Facilities in Washington

Dear Energy Facility Site Evaluation Council,

Conservation Northwest (CNW) appreciates the opportunity to submit this comment regarding Energy Facility Site Evaluation Council's (EFSEC's) Draft Programmatic Environmental Impact Statement (Draft PEIS) under the State Environmental Policy Act (SEPA), pursuant to RCW 43.21C.030, to assess probable, significant adverse environmental impacts in geographic areas that are suitable for electrical transmission facilities with a nominal voltage of 230 kilovolts (kV) or greater and identify related avoidance, minimization, and mitigation measures.¹

We commend the State of Washington for its proactive approach to evaluating the environmental implications of transmission infrastructure at a programmatic level. This effort reflects a necessary step toward achieving the state's clean energy goals. At the same time, we emphasize the importance of ensuring that the development of such infrastructure is aligned with environmental protection, social equity, and long-term sustainability.

CNW supports the strategic expansion and modernization of Washington's transmission infrastructure to facilitate the integration of renewable energy sources and meet the requirements of the Clean Energy Transformation Act (CETA). We endorse this programmatic effort to identify existing transmission infrastructure for potential upgrades or rebuilds on lands suitable for new development with the least conflicts. This includes protecting, connecting, and restoring wildlands and wildlife, traditional and cultural Tribal resources, productive agriculture, and recreational opportunities for future generations. To this end, we offer the following comments.

Recommendations and Comments Regarding Draft Programmatic Environmental Impact Statement Studies That Address Environmental Issues

First, regarding environmental justice and community health, we recommend a stronger the inclusion of environmental justice considerations in the Draft PEIS. To strengthen this aspect, there should be more encouragement of enhanced community engagement to develop a robust

¹ RCW 43.21C.405, <https://app.leg.wa.gov/RCW/default.aspx?cite=43.21C.405>.



97-1 | framework for engaging with overburdened communities, ensuring their meaningful participation in decision-making processes. There needs to be a stronger cumulative environmental and health impact assessment on communities already burdened by pollution and industrial activities.

97-2 | The Draft PEIS acknowledges the importance of tribal consultation. However, we recommend building upon this with more early and ongoing consultation and engagement with tribal governments from the earliest planning stages and maintain open communication throughout project development. We support that cultural resources are protected sites of significance for Indigenous communities.

We appreciate that EFSEC's primary focus of this Draft PEIS is to assess the potential environmental impacts of high-voltage transmission facilities through identifying avoidance, minimization, and other mitigation measures and addressing probable significant adverse environmental impacts, as directed by the Washington State Legislature. It would serve as the first phase of SEPA-phased review for future high-voltage transmission facilities [WAC 197-11-060(5)]. Additional SEPA review would be required for any project-specific application.

97-3 | As directed by the Washington State Legislature in RCW 43.21C.405, this Draft PEIS analyzes potential direct, indirect, and cumulative impacts of the construction, operation and maintenance, and upgrade or modification of transmission facilities in the State of Washington. We appreciate the explanations written out to describe specific considerations. However, we would like there to be acknowledgement that there may be uncommon circumstances that should also have a thorough consideration before impact determinations as made.

We suggest improvements to specific sections related to environmental mitigation:

Ecological Impacts and Wildlife Connectivity

- 97-4 | • **Wildlife Movement and Barriers (Section 3.6):** In addition to landscape-scale avoidance, the PEIS should explicitly address structural barriers such as fencing near transmission corridors. These can inadvertently act as predator funnels or migration blockages, fragmenting habitat and posing risks to wildlife.
- 97-5 | • **Technological Solutions:** The PEIS should explore the use of technologies such as ultrasonic deterrents to help species like birds and bats navigate safely around transmission lines.
- 97-6 | • **Soils and Earth Resources (Section 3.2.2.2):** We recommend discussing dual-purpose and lower-conflict siting options such as fallow agricultural land, brownfields, and previously disturbed lands. These should be analyzed not only for feasibility but for residual ecological value.

Nadine Nadow, (Submission 97) - Continued



Regional Planning and Interstate Coordination

97-7 | The PEIS briefly references cross-border coordination with British Columbia but omits meaningful discussion on east-west transmission with Idaho and Oregon. We recommend expanding this analysis:

- Interstate Alignment: Consider transmission planning implications with adjacent states, especially in eastern Washington, to avoid mismatched policies, incomplete connectivity, or habitat fragmentation across state lines.

Invasive Species and Vegetation Management

We appreciate the PEIS's mention of invasive species. Going forward:

- 97-8 |
- Ecoregion-Specific Strategies: Vegetation management should be tailored to native ecosystems and include species-specific restoration practices. Preventing the spread of invasives should be a central goal of long-term maintenance.

Project Cost and Timeline Considerations

97-9 | Without early and coordinated planning, transmission development can become significantly delayed and costly—often exceeding \$2–3 million per mile and requiring 7–10 years for permitting, construction, and review. By embedding environmental planning early in the process, Washington can reduce delays and avoid unintended impacts.

Siting Guidelines and Monitoring

97-10 | We recommend the Final PEIS include the following:

- Clear Siting Criteria: Develop a transparent and enforceable framework for siting transmission lines in areas of least environmental and social conflict.
- Ongoing Monitoring: Establish protocols for environmental monitoring and compliance reporting from construction through decommissioning. This will ensure long-term accountability and resource protection.

Conclusion

Thank you for considering our comments for the Draft PEIS to help transmission facility applicants understand how to properly analyze all potential direct, indirect, and cumulative impacts. We appreciate the effort behind this transmission PEIS study to identify and assess alternatives, probable environmental impacts, and mitigation and to provide information on how to make siting and design choices that will avoid, minimize, or mitigate adverse environmental impacts at an



early phase of project consideration, during the construction and maintenance, and for decommissioning. We appreciate that transmission projects will project would be design with conservation and wise land use in mind.

We appreciate the opportunity to contribute to this important process and look forward to continued collaboration with EFSEC.

Sincerely,

Nadine Nadow, Sr. Policy Coordinator
Conservation Northwest
nadine@conservationnw.org

Response to Nadine Nadow, (Submission 97)

97-1

Section 3.16.4 of the Programmatic EIS provides Avoidance Criteria and Mitigation Measures to ensure that significant adverse environmental impacts on vulnerable populations and overburdened communities would not occur. Avoidance Criteria aim to reflect and build upon existing legal and planning frameworks to avoid a disproportionate adverse environmental impacts on vulnerable populations and overburdened communities. Additional guidance can be found in Appendix 3.1-1, which provides information on available tools, templates, and methodology for evaluating impacts on vulnerable populations and overburdened communities. Mitigation Measures require that community leaders and organizations from vulnerable populations and overburdened communities be identified and engaged with. The measure aims to ensure that vulnerable populations and overburdened communities can participate in the energy transition through active engagement. Project-specific cumulative impact assessments will be completed to support the baseline cumulative impact analysis provided by the Programmatic EIS. Applicants would prepare an updated, reasonably foreseeable action list based on the geographic setting associated with the project in coordination with the SEPA Lead Agency. The SEPA Lead Agency would analyze cumulative adverse impacts, identify appropriate mitigation measures, and determine significance based on any environmental resources of concern, using the information provided in this Programmatic EIS.

97-2

The Programmatic EIS acknowledges that Tribal consultation is not only a legal requirement but also a foundational element of responsible and respectful planning. In response to the commenter's recommendation, the Programmatic EIS has been revised to strengthen its commitment to:

- Early and Proactive Engagement: EFSEC will encourage applicants to initiate consultation with affected Tribes at the earliest stages of planning, well before project siting decisions are made.
- Ongoing Communication: the Programmatic EIS has been revised to outline best practices for maintaining open, transparent, and continuous communication with Tribal governments throughout the lifecycle of transmission projects.
- Cultural Resource Protection: EFSEC affirms that cultural resources are not merely environmental features but are sacred and historically significant to Indigenous communities.

The Programmatic EIS includes guidance for:

- Avoidance and Minimization: Prioritizing avoidance of known cultural sites in corridor planning and route optimization.
 - Confidentiality and Respect: Ensuring that sensitive cultural information shared by Tribes is protected and not publicly disclosed without consent.
 - Tribal-Led Assessments: Encouraging the use of Tribal cultural resource specialists and Tribal historic preservation officers in project assessments.
-

Response to Nadine Nadow, (Submission 97) - Continued

97-3

As provided in Chapter 1, Introduction, of the Programmatic EIS, individual projects will still undergo project-specific environmental review. Additional project-specific environmental analyses would be necessary when project-specific details—such as location, design, or potential adverse environmental impacts—warrant further evaluation to ensure compliance with environmental standards and to address localized concerns.

97-4

Physical barriers to movement are described in Section 3.6.3 and include temporary and permanent fencing and access roads. The Programmatic EIS also includes Avoidance Criteria and Mitigation Measures to reduce impacts on wildlife movement.

97-5

There is limited scientific literature to suggest that ultrasonic deterrents are effective in reducing bird collisions with transmission lines. More effective measures exist (e.g., visual deterrents such as line markers) (APLIC 2012) and are described in the Programmatic EIS. Ultrasonic deterrents have been used to reduce bat collisions with wind turbines. Although bats have been found incidentally in bird mortality searches around transmission corridors, bat mortality from collision with transmission lines is not as prevalent as it is from collision with wind turbines and barotrauma (Manville II 2016). Therefore, use of ultrasonic deterrents as mitigation is not believed to be warranted. References: APLIC (Avian Power Line Interaction Committee). 2012. Reducing Avian Collisions with Power Lines: The State of the Art in 2012. Washington, D.C.: Edison Electric Institute and APLIC. Accessed January 23, 2025. Manville II, A. M. 2016. Impacts to Birds and Bats Due to Collisions and Electrocutions from Some Tall Structures in the United States: Wires, Towers, Turbines, and Solar Arrays—State of The Art in Addressing the Problems (Angelici, F. M., Editor), pp. 415–442. Problematic wildlife a cross-disciplinary approach. New York, New York: Springer International Publishing. Accessed January 24, 2025. https://link.springer.com/chapter/10.1007/978-3-319-22246-2_20

97-6

While the Programmatic EIS does not evaluate specific sites, it identifies siting principles and best practices that include prioritizing disturbed lands where feasible. The residual ecological value of these lands is also acknowledged, and future project-specific environmental reviews will include site-specific assessments to evaluate both feasibility and ecological trade-offs. Section 3.5, Vegetation, includes recommendations to consider areas of existing disturbance and prioritizing use over new clearing or disturbance to native vegetation. This would include sites such as fallow land and brownfields. Mitigation Measures such as Veg-1 Site Transmission Facilities in Existing ROW or Disturbed Areas were developed to indicate use of existing disturbance would minimize impacts to vegetation. The Vegetation GoldSet card ranks these areas as neutral conflict, which indicates they are preferred options from the Vegetation perspective. In addition, the Programmatic EIS considers the option for upgrading or modifying existing transmission line ROWs in addition to new underground and overhead facilities. This option typically ranks lower in terms of overall impacts to vegetation due to the use of existing disturbance. In response to the commenter's recommendation, Geo-1 has been revised to read: "Where identified, attempt to site transmission lines in areas that have already been disturbed such as fallow agricultural lands or Brownfields sites, to the extent practicable and where hazardous conditions have not been identified."

Response to Nadine Nadow, (Submission 97) - Continued

97-7

In response to the commenter's recommendation, the Programmatic EIS has been revised to expand its discussion to assess how transmission facilities in Washington interacts with planning efforts in adjacent states, particularly in eastern Washington, where transmission corridors often cross into Idaho and Oregon. This includes consideration of:

- Policy alignment to avoid regulatory mismatches that could delay or complicate project development
- Grid connectivity to ensure seamless integration of clean energy resources across state lines
- Wildlife and habitat continuity, with a focus on minimizing fragmentation of shared ecosystems and migratory corridors

The Programmatic EIS has also been revised to reference ongoing coordination efforts through regional transmission organizations (e.g., - NorthernGrid, WECC, and Western Power Pool) and federal initiatives (e.g., DOE's National Transmission Needs Study) that support multi-state planning and investment.

97-8

The Programmatic EIS has been revised to reinforce the need for:

- Ecoregion-specific best practices that reflect the unique characteristics of Washington's forests, shrub-steppe, grasslands, coastal environments, and other unique ecosystems
- Native species restoration as a core component of post-construction site rehabilitation and long-term maintenance, with a focus on species appropriate to the local habitat and cultural context
- Collaboration with local experts, including Tribal natural resource departments, conservation districts, and state agencies, to ensure that restoration practices are ecologically sound and culturally informed

In addition, the Programmatic EIS has been revised to emphasize the importance of invasive species prevention. Preventing the introduction and spread of invasive species is a central goal of responsible transmission corridor management. the Programmatic EIS has been revised to include guidance on:

- Long-term monitoring and adaptive management to address emerging threats and ensure restoration success

Response to Nadine Nadow, (Submission 97) - Continued

97-9

WAC 197-11-330 states, "A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section."

To be consistent with WAC 197-11-330, beneficial impacts have not been analyzed in this Programmatic EIS. However, additional information was provided in Chapter 1 of the Programmatic EIS highlighting potential benefits of transmission facilities at a broad level. The chapter includes information regarding the following topic areas:

- Regulatory and Planning Efficiencies
- Enabling Clean Energy and Grid Modernization
- Minimizing Environmental Impacts
- Long-Term Environmental and Climate Benefits
- Socioeconomic and Community Benefits
- Opportunities for Recreation Resources

97-10

The Programmatic EIS has been revised to include:

- Defined siting principles that prioritize areas of least environmental and social conflict, informed by environmental sensitivity mapping, land use constraints, and Tribal and stakeholder input
- Criteria for avoidance and minimization, including proximity to sensitive habitats, cultural resources, environmental justice communities, and high-value agricultural lands
- Alignment with existing planning tools, regional transmission plans, and local comprehensive plans, to ensure consistency and predictability

These criteria are intended to support early planning, reduce permitting risk, and promote equitable and environmentally sound outcomes.

EFSEC also supports the establishment of long-term environmental monitoring and compliance reporting. The Programmatic EIS has been revised to recommend:

- Monitoring protocols for key environmental indicators (e.g., habitat recovery, erosion control, invasive species)
 - Regular compliance reporting to SEPA Lead Agencies, with opportunities for public and Tribal review
 - Adaptive management strategies to address unforeseen impacts or changing environmental conditions over time
-

Nancy Sackman, (Submission 98)

DUWAMISH TRIBE dxʷdəwʔabš

May 13, 2025

STATE OF WASHINGTON ENERGY FACILITY SITE EVALUATION COUNCIL

WAC 197-11-060(5) (RCW) 43.21C.405

Dear Patricia Betts & Sean Greene,

Thank you for the opportunity to comment on the Draft PEIS High Voltage Transmission Facilities to evaluate the potential environmental, cultural, and economic impacts of the construction, operation and maintenance, and upgrade or modification of electrical transmission facilities with a nominal voltage of 230 kilovolts (kV) or greater (transmission facilities) throughout the State of Washington. Based on the information provided and our understanding of the project and its APE, the Duwamish Tribe supports and concurs with the mitigation applied under the historic and cultural resources section 3.15-25. We would recommend an archaeological or cultural resources assessment for each project within the general area of central King County, especially if any groundbreaking activity occurs below fill, topsoil or other impervious surfaces into native soil. There are areas within the transmission facilities and lines that the Duwamish Tribe considers culturally significant and have a High probability to have unknown archaeological deposits. We note that there 100s of place names within about a mile of the project location. We have included four confidential maps below. The DAHP WISAARD predictive model indicates that an archaeological survey is highly advised with a very high risk for encountering cultural resources. We also request that you contact us if you are in doubt about being near a culturally sensitive area or traditional cultural properties (TCPs). The Duwamish Tribe appreciates early engagement and consultation of future development, modification and/or upgrade to power facilities.

We prefer and concur that avoidance of archaeological sites, traditional cultural properties and sacred areas are the best course of action when planning for future development and/or groundbreaking activities. We also support cultural awareness training, trenchless construction and the application of an inadvertent discovery plan for unanticipated finds during grading, excavation or boring. While many sites have been disturbed, we ask that particular care is given to researching areas that may have had native burial sites or held native human remains.

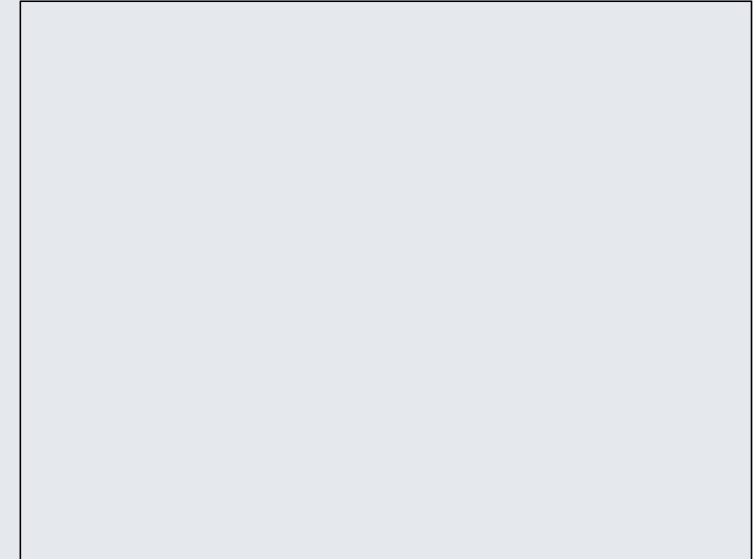
The Duwamish Tribe requests that if any archaeological work or monitoring is performed, we would like notification. Cultural and archaeological resources are non-renewable and are best discovered prior to ground disturbance. The Tribe would also like the opportunity to be present if or when an archaeologist is on site.

In addition, the Tribe strongly recommends only native vegetation be used for any proposed landscaping to enhance habitat for fish and wildlife, and native avian life and native pollinators. The Tribe supports observing critical area tracts and stream buffers to preserve any remaining wetlands and stream buffers. Loss of wetland habitat is known to affect the viability of fish, water quality and increase the effects of seasonal urban flooding. We also support removal of noxious weeds and invasive plant species during construction.

We also strongly recommend that native trees in the APE, particularly culturally modified trees (CMPs) are preserved. Mature trees can be of profound cultural significance to the Duwamish Tribe and provide innumerable benefits for people, climate, and wildlife. If a tree is suspected to be culturally modified, the Duwamish Tribe would like to be notified and would like the opportunity to come to the site to ensure its protection.

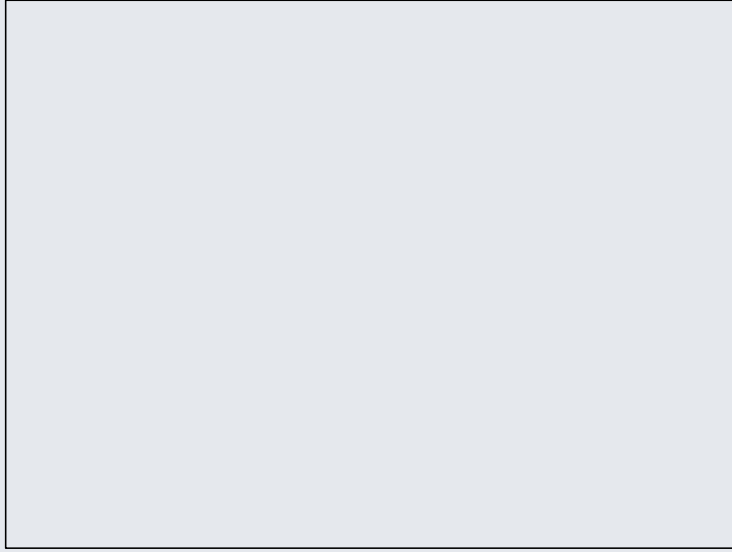
Finally we request that any permanent lighting associated with the project be [dark sky compliant](#) to reduce light pollution. Darkened skies were favorable conditions to practice traditional life pathways.

Map 1. North Seattle with an overlay of transmission lines in purple*

**not for public use or distribution*

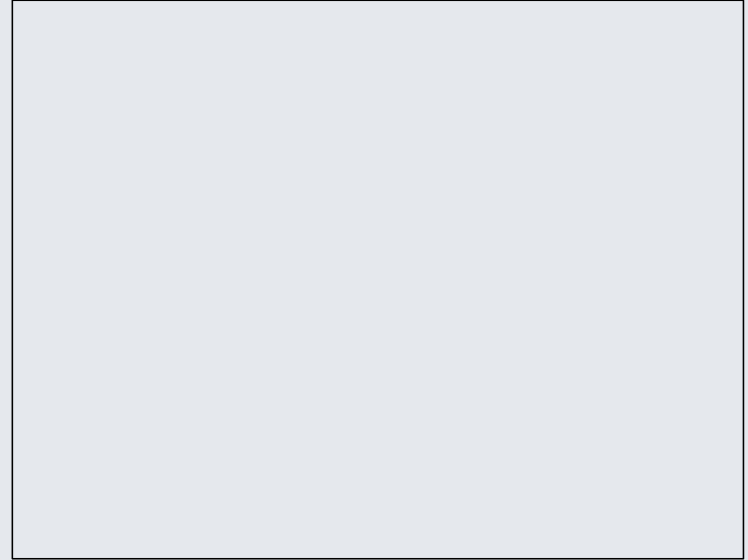
Nancy Sackman, (Submission 98) - Continued

Map 2. Central Seattle with an overlay of transmission lines in purple*



**not for public use or distribution*

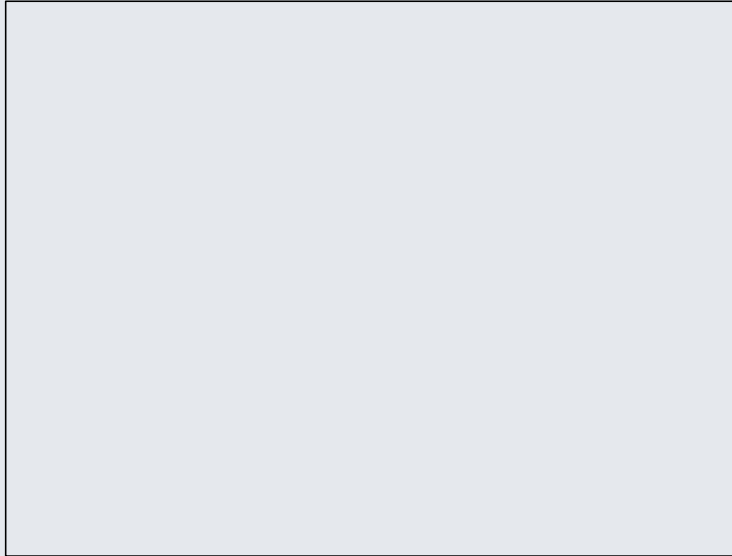
Map 3. South Seattle and Renton with an overlay of transmission lines in purple*



**not for public use or distribution*

Nancy Sackman, (Submission 98) - Continued

Map 4. Southeast King County with an overlay of transmission lines in purple*



****not for public use or distribution***

Please let us know if the Duwamish Tribe can be of further assistance regarding cultural resources.

Thank you,

Duwamish Tribal Historic Preservation

Duwamish Tribal Historic Preservation



Duwamish Tribe | 4705 W. Marginal Way SW, Seattle, WA 98106 | 206-431-1582

www.duwamishtribe.org

Response to Nancy Sackman, (Submission 98)

98-1

The Programmatic EIS has been edited to emphasize that:

- Culturally significant areas identified by Tribes must be treated with respect and confidentiality.
- High-probability archaeological zones, such as those identified by the Duwamish Tribe, warrant early and proactive consultation and site-specific cultural resource surveys prior to any ground-disturbing activity.
- The presence of traditional place names and oral histories is a strong indicator of cultural continuity and should be considered in both impact assessment and avoidance strategies.

EFSEC acknowledges receipt of the confidential maps and will ensure that these materials are handled in accordance with Tribal confidentiality protocols and applicable state and federal laws (e.g., RCW 42.56.300, Section 106 of the NHPA).

The Programmatic EIS has been revised to include strengthened guidance on:

- Tribal-led cultural resource assessments,
- Avoidance and Mitigation Measures for culturally significant landscapes, and
- Coordination protocols to ensure that Tribal governments are engaged throughout the planning, permitting, and new construction stages.

98-2

The Final Programmatic EIS has been revised to emphasize that:

- In areas flagged by the WISAARD predictive model as high risk, archaeological surveys are strongly advised prior to any ground-disturbing activities.
- Applicants should consult with DAHP and affected Tribes early in the planning process to determine the appropriate level of cultural resource investigation.
- Predictive modeling should be used in conjunction with Tribal knowledge, oral histories, and traditional place names to identify areas of potential cultural sensitivity.

EFSEC acknowledges and supports the Duwamish Tribe's request for:

- Early and proactive consultation on all transmission-related activities, including new development, upgrades, and maintenance.
- Direct communication with the Tribe when there is any uncertainty about proximity to culturally sensitive areas or Traditional Cultural Properties.
- Respectful handling of confidential cultural information, in accordance with Tribal protocols and applicable laws.

The Programmatic EIS has been revised to include guidance for applicants to establish clear consultation pathways with the Duwamish Tribe and other affected Tribes, ensuring that cultural resources are identified, respected, and protected throughout the project lifecycle.

98-3

EFSEC recognizes that avoidance is the most effective and respectful means of protecting culturally significant places. Avoidance is identified as part of the Mitigation Strategies developed within this Programmatic EIS.

98-4

EFSEC acknowledges this comment supporting the integration of cultural awareness training, trenchless construction techniques, and the use of an inadvertent discovery plan during transmission development.

Response to Nancy Sackman, (Submission 98) - Continued

98-5

The Final Programmatic EIS has been revised to reinforce that:

- Historical disturbance does not eliminate the potential for cultural sensitivity. Areas with known or suspected burial sites must be treated with the highest level of caution and respect, regardless of prior land use.
- Archival research, Tribal oral histories, and traditional place names should be used in conjunction with archaeological predictive models to identify areas of concern.
- Early consultation with Tribal governments is essential to determine the likelihood of encountering burial sites and to guide appropriate survey and avoidance strategies.

In addition, the Programmatic EIS has been revised to recommend that all applicants:

- Develop and implement Inadvertent Discovery Plans that include clear procedures for halting work and notifying Tribal and state authorities if human remains or burial features are encountered.
- Comply with all applicable laws, including RCW 27.44 (Indian Graves and Records) and RCW 68.50 (Human Remains), which govern the treatment of human remains in Washington.

98-6

In response to the Duwamish Tribe's request, the Programmatic EIS has been revised to include the following recommendations:

- Tribal Notification: Applicants should notify the affected Tribe in advance of any archaeological surveys, monitoring, or ground-disturbing activities in areas of known or potential cultural sensitivity.
 - Tribal Presence During Fieldwork: Applicants are encouraged to offer the affected Tribes the opportunity to be present during archaeological fieldwork, including surveys, testing, and monitoring, in accordance with Tribal protocols and in coordination with the lead archaeologist.
 - Respect for Tribal Expertise: The Final Programmatic EIS recognizes the value of Tribal cultural monitors and traditional knowledge holders in identifying and interpreting cultural resources that may not be visible or documented in existing records.
 - Pre-Construction Planning: The Final Programmatic EIS recommends that Tribal consultation occur well before construction begins, to allow for collaborative planning and the development of appropriate cultural resource protection measures.
-

Response to Nancy Sackman, (Submission 98) - Continued

98-7

The Final Programmatic EIS has been revised to include guidance encouraging applicants to:

- Prioritize regionally appropriate native species that support local ecosystems, including native fish, birds, pollinators, and other wildlife.
- Avoid the use of non-native or ornamental species that may disrupt ecological balance or contribute to invasive spread.
- Collaborate with Tribal natural resource departments and local conservation experts to select species that reflect cultural and ecological values.

EFSEC also agrees that preserving remaining wetlands and riparian buffers is essential to maintaining water quality, fish habitat, and overall watershed health. The Programmatic EIS has been revised to:

- Reinforce the need to observe and protect critical area tracts, including wetlands, floodplains, and stream corridors, in accordance with local, state, and federal regulations.
- Encourage corridor siting and design that avoids or minimizes encroachment into these sensitive areas.
- Highlight the cumulative impacts of wetland loss on salmon viability, water filtration, and climate resilience.

98-8

The Programmatic EIS provides General Measure Gen-10, which outlines various mitigation and management plans required to demonstrate regulatory compliance and effective risk management. Appendix 3.1-1 offers additional guidance for this General Measure, specifying that an invasive species management plan should be developed for project-specific applications, along with details on the different components of the plan.

The Programmatic EIS has been revised to emphasize that:

- Preserving mature native vegetation and riparian buffers is essential for stormwater absorption, erosion control, and flood mitigation.
- Removal, managing, monitoring, and treating of noxious weeds and invasive species during new construction and maintenance is a best practice that supports native habitat recovery and reduces long-term ecological degradation.

EFSEC strongly supports the Duwamish Tribe's recommendation to preserve native and culturally modified trees within the APE. These trees may hold deep cultural, spiritual, and historical significance and also provide critical ecosystem services. The Programmatic EIS has been revised to include guidance that:

- Mature native trees should be preserved whenever feasible, especially those identified as culturally modified or located in sensitive habitats.

98-9

The Avoidance Criterion referenced in the comment has been revised to read:

"Avoid the installation of overhead transmission facilities that require lighting in areas where night sky preservation is a documented resource concern and managed for the protection of the night sky." Additional guidance located in Appendix 3.1-1 has been revised to read "Adverse environmental impacts to the night sky should be minimized through the use of appropriate lighting BMPs where avoidance is not feasible."

Response to Nancy Sackman, (Submission 98) - Continued

98-10

EFSEC acknowledges the information on culturally significant areas and areas of high probability for archaeological sites. EFSEC commits to not disclosing this sensitive information without the express consent of the Tribe. EFSEC will ensure that data governance principles are upheld, including respecting Tribal data sovereignty and ensuring that any shared information is used only for agreed-upon purposes.

Kim Forgione, (Submission 65)

We ask you to hold transmission routes for the public and ratepayers to a high standard of safety and ethics as you oversee new transmission projects.

- 65-1 1. Path width requirements should not be open to interpretation or mutable, particularly by the companies who stand to profit from using their own judgment to get around such regulations by making changes to structures as they see fit. Companies should not be able to squeeze high voltage lines into restricted paths by making engineering changes at their discretion. Regulations are for public safety and making them mutable based on such factors nullifies their purpose thereby putting the public and the environment at risk. Furthermore, eminent domain should not be the main mechanism used by public companies to acquire additional land to meet width requirements. This should not be allowed in populated areas when other, less populated land is an option. Said company should be required to analyze alternative routes before eminent domain can be pursued.
- 65-2 2. If companies try to get an exception to path width requirements based on design and the surrounding environment, we need to clarify this definition of design choice. We are concerned about disregarding safety or not honoring our WA State deeds and Clark County property lines a "design choice." We must oversee wetlands, population density, health effects, fire safety, deeds and property lines, and homes under or within 100 feet of lines as a public health and a vulnerable population issue and not a design choice. Define, under what conditions, a utility company can propose design changes to the permitting agencies as a remedy of an inadequate and/or historic easement.
- 65-3 3. Page 509 states "A safe, minimum distance of 100 feet from transmission facilities is recommended to minimize the health effects of EMF's." Due to the gravity of the health threats from EMF exposure, this needs to be a set-in-stone requirement, not merely a suggestion. Furthermore, this should be increased to 200 feet. Protecting children and sensitive populations from the cumulative effects of Electromagnetic Field (EMF) exposure is very important to our communities. Define and clarify home proximity distances along a new proposed line before permits are issued to be a minimum of 100 feet (preferably 200 feet) from a transmission line. Please see study summaries below regarding the risks of ongoing EMF exposure and toxic exposure due to transmission line maintenance.
- British Medical Journal 4;330(7503) Jun 2005: May 29, 2018 "There is an association between childhood leukemia and proximity of home address at birth to high voltage power lines, and the apparent risk extends to a greater distance than would have been expected from previous studies."

65-3

- Int J Mol Sci 23(3):1339 Jan 2022 showed a link between EMF exposure and the production of oxidative stress which can trigger or enhance the expression of cancer causing genes.
- Environmental Research Vol 176, Sept 2019: "A statistically significant association was found between ALS and residential exposure to UHF-EMFs. A higher risk was estimated for every 1 V/m increase in UHF-EMF exposure with a significant trend."
- PLoS One 26;7(11), Nov 2012: "Occupational exposure to ELF-EMF was significantly associated with increased risk of ALS in pooled studies (RR = 1.29, 95%CI = 1.02–1.62), and case-control studies (OR = 1.39, 95%CI = 1.05–1.84), but not cohort studies (RR = 1.16, 95% CI = 0.80–1.69). In sub-analyses, similar significant associations were found when the exposure level was defined by the job title, but not the job-exposure matrix. In addition, significant associations between occupational exposure to ELF-EMF and increased risk of ALS were found in studies of subjects who were clinically diagnosed but not those based on the death certificate."
- Environmental Research Vol 178, Nov 2019 shows exposure to magnetic fields increases risk of leukemia, breast cancer, and brain cancer and that studies conducted by unbiased organizations show a link between EMF and leukemia but studies by industries do not. "A major goal of this study is to examine how source of funding influences the reported results and conclusions. Several meta-analyses dating from about 2000 all report significant associations between exposure and risk of leukemia. By examining subsequent reports on childhood leukemia it is clear that almost all government or independent studies find either a statistically significant association between magnetic field exposure and childhood leukemia, or an elevated risk of at least OR = 1.5, while almost all industry supported studies fail to find any significant or even suggestive association. A secondary goal of this report is to examine the level of evidence for exposure and elevated risk of various adult cancers. Based on pooled or meta-analyses as well as subsequent peer-reviewed studies there is strong evidence that excessive exposure to magnetic fields increases risk of adult leukemia, male and female breast cancer and brain cancer. There is less convincing but suggestive evidence for elevations in several other cancer types. There is less clear evidence for bias based on source of funding in the adult cancer studies. There is also some evidence that both paternal and maternal prenatal exposure to magnetic fields results in an increased risk of leukemia and brain cancer in offspring."
- May 31, 2011: International Agency on Cancer "classifies radiofrequency electromagnetic fields as possibly carcinogenic to humans"

Kim Forgione, (Submission 65) - Continued

- 65-3
- British Medical Journal May 29, 2018 First comprehensive analysis of risk of childhood leukemia and distance to power line residence which revealed an increased risk for residences within 50 meters of 200+KV power lines.
 - Environmental Research June 2020 Vol 185 association of all brain tumors and residential proximity to power lines. Regression analysis found significant association at the 95% confidence interval with an odds ratio of 2.94 for cumulative duration living at less than 50 meters of power lines greater than 200KV.
 - British Journal of Cancer 2000 vol 83 page 692 9 pooled studies documenting odds ratio of 2.0 in children exposed to 0.4uT or greater strength.
 - Internal Medicine Journal 37(9):614-9, Sept 2007: "Although recognizing that this study has limitations, the results raise the possibility that prolonged residence close to high-voltage power lines, especially early in life, may increase the risk of the development of myeloproliferative disorders and lymphoproliferative disorders later."
- 65-4
- To control vegetation along lines, companies use numerous herbicides for line maintenance: glyphosate, 2,4-D, fluroxypyr, and triclopyr, imazapyr, glyphosate, triclopyr salts, picloram, Spartan Charge, Aim EC, Affinity Broadspec, Ally Extra, and Express herbicides. These leech into surface and groundwater affecting wells and communities' drinking water. Monoclonal gammopathy of unspecified origin (MGUS) is a presumed condition for ALL veterans exposed to toxic chemicals, a diagnosis with a statistically significant increased risk of the condition leading to Multiple Myeloma with continued herbicide exposure.
- 65-3
- As you can see, there is ample evidence that shows there are significant health risks associated with EMF exposure, particularly when looking at unbiased studies that have not been influenced by industries that profit from transmission lines. The industry gets around this by saying it cannot be proven conclusively, but there is very strong supportive evidence. Regardless, we should not be treated like guinea pigs. With this much evidence, we need to create and enforce stronger safety standards for dwellings in proximity to transmission lines.
- 65-5
4. The path width required for a 230kV transmission line should not exist as a range of 125 to 200 feet or arbitrarily narrower. It should be required to be at least 200 feet regardless of design when considering fire safety, weather danger, surface and groundwater risks, property devaluation (and subsequent decreased tax revenue to the state), homeowners insurance availability/affordability, and adverse effects to the health and livability of the surrounding community.

In conclusion, I invite EFSEC to continue its protection of public health, environmental and safety standards for our state. In addition, we feel it is paramount to protect our rights as landowners and the ethics of the appropriate use of and application of transmission projects to communities we live in. Keep Washington safe and livable for our future.

Thank you for your consideration.

Dr. Kim Forgione

Response to Kim Forgione, (Submission 65)

65-1

The Programmatic EIS, prepared under RCW 43.21C.405, presents a typical ROW range (e.g., 125 to 200 feet for 230 kV transmission facilities) based on engineering standards and safety requirements. In response to this comment, Chapter 2, Overview of Transmission Facilities, Development Considerations, and Regulations, has been revised to:

- Clarify that ROW width decisions should be supported by project-specific environmental analyses, not solely engineering discretion.
- Emphasize that reduced ROWs should only be used in exceptional, constrained circumstances and must still meet all applicable safety, reliability, and environmental standards.
- Recommend that the project-specific applications demonstrate why the easement is inadequate, how the design change remedies the issue, and how the change aligns with the Mitigation Strategies provided in the Programmatic EIS.

The Programmatic EIS does not authorize any specific project but rather presents a comprehensive evaluation of adverse environmental impacts associated with the development of transmission facilities at a broad level. All project-specific applications are subject to project-specific environmental review, during which these concerns must be evaluated and addressed in detail.

Eminent domain is a separate legal process governed by state and federal laws that allows utility companies or government entities to acquire private property. Chapter 1, Introduction, was revised to clarify that eminent domain is not analyzed as part of this Programmatic EIS.

65-2

In accordance with RCW 43.21C.405(3) and WAC 197-11-030(b), the Programmatic EIS has been revised to clarify the definition and application of "restricted" and "reduced ROW" and emphasize that all such design decisions must be supported by site-specific analysis, best available science, and regulatory compliance. Additionally, "design choice" has been defined in Chapter 2 of the Programmatic EIS for clarity.

The Programmatic EIS does not grant authority or recommend the use of reduced ROWs for the development of transmission facilities. However, it recognizes that segments of a transmission facility corridor may require narrower ROWs due to site-specific constraints. Chapter 2 and Appendix 3.1-1 of the Programmatic EIS have been updated to recommend that applicants provide the SEPA Lead Agency with additional information should the use of a restricted or reduced ROW or design be required for the project. Each project-specific application is subject to project-specific environmental review, during which concerns regarding reduced or restricted ROWs would be evaluated and addressed, including potential design choices. These concerns and design choices would evaluate adverse environmental impacts, including those related to habitat and wildlife, land and shoreline use, public health and safety, as well as socioeconomics and environmental justice. Furthermore, it should be noted that project-specific applications would comply with applicable safety, engineering, and environmental standards.

Response to Kim Forgione, (Submission 65) - Continued

65-3

The Programmatic EIS is a planning-level document; it does not establish enforceable siting regulations or health standards. Instead, it provides guidance and identifies potential Mitigation Strategies for project-specific environmental reviews. The Programmatic EIS acknowledges public concern about EMF exposure. It is important to note that there are currently no federal or Washington State regulations that establish mandatory setback distances for EMF exposure from transmission lines. The World Health Organization and other public health agencies, including the EPA and National Institute of Environmental Health Sciences, have reviewed the scientific literature and concluded that, while some studies suggest a possible association between long-term EMF exposure and certain health outcomes (such as childhood leukemia), the evidence remains inconclusive and does not establish causation. The International Agency for Research on Cancer classifies extremely low-frequency EMFs as "possibly carcinogenic to humans" (Group 2B), which is the same classification given to substances like coffee and pickled vegetables.

In response to this comment, the Programmatic EIS has been revised to:

- Remove the precautionary approach of 100 feet and replace it with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) exposure guidelines.
- Acknowledge the range of scientific findings on EMF exposure and health risks, including those from independent studies.
- Encourage applicants to consider proximity to sensitive receptors (e.g., schools, childcare centers, and residential areas) during siting and design and to consult with public health agencies as appropriate.
- Reinforce the importance of public engagement and transparency in project-specific siting decisions, especially in areas of community concern.

65-4

Mitigation Strategies recommend minimizing the use of harmful chemicals, including pesticides, herbicides, and fungicides, during the new construction and operation and maintenance stages of transmission facility projects. Furthermore, the Programmatic EIS provides General Measure Gen-10, which outlines various mitigation and management plans required to demonstrate regulatory compliance and effective risk management, sets forth a communication plan to manage and address public complaints and input, including those relating to use of chemicals and potential health impacts from their use in the new construction, operation and maintenance stages of transmission facility projects. Appendix 3.1-1 offers additional guidance and details for this General Measure.

65-5

The Programmatic EIS presents a range of typical right-of-way (ROW) widths (125 to 200 feet) for high-voltage transmission facilities to reflect the variability in design, terrain, land use, and engineering requirements across Washington. This range is consistent with industry standards and allows for flexibility in design while still meeting safety and operational requirements.

The Programmatic EIS acknowledges that wider ROWs may be appropriate in areas with elevated wildfire risk, sensitive environmental resources, or dense residential development. However, mandating a uniform minimum width of 200 feet for all 230 kV transmission facilities would not be feasible or necessary in all contexts. As discussed in Chapter 1 of the Programmatic EIS, all future transmission facility projects would be subject to project-specific environmental reviews. The SEPA Lead Agency would evaluate appropriate ROW widths based on localized conditions, including fire risk, hydrology, land use compatibility, and community impacts, and their associated impacts on the environment. If the review identifies additional adverse environmental impacts, the SEPA Lead Agency may require additional project-specific environmental analyses and mitigation to address those impacts.

Matt Sarkinen, (Submission 74)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #74 DETAIL
--

First Name :	Matt
Last Name :	Sarkinen
Business/Organization :	
Submission :	

74-1

All,
I live on 213th Ave, in brush prairie, the proposed line will be coming right across my property corner, nobody talked to me or asked to use any part of the private road, there's nothing in my deed allowing for this, and also, i am a maintenance lead on our driveway repair team along with a couple of other guys on the road.
How about you get permission or offer to pay us to use oir road??
Nobody's allowed to trespass, BTW
please, thanks,
Matt Sarkinen

Thank you,
Matt

Response to Matt Sarkinen, (Submission 74)

74-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.9, Land and Shoreline Use, and Section 3.16, Socioeconomics, to understand how the Programmatic EIS addresses potential impacts on neighboring land uses, outdated easements, and housing.

Gerald Lewis, (Submission 93)



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

May 15, 2025

FILED ELECTRONICALLY: <https://comments.efsec.wa.gov/draft-peis-comments>

Kurt Becket, Chair
Washington State Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, WA 98503-3172
ATTN: Electrical Transmission Draft PEIS Docket No. 181034
c/o: Patty Betts, Patty.Betts@efsec.wa.gov, (360) 974-9521
Sean Greene, Sean.Greene@efsec.wa.gov, (360) 485-1592

RE: YAKAMA NATION'S FIRST COMMENT ON DRAFT PROGRAMMATIC ENVIRONMENTAL
IMPACT STATEMENT FOR HIGH-VOLTAGE TRANSMISSION FACILITIES

Dear Chair Becket,

I am writing on behalf of the Confederated Tribes and Bands of the Yakama Nation ("Yakama Nation") in response to the Washington State Energy Facility Site Evaluation Council's ("EFSEC") notice of issuance for the the Draft Programmatic Environmental Impact Statement ("Draft PEIS") requesting public comment on high-voltage electrical grid transmission facilities with a nominal voltage of 230 kilovolts (kV) or greater. As summarized below, the Yakama Nation has substantive and procedural concerns regarding the scope and process of this Draft PEIS, specifically including, but not limited to, a lack of meaningful tribal consultation to date, an overbroad study scope, inappropriate streamlining of project applications without sufficient project-specific environmental review, and incomplete consideration for project-specific adverse effects to the Yakama Nation's resources.

The Yakama Nation reserves the right to amend or supplement its comments on the Draft PEIS based the emergence of new or additional information and/or conclusions during the EFSEC's on-going PEIS drafting process. The Yakama Nation's comments are not intended to be inclusive of and shall not be limiting upon all concerns in protection of the Yakama Nation's resources, which may be adversely impacted or are otherwise threatened by programmatic or project-specific environmental reviews. The Yakama Nation reserves and does not waive any right or privilege that it may be entitled to under applicable law. This comment is submitted through a public process with the intention of generally informing EFSEC's work in good faith.

Yakama Nation, Post Office Box 151, Toppenish, WA 98948 (509) 865-5121

93-2

I. Inherent And Treaty Reserved Sovereignty

The Yakama Nation is an inherently sovereign Native Nation that is federally-recognized pursuant to the Treaty with the Yakamas of 1855 ("Treaty").¹ The Yakama Nation exercises inherent and Treaty-reserved rights and privileges on and off the Yakama Reservation, throughout the Treaty-territory of mapped ancestral homelands, and across all usual and accustomed areas.² The Yakama Nation's Treaty authority is the supreme 'Law of the Land' pursuant to the United States Constitution and constitutes a basis to protect the Yakama Nation's natural and cultural resources throughout the Treaty-enumerated territories.³ Federal judicial enforcement empowers the Yakama Nation to act as a Co-Manager of the Columbia River fishery.⁴ The natural and cultural resources in Yakama Nation's enumerated Treaty-territory have sustained our way of life since time immemorial and still provide for the unbroken traditional and cultural activities related to exercising root gathering, fishing, ceremonial practices, and passing on religious teachings or indigenous knowledge.

The Draft PEIS will affect geographic areas within the Yakama Nation's Treaty-territory. The Yakama Nation holds continuing interests in protecting the lands, waters, animals and Traditional Cultural Properties throughout its ancestral homelands, both on and off of the Yakama Reservation.

93-3

i. Government-To-Government Consultation

Under Yakama protocol, meaningful consultation occurs on a government-to-government basis between the elected Yakama Tribal Council and corresponding agency representatives that are empowered with relevant authority to affect the subject matter at issue. The Yakama Nation is a sovereign government, not a 'stakeholder' or public interest organization. This Draft PEIS has implications that directly affect the Yakama Nation's interests and the failure to engage in early and meaningful consultation is both procedurally and substantively insufficient for EFSEC to consider potential adverse effects.

EFSEC is mandated to provide early and meaningful consultation with the Yakama Nation on potential impacts to tribal rights and interests on tribal lands and lands "possess[ing] rights reserved or protected by federal treaty, statute, or executive order."⁵ This consultation must occur independently of the public comment process with the specific intention of identifying and considering potential impacts to tribal rights, interests, and resources before policy decisions are memorialized in the Draft PEIS. Failure to consult would be unacceptable—particularly in the context of a document with statewide implications and the potential to significantly affect treaty-reserved fishing, hunting, and gathering rights, as well as access to sacred and culturally significant sites.

¹ Treaty with the Yakamas, U.S. – Yakama Nation, June 9, 1855, 12 Stat. 951.

² *Id.* art. I, cl. 2; art. II, cl. 2; and art. III, cl. 1-2. *See also* Exhibit A – Map of Yakama Nation Territory.

³ United States Constitution, art. VI, cl. 2.

⁴ *See United States v. Washington*, 384 F. Supp. 312, 382 (W.D. Wash. 1974), *aff'd*, 520 F.2d 676 (9th Cir. 1975); *see also U.S. v. State of Oregon*, 666 F.Supp. 1461 (D. Or. 1987).

⁵ RCW § 43.21C.405(5) (2023).

Gerald Lewis, (Submission 93) - Continued

93-4

ii. *Environmental Justice For Overburdened Communities*

The scope of the Draft PEIS is required to consider and analyze probable significant adverse environmental impacts on ‘overburdened communities’ that are direct, indirect, and cumulative.⁶ Overburdened communities mean any “geographic area where vulnerable populations face combined, multiple environmental harms and health impacts” and includes the more than 11,000 enrolled Yakama members living on traditional homelands on and off of the Yakama Reservation.⁷ The Washington State Environmental Justice Council (“EJ Council”) was further created to advise on the state’s policy aims to “reduce exposure to environmental hazards within Indian country, as defined in 18 U.S.C. Sec. 1151, due to off-reservation activities within the state, and to improve state practices to reduce contamination of traditional foods wherever they occur.”⁸ EFSEC should incorporate the EJ Council policy “affirming the rights of Tribal Nations and upholding free, prior, and informed consent . . . including the principle that Environmental Justice must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants . . . affirming sovereignty and self-determination” into the Draft PEIS.⁹

The Draft PEIS must be clear that the Yakama Nation’s consultation rights or its ‘Free, Prior, and Informed Consent’ in the context of a programmatic environmental review cannot be manipulated as a substitute for project-specific consultation obligations.

93-5

II. *Geographically Suitable Areas*

The scope of the Draft PEIS is limited to “geographic areas that are suitable for the electrical transmission facilities with a nominal voltage of 230kV or greater” based on climatic and geophysical attributes conducive to a proposed project.¹⁰ EFSEC is specifically directed to solicit input from tribal sovereigns as to the suitability of geographic areas within the scope of the Draft PEIS.¹¹ The Draft PEIS specifically excludes undersea or oceanic geographic areas because such proposed projects are “too specific or detailed for the broad focus” of the present environmental review.¹² Underwater transmission cables in fish-bearing waterways will significantly impact fisheries, river management, and hydrologic functions that are of the utmost importance to the Yakama Nation. The electromagnetic fields from transmission cables are not well understood for impacts on migratory fish, particularly salmonids, and easily pass the threshold criteria to determine that precautionary environmental reviews must be required for project-specific proposals. Additionally, in-water siting and maintenance impacts to riparian zones can harm fish habitat, water quality, and Treaty-reserved fishing areas. The Draft PEIS must explicitly

⁶ RCW § 43.21C.405(3)(a)(iv) (2023).

⁷ RCW § 70A.02.010(10) (2021).

⁸ RCW § 70A.02.005(2) (2021).

⁹ Letter from the Washington State Environmental Justice Council to the Washington Department of Archaeology and Historic Preservation (Jul. 12, 2024) (Attached as Exhibit B).

¹⁰ RCW §§ 43.21C.405(2) and (4) (2023).

¹¹ *Id.* at § 43.21C.405(4).

¹² Draft Programmatic Environmental Impact Statement, EFSEC, Table 1.5-1: Exclusion Criteria at 1-7 (Mar. 31, 2025).

93-5

disclaim its exclusion of proposed projects in sensitive riparian corridors to allow for robust project-specific avoidance and mitigation strategies.

By extension of the Draft PEIS rationale, the scope of geographically suitable areas must exclude all underwater projects occurring in waters of the state, specifically including the entirety of the Columbia River and its underlying bed. The Columbia River is a transnational river that directly and indirectly affects multiple states and tribes throughout its basin. Any proposed project within the waters of the Columbia River will need specific and detailed environmental review, which is inappropriate for the broad focus of this Draft PEIS.

This Draft PEIS also prescribes avoiding “impacting areas sensitive to degradation, including adjusting the layout of new transmission facilities to steer clear of *sensitive water features*.”¹³ Where the “avoidance criteria cannot be met, additional environmental review and mitigation measures would be required to address related project-specific impacts.”¹⁴ The effect of this guidance is that ‘sensitive water features’ are already excluded from the Draft PEIS and require further environmental review if the proposed-project cannot avoid these sensitive water features. EFSEC should clarify the Draft PEIS to further define the nature of sensitive water features in addition to being “susceptible to degradation from construction activities” and provide clear guidance that the Columbia River and waters of the state require project-specific information, which cannot be substituted by the broad Draft PEIS.¹⁵

93-6

i. *Draft PEIS Lacks Specific Consideration For Impacts To Waters Of The State*

The Draft PEIS provides an inadequate description of applicable state water laws and provides an overly optimistic description of the overall availability of surface and groundwater throughout the state. In approximately half of the 62 Water Resource Inventory Areas (“WRIA”) throughout Washington State, the instream flows often severely limit the use period for new unmitigated surface water rights. Washington law recognizes connectivity between surface and groundwater, including groundwater withdrawal impacts to surface water bodies depending on certain aquifer parameters and other criteria.

Under certain circumstances it may not be possible to permit new unmitigated groundwater withdrawals in WRIs with instream flow rules or in other over appropriated basins such as the Yakima River basin. The broad nature of the Draft PEIS only provides a summary of obstacles to obtaining new unmitigated water rights, stating “[w]ater availability varies across the state, and new water rights can be challenging to obtain in some areas due to limited supply.”¹⁶ It is stipulated that proposed projects must “adhere relevant federal, state, and local laws and regulations” and that any applicant will “provide information in the project-specific application to assist the State Environmental Policy Act (SEPA) Lead Agency in determining if the project adheres to all relevant laws and regulations” but the Draft PEIS does not specify and is too broad regarding the actual

¹³ *Id.* § 3.1.3.2 Avoid-3 at 3-7. (emphasis added).

¹⁴ *Id.* § 3.1.3.2 at 3-6.

¹⁵ *Supra* note 13.

¹⁶ *Id.* § 3.4.2.1. at 3-97.

Gerald Lewis, (Submission 93) - Continued

93-6 information requirements to determine legal availability of water.¹⁷ EFSEC should clarify to avoid the possibility that proposed projects could be licensed prior to the issuance of valid water rights.

In certain circumstances, it may not be possible for the state Department of Ecology to issue a new water right for a specific location or source, nor would a proposed project have a guaranteed water purveyor within a suitable distance to the proposed project location. EFSEC should update the general requirements for applicants to provide documentation for the legal availability of water rather than vague guidance to request “information.” Without project-specific information about water availability, including but not limited to, the water right priority date, period of use, diversion/withdrawal rate, and diversion/well location(s), it is not possible for EFSEC to evaluate the environmental impacts of a proposed project as they relate to the utilization of water resources.

93-6 The Draft PEIS listed mitigation measures for impacts on water quantity, include using alternate water sources (e.g., trucking in water). As provided, the proposed mitigation does not adequately consider impacts to other water-dependent resources such as salmon bearing streams or wetlands, and needs to more explicitly encourage finding alternate water sources that have less impact on the environment.¹⁸ This means that the rational for impact significance after applying mitigation understates both the impact and the amount or type of mitigation to apply. It may be incorrect to conclude that “[a]dverse impacts can be avoided or minimized by using alternate water sources (e.g., trucking in water)” when alternative water sources in over appropriated WRIsAs shuffle adverse effects rather than mitigate them.¹⁹ Table 3.4-6 provides a rational to rate impacts to water availability as ‘less than significant’ without ensuring that actual mitigation measures meet the criteria for mitigation prescribed in Section 3.1.²⁰ Table 3.4-6 references the use of alternate water sources as part of its rational for the less than significant rating, but Section 3.1 lists no such mitigation measure. The Draft PEIS should put any proposed project on notice that mitigation may include using alternative water sources to reduce impacts to critical habitats and inherent tribal or Treaty-reserved resources to the greatest extent practicable. Additionally, if this mitigation guidance is not included in Table 3.4-6 then the rating for significance should be removed and reevaluated.

93-7 The suitability map for water resources, Figure 3.4-4, fails to provide proposed projects with realistic guidance on the level of conflict to expect regarding water resource impacts for the action alternative. The Figure does not appear to provide any level of insight into the suitability of a given site related to impacts from water quantity given the information provided under section 3.4.6.1 and in appendix 3.4-1. The map misleads proposed project applicants in regards to the level of conflict related to water quality, specifically where it suggests there will not be conflict when likely the opposite is true. For example, in the Yakima River Basin the suitability map identifies a significant number of non-salmon bearing intermittent streams dependent on irrigation return flow or ephemeral streams as having a medium to very high conflict rating. In contrast those streams that

¹⁷ *Id.* § 3.1.3.1 Gen-2 at 3-3.

¹⁸ *Id.*, Table 3.4-6: Summary of Impacts, Mitigation Measures, and Significance Rating for Water Resources at 3-128.

¹⁹ *Id.*

²⁰ *Id.* § 3.1.3.3 at 3-11. (quoting WAC 197-11-768).

93-7 have Endangered Species Act (“ESA”)-listed steelhead or bull trout have no rating. The information provided in appendix 3.4-1 provides a wholly inadequate and incomplete description of what data sources were used to develop the water resources suitability maps. Furthermore, the appendix is insufficient as to how subject matter experts weighted those individual data sources to come up with the suitability layers. As such it is not possible to comment as to why the information presented by the map would be so confounding for the Yakima River Basin in particular.

III. Cumulative Impacts

93-8 The Yakama Nation has carried a disproportionate burden of industrial-scale transmission infrastructure development in Washington State for many generations. The U.S. Department of Interior summarized direct and indirect cumulative impacts as follows,

“The conversion of the Columbia River to serve industrial purposes is one of many contributors to the catastrophic decline of salmon and other riverine resources. The government constructed the dams at a time when the salmon runs already were depleted by decades of preceding unsustainable commercial cannery operations and widespread habitat destruction from mining, logging, irrigation, agriculture, transportation system development, and non-federal dam construction. The destruction of the salmon runs, accelerated by the federal dam system, has resulted in decades of accumulating effects, whether because of reduced harvest opportunities and connections to traditional fishing areas, or lost access to usual and accustomed places now inundated by reservoirs.”²¹

The transmission infrastructure supporting the federal hydrosystem and the U.S. Department of Energy’s Hanford Site are representative of innumerable direct and indirect cumulative impacts that have damaged or destroyed natural and cultural resources, restricted or eliminated access for harvesting activities under the Treaty, and adversely affect the quality of life for Yakama People ranging from unmitigated housing dislocation to food contamination. It does not seem possible to determine the additional cumulative impacts of further development when the Draft PEIS itself has no limitation on the maximum new transmission development that it proposes to consider. A meaningful cumulative impact analysis of regional and long-term effects on the Yakama Nation’s rights and resources is important, but too often proposed project developers interpret “cumulative” to mean that the cost of adequate mitigation comes due on the proverbial ‘next project.’ And environmental regulatory agencies are too susceptible to omitting substantive consideration for the cumulative effects of existing or major foreseeable projects that injure or threaten tribal resources.

i. Traditional Cultural Properties

A programmatic environmental review can never substitute for project-specific site surveys in regards to cultural resources. The Draft PEIS narrowly interprets cultural impacts through the lens of National Historic Preservation Act (“NHPA”) Section 106,

²¹ Historic and Ongoing Impacts of Federal Dams on the Columbia River Basin Tribes, U.S. Department of the Interior, 63 (Jun. 2024).

Gerald Lewis, (Submission 93) - Continued

which should put proposed projects on notice that all project developers and regulatory agencies must meet NHPA requirements on project-specific information. Accounting for the cumulative degradation of landscapes and associated practices that are essential to the Yakama way of life must be done on a project-specific basis.

The Draft PEIS omits Tribal lands by disclaiming that within the exterior boundaries of a Reservation require project-specific assessments. Under the Healthy Environment for All (HEAL) Act, 'Tribal lands' are defined to include "sacred sites, traditional cultural properties, burial grounds, and other tribal sites protected by federal or state law."²² Further, the EFSEC may not map "confidential information, such as locations of sacred cultural sites or locations of populations of certain protected species."²³ Taken together, this means that the Draft PEIS cannot cumulatively assess direct and indirect adverse impacts to cultural resources on a programmatic level while also complying with necessary omissions on Tribal lands. This specifically includes the Yakama Nation's Traditional Cultural Properties throughout its ancestral homelands. The Draft PEIS should be clear that a programmatic environmental review can never be regarded as a work-around to evade project-specific considerations.

The Draft PEIS must include notice to proposed projects that their engagement with impacted tribal entities on adverse impacts to Traditional Cultural Properties is a general condition and a prerequisite to any impact determination. The Yakama Nation has attached a map of its enumerated Treaty-territory, which is the minimum geographic scope of impacts to the Yakama Nation, providing that usual and accustomed areas, open and unclaimed lands, and other indigenous activity areas may also implicate the Yakama Nation's inherent or Treaty-reserved interests. Similar to its disclaimer for on-Reservation lands, the Draft PEIS cannot represent to proposed projects that the Yakama Nation's laws to preserve, protect, and perpetuate its cultural resources have been satisfied by a programmatic environmental review.

ii. *Pre-Mitigation Surveys*

The Draft PEIS prescribes mitigation measures for adverse impacts to cultural properties, including "historic and cultural resource survey methodologies prior to conducting the surveys" and that DAHP and the Tribes "should be included in development of the area to be surveyed (the APE) and survey methodology."²⁴ The Draft PEIS must avoid conflating the requirement to survey proposed development areas to identify what cultural resources may be adversely affected and measures that constitute subsequent mitigation for a proposed project's adverse effect. Identification surveying may describe the underlying resource, but that alone is not 'mitigation' for the impact(s) to said resource(s). If a proposed project cannot avoid adverse impacts, then it is not in the public interest for the state to subsidize damaging cultural resources by minimizing substantive mitigation for development impacts.

The Draft PEIS requirement for monitoring and discovery plans is another example where monitoring to for inadvertent discoveries, as proposed projects are required to do,

²² RCW § 70A.02.010(13) (2021).

²³ RCW § 43.21C.405(6) (2023).

²⁴ *Supra* note 20 § 3.15.4 Hist./Cultural-3 at 3-718. (emphasis added).

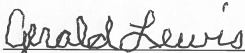
93-9

confuses mitigation for adversely impacted resources (purportedly an offset for the diminished resource) with a regulatory tool to prevent the proposed project from even more adverse effects.²⁵ Inadvertent discovery plans provide the protocol for a project to stop damaging an unknown site (for example a burial site) but this protocol is not inherently mitigating known impacts to other identified resources in the proposed project's development area (for example a previously identified village site). Not only 'should' impacted tribes be engaged by the proposed project and have consultation with the regulatory agencies, but this is essential because no entity other than the Yakama Nation is qualified to describe the meaning or consequence of its own Traditional Cultural Properties.

IV. Conclusion

The Yakama Nation remains committed to developing responsible energy infrastructure that aligns with inherent and Treaty-reserved rights, cultural values, and environmental stewardship. This Draft PEIS is a state legislative mandate to the EFSEC, but it cannot substitute for critical resource information that is substantively produced through project-specific environmental reviews and procedurally evaluated through consultation and engagement to avoid, minimize, and mitigate adverse effects to the Yakama Nation's natural and cultural resources. To schedule consultation with the Yakama Nation or clarify these comments, please contact the Yakama Nation's Environmental Coordinator, Kate Valdez, valv@yakamafish-nsn.gov, Energy Specialist, Paris Valdez, valp@yakamafish-nsn.gov, and Senior Attorney, Anthony Aronica, anthony@yakamanation-olc.org.

Respectfully,


GERALD LEWIS, CHAIRMAN
YAKAMA NATION TRIBAL COUNCIL

²⁵ *Id.* Hist./Cultural-6 at 3-719.

Gerald Lewis, (Submission 93) - Continued

EXHIBIT A – MAP OF YAKAMA NATION TERRITORY

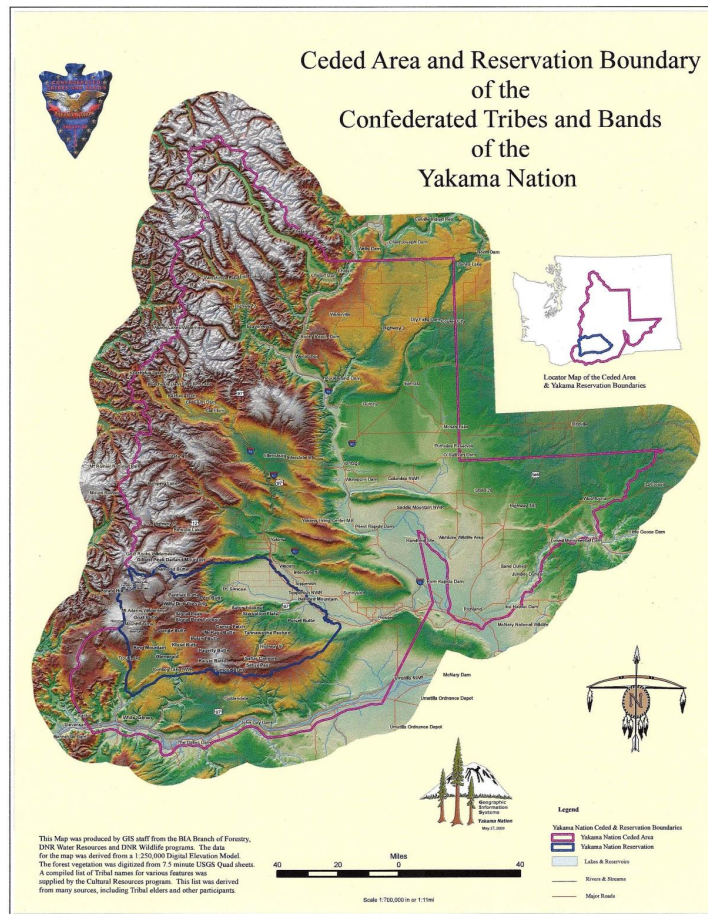


EXHIBIT B – LETTER FROM THE WASHINGTON STATE ENVIRONMENTAL JUSTICE COUNCIL
STATING THE POLICY OF FREE, PRIOR, AND INFORMED CONSENT (JUL. 12, 2024)

[Attachment coversheet only. Attached Letter included and paginated separately].

Gerald Lewis, (Submission 93) - Continued

July 12, 2024

Allyson Brooks, State Historic Preservation Officer
Washington Department of Archaeology and Historic Preservation
PO Box 48343
Olympia, WA 98504-8343

Dear Dr. Allyson Brooks,

The Washington State Environmental Justice Council (EJ Council) was created through the Washington State Healthy Environment for All (HEAL) Act to promote environmental justice and serve as a forum for Tribes and communities ([chapter 70A.02 RCW](#)). The EJ Council is writing to share our opposition to the proposed pump storage project at *Pushpum* (FERC Project No. 14861) that would cause negative and irreparable damage to Traditional Cultural Properties and traditional foods and medicines and inflict an environmental injustice on the Confederated Tribes and Bands of the Yakama Nation (Yakama Nation) and its subsidiary Rock Creek Band members.

The EJ Council recognizes the Yakama Nation's inherent sovereignty and rights reserved by the [Treaty of 1855](#) and upholds the Yakama Tribal Council Resolution adopted on May 24, 2021, opposing "the pump storage development at *Pushpum* to protect sacred religious and ceremonial places of inherent importance to Yakama culture." *Pushpum*, also known as Juniper Point, is within the Yakama Nation Treaty territory under Article I of the Treaty of 1855 and has been a site of religious, ceremonial, and cultural importance to the Yakama People since time immemorial. On July 2, 2024, the EJ Council adopted a policy affirming the rights of Tribal Nations and upholding free, prior, and informed consent as follows:

The Environmental Justice Council (Council) affirms the rights acknowledged under the [United Nations Declaration of the Rights of Indigenous Peoples](#) and emphasizes the importance of practicing free, prior, and informed consent. The Council also upholds the [Principles of Environmental Justice](#) adopted at the First National People of Color Environmental Leadership Summit in 1991, including the principle that "Environmental Justice must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants, [other laws, and executive orders], affirming sovereignty and self-determination." The Council knows the urgency of the climate crisis (particularly for Tribes and other frontline communities) and supports the need to transition to safer, cleaner, and more sustainable energy

production. The Council further upholds that when this transition involves a project of non-Tribal proponents, it must happen only with free, prior, and informed consent from Tribes who have been, and continue to be, the stewards of the land since time immemorial.

Thereafter the EJ Council adopted a statement to stand with the Yakama Nation in opposition to this proposed pump storage project. The EJ Council centers both the letter and the spirit of the HEAL Act in standing with the Yakama Nation and its subsidiary Rock Creek Band members in their opposition to the proposed development at *Pushpum*. The HEAL Act describes environmental justice to include addressing disproportionate impacts of environmental decisions by prioritizing overburdened communities (including Tribes) and eliminating harm to these communities from government decision-making. The HEAL Act defines "environmental harm" to include "loss or impairment of ecosystem functions or traditional food resources or loss of access to gather cultural resources or harvest traditional foods." It is essential that the Washington State and Federal governments work side by side to eliminate environmental harms given that both governments are working to advance environmental justice.

Washington State and the Federal Government run the risk of repeating history by permitting the Goldendale development at the expense of harming Tribal Nations' sacred lands and waters. The impacts to Celilo Falls, Bradford Island, and Bateman Island at the hands of both the State and Federal Governments are nearby examples from a pattern of harm toward Traditional Cultural Properties and traditional foods. A June 2024 Department of Interior report, [Historic and Ongoing Impacts of Federal Dams on the Columbia River Basin Tribes](#), outlined the unique and disproportionate harms to Tribes (at page 42):

The dams silenced these sites that for thousands of years were filled with the noise of rushing water and people communing, praying, fishing, trading, and celebrating. As Yakama Tribal members and others expressed in consultation, all that remains now are the memories of those who once lived there, stripping future generations of the opportunity to witness and experience some of the most important places for Tribal fishing and culture. Although it is difficult to describe catastrophic loss, one Yakama Tribal member compared the loss of Celilo Falls to what it would be like for the United States to lose New York City because of their similar societal roles as centers of culture, trade, history, and tradition.

Repeating history by approving the Goldendale permit application without free, prior, and informed consent from impacted Tribes is in an environmental injustice.

Gerald Lewis, (Submission 93) - Continued

FERC's lack of government-to-government Consultation with Yakama Nation on this proposed project means that the legal requirements for Consultation and the EJ Council's recognized principles of environmental justice have not been met. In alignment with the principles, policies, and analyses outlined above, the Department of Archaeology and Historic Preservation (DAHP) should not sign the Programmatic Agreement for this project until Consultation has been conducted with Yakama Nation and Yakama Nation has **consented** to the Programmatic Agreement.

As outlined in [RCW 70A.02.020](#) of the HEAL Act for non-covered agencies, we urge DAHP to incorporate the "principles of environmental justice assessment processes set forth in RCW 70A.02.060" into this decision-making process. The EJ Council is a partner in this work as outlined in [RCW 70A.02.110 \(11\)\(e\)](#) which indicates the EJ Council may provide requested assistance to state agencies other than covered agencies that wish to incorporate environmental justice principles into agency activities.

We look forward to a positive response.

In Solidarity,

Washington State Environmental Justice Council

Recipients

- Allyson Brooks, State Historic Preservation Officer, Washington Department of Archaeology and Historic Preservation

Copied

- Jaime Loichinger, Office of Federal Agency Programs, Advisory Council on Historic Preservation
- John T. Eddins, Office of Federal Agency Programs, Advisory Council on Historic Preservation
- Rob Whitlam, Ph.D., State Archaeologist, Washington State Department of Archaeology & Historic Preservation
- Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission
- Chair Willie L. Phillips and Members of the Federal Energy Regulatory Commission
- Vince Yearick, Director, Division of Hydropower Licensing, Federal Energy Regulatory Commission
- Michael Tust, Interagency Hydropower Coordinator, Federal Energy Regulatory Commission

- Elizabeth Molloy, Tribal Liaison, Federal Energy Regulatory Commission
- Gerald Lewis, Chairman, Yakama Nation Tribal Council
- Governor Jay Inslee, Governor of Washington State
- Becky Kelley, Senior Policy Advisor on Climate, Office of Governor Jay Inslee
- Carrie Sessions, Senior Policy Advisor on Environment & Water, Office of Governor Jay Inslee
- Anna Lising, Senior Policy Advisor on Climate, Office of Governor Jay Inslee
- Jerry Rivero, Environmental Justice & HEAL Implementation Coordinator, Office of Governor Jay Inslee

Appointed Environmental Justice Council Members:

- The Honorable Jarred-Michael Erickson, Interim Environmental Justice Council Co-Chair
- Co-Chair Maria Batayola
- Council Member Nichole Banegas
- Council Member Maria Blancas
- Council Member Tatiana Brown
- Council Member Running-Grass
- Council Member Rosalinda Guillen
- Council Member Aurora Martin
- Council Member David Mendoza
- Council Member Esther Min
- Council Member Todd Mitchell
- The Honorable Misty Napeahi
- AJ Dotzauer, Delegate for the Honorable Misty Napeahi
- Council Member Lua Pritchard
- The Honorable Monica Tonasket
- Council Member Raeshawna Ware
- The Honorable Jeremy Wilbur

Environmental Justice Council Ex Officio Agency Liaisons:

- Ex Officio Liaison for Puget Sound Partnership Lea Anne Burke
- Ex Officio Liaison for Department of Commerce Michael Furze
- Ex Officio Liaison for Department of Agriculture Nicole Johnson
- Ex Officio Liaison for Department of Ecology Millie Piazza
- Ex Officio Liaison for Department of Health Lauren Jenks
- Ex Officio Liaison for Department of Natural Resources Eliseo (EJ) Juárez

Gerald Lewis, (Submission 93) - Continued

- Ex Officio Liaison for Department of Transportation Ahmer Nizam

Response to Gerald Lewis, (Submission 93)

93-1

EFSEC has incorporated the WSDOT Model Comprehensive Tribal Consultation Process and its Appendix I: Individual Tribal Protocols into Section 3.15 of the Final Programmatic EIS. This guidance outlines tailored approaches for initiating and maintaining consultation with individual Tribes and reinforces the importance of early, ongoing, and culturally appropriate engagement

93-2

EFSEC acknowledges and respects the Yakama Nation's inherent sovereignty and Treaty-reserved rights, including its role as a co-manager of natural and cultural resources within its Treaty territory. The Treaty of 1855 is recognized as the supreme law of the land under the United States Constitution, and the SEPA Lead Agency affirms its commitment to upholding federal trust responsibilities and ensuring meaningful government-to-government consultation with the Yakama Nation. The Programmatic EIS has been revised to:

- Explicitly acknowledge Treaty rights and sovereign interests in areas potentially affected by transmission facilities.
- Identify and map areas within the Treaty territories that may be subject to direct, indirect, or cumulative impacts from proposed transmission actions.
- Incorporate Traditional Ecological Knowledge (TEK) and cultural resource considerations where appropriate, in coordination with Tribes.
- Ensure that future project-level phased reviews that incorporate this Programmatic EIS include early and ongoing consultation with Tribes to identify and avoid or mitigate impacts to Treaty-reserved resources, including root gathering areas, fishing sites, ceremonial locations, and Traditional Cultural Properties.

93-3

EFSEC acknowledges and affirms the sovereign status of the Yakama Nation and its rights under the Treaty of 1855. EFSEC recognizes that the Yakama Nation is not a stakeholder but a sovereign government entitled to government-to-government consultation under both federal and state law, including the Washington State Executive Order 21-02 and RCW 43.376.

EFSEC also acknowledges that the Programmatic EIS may affect lands and resources within the Yakama Nation's Treaty territory, including areas where the Nation exercises rights to fish, hunt, gather, and conduct cultural and religious practices.

In response to this comment, the Programmatic EIS has been revised to:

- Ensure that formal consultation is offered independently of the public comment process, with the intent of identifying and addressing potential impacts to Treaty-reserved rights and resources prior to finalizing the Programmatic EIS. If consultation is desired but cannot be scheduled prior to final publication, consultation may occur subsequent to publication with any necessary revisions incorporated into the Programmatic EIS as an addendum.
- Document all Tribal communications in the Final Programmatic EIS, including how input from the Yakama Nation informed revisions to the document and future decision-making.
- Provide opportunities for co-management and collaborative planning where appropriate, particularly in areas affecting natural and cultural resources of significance to the Yakama Nation.

EFSEC recognizes that failure to engage in early and meaningful consultation would be inconsistent with its legal obligations and its commitment to respectful and effective intergovernmental relationships. EFSEC is committed to working in partnership with the Yakama Nation to ensure that its rights, interests, and knowledge are fully considered in the environmental review process.

Response to Gerald Lewis, (Submission 93) - Continued

93-4

EFSEC acknowledges the legal and policy framework established by Washington State law, including RCW 70A.02.010 and RCW 70A.02.050, which requires the identification and mitigation of environmental harms to overburdened communities and vulnerable populations. The Programmatic EIS has been developed in alignment with these requirements and incorporates the principles of environmental justice as outlined by the Washington State Environmental Justice Council. EFSEC recognizes the Yakama Nation as a sovereign government with Treaty-reserved rights under the Treaty of 1855. The Programmatic EIS process does not and cannot replace the obligation for project-specific, government-to-government consultation with the Yakama Nation. The SEPA Lead Agency affirms that the programmatic nature of this Programmatic EIS does not diminish or substitute for the requirement of Free, Prior, and Informed Consent in accordance with applicable federal and state policies. The Programmatic EIS includes a commitment to:

- Identify and evaluate potential direct, indirect, and cumulative impacts on overburdened communities, including Tribal Nations, during project-specific environmental reviews.
- Integrate Tribal perspectives and traditional ecological knowledge where voluntarily shared.
- Require that future project-specific reviews under SEPA include robust, early, and meaningful consultation with affected Tribes, consistent with EO 21-02 and the principles of Free, Prior, and Informed Consent.

93-5

A project that cannot adhere to the Avoidance Criteria would be required to provide supplemental information on existing conditions and impact analysis in the form of an addendum or a supplemental EIS. As noted, the Programmatic EIS includes a set of criteria that describe features to be avoided, including sensitive water features (AVOID-3). In addition, the Programmatic EIS includes Mitigation Measures to reduce impacts on fish habitat (e.g., Hab-2, Fish-5, W-2). These measures are intended to be broad so that they can be applied to most projects that would be covered under this Programmatic EIS. However, project-specific plans would be needed to adapt the measures for project-specific applications. The Programmatic EIS has been revised to provide further clarification regarding sensitive water features.

93-6

The Draft Programmatic EIS's language—stating that “new water rights can be challenging to obtain in some areas”—has been revised in the Final Programmatic EIS to:

- More accurately reflect the legal and regulatory framework governing water rights in Washington.
- Emphasize that new unmitigated surface or groundwater withdrawals may not be permitted in many Water Resource Inventory Areas due to instream flow rules or over-appropriation.
- Clarify that applicants must demonstrate legal water availability, including documentation such as water right priority date, point of diversion or withdrawal, period of use, and source.

Regarding mitigation, the Programmatic EIS has been revised to:

- Clarify that mitigation must be evaluated in the context of local hydrology and ecological sensitivity, including impacts on salmon-bearing streams, wetlands, and Treaty-reserved resources.
- Include language that puts applicants on notice that mitigation may require sourcing water from legally and environmentally appropriate alternatives and that project-specific environmental review must evaluate these impacts in detail.

Response to Gerald Lewis, (Submission 93) - Continued

93-7

In response to this comment, the Programmatic EIS has been revised to include the following revisions and clarifications:

- Clarification of Data Sources and Methodology: Appendix 3.1-2 has been revised to provide a more detailed explanation of:
 - The specific datasets used to develop the criteria making up the environmental sensitivity maps
 - The criteria and rationale or references used by subject matter experts to assign sensitivity levels
 - The weighting methodology applied to combine multiple data layers into a composite suitability score
- The environmental sensitivity map has been reviewed and updated to ensure that:
 - ESA-listed streams, including those supporting steelhead and bull trout, are accurately represented and appropriately rated for potential sensitivity.
- Improved Guidance for Applicants: The Programmatic EIS has been revised to clarify that the environmental sensitivity map is intended as a screening-level tool, not a definitive assessment.

Applicants are advised to:

- Conduct site-specific water resource evaluations during project-specific environmental review.
- Consult with relevant agencies and Tribes early in the planning process.

EFSEC has developed a dynamic, GIS-based tool that allows users to explore underlying data layers relevant to transmission planning and environmental review. This tool provides interactive access to mapped features such as land use designations, ecological sensitivities, and regulatory overlays, enabling users to visualize potential siting conflicts.

93-8

EFSEC acknowledges and deeply respects the Yakama Nation's sovereign status, Treaty-reserved rights, and the historical and ongoing impacts of infrastructure development on its lands, waters, and people. EFSEC recognizes that the cumulative effects of past and present federal and non-federal actions—including dam construction, energy infrastructure, and land use changes—have significantly impaired the Yakama Nation's ability to exercise its cultural, subsistence, and spiritual practices.

In response to this comment, the Programmatic EIS has been revised to expand the cumulative impacts analysis to:

- More explicitly address the historical context of past actions, including transmission and hydropower development in the Columbia River Basin, and their continuing cumulative effects.
- More explicitly address the compounding effects of past, present, and reasonably foreseeable future actions on Treaty-reserved resources and access.
- Acknowledge the limitations of a programmatic-level analysis, while emphasizing the requirement for project-specific environmental reviews to incorporate cumulative impact analyses that build upon the analysis provided in the Programmatic EIS.
- Clarify that project-specific cumulative impact analyses will be required to implement additional mitigation measures should there be new or greater impacts not addressed in this Programmatic EIS.
- Clarify that early and meaningful consultation with Tribes is critical to ensure that Tribal rights, interests, and knowledge are fully considered. It will also be important for the Yakama Nation and other Tribal governments to identify cumulative effects and co-develop mitigation strategies that reflect Indigenous knowledge, priorities, and stewardship responsibilities.

Response to Gerald Lewis, (Submission 93) - Continued

93-9

EFSEC acknowledges and agrees with the Yakama Nation's position that identification is not mitigation. Cultural resource surveys are a critical first step in understanding the presence and significance of resources that may be affected by a proposed project, but they do not in themselves offset or resolve adverse impacts. Similarly, inadvertent discovery plans are procedural tools designed to prevent further harm to unknown resources, not to mitigate known impacts.

In response to this comment, the Programmatic EIS has been revised to:

- Clarify the distinction between "Section 106 Mitigation" and the Mitigation Measures associated with this Programmatic EIS as follows:
- Describe identification surveys as part of the baseline assessment process.
- Define mitigation as actions taken to avoid, minimize, or compensate for adverse effects to known cultural resources, developed in consultation with affected Tribes.
- Reframe monitoring and discovery plans as compliance tools, not mitigation measures, and ensure they are not presented as substitutes for substantive mitigation.
- Reinforce the requirement for early, government-to-government consultation with the Yakama Nation and other affected Tribes in:
 - Defining the APE
 - Developing survey methodologies
 - Interpreting the cultural significance of identified resources
 - Designing appropriate and culturally informed Mitigation Measures
- Acknowledge the Yakama Nation's unique authority and expertise in determining the meaning, value, and appropriate treatment of its Traditional Cultural Properties.

EFSEC is committed to ensuring that cultural resource protection is not reduced to procedural compliance, but instead reflects a respectful, collaborative, and substantive process that honors Tribal sovereignty and cultural heritage.

Jarred-Michael Erickson, (Submission 101)



The Confederated Tribes of the Colville Reservation

P.O. Box 150, Nespelem, WA 99155
Telephone (509) 634-2200 FAX: (509) 634-4116



April 22, 2025

TO: Sonia Bumpus, EFSEC Director
Lisa McLean, Legislative & Policy Manager/Tribal Liaison
PO Box 43172,
Olympia, WA 98503-3172
comments@efsec.wa.gov

RE: Draft Transmission Programmatic Environmental Impact Statement

Dear Director Bumpus:

We are in receipt of your requests to review the Draft Transmission Programmatic Environmental Impact Statement. We appreciate the range of discussion opportunities offered - government-to-government consultation, or a meeting between expert staff to discuss this Draft Programmatic EIS in greater detail, and a general or in-person meeting during EFSEC's attendance at the mid-year Affiliated Tribes of Northwest Indians (ATNI) conference May 11-15, 2025. If we need assistance we will contact Sean.Greene@efsec.wa.gov, patty.betts@efsec.wa.gov, or lisa.mclean@efsec.wa.gov.

While the document is in the early stages of review, given the size and detail included in the DPEIS and our limited capacity to examine the document in detail at this time, we will avail ourselves of one or more of the opportunities you have offered to assist us in responding.

101-1 In the cultural resources sections we did note one overarching concern. The DPEIS falls short in recognizing places of traditional religious and cultural significance to tribes, specifically as property types in Table 3.15-5, and therefore provides little understanding for us on how to interpret the identification of potential impacts from various actions in Tables 3.15-13 through 3.15-24.

We value your efforts to provide a programmatic framework. We look forward to continued discussions and consultation.

Sincerely,

Jarred-Michael Erickson
Chairman, Confederated Tribes of the Colville Reservation

Response to Jarred-Michael Erickson, (Submission 101)

101-1

The Final Programmatic EIS has been revised to clarify that the types of historic and cultural resources considered include not only those listed or eligible for listing on the National Register of Historic Places (NRHP) but also places of traditional religious and cultural significance to Tribes. These places may include landscapes, sacred sites, and other cultural properties that are integral to Tribal heritage and identity, even if they do not conform to conventional NRHP categories.

Importantly, project-level SEPA environmental review will still require consultation with Tribes where applicable. The Programmatic EIS provides a framework for identifying and evaluating cultural resources, but site-specific actions will be subject to additional analysis and consultation to ensure that Tribal concerns are meaningfully addressed in the context of each project.

Kelli Price, (Submission 99)



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

May 15, 2025

Sean Greene
Energy Facility Site Evaluation Council
PO Box 43172
Olympia, WA 98503-3172

**Re: Comments on the Draft Programmatic Environmental Impact Statement for Electrical Transmission Facilities with a Nominal Voltage of 230 Kilovolts or Greater
File# 181034, Ecology SEPA# 202501229**

Dear Sean Greene:

Thank you for the opportunity to provide comments on the State Environmental Policy Act (SEPA) draft Programmatic Environmental Impact Statement (EIS) for electrical transmission facilities with a nominal voltage of 230 kilovolts (kV) or greater. Based on review of the documents associated with this project, the Department of Ecology (Ecology) has the following comments for your consideration.

Chapter	Section	Comment
Chapter 1, Introduction		
	1.6.1 State Environmental Policy Act Review Process	As described under Section 1.6.1, while some large transmission facilities must apply for site certification through the Energy Facility Site Evaluation Council (EFSEC) (with EFSEC often serving as SEPA lead), others are required to go through standard government processes which may include local, state, and federal authorizations; therefore, in some cases, the local government or another state agency may serve as SEPA lead, and this should be clearly stated.
	1.6.1.4 EFSEC Certification Process	This may be better as its own section (i.e., 1.6.2) rather than under 1.6.1 since it is not

Sean Greene
May 15, 2025
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		specific to the SEPA process, but rather focuses on EFSEC's broader certification process.
	1.6.3.2 State Regulations and Policies	Under Washington Coastal Zone Management Program, last line, please change "comply with" to "be consistent with" Under Shoreline Management Act, add "Washington State" and "Chapter 90.58 RCW" to title of law. For clarification, also suggest changing language to: "Establishes a state-local partnership for managing, accessing, and protecting Washington's shorelines. The law requires local governments to prepare locally tailored policies and regulations for managing shoreline use in their jurisdictions called Shoreline Master Programs (SMPs). Local governments review shoreline development proposals for compliance with SMP standards. Applies to shorelines of the state, including marine waters, streams and rivers with greater than 20 cubic feet per second mean annual flow, lakes 20 acres or larger, upland areas extending 200 feet landward from the edge of these waters, biological wetlands and river deltas connected to these water bodies, and some or all of the 100-year floodplain, including all wetlands." RCW Chapter 90.48 Water Pollution Control: Please change to "Washington State Water Pollution Control Act." Also note that the definition of pollution is broader than impact to 'ecological function,' addressing a range of impacts that includes beneficial uses (see Chapter 90.48.020 RCW). Wetland Mitigation in Washington State Part 1: Agency Policies and Guidance, and Part 2: Developing Mitigation Plans:

Kelli Price, (Submission 99) - Continued

Sean Greene
May 15, 2025
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99-3			Please note that Part 1 of this guidance was updated in April 2021 (see Interagency guidance - Washington State Department of Ecology). It may also be helpful to include Eastern and Western Washington Rating System Manuals and forms found online at Rating system - Washington State Department of Ecology.
99-4	Chapter 3, Affected Environment, Significant Impacts, and Mitigation		
99-5		Section 3.1.3.2 Avoidance Criteria, AVOID-2—Wetland Disturbance (these are also global change suggestions)	The rationale provided does not address the full suite of possible effects on wetlands. In addition to wetland vegetation, avoidance is needed to protect wetland hydrology, soils, and water quality Additionally, please include citation of the 1987 Army Corps of Engineers Federal Wetland Delineation Manual and appropriate regional supplement, both of which should be applied to identify wetlands in and around any project sites. Suggest another avoidance measure would be avoiding shorelines of the state where feasible.
99-5		Table 3.2-1 Laws and Regulations for Earth Resources	Suggest adding Coastal Zone Management Act (CZMA) (16 USC 1451 et seq.): The federal consistency provisions of the CZMA require that federal actions, including federal activities and the issuance of federal licenses and permits, be consistent with the enforceable policies of the Washington Coastal Zone Management Program. This applies to federal actions in Washington's 15 coastal counties that could have reasonably foreseeable impacts on state coastal resources and uses.

Sean Greene
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99-5			Since wetlands are included in Section 3.2, suggest also adding Chapter 90.48 RCW, Clean Water Act (Sections 401 and 404), and local regulations (Critical Area Ordinances and local codes).
99-6		Table 3.4-1 (this is also a global change)	While the CZMA is a federal law, it is implemented in Washington State by Ecology as noted in footnote #b. However, it may be clearer to just have one entry for CZMA (instead of a separate entry for Washington's CZM Program) and list the agency as Ecology. Change "within and outside of" to "in" Under Clean Water Act, suggest listing U.S. EPA for general regulation, but also listing out Section 404 (U.S. Army Corps of Engineers) and Section 401 (U.S. EPA, Ecology, or some tribes) for clarity. Under Washington CZM Program, if retained: -change "Shoreline Management Act" to "Washington Shoreline Management Act and implementing WACs" -change "Water Pollution Control Act" to "Washington State Water Pollution Control Act and implementing WACs" -change "Ocean Resources Management Act" to "Washington State Ocean Resources Management Act and Ocean Management Guidelines" Under RCW 90.48, please update to "Water Pollution Control Act". The summary description should also be updated as this description is incomplete. In particular, please see the policy enunciated under Chapter 90.48.010, along with definitions of "waters of the state" and "pollution" under Chapter 90.48.020 RCW. Also note that Ecology regulates certain activities in non-federally regulated waters, including wetlands, through

Kelli Price, (Submission 99) - Continued

Sean Greene
May 15, 2025
Page 5

99-6			the issuance of authorizations to work in waters of the state. Under Chapter 173 WAC, suggest listing Ch. 173-158 WAC (Floodplain Management) with a brief description. Add: Washington State Executive Order 89-10, Protection of Wetlands: Establishes an interim goal to achieve no overall net loss in acreage and function of Washington's remaining wetlands base and a long-term goal to increase the quantity and quality of Washington's wetlands resource base Add: Chapter 90.58 RCW, Washington State Shoreline Management Act: Establishes a state-local partnership for managing, accessing, and protecting Washington's shorelines. The law requires local governments to prepare locally tailored policies and regulations for managing shoreline use in their jurisdictions called Shoreline Master Programs (SMPs). Local governments review shoreline development proposals for compliance with SMP standards. Applies to shorelines of the state, including marine waters, streams and rivers with greater than 20 cubic feet per second mean annual flow, lakes 20 acres or larger, upland areas extending 200 feet landward from the edge of these waters, biological wetlands and river deltas connected to these water bodies, and some or all of the 100-year floodplain, including all wetlands.
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Sean Greene
May 15, 2025
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99-6			Local regulations also apply such as shoreline codes, critical area ordinances, floodplain codes, etc.
99-7		Table 3.4-2	Suggest this language either here or elsewhere as an early step for siting: Conduct site reconnaissance to identify the potential presence of wetlands, seeps, and intermittent or ephemeral streams that may be present on the site. Also suggest adding: Perform a wetland delineation using the 1987 US Army Corps of Engineers (USACE) Wetland Delineation Manual (1987 Manual; Environmental Laboratory 1987) and the appropriate regional supplement produced by the USACE for the wetlands present on the site. Delineations need to identify and map the boundaries of wetlands present on the site and indicate where wetlands continue off the site. Assess wetland functions and rate all on-site wetlands using the appropriate Washington Wetland Ratings System method to determine their category and local buffer requirements. Examine adjacent properties for the presence of off-site wetlands that could be affected by facility construction and operation, map their locations, and identify any off-site connections to surface waters. Also suggest avoiding siting in shorelines of the state.
99-8		Section 3.4.2.1	Note that the definition of waters of the state specifically calls out "all other surface waters and watercourses within the jurisdiction of the state of Washington" as part of the list rather than umbrella term of which the others are a part, and this should be added as a bullet point for clarity.

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99-8		Wetlands are waters of the state and this should be clearly stated in the text. The sentences “In Washington...ecological needs” is combining a few concepts regarding regulations that address water resources in Washington State, particularly since the focus of the section is on Waters of the state—for clarification, it would be better to say that waters of the state are regulated by Ecology under 90.48 and end the paragraph there. Other sections can discuss various other regulations and agency responsible for their implementation. Under Surface Water, suggest adding “estuaries” to the first sentence. Under Water Quality, add Section 401 Water Quality Certifications (issued by Ecology, US EPA, or some tribes). Note that there are state Water Quality Standards for surface water and groundwater.
99-9	Section 3.4.3.2 Construction, Impacts on Water Quality (and Table 3.4-6)	Aboveground and Underground Transmission Facilities: Work in, over, or near waterbodies, including wetlands, could cause turbidity that directly affects water quality, and a lack of erosion control could lead to soils entering waters/wetlands that could impact water quality as well. Additionally, concrete work not only may increase water usage, but also could impact water quality if it comes into contact with waters directly or through dewatering without prior treatment (e.g., pH). Underground Transmission Facilities—Impacts on Water Quality: Add Section 401 Water Quality Certification and regulation of non-federally regulated waters, including wetlands, by Ecology

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99-9		(authorization to work in waters of the state). Additionally, horizontal directional drilling involves drilling mud or slurry which contains additives that in some cases may come into contact with waters/wetlands and impact water quality (e.g., seepage and “frac out”). Upgrade or Modification: See above for additional water quality impacts. Additionally, depending on the specific situation, replacement of aging lines with an in-water crossing can be similar or the same as construction.
99-10	3.4.4 Potential Mitigation Measures (and Table 3.4-6)	See above regarding wetland delineations. Suggest adding development of a water quality monitoring and protection plan. Examples of other plans that may be required include: a dewatering plan; riparian revegetation, restoration and management plan; riparian planting and monitoring measures; spill prevention control and countermeasures plan; erosion and sediment control plan; stormwater pollution prevention plan; flow diversion, cofferdam, and dewatering system plan; stream bypass plan; and horizontal directional drill inadvertent return plan. Suggest adding development of a wetland report, including wetland delineation(s) and wetland rating(s).” Impacts to both jurisdictional and non-federally regulated wetlands require a wetland mitigation plan developed in accordance with Wetland Mitigation in Washington State. See: -Washington State Department of Ecology, <i>Wetland Mitigation in Washington State: Part 1 - Agency Policies and Guidance (Version 2)</i>, April 2021, Publication #21-06-003.

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99-10		-Washington State Department of Ecology, <i>Wetland Mitigation in Washington State: Part 2 – Developing Mitigation Plans</i>, Version 1, March 2006, Publication #06-06-011b. Under “Fish-16 – In-stream sediment disruption,” it suggests establishing a ‘dilution zone.’ It is unclear what this refers to. State water quality standards allow for a temporary area of mixing for turbidity. If a project proponent does not anticipate being able to meet state water quality standards, they may request from Ecology an extended area of mixing for a specific activity and duration, but this is not automatically granted. Suggest removing this language.
99-11	Table 3.5-1 Laws and Regulations for Vegetation	See above, particularly in regards to the Clean Water Act, Ch. 90.48 RCW, etc. Ch. 90.84 RCW is in regards to establishing wetland mitigation banks, whereas most project proponents will want to reference mitigation guidance in Washington State (see above). Chapter 173.26.221 is specific to Shoreline Master Programs. Suggest pointing primarily to the Washington Shoreline Management Act (Ch. 90.58 RCW): Establishes a state-local partnership for managing, accessing, and protecting Washington’s shorelines. The law requires local governments to prepare locally tailored policies and regulations for managing shoreline use in their jurisdictions called Shoreline Master Programs (SMPs). Local governments review shoreline development proposals for compliance with SMP standards.

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99-11		Applies to shorelines of the state, including marine waters, streams and rivers with greater than 20 cubic feet per second mean annual flow, lakes 20 acres or larger, upland areas extending 200 feet landward from the edge of these waters, biological wetlands and river deltas connected to these water bodies, and some or all of the 100-year floodplain, including all wetlands. Suggest adding critical areas ordinance codes and other relevant local regulations.
99-12	Table 3.5-2	Some additional delineation resources are found at: Delineation resources - Washington State Department of Ecology
99-13	Page 3-192, top paragraph regarding wetlands (also a global change when referring to sediment entering wetlands)	Suggest changing “sediment” to “soil”
99-14	Table 3.6-1	This description of the Clean Water Act is clearer than previous tables by breaking out various sections (401, 402, 404). Perhaps this could be utilized throughout the Programmatic EIS. Under Clean Water Act: Note that Section 401 is implemented by states, <u>some</u> tribes (those with approved 401 programs), <u>and</u> the US EPA. Under Clean Water Act: The Joint Aquatic Resources Permit Application (JARPA) was formerly used by several agencies, but the use of this form is not among all of these agencies at this time. For example, per the 2023 EPA Water Quality Certification Rule, Ecology has specific requirements in

Kelli Price, (Submission 99) - Continued

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99-14		application for a Section 401 Water Quality Certification. Therefore, suggest deleting the portion of the entry "The Joint Aquatic Resource Permit Application...Federal 401 Water Quality Protection Agency." Chapter 90.48 RCW is typically referred to as the Washington State Water Pollution Control Act. See comments above specific to 90.48. Chapter 90.58 RCW is the Washington Shoreline Management Act. See comments above specific to 90.58. Suggest adding Washington State Executive Order 89-10. Protection of Wetlands. See comments above for specific language.
99-15	Chapter	
99-16	Table 1 Applicable laws, plans, and policies (State Section)	Change language under Washington State Water Pollution Control Law (Chapter 90.48 Revised Code of Washington [RCW]), 2nd paragraph to: "Tool Ecology uses to regulate certain activities in non-federally regulated waters, including wetlands, through the issuance of authorizations to work in waters of the state."
99-17	Table 1 Applicable laws, plans, and policies (State Section)	Change language under Washington State Executive Order 89-10. Protection of Wetlands to: "Establishes an interim goal to achieve no overall net loss in acreage and function of Washington's remaining wetlands base and a long-term goal to increase the quantity and quality of Washington's wetlands resource base."
	Section 3.2.2, Wetlands	Change "facilities" to "projects" to be more inclusive of components such as roads, transmission lines, and other components that may not be on the primary site. Note that this

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99-17		is something for consideration in any section discussing regulations related to wetlands/waters. Change "Those wetlands determined to be non-jurisdictional by the federal government are often regulated under state and local laws" to "Those wetlands determined to be non-federal regulated are generally regulated under state and local laws." If this language is in the section, delete "Because of this overlapping coverage in regulation, all wetlands are considered to be subject to regulation in this study." Paragraph starting "Because Category I and II wetlands..." change "mitigate" to "compensate"
99-18	Section 3.3? Potentially required permits and approvals	Change language in 6th bullet, Chapter 90.48 Revised Code of Washington (RCW) authorization (Ecology) to: "Impacts on non-federally regulated waters, including wetlands, may require authorization to work in waters of the state from Ecology pursuant to Chapter 90.48 RCW (Water Pollution Control). Compensatory mitigation is required for any impacts."
99-19	Section 3.3? Potentially required permits and approvals	Change language in 7th bullet, Coastal Zone Management Act Consistency (Ecology) to: "Required if the project is located in Washington's 15 coastal counties and could have reasonably foreseeable impacts on state coastal resources and uses. A notice of consistency with the state Coastal Zone Management Program is a condition of federal actions, including federal activities and the issuance of federal licenses and permits."

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99-20		3.4.3.2? Recommend measures for siting and design	Add new 2nd bullet: “Conduct site reconnaissance to identify the potential presence of wetlands, seeps, and intermittent or ephemeral streams that may be present on the site.” Change 3rd bullet to: “Perform a wetland delineation using the 1987 Corps of Engineers Wetland Delineation Manual (1987 Manual; Environmental Laboratory 1987) and the appropriate regional supplement produced by the U.S. Army Corps of Engineers (USACE) for the wetlands present on the site. Delineations need to identify and map the boundaries of wetlands present on the site and indicate where wetlands continue off the site. Assess wetland functions and rate all on-site wetlands using the appropriate Washington Wetland Ratings System method to determine their category and local buffer requirements. Examine adjacent properties for the presence of off-site wetlands that could be affected by facility construction and operation, map their locations, and identify any off-site connections to surface waters.”
99-21		3.4.3.3? Required measures	Change 6th bullet (under Chapter 90.48 Revised Code of Washington (RCW)) to: “authorization to work in waters of the state (Ecology)” Change 7th bullet (under Coastal Zone Management Act) to: “Coastal Zone Management Act Consistency (Ecology)” Add 15th bullet (under Develop a water quality monitoring and protection plan):

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99-21			“Develop a wetland report, including wetland delineation(s) and wetland rating(s).” Change 16th bullet to: “Impacts to both jurisdictional and non-federally regulated wetlands require a wetland mitigation plan developed in accordance with Wetland Mitigation in Washington State (Ecology et al. 2021).”
99-22		Section 3.5.3? Measures to avoid, reduce, and mitigate impacts	In the text, change “mitigate impacts” to “compensate for impacts”
99-23		Section 3.6.2? Measures to avoid, reduce, and mitigate impact	In the text, change “mitigate impacts” to “compensate for impacts”
99-24		Throughout	Please see any comments/edits from Patricia Johnson found in the Water Resources appendix for Wind and Solar PEISs and not included in this table (e.g., Section 3.4.1.4 Wetlands—paragraph added, 3.4.3.1 General measures—minor edits).
	Biological Resources		
		See above	See above
	Earth Resource		
		See above for relevant sections	See above
	Cumulative Impacts		
		See above for relevant sections	See above
	Recreation Resource		
99-25		Table 1 Applicable laws, plans, and policies (State Section)	Check language under Washington State Shoreline Management Act (Chapter 90.58 RCW). It should read: “Establishes a state-local partnership for managing, accessing, and protecting

Kelli Price, (Submission 99) - Continued

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99-25		Washington's shorelines. The law requires local governments to prepare locally tailored policies and regulations for managing shoreline use in their jurisdictions called Shoreline Master Programs (SMPs). Local governments review shoreline development proposals for compliance with SMP standards. Applies to shorelines of the state, including marine waters, streams and rivers with greater than 20 cubic feet per second mean annual flow, lakes 20 acres or larger, upland areas extending 200 feet landward from the edge of these waters, biological wetlands and river deltas connected to these water bodies, and some or all of the 100-year floodplain, including all wetlands."
99-26	Table 1 Applicable laws, plans, and policies (Local Section)	Change "Shoreline master programs" in left column to "Shoreline codes" Change language in right column under Shoreline codes to: "Local codes regulate development within shorelines of the state in accordance with Shoreline Master Programs SMPs and state Shoreline Management Act requirements." Leave "Local county codes" row in table (note that it's possible that a city code could be applicable as well)
99-27	Section 3.3 Potentially required permits and approvals (also applies to Solar with Battery Energy Storage System (BESS) and Solar with agricultural uses)	Current language states "There would be no specific permit requirements for utility-scale onshore wind facilities that pertain to recreation." However, shoreline recreation is a preferred shoreline use (for both the shoreline and waterways) under the SMA and this does come into play in siting development Shoreline Management Act - Washington State Department of Ecology. Suggest adding in that "Local jurisdictions would address recreation where a project

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99-27		component is within shoreline jurisdiction through local shoreline permitting."
99-28	Section 3.4.3.2 Recommended measures for siting and design (also applies to Solar with BESS and Solar with agricultural uses)	<u>Add:</u> "Avoid siting project components within shorelines of the state."
99-29	Section 3.4.3.3 Required measures (also applies to Solar with BESS and Solar with agricultural uses)	<u>Add:</u> "Local Permits (e.g., Shorelines) (local agency)"
99-30	Section 3.4.3.4 Recommended measures for construction, operation, and decommissioning (also applies to Solar with BESS and Solar with agricultural uses)	Suggest adding something like: "Coordinate with the local jurisdiction and community regarding provision of recreational access when and where practicable." (In some cases, access can be provided in a certain season or off-construction hours, or continuous access can be provided to some areas of the overall project site until construction begins at that location.)

Thank you for considering these comments from Ecology. If you have any questions or would like to respond to these comments, please contact Rebekah Padgett from the Shorelands and Environmental Assistance Program at (206) 914-8328 or by email at rebekah.padgett@ecy.wa.gov.

Sincerely,

Kelli Price

Kelli Price
SEPA Coordinator

Sent by email: Sean Greene, comments@efsec.wa.gov

ecc: Rebekah Padgett, Ecology

Response to Kelli Price, (Submission 99)

99-1

The Programmatic EIS has been revised to reflect this clarification.

99-2

The Programmatic EIS has been revised to reflect this suggestion.

99-3

The Programmatic EIS has been revised to reflect the suggested changes.

99-4

The Programmatic EIS has been revised to reflect additional guidance regarding the use of the 1987 USACE Federal Wetland Delineation Manual and appropriate regional supplement in identifying wetlands. Additionally, the rationale for AVOID-2 has been revised to remove the term "vegetation" to indication that "Protecting wetlands would... decrease the chance of wetland degradation..."

SMPs would be adhered to as identified in Gen-3. Therefore, an additional Avoidance Criteria was deemed unnecessary because the SMPs themselves are designed to ensure shoreline protection and regulatory compliance.

99-5

Table 3.2-1 has been revised to reflect the suggested change for CZMAs. Chapter 90.48, CWA 401 and 404, and CARAs are identified in 3.4, Water; therefore, no revisions are required.

99-6

The Washington Coastal Zone Management Program was retained in Table 3.4-1.

RCW 90.48 was revised to reflect the correct title of the Act. The summary information was updated to reflect the protection of public health, public enjoyment, wildlife, birds, fish, and aquatic life, as well as support industrial development. The definition of pollution was removed from the summary information.

Chapter 173 remains as previously written and identifies that multiple regulations within the chapter are pertinent.

Washington State Executive Order 89-10 was not added to the table as it is not a law or regulation. However, WAC 365-190-90, Wetlands was added to the table, and the summary information includes the requested reference to Washington State Executive Order 89-10, as well as 90-04.

The Programmatic EIS, Table 3.4-1 was revised to include RCW 90.58.

99-7

The Programmatic EIS, Gen-9 Guidance has been revised to include the identified guidance.

99-8

The Programmatic EIS has been revised to reflect the suggested change.

Response to Kelli Price, (Submission 99) - Continued

99-9

The Programmatic EIS, Section 3.4.3.2 has been revised to reflect the suggested change.

Regarding Upgrade or Modification: With the separation of upgrade and modification as two, separate stages of a transmission facility's life cycle, the comment does not introduce new impacts, data, or concerns that have not already been addressed in the Programmatic EIS. It acknowledges that, depending on the situation, replacement of aging lines with an in-water crossing can have impacts similar to new construction, which is typically analyzed in detail in the Programmatic EIS's new construction impact section. The similarity to new construction is identified in Modification.

99-10

The plans identified are examples of best management practices and mitigation measures that are typically addressed during project-specific permitting and implementation—not at the programmatic EIS level. Many of the suggested plans (e.g., SWPPP, spill prevention, wetland delineation/mitigation) are already required by federal, state, or local regulations and would be developed as part of the permitting process for individual projects. The Programmatic EIS does not need to be revised to list every possible plan, as long as it commits to regulatory compliance and best practices.

The guidance for Fish-16 in Appendix 3.1-1 has been revised to reflect that if an applicant does not anticipate being able to meet state water quality standards, they may request from Ecology an extended area of mixing for a specific activity and duration, but this is not automatically granted. This allows the Mitigation Measure to continue to be clear, predictable, and enforceable for all applicable projects while allowing guidance about regulatory flexibility or a regulatory allowance that is not always guaranteed.

99-11

Revisions identified in previous comments to earlier sections of the Programmatic EIS have been completed in Table 3.5-1, including the following:

- Revised the summary information for 33 USC Chapter 26 - Clean Water Act based on previous comments provided.
- Revised the reference to WAC 173-26-221 to RCW 90.58 and updating the summary information to match revisions made to earlier sections of the Programmatic EIS.

99-12

The identified additional delineation resources have been added to the Additional Guidance for Gen-9, Preconstruction Surveys and Assessments.

99-13

No revision made.

99-14

Previous revisions identified in earlier comments have been made in response to this comment.

99-15

This comment does not appear to be associated with the Programmatic EIS for high-voltage transmission facilities.

99-16

This comment does not appear to be associated with the Programmatic EIS for high-voltage transmission facilities.

99-17

This comment does not appear to be associated with the Programmatic EIS for high-voltage transmission facilities.

Response to Kelli Price, (Submission 99) - Continued

99-18

This comment does not appear to be associated with the Programmatic EIS for high-voltage transmission facilities.

99-19

This comment does not appear to be associated with the Programmatic EIS for high-voltage transmission facilities; however, the language has been incorporated as additional guidance for General Measure Gen-3, Consistency with Policies, Development Regulations, and Ordinances, within Appendix 3.1-1.

99-20

Similar language was added to the additional guidance for Gen-9 as part of a response to an earlier comment.

99-21

This comment does not appear to be associated with the Programmatic EIS for high-voltage transmission facilities.

99-22

This comment does not appear to be associated with the Programmatic EIS for high-voltage transmission facilities.

99-23

This comment does not appear to be associated with the Programmatic EIS for high-voltage transmission facilities.

99-24

This comment does not appear to be associated with the Programmatic EIS for high-voltage transmission facilities.

99-25

This comment does not appear to be associated with the Programmatic EIS for high-voltage transmission facilities.

99-26

This comment does not appear to be associated with the Programmatic EIS for high-voltage transmission facilities; however, the language has been incorporated as additional guidance for General Measure Gen-3, Consistency with Policies, Development Regulations, and Ordinances, within Appendix 3.1-1.

99-27

EFSEC believes that this comment may have been submitted in error and does not reflect a suggestion or necessary revision for the Programmatic EIS for High-Voltage Transmission in Washington.

99-28

SMPs would be adhered to as identified in Gen-3. Therefore, an additional Avoidance Criteria was deemed unnecessary because the SMPs themselves are designed to ensure shoreline protection and regulatory compliance.

99-29

This comment does not appear to be associated with the Programmatic EIS for high-voltage transmission facilities.

99-30

The Programmatic EIS, Appendix 3.1-1, Additional Guidance for Rec-1 has been edited to include the identified suggestion.

Patrick Borunda, (Submission 70)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #70 DETAIL
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First Name : Patrick

Last Name : Borunda

Business/Organization :

Submission :

70-1 | Having read your draft regulations, we have a couple of questions for you.

On Page 509 you say, "A safe minimum distance of 100 feet ...is recommended to minimize health effects of EMFs."

Why is "recommended" seen as a strong enough precaution? Why isn't it "required?"

70-2 | From a long-term social accounting perspective, it makes more sense to have a one-time capital outlay to acquire an alternative route to avoid habitats and permanent commercial and agricultural structures than it does to expose generations of citizens to health damages from EMFs.

You're in the business of ensuring sound public policy for the long run. Take a long view now.

70-3 | In the absence of an iron-clad minimum safe distance, the regulated entities should be required to cover in their entirety the cost of moving affected structures to an alternative location on the owners' property outside the recommended minimum distance. The cost should not be borne by property owners for corporate convenience.

70-4 | In a similar vein, if eminent domain is to be invoked anywhere on the proposed transmission route, then construction and user utilities must be mandated to show that alternative routes have been evaluated and shown to be infeasible. This is not about corporate cost accounting but rather a matter of good social policy.

Very truly,

Patrick Borunda and Marit Federcell

Response to Patrick Borunda, (Submission 70)

70-1

The Programmatic EIS has been revised to:

- Remove the precautionary approach of 100 feet and replace it with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) exposure guidelines.
- Acknowledge the range of scientific findings on EMF exposure and health risks, including those from independent studies.
- Encourage applicants to consider proximity to sensitive receptors during siting and design and to consult with public health agencies as appropriate.

70-2

As required by RCW 43.21C.030, SEPA Lead Agencies must include a detailed analysis of alternatives to the proposed action in every recommendation or report on legislation or other major actions that may significantly affect the environment. For proposals with probable significant adverse environmental impacts that require an EIS, agencies must evaluate a reasonable range of alternatives, consistent with WAC 197-11-440. For transmission facility projects that are proposed within an existing transmission right-of-way or along a designated transportation corridor, the alternatives analysis may be limited to the proposed action and a no action alternative, as specified in RCW 43.21C.405.

When project-specific applications require an alternatives analysis, it is recommended that the assessment include an explanation on how the proposed route or action was selected and whether other corridors were evaluated. Information on other corridors or alternatives should be provided, including the location and reasons why they were not utilized. It is recommended that a map showing the selected proposed route or action and those alternatives that were rejected be included in the analysis. Chapter 1, Introduction, of the Programmatic EIS was revised to clarify when an alternative route analysis would be required and recommendations for conducting the analysis.

70-3

As stated in Chapter 1, Introduction, the potential use of condemnation or eminent domain is not analyzed in this Programmatic EIS. Project-specific applications that may require ROW or easement acquisitions and are unable to negotiate an agreement with the property owner are required to comply with the legal and procedural processes outlined in Title 8 RCW. As stated in Appendix 3.1-1, the cost of implementing the Mitigation Strategies outlined in the appendix shall be funded by the applicant. Additionally, while the Programmatic EIS does not establish binding setback requirements, it does:

- Encourage early engagement with affected landowners to identify and address concerns.
- Recommend that all potentially impacted ROWs, property boundaries, or easements that have not been surveyed within five years of project planning, design, or implementation should be reviewed and re-surveyed by a licensed land surveyor.

70-4

In response to this comment, the Programmatic EIS has been revised to emphasize that:

- Project-specific applications that may require ROW or easement acquisitions and are unable to negotiate an agreement with the property owner are required to comply with the legal and procedural processes outlined in Title 8 RCW.
 - Project-specific applications must demonstrate that alternative routes were thoroughly assessed, as required by RCW 43.21C.030, and consistent with WAC 197-11-440.
 - Suggest that when project-specific applications require an alternatives analysis, that the assessment include an explanation on how the proposed route was selected and information on other corridors or alternatives that were considered. Information such as the location and reasons why they were not utilized should be provided.
 - The Programmatic EIS encourages early and meaningful engagement with landowners and communities to avoid or minimize the need for eminent domain actions.
-

Sean Smith, (Submission 17)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #17 DETAIL**First Name :** Sean**Last Name :** Smith**Business/Organization :****Submission :**

17-1 Hello, I am a highly concerned citizen living along the proposed route. Not one time was it ever disclosed to me that PacifiCorp has an easement on my property when we purchased it in 2004 and I'm still not sure that they do. Their current route goes straight down my road NE 212th AVE in which there is no way to accommodate the recommended safe distance for the residences along the route. The Hockinson area where we live is no longer a rural farming community of hundreds of people, it is home to thousands of people with high end homes, much like Happy Valley in Clackamas county Oregon. The BPA in 2009 found this route to be way too impactful and chose an alternate route to the east through the Gifford Pincho on public land. PacifiCorp must be compelled to identify alternate routes that won't decimate communities and those who live in them. People are already suffering in our current economic climate and destroying their homes and values along with the health risks is too much to ask not to mention what it would do to the natural beauty of the area and the environment.

PacifiCorp's proposed 230kV transmission line from Swift Dam to Troutdale OR is dangerous and unjustified. The EFSEC cannot disregard the fire danger, health risks, and the lack of adherence to important safety guidelines that this line poses.

Firstly, it is vital to note that the easement is inaccurate. In some areas, due to discrepancies in survey data, it cannot be accurately ascertained exactly where the easement lies. Errors in the placement of the easement on some parcels renders the already too narrow path even narrower, requiring PacifiCorp to encroach on land outside the easement. Recent surveys show part of the easement route lies on parcels that have no easement in the deed.

PacifiCorp does not have rights to the full route and must pursue more land use rights potentially through the use of eminent domain in order to close easement gaps in the route around Camas and for substation placement. PacifiCorp should be required to investigate alternative routes. They currently have no plans to do so. This needs to be regulated. There are wider, established routes with transmission lines already in place along the I-5 corridor. There is also a route through the Gifford Pinchot Forest just to the east that would not plow through neighborhoods and environmentally sensitive areas which BPA found to be the preferred route for a similar transmission line in 2009.

The easement was obtained in the 1950's when the route was drastically less populated. The draft states "A safe, minimum distance of 100 feet from transmission facilities is recommended to minimize the health effects of EMF" (pg 509) and yet the route runs over homes as close as 10 feet. Environmental Research Vol 178, Nov 2019 shows exposure to magnetic fields increases risk of leukemia, breast cancer, and brain cancer. Lou Gehrig's Disease aka amyotrophic lateral sclerosis (ALS) is also linked to EMF exposure.

Additionally, to control vegetation along lines, PacifiCorp uses numerous herbicides for line maintenance. Many people along the easement use wells for their drinking water and/or have streams on their property. Monoclonal gammopathy of unspecified origin (MGUS) is a presumed condition for ALL veterans exposed to toxic chemicals, a diagnosis with a statistically significant increased risk of the condition leading to Multiple Myeloma with continued herbicide exposure, specifically those used by PacifiCorp. These are all serious public health issues that need to be addressed.

The facts clearly show that the easement PacifiCorp is attempting to use is outdated, inaccurate, undersized, and poses significant public health and safety concerns which render this project unachievable.

17-1 While there is no direct link to cancer to the general population, there is a strong correlation to several herbicides used by Pacific Corp to people who have increased risk of cancer. There is a statistically significant increase of cancer in people diagnosed with MGUS (monoclonal gammopathy of unspecified origin) and exposure to herbicides. ALL Vietnam Vets who have been diagnosed with MGUS have an almost 50% chance of the condition leading to Multiple Myeloma if they continue to be exposed to herbicides. Many people along the easement use wells and/or have streams on their property.

Pacific Corp utilizes a variety of herbicides for vegetation control, including products containing active ingredients like glyphosate, 2,4-D, fluroxypyr, and triclopyr. They also employ methods like hack and squirt or stem injection with herbicides like imazapyr, glyphosate, triclopyr salts, or picloram. For spring wheat in the Pacific Northwest, they might use Spartan Charge, Aim EC, Affinity Broadspec, Ally Extra, or Express herbicides.

"Nine studies testing glyphosate as a single agent for carcinogenicity in either mice (2 studies) or rats (7 studies) via chronic dietary or drinking water administration (Additional file 2: Table S1) - Both mouse studies showed a positive trend toward increased incidence of some rare cancers (kidney tumor [17,18,19] or hemangiosarcoma studies suggested that glyphosate exposure is positively associated with multiple myeloma (MM) A hallmark of MM is that virtually all MM cases are preceded by monoclonal gammopathy of undetermined significance (MGUS)"

Response to Sean Smith, (Submission 17)

17-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.6, Habitat, Wildlife, and Fish; Section 3.8, Public Health and Safety; Section 3.9, Land and Shoreline Use; and Section 3.16, Socioeconomics to understand how the Programmatic EIS addresses potential impacts on habitat and wildlife, neighboring land uses, outdated easements, public health and safety, and property values.

Candy Dietz, (Submission 12)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #12 DETAIL
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First Name : Candy

Last Name : Dietz

Business/Organization :

Submission :

12-1 | I am opposed to this line going right over neighboring homes and obstructing views, wildlife and causing potential harm to our health

Response to Candy Dietz, (Submission 12)

12-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.16, Socioeconomics; Section 3.6, Habitat, Wildlife, and Fish; Section 3.8, Public Health and Safety, and Section 3.12, Visual Quality, to understand how the Programmatic EIS addresses potential impacts on homes, views, wildlife, and health. It's important to clarify that this Programmatic EIS is designed to address broader, overarching goals and objectives associated with the statewide program. As such, it does not specifically address the visual impacts associated with individual projects. EFSEC understands that visual impacts can be a significant concern. However, the scope of this Programmatic EIS is focused on achieving larger-scale improvements and efficiencies, rather than delving into the specifics of individual project impacts.

Anil Prem, (Submission 58)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #58 DETAIL
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First Name : Anil

Last Name : Prem

Business/Organization :

Submission :

58-1 | I am real concerned about placing transmission lines through established neighborhoods. Real concerned about the negative health effects on people already living near proposed power lines.

Response to Anil Prem, (Submission 58)

58-1

Section 3.16.4 of the Programmatic EIS contains Mitigation Measures that would reduce impacts on existing neighborhood resources such as schools, homes, businesses, and public spaces, as well as reducing impacts on overburdened communities. Regarding potential health effects, Mitigation Strategies includes an EMF and EMI risk management strategy that regularly considers the consequence, likelihood, and significance of EMF and EMI on public health and existing infrastructure. Other Mitigation Strategies that would address potential neighborhood impacts include addressing potential impacts on temporary housing and property values, and avoidance of disproportionate impacts on vulnerable populations or overburdened communities.

Further, the Programmatic EIS provides General Measure Gen-10, which outlines various mitigation and management plans required to demonstrate regulatory compliance and effective risk management. Appendix 3.1-1 offers additional guidance for this General Measure, specifying that a communication plan should be developed for project-specific applications, along with details on the different components of the plan.

Lisa Busch, (Submission 11)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #11 DETAIL
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First Name : Lisa
Last Name : Busch
Business/Organization :
Submission :

11-1 | I do not agree with the proposed Swift Dam to Troutdale High-Voltage Transmission lines. Please find a different way with less impact on the people who live here.

Response to Lisa Busch, (Submission 11)

11-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities.

Kristen Weise, (Submission 79)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #79 DETAIL	
First Name :	Kristen
Last Name :	Weise
Business/Organization :	
Submission :	

79-1

I request that the council take the "no action alternative" so that projects continue to go through individual review. A single study should not guide every state transmission project when each area of our state will have its own unique needs and barriers. This is another overreach by the EFSEC council.
Multiple other cities counties and states are pausing these installations due to the ongoing environmental and health concerns.

Response to Kristen Weise, (Submission 79)

79-1

The "No Action Alternative" is a required component of the SEPA review process and has been thoroughly analyzed in the Programmatic EIS. This alternative assumes that no programmatic guidance would be adopted and that all future transmission projects would continue to undergo individual, project-specific environmental reviews without the benefit of the programmatic framework.

It is important to note that the Programmatic EIS does not replace project-specific environmental review. Instead, it provides a broad, statewide analysis of potential impacts and identifies General Measures, Avoidance Criteria, and Mitigation Measures that can inform and streamline—but not bypass—future project-specific environmental reviews. Each transmission project will still be required to undergo its own environmental review, including project-specific environmental analyses, mitigation, and public engagement, as appropriate.

Project-specific applications can use this Programmatic EIS to conduct a phased review, which could entail adopting the Programmatic EIS unchanged, adopting it and providing an addendum, adopting it and developing a Supplemental EIS, or incorporating relevant information by reference (see Chapter 1, Introduction, for more detail).

Jeff Jordan, (Submission 1)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #1 DETAIL

First Name : Jeff
Last Name : Jordan
Business/Organization :
Submission :

I testified at Montana's first PURPA rate hearings in 1981, managed the design, development and operation of the first small hydro plants to connect to Montana Power under PURPA in '82 and '83, and have been working to reduce carbon emissions ever since.

- 1-1 The Clean Energy Transition in the Northwest is stalled by three problems:
1. No proposed plan for adequate wind-power transmission capacity from Eastern Montana to Western Washington.
 2. No plan for economic use of unavoidable wind-energy over-generation.
 3. No plan for step-by-step power transmission upgrades to morph into the future HVDC Grid.
- 1-2 "The Colstrip Express" YouTube video addresses these needs and is detailed and sourced to withstand technical scrutiny. Future videos will expand on this foundation to include:
- The Future HVDC Grid in the West, essential to both clean power transmission and future power sharing.
 - Transmission enhancing battery at Colstrip.
 - Local Industrial Co-consumption of Wind Overgeneration.
 - An Economic Redevelopment Plan for Coal Country.
 - Clean electric smelting of aluminum, copper and steel using wind over-generation.
 - Using overgeneration to Reduce US and World Industrial-CO2 emissions.
- This is done without new powerlines in Washington by converting existing power lines to the new MT-HVDC technologies available now.
- The link to "The Colstrip Express" 1-minute Short
<https://youtube.com/shorts/VqTni8mlXNU>
- The link to the 51-minute "The Colstrip Express" documented video:
<https://youtu.be/nzHEReffwAw>
- The link to "The Future HVDC Grid" short:
<https://youtube.com/shorts/IQzdxkGUWSo>

Response to Jeff Jordan, (Submission 1)

1-1

The Programmatic EIS is intended for the use in future planning and development of transmission facilities. The document broadly evaluates adverse environmental impacts and identifies Mitigation Strategies that can be generally applied to transmission facility development. The Programmatic EIS also recognizes the critical role of transmission facilities in enabling Washington's clean energy transition. The Programmatic EIS has been revised to:

- Acknowledge that over-generation of energy presents both a challenge and an opportunity.
- Acknowledge that transmission facilities are essential for delivering renewable energy from resource rich areas, such as wind in Eastern Washington or Montana, to population centers in Western Washington.
- Recognize the need for grid modernization, but does not include a phased high-voltage direct-current (HVDC) roadmap.

1-2

While the Programmatic EIS does not evaluate specific projects or proprietary proposals, it does consider a range of transmission facility technologies and system configurations. This comment will be included in the administrative record and considered as part of the broader evaluation of transmission facility needs, adverse environmental impacts, and Mitigation Strategies.

David Krueger, (Submission 77)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #77 DETAIL

First Name : David
Last Name : Krueger
Business/Organization :
Submission :

- 77-1

I think that easements that were obtained in the years past did not consider the growth and housing and communities that have since been built and that today they would not be approved. A review or study of the easements should be redone and evaluated on the requirements of today and not several years ago when
- 77-2

most of the area was inhabited by families. The health risks and risk of fires should be considered as they are increasing as time goes on, and more studies have been done to assist in evaluating those risks.
- 77-3

I know that it costs more to have wires buried underground, however, it is much safer and also keeps the beauty of the area in tact.
I also feel that since this will not improve Washington residents or provide any service to us that the costs should be up to Oregon. I also think that since the power is going to Oregon alone, that they should have to use facilities and sources in Oregon and not from a neighboring state.
I do oppose such uses of Washington resources for another state.

Response to David Krueger, (Submission 77)

77-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.9, Land and Shoreline Use, to understand how the Programmatic EIS addresses potential impacts on neighboring land uses and outdated easements.

77-2

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.8, Public Health and Safety, to understand how the Programmatic EIS addresses potential impacts on fire and health.

77-3

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Chapter 1, Introduction; Section 3.8, Public Health and Safety; and Section 3.12, Visual Quality to understand how the Programmatic EIS identifies the need for transmission facilities and addresses potential impacts on public health and visual quality.

Valerie Mouser, (Submission 28)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #28 DETAIL
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First Name : Valerie

Last Name : Mouser

Business/Organization :

Submission :

28-1 | I was at a public forum meeting on Saturday where a representative from PacificCorp was there and said the proposed powerline project was for the good of the people, and when we asked him what people he said, and I quote "the customers of PacificCorp". Then we asked him if those customers were in Washington and in the impacted area and he said no we have no customers in Washington and that the customers he was referring to were in Oregon only. This project will only benefit the citizens of a completely different state!!!
I say na!

Response to Valerie Mouser, (Submission 28)

28-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities.

John Gibson, (Submission 44)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #44 DETAIL

First Name : John
Last Name : Gibson
Business/Organization :
Submission :

- 44-1 |
- 44-2 |
- 44-3 |
- I would like to see emphasis put on the environmental risks of these projects. Such as use of herbicides, effect on bees and other wildlife, plus damage to streams and rivers. EMF health risks because of close proximity to power lines, European standards are a lot different to US standards. EU recognizes a link between EMF and cancer risks, where the US sees no risk. Safety issues with power lines in close proximity to buildings, fire risk from broken lines. Power utilities have been successfully litigated against for allowing forest fires to start from power lines, this is a serious problem. There needs to be more stringent requirements for easement size and risk to line damage in forested areas, due to wind blowing trees onto the lines or lines breaking and causing fires. Wildlife habitats and food must be addressed. Safety is paramount to individuals and needs to be addressed more stringently when planning projects.

Response to John Gibson, (Submission 44)

44-1

The Programmatic EIS analyzes a wide range of adverse environmental impacts, including:

- Habitat fragmentation and wildlife disturbance
- Wetland and water resource impacts
- Air quality and greenhouse gas emissions
- Soil erosion and sedimentation
- Visual and noise impacts
- Wildfire risk and vegetation management

In accordance with RCW 43.21C.405, the Programmatic EIS also considers cumulative impacts, climate resilience, and environmental justice, particularly for overburdened communities as defined in RCW 70A.02.010.

44-2

Regarding fire risk, the Programmatic EIS includes General Measure Gen-10, which identifies additional guidance in Appendix 3.1-1 instructing project-specific applications to develop a fire mitigation plan. The plan would include both preventative and remedial measures for potential ignition source operations. Plans and measures would be required for project-specific applications that are proposed in forested areas.

Regarding health risks associated with transmission facilities, as stated in Section 3.8, bodies such as ICNIRP and NIEHS generally agree that there is no conclusive evidence linking low-level, long-term EMF exposure from transmission lines to adverse health effects, though they also note that research is ongoing and some uncertainty remains. NIEHS states that the strength of EMFs decreases with distance from transmission facilities.

44-3

Wildlife habitat is addressed in Section 3.6 of the Programmatic EIS. Public health and safety is addressed in Section 3.8 of the Programmatic EIS.

Rhae Books, (Submission 16)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #16 DETAIL
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First Name : Rhae

Last Name : Books

Business/Organization :

Submission :

- 16-1 | I'm writing to express my concerns about the proposed route of this power line. The construction of this line poses environmental and health concerns. The east winds often clock 30-60 mph on upper 212th, causing damage yearly. The fire danger is real considering the potential for downed trees and fallen lines. Look what happened in California. I attended the meeting yesterday in Battle Ground and it was apparent that Pacific has no regard for the health or safety of the community of unincorporated Clark county wa. Just another money grab for out of state corporation. We say no. Find another route. The easement is outdated and poses great risk to the health of our community.

Response to Rhae Books, (Submission 16)

16-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.1, Introduction; Section 3.8, Public Health and Safety; and Section 3.9, Land and Shoreline Use, to understand how the Programmatic EIS addresses potential impacts on public health and safety, as well as neighboring land uses.

Cynthia Calhoun, (Submission 7)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #7 DETAIL

First Name : Cynthia

Last Name : Calhoun

Business/Organization :

Submission :

- | | |
|-----|--|
| 7-1 | I'm concerned about the threat to the community of these BESS installations. I agree with working to repair environmental damage and reverse climate changes caused by modern practices, but this must be done in a thoughtful, safe and sustainable way. Please stop building these projects in areas where they are a threat to homes, schools and businesses until we have corrected the problems they present. |
|-----|--|

Response to Cynthia Calhoun, (Submission 7)

7-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.16.4 of the Programmatic EIS, which contains Mitigation Measures that reduce impacts on resources such as schools, homes, and businesses.

James, (Submission 46)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #46 DETAIL
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First Name : James

Last Name :

Business/Organization :

Submission :

46-1

In light of the catastrophic Jan 2025 Moss Landing BESS fire and newly discovered and confirmed through scientific lab tests issue of toxic fallout from the ash from the lithium battery energy storage system (BESS) detected at toxic concentrations 27.2 miles downwind, and the potential total destruction of the environment around Moss Landing, Monterey Bay, and the Elkhorn Slough due to the more than 1000x increase in toxic lithium battery related heavy metals spread throughout San Jose State University's Marine Research lab in Monterey/Elkorns with 10 years of comparable soil and water samples irrefutably proving the toxic fallout released when a lithium BESS burns. The environmental impacts are catastrophic when millions of lithium battery cells burn- even if it is just one BESS container, the fallout, the toxic gases, and smoke, and if water is used defensively the contaminated runoff

(read about the almost 3-mile total fishkill from the toxic runoff in Frederickson, MO)...

The environmental impact is catastrophic when a BESS has a fire and there is no 100% effective prevention technology nor a 100% effective extinguishing technology- even when solutions have been sought since the 1990s when lithium batteries first started spontaneously combusting... DO NOT approve a blanket EIS for electric transmission systems...

Response to James, (Submission 46)

46-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities.

Mark Rogers, (Submission 67)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #67 DETAIL
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First Name : Mark
Last Name : Rogers
Business/Organization :
Submission :

April 29, 2025

67-1 | Move the power lines East past the established neighborhoods. Things have changed greatly since the 1950's!

EFSEC
RE: Draft Programmatic EIS
PO Box 43172
Olympia, WA. 98503

67-1

PacifiCorp's proposed 230kV transmission line from Swift Dam to Troutdale OR is intrusive and unjustified. The EFSEC must not disregard the inherent fire danger, health risks, and the lack of adherence to important safety guidelines that this line poses when there are viable options to avoid more exposures of residents to the challenges of high energy power lines. Combine those alternatives with the easement problems that are being discovered, and proximity to existing houses in many areas, including our own, it makes much more sense to move new powerlines into an area not as densely populated as we are in the proposed route across Highway 500 at 213th.

As discussed by many of my neighbors and concerned citizens, PacifiCorp should be required to investigate alternative routes. They currently have no formal plans to do so at this point that I have read. This needs to be evaluated. There are wider, established routes with transmission lines already in place along the I-5 corridor. There is also a route through the Gifford Pinchot Forest just to the east that would not plow through neighborhoods and environmentally sensitive areas which BPA found to be the preferred route for a similar transmission line in 2009.

The easement was obtained in the 1950's when the route was drastically less populated and the size and capacity of the electrical towers certainly exceeds my expectations, much less what was likely understood at the time of the easements. Environmental Research Vol 178, Nov 2019 shows exposure to magnetic fields increases risk of leukemia, breast cancer, and brain cancer. Lou Gehrig's Disease aka amyotrophic lateral sclerosis (ALS) is also linked to EMF exposure. The draft states "A safe, minimum distance of 100 feet from transmission facilities is recommended to minimize the health effects of EMF" (pg 509) and yet the route runs over homes as close as 10 feet. In our neighborhood the 100 feet clear simply cannot be achieved in the narrow easement that currently exists.

I appreciate your acknowledgement and support of our views and concern and preventing PacifiCorp from this project in Clark County.

If you would like to discuss our position, please feel free to contact me directly.

Thank you,

Mark & Judy Rogers
21307 NE 49th Circle
Vancouver, WA. 989682
360-253-6190

Response to Mark Rogers, (Submission 67)

67-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Chapter 1, Introduction; Section 3.8, Public Health and Safety; and Section 3.9, Land and Shoreline Use to understand how the Programmatic EIS addresses potential impacts on property values, outdated easements, neighboring land uses, and public health and safety.

James & DuJuann Donaldson, (Submission 38)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #38 DETAIL
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First Name : James & DuJuann

Last Name : Donaldson

Business/Organization :

Submission :

38-1

My address is 20631 NE Risto Road BG WA

We live 1400 feet to the west of this line & there are trees between us that will catch fire not to mention the cancer risk. It will be a big danger to us! Please stop this and let me know if there is another meeting in BG on this! DuJuann & Jim Donaldson

Response to James & DuJuann Donaldson, (Submission 38)

38-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.8, Public Health and Safety, to understand how the Programmatic EIS addresses potential impacts on public health.

Chad Donaldson, (Submission 30)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #30 DETAIL
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First Name : Chad
Last Name : Donaldson
Business/Organization :
Submission :

30-1 | My family and I live around 1400ft west of your easement high powered line. Please do not build your high voltage line here. We do not want our property values to go down, cancer or our homes to burn in a wildfire.

Response to Chad Donaldson, (Submission 30)

30-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.16.4 of the Programmatic EIS, which contains Mitigation Measures that reduce impacts on resources such as schools, homes, businesses, and public spaces as well as reduces impacts on overburdened communities.

Sue Kaushagen, (Submission 26)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #26 DETAIL
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First Name : Sue

Last Name : Kaushagen

Business/Organization :

Submission :

- 26-1 | My main concern (and there are many) is the safety of our families along this power line system. The EMF's DO affect the health of people and animals. Studies showing this are available. With large families with many children that call our countryside home why risk this terrible possibility when an alternate route with less impact is available.
- 26-2 | We live in a VERY high wind (east wind) area where these wind events last for days and days. The gusts are easily 60 mph and higher. This could contribute to many dangerous situations ending with wildfires and loss of life for people as well as livestock, sensitive wildlife and dwellings costing millions of dollars, heartbreak and despair.
- 26-1 | Send Oregon the power (generating from OUR watershed) through the Gifford Pinchot National Forestland. This is a direct route impacting only a small fraction of population.
- 26-3 | The amounts of herbicides used to "sterilize" the areas under and around the powerline grid will impact the safety of people and animals and these herbicides are known to cause cancer. There will be drift occurring when spraying is done in this magnitude, damaging sensitive flora and fauna; as well as farmland (to feed our livestock) and family gardens that are needed to sustain our food tables for the health of all that have them.
- 26-1 | Please stop this outdated madness from the devastating decision of bullying the citizens of Clark County into the dangers of health, value of our land and chaos that will be reaped upon us by this horrible choice of this route from this huge corporation when it is completely unnecessary.
- | There is NO upside, benefit to the thousands of people that will be impacted by this callous act.

Sincerely,

S.K. Kaushagen

Response to Sue Kaushagen, (Submission 26)

26-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.16.4 of the Programmatic EIS, which contains Mitigation Measures that reduce impacts on resources such as schools, homes, and businesses. Additionally, the commenter may refer to Section 3.9, Land and Shoreline Use, as it relates to outdate easements and impacts on neighboring land uses.

26-2

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.16.4 of the Programmatic EIS, which contains Mitigation Measures that reduce impacts on resources such as schools, homes, and businesses.

26-3

The purpose of the Programmatic EIS is to generally evaluate adverse environmental impacts associated with different types of transmission facility developments; it does not propose, evaluate, or approve a specific project. The Programmatic EIS identifies Mitigation Measures based on the mitigation hierarchy to reduce adverse environmental impacts. Mitigation Measures included in the Programmatic EIS address the use of herbicides, pesticides, and fungicides.

Ronald Morgan, (Submission 6)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #6 DETAIL	
First Name :	Ronald
Last Name :	Morgan
Business/Organization :	
Submission :	

- 6-1
- No action should be taken.
- This is the wrong place for this project.
- Please recheck zoning restrictions
- Consider distance from homes and school

Response to Ronald Morgan, (Submission 6)

6-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.16, Socioeconomics, to understand how the Programmatic EIS addresses potential impacts on homes and schools.

Carron Harris, (Submission 18)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #18 DETAIL**First Name :** Carron**Last Name :** Harris**Business/Organization :****Submission :**

18-1 PacifiCorp's proposed 230kV transmission line from Swift Dam to Troutdale OR is dangerous and unjustified. The EFSEC cannot disregard the fire danger, health risks, and the lack of adherence to important safety guidelines that this line poses.

Firstly, it is vital to note that the easement is inaccurate. In some areas, due to discrepancies in survey data, it cannot be accurately ascertained exactly where the easement lies. Errors in the placement of the easement on some parcels renders the already too narrow path even narrower, requiring PacifiCorp to encroach on land outside the easement. Recent surveys show part of the easement route lies on parcels that have no easement in the deed.

PacifiCorp does not have rights to the full route and must pursue more land use rights potentially through the use of eminent domain in order to close easement gaps in the route around Camas and for substation placement. PacifiCorp should be required to investigate alternative routes. They currently have no plans to do so. This needs to be regulated. There are wider, established routes with transmission lines already in place along the I-5 corridor. There is also a route through the Gifford Pinchot Forest just to the east that would not plow through neighborhoods and environmentally sensitive areas which BPA found to be the preferred route for a similar transmission line in 2009.

The easement was obtained in the 1950's when the route was drastically less populated. The draft states "A safe, minimum distance of 100 feet from transmission facilities is recommended to minimize the health effects of EMF" (pg 509) and yet the route runs over homes as close as 10 feet. Environmental Research Vol 178, Nov 2019 shows exposure to magnetic fields increases risk of leukemia, breast cancer, and brain cancer. Lou Gehrig's Disease aka amyotrophic lateral sclerosis (ALS) is also linked to EMF exposure.

Additionally, to control vegetation along lines, PacifiCorp uses numerous herbicides for line maintenance. Many people along the easement use wells for their drinking water and/or have streams on their property.

The facts clearly show that the easement PacifiCorp is attempting to use is outdated, inaccurate, undersized, and poses significant public health and safety concerns which render this project unachievable.

18-1 While there is no direct link to cancer to the general population, there is a strong correlation to several herbicides used by Pacific Corp to people who have increased risk of cancer. There is a statistically significant increase of cancer in people diagnosed with MGUS (monoclonal gammopathy of unspecified origin) and exposure to herbicides. ALL Vietnam Vets who have been diagnosed with MGUS have an almost 50% chance of the condition leading to Multiple Myeloma if they continue to be exposed to herbicides. Many people along the easement use wells and/or have streams on their property.

Pacific Corp utilizes a variety of herbicides for vegetation control, including products containing active ingredients like glyphosate, 2,4-D, fluroxypyr, and triclopyr. They also employ methods like hack and squirt or stem injection with herbicides like imazapyr, glyphosate, triclopyr salts, or picloram. For spring wheat in the Pacific Northwest, they might use Spartan Charge, Aim EC, Affinity Broadspec, Ally Extra, or Express herbicides.

"Nine studies testing glyphosate as a single agent for carcinogenicity in either mice (2 studies) or rats (7 studies) via chronic dietary or drinking water administration (Additional file 2: Table S1) - Both mouse studies showed a positive trend toward increased incidence of some rare cancers (kidney tumor [17,18,19] or hemangiosarcoma studies suggested that glyphosate exposure is positively associated with multiple myeloma (MM) A hallmark of MM is that virtually all MM cases are preceded by monoclonal gammopathy of undetermined significance (MGUS)"

Response to Carron Harris, (Submission 18)

18-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.6, Habitat, Wildlife, and Fish; Section 3.8, Public Health and Safety; Section 3.9, Land and Shoreline Use; and Section 3.16, Socioeconomics to understand how the Programmatic EIS addresses potential impacts on habitat and wildlife, neighboring land uses, outdated easements, public health and safety, and property values.

Karen Smith, (Submission 14)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #14 DETAIL
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First Name : Karen

Last Name : Smith

Business/Organization :

Submission :

14-1 | PacifiCorps is planning to build high voltage power lines using vastly outdated easements. The land in question has been highly developed since easements were made and now include a great many homes and schools. The current power line proposal will be highly disruptive and gravely consequential to many families. Please persuade PacifiCorps to move the lines east to public land or work with BPA to upgrade existing power. Thank you.

Response to Karen Smith, (Submission 14)

14-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.1, Introduction; Section 3.9, Land and Shoreline Use; and Section 3.16, Socioeconomics, to understand how the Programmatic EIS addresses potential impacts on neighboring land uses and housing.

Richard van Dijk, (Submission 10)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #10 DETAIL
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First Name : Richard

Last Name : van Dijk

Business/Organization :

Submission :

- 10-1 | Page 76 needs clarification on the definition of "restricted easement" and should not apply to 230KV lines.
Under no circumstance must a 230KV be allowed in less than the prescribed 125' easement. This especially true for 50+ year old outdated narrow easement that were never meant to serve a 230KV line especially when it is now semi rural/suburban.
Ensure that the 100' recommended distance is adhered to to minimize 24/7 EMF exposure.

Response to Richard van Dijk, (Submission 10)

10-1

The term "restricted easement" as used in the Programmatic EIS refers to existing utility easements and right-of-ways (ROW) that may have limitations on expansion or modification due to physical, legal, or land use constraints. These may include old, outdated, or narrow easements or ROWs that were not originally designed to accommodate higher-voltage transmission facilities. This term has been added to the glossary and clarified in Chapter 2 of the Programmatic EIS.

The Programmatic EIS does not propose the use of substandard or outdated easements for transmission facilities. Section 3.9 of the Programmatic EIS was revised to include Mitigation Measure LSU-1, which recommends reviewing and re-surveying any ROWs, property boundaries, or easements that have not been surveyed within five (5) years of project planning.

Regarding EMF exposure, the Programmatic EIS recognizes public concerns and includes a discussion of EMF in accordance with current scientific understanding and regulatory guidance. While there are no federal or Washington State exposure limits for EMF, utilities typically follow industry best practices to minimize exposure, including maintaining recommended setback distances and designing lines to reduce EMF levels at the edge of the ROW.

The Programmatic EIS does not authorize construction of site-specific projects or override local land use controls. Instead, it provides a planning-level framework to identify potential adverse environmental impacts associated with a variety of transmission facility projects and inform future project-specific environmental reviews. All project-specific applications would be subject to project-specific environmental review, which would include an evaluation of easement suitability and EMF considerations.

Christine and Roger Neil, (Submission 49)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #49 DETAIL
--

First Name : Christine and Roger

Last Name : Neil

Business/Organization :

Submission :

Please add this to my earlier comments. Thank you.

- 49-1 | 6. Pg. 80 states "2.2.1 Action Alternative: This Draft Programmatic EIS evaluates potential impacts associated with the development of electrical transmission facilities with a nominal voltage of 230 kV or greater in Washington. Electrical transmission facilities are defined in 80.50.020(12) as "electrical power lines and related equipment." Therefore, the Action Alternative in this Draft Programmatic EIS includes development of new overhead and underground transmission facilities, as well as the upgrade or modification of existing transmission facilities.
- Section to include "private and/or public owned power facilities along with any private and/or public ROW require appropriate siting analysis for new and expanded facilities, including an analysis of considerations of alternative sites and using existing site and corridor collocation/upgrades." Requesting this addition to close the ambiguity of a private energy company with their own privately owned easement traversing through many types of communities for financial and power supply benefit without the oversight of an alternative route analysis is unjust, unsafe and financially burdening to homeowners.

Response to Christine and Roger Neil, (Submission 49)

49-1

The Programmatic EIS, prepared under RCW 43.21C.405, applies to all electrical transmission facilities with a nominal voltage of 230 kV or greater, regardless of ownership status.

The Programmatic EIS recognizes that both new and upgraded transmission facilities may cross a mix of public and private lands and that equity, safety, and environmental justice must be central to siting decisions. In response to this comment, Chapter 1 of the Programmatic EIS has been revised to provide additional guidance noting that alternative route analysis may be a required component of project-specific environmental review, as required by RCW 43.21C.030 and consistent with WAC 197-11-440(5)(b).

Judy Mason, (Submission 37)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #37 DETAIL
--

First Name : Judy

Last Name : Mason

Business/Organization :

Attachments : MASON_c50843ba3591c5c12e51cf9d23bf2a7e_IMG_6058.pdf (214 kb)

Submission :

37-1	Please do not take our land! It appears this would run right through the middle of 236th Ave. We strongly oppose this plan!
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Response to Judy Mason, (Submission 37)

37-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.16, Socioeconomics, to understand how the Programmatic EIS addresses potential impacts on private property.

Audie Huber, (Submission 85)



May 15, 2025

Sonia Bumpus
Executive Director
Washington Energy Facility Site Evaluation Council
ATTN: Draft PEIS Review
P.O. Box 43172
Olympia, WA 98503-3172
sonia.bumpus@efsec.wa.gov

Also transmitted electronically/e-mailed to: <https://comments.efsec.wa.gov/>,
efsec@efsec.wa.gov

RE: CTUIR DNR Comments on Draft Programmatic Environmental Impact Statement for High-Voltage Transmission Facilities

Dear Director Bumpas:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Department of Natural Resources (DNR) submits the following initial comments on the Draft Programmatic Environmental Impact Statement for High-Voltage Electrical Transmission Facilities (PEIS) issued by the Washington Energy Facility Site Evaluation Council (EFSEC or Council).¹ The CTUIR has some questions and concerns about the PEIS. Our submission incorporates by reference the comments of the Columbia River Inter-Tribal Fish Commission (CRITFC).

The CTUIR and its members retain rights and interests in the Columbia River and its tributaries, in the fish that inhabit them, in the waters that support those fish, and in other associated natural and cultural resources (including habitats and environmental conditions) pursuant to our Treaty of 1855, 12 Stat. 945, with the United States and various other statutes and sources, explained more fully below. These rights, interests, and resources could be affected if the PEIS, as currently written, is finalized, adopted, and implemented.

¹ Prepared pursuant to the Washington State Environmental Policy Act (SEPA) under Chapter 43.21C.405 of the Revised Code of Washington (RCW) and Chapters 197-11 of the Washington Administrative Code (WAC); <https://www.efsec.wa.gov/energy-facilities/transmission-programmatic-eis>.

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46411 Timine Way
Pendleton, Oregon 97801

85-1

CTUIR DNR Comments to WA EFSEC on Draft PEIS
May 15, 2025
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Introduction and Background

The CTUIR is a federally recognized Indian tribe, with a reservation in Northeast Oregon and ceded, aboriginal, usual and accustomed, and traditional use areas in Oregon, Washington, Idaho, and other Northwest states. One hundred and seventy years ago, predecessors to the CTUIR—ancestors with the Cayuse, Umatilla, and Walla Walla Tribes—negotiated and signed the Treaty of 1855 with the United States. The Treaty is a contract between sovereigns, and law—"the supreme Law of the Land" under the United States Constitution.

In the Treaty the CTUIR ceded millions of acres of land to the federal government, and in exchange received assurances that our sovereignty would be recognized and respected, our various pre-existing tribal rights would be honored, and our interests would always be considered and safeguarded, in perpetuity.² The federal government has a duty to honor and uphold the Treaty of 1855 and all Indian treaties and to act as stewards and trustees to ensure that the terms and commitments of those treaties are fulfilled—the Trust Responsibility. The subordinate states, including Washington, similarly have an obligation not to infringe on or otherwise erode tribal Treaty Rights.³

A paramount goal in the Treaty of 1855 was protecting and maintaining our tribal First Foods—water, fish, mussels, big game, roots, berries, and other plants—and the habitats and environmental conditions that support and sustain them, then, now, and forever. This remains an overriding objective of the CTUIR. Protecting and maintaining our tribal First Foods is essential to safeguarding our Treaty Rights and the traditions, culture, and way of life those rights were and are meant to uphold and perpetuate. Vital to our

² While our rights were and are recognized by the United States in the Treaty of 1855, they existed before the Treaty was signed—since time immemorial—and are based on our inherent rights and inherent sovereignty and were later secured and guaranteed by the Treaty that followed.

³ Pursuant to the Constitution's Supremacy Clause, treaties and statutes also bind states. *Antoine v. Washington*, 420 U.S. 194, 205 (1975) (like a treaty, when Congress by statute ratifies an agreement that reserves Tribal rights, "State qualification of the rights is precluded by force of the Supremacy Clause, and neither an express provision precluding state qualification nor the consent of the State [is] required"); *U.S. v. Washington*, 853 F.3d 946, 966 (9th Cir. 2017) (Holding that "in building and maintaining barrier culverts within the Case Area, Washington has violated, and is continuing to violate, its obligation to the Tribes under the Treaties.") *aff'd*, 138 S.Ct. 1832 (per curiam); *Skokomish Indian Tribe v. United States*, 410 F.3d 506, 512 (9th Cir. 2005) (Treaties "constitute the 'supreme law of the land'" and have "been found to provide rights of action for equitable relief against non-contracting parties," and such equitable relief "ensures compliance with a treaty; that is, it forces state governmental entities and their officers to conform their conduct to federal law."); see also *Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172, 204 (1999) (noting that "[a]lthough States have important interests in regulating wildlife and natural resources within their borders, this authority is shared with the Federal Government when the Federal Government exercises one of its enumerated constitutional powers, such as treaty making," and accordingly, the treaty in that case gave the Chippewa Tribe "the right to hunt, fish, and gather in the ceded territory free of . . . state, regulation.").

Audie Huber, (Submission 85) - Continued

CTUIR DNR Comments to WA EFSEC on Draft PEIS
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85-1 authority to protect and maintain the First Foods are our legally recognized rights as resource co-managers in coordination with our state and federal counterparts.⁴ We are co-managers of the resources that could or would be impacted by transmission and related facilities that are the subject of the PEIS.

Since the arrival of non-Indian people in ever-larger numbers beginning in the mid-1800s, many of the Columbia Basin's First Foods—in particular anadromous fish such as salmon and other species—have been subject to enormous harm. In some cases, this has meant outright eradication—*extinction*—and in others significant decreases in abundance, diversity, and distribution. A major source of this harm has been ill-conceived energy development.

The CTUIR DNR understands that energy development and transmission are vital elements of modern society and stable functioning economies, and that they must be reconsidered and reconfigured if we are to effectively confront our climate crisis. A wide array of human impacts has already reduced access to Treaty-reserved resources and reduced Tribal harvest. First Foods and many other tribal resources are undeniably at risk from climate change. However, we must avoid expanding or exacerbating the range of threats to them in our zeal to feed the energy demands of data centers or other similar endeavors that are or may become just the latest in a long line of resource-exploiting projects that have so radically and often detrimentally altered our world.

85-2 Process Concerns: Failure to Consult

The CTUIR DNR appreciates state and federal government initiatives to confront the many complex issues associated with climate change and the extraordinary threats it poses to us, now and in the future. We support reducing fossil fuel generation and use and increasing generation from and use of renewable energy sources. As you proceed with your efforts and consider the daunting web of factors that should be weighed in navigating the decisions and actions that must occur to address these threats, we encourage you to work collaboratively with tribal governments.

Thus, as an initial matter, we must note that consultation with the CTUIR on the PEIS has been inadequate. Meaningful tribal review and consultation has yet to occur. The CTUIR received an e-mail from EFSEC on March 31, 2025, regarding the availability of the PEIS for transmission infrastructure in Washington State. The document is over 1,000 pages long and EFSEC provided only 30 days to review it (comments initially due

⁴ Our ancestors were sole resource managers since time immemorial, but beginning less than two centuries ago we began to share this responsibility with federal and state managers. Tribal management is now jointly based on traditional knowledge, expertise, and experience combined with the latest, most reputable, state-of-the-art scientific knowledge, practices, techniques, and data.

CTUIR DNR Comments to WA EFSEC on Draft PEIS
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85-2 April 30). The CTUIR requested an additional six weeks to review the PEIS in a letter dated March 18, 2025. On March 28, 2025, two days before the comments were due, the CTUIR was notified that the comment period would be extended an additional 15 days, until May 15, 2025.

The CTUIR DNR does not believe that EFSEC, in the PEIS process thus far, has met its tribal consultation requirements under RCW 43.21C.405(5), the law directing EFSEC to develop this PEIS:

The energy facility site evaluation council must offer *early* and *meaningful* consultation with any affected federally recognized Indian tribe on the nonproject review . . . for the purpose of understanding potential impacts to tribal rights and resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which an Indian tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. The consultation is independent of, and in addition to, any public participation process required by state law, or by a state agency. The goal of the consultation process is to support the nonproject review by *early* identification of tribal rights, interests, or resources, including tribal cultural resources, potentially affected by the project type and identifying solutions, when possible, to avoid, minimize, or mitigate any adverse effects on tribal rights, interests, or resources, including tribal cultural resources, based on environmental or permit review.⁵

85-2 The circumstances of this process, noted above, do not appear to satisfy the requirements of the applicable RCW provisions. There has been no early and meaningful consultation. Many transmission projects in Washington significantly impact tribal resources, so it is particularly concerning that the CTUIR, with recognized rights and interests within the State, was not engaged or consulted during development of the PEIS.

As far as we have been able to determine, the first notification we received from EFSEC regarding the PEIS was via e-mail on March 31, 2025. So far we have been unable to find any other communications, electronic or otherwise, with key CTUIR staff. If EFSEC did contact staff or tribal leadership, it did not find its way to the appropriate staff, staff with which EFSEC routinely communicates.

As we stated in our March 18 letter, energy generation and transmission have had significant impacts on Treaty-reserved rights and resources, including fish, wildlife, and historic properties, as well as many cultural areas. The CTUIR DNR is concerned that

⁵ <https://app.leg.wa.gov/RCW/default.aspx?cite=43.21C.405> (emphasis added).

Audie Huber, (Submission 85) - Continued

CTUIR DNR Comments to WA EFSEC on Draft PEIS
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85-2 the PEIS would establish a framework for environmental review of energy transmission projects on lands and in waters where CTUIR Treaty Rights apply that would not sufficiently protect those rights and the resources on which they are based. CTUIR rights and interests and the obligations to safeguard them often raise issues that typically cannot be addressed with a broad, generalized review such as that contemplated in the PEIS, usually requiring a more detailed, thorough case-by-case analysis of a project and its potential effects on tribally-associated features.

PEIS Purpose, Scope, etc.

Due to the process flaws and deficiencies described above, the CTUIR DNR is only able to offer limited input and comments at this time. The opportunity to provide more extensive and in-depth comments has been hampered by the short time frame afforded by EFSEC in which to review and analyze such a lengthy and complex document. Nevertheless, we have identified some immediate questions and concerns as follows.

The PEIS "analyzes potential direct, indirect, and cumulative impacts of the construction, operation and maintenance, and upgrade or modification of transmission facilities in the State of Washington. It includes an analysis of potential impacts on the elements of the natural and built environment specified under RCW 43.21C.405(3), WAC 197-11-444, and WAC 463-60-535."⁶ The Draft PEIS is intended to: provide a broad environmental impact assessment; facilitate streamlined planning; support informed decision-making; identify mitigation strategies; and initiate public and stakeholder engagement.⁷ According to EFSEC, programmatic EIS documents address broad, overarching policies, plans, or programs rather than specific projects.⁸

85-3 The CTUIR DNR is unclear on what is meant by the statement that,

... [W]hen the recommendations (mitigation measures) identified in this Programmatic EIS are implemented for site-specific proposals, those proposals "are considered to have mitigated the probable significant adverse project-specific environmental impacts under this chapter for which recommendations were specifically developed."⁹

Does this mean that the mitigation measures contained in the "broad environmental impact assessment" (PEIS), and only those measures, are to apply to a later, specific, individual project, even if that specific project requires additional or different measures,

⁶ <https://www.efsec.wa.gov/energy-facilities/transmission-programmatic-eis>.

⁷ *Id.*

⁸ PEIS ES-6, footnote 5.

⁹ <https://www.efsec.wa.gov/energy-facilities/transmission-programmatic-eis>.

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85-3 other than just those identified in the PEIS, to achieve adequate mitigation? In other words, are PEIS mitigation measures all that will be required for specific individual projects? If only PEIS mitigation measures are required, will a project's mitigation obligations be deemed to have been met?

85-4 The CTUIR DNR also seeks and would appreciate greater clarity regarding the scope of the PEIS. EFSEC states that:

The Geographic Scope, or Study Area, of this Draft Programmatic EIS includes areas throughout the State of Washington where transmission facilities are likely to be developed. For the purpose of this Draft Programmatic EIS, Tribal lands and undersea cables are not included in the Study Area.¹⁰

Are "undersea cables" literally just those under the sea, or on or in the seabed? Are under-river cables also excluded—those under a river or on or in the bed of a river? Or do in-river or under-river cables fall within the scope of the PEIS? We believe that in- or under-river cables should be excluded. Including submerged in-river power transmission cables is inappropriate.

We understand that the PEIS "analyzes the adverse environmental impacts of large electrical transmission facilities but does not analyze any specific transmission proposal[.]" and that "[a]ny specific transmission facility proposal would require additional SEPA environmental review."¹¹ Nevertheless, an in-river submerged power transmission cable—the Cascade Renewable Transmission Project—has already been proposed. We (and others) have communicated our thoughts, questions, and concerns on that proposal, and while some of them are relatively specific to that project, many are appropriate and applicable to any similar type of project—a submerged cable in fresh or estuarine (non-"sea") waters. A copy of our letter on the Cascade Renewable Transmission Project is attached and incorporated herein by reference.¹²

¹⁰ <https://www.efsec.wa.gov/energy-facilities/transmission-programmatic-eis>.

¹¹ *Id.*

¹² The PEIS list of Reasonably Foreseeable Actions identifies Cascade Renewable Proposed ID 1: "The Cascade Renewable Transmission Project proposes to transport 1,100 MW of renewable energy approximately 79 miles east of the Cascades to customers west of the Cascades via a high-voltage direct current transmission line" The Project Location is described as "Multi-County: Clark, Skamania, and Klickitat" and having a length of 79 miles. First of all, there is no requirement or assurance that the power transmitted by Cascade Renewable will be from renewable sources. Second, the listing of this project as merely a transmission project ignores the significant and singular impacts of it being located underwater for a significant portion of its route. Third, the project will be in both Oregon and Washington, in the bed of the Columbia River and would follow a route that would traverse state boundaries multiple times.

Audie Huber, (Submission 85) - Continued

CTUIR DNR Comments to WA EFSEC on Draft PEIS
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85-4 Fundamentally, a power transmission cable buried in the bed of a river—already water-quality-limited (polluted) because of various toxic contaminants and home (essential, critical habitat) to many ESA-listed migratory fish species that are also the subject of multiple treaties with regional Indian Tribal Nations—is wholly unprecedented—*sui generis*, in a class by itself.¹³ Such projects cannot and should not be casually folded under the general, broader, more generic umbrella of a programmatic EIS for electricity transmission.

Riverine submerged cables are far more similar to undersea cables or long-distance underground powerlines in most respects; they bear little resemblance to overhead transmission lines. It makes little sense to aggregate long-distance underwater cables (ocean or river) with overhead transmission lines. The PEIS acknowledges the substantial differences between overhead and underground/underwater transmission lines. For instance, the PEIS acknowledges “[u]nderground transmission facilities can take up to six times longer to construct than overhead lines, which extends the duration of risk exposure and increases overall potential construction hazards (Xcel Energy 2021).” PEIS 3-418. Further, the PEIS states “[w]hile underground transmission has the benefit of increased resilience to severe weather conditions and reduced risks of power outages, it can cost 5 to 15 times more than overhead transmission facilities to install (EIA 2012; Xcel Energy 2024), require over 14 times as much soil excavation (DOE 2023a), and have approximately half as long of a life expectancy (PRPA 2024).” PEIS 3-422. Finally, the PEIS acknowledges that “undersea cables, especially those that cross international water or state boundaries, may fall under different regulatory frameworks or jurisdictions, requiring separate, more specific environmental reviews. Lastly, the environmental impacts and technical considerations of siting undersea cables for transmission facilities can be significantly different from those of landbased transmission facilities. These differences might necessitate a distinct, focused environmental review to adequately address the unique challenges and impacts.” PEIS 1-7. The proposed Cascade Renewable underwater cable project would align with or cross the boundary between Oregon and Washington at least twice implicating multiple regulatory jurisdictions and authorities, involving separate environmental reviews.

85-5 The CTUIR DNR is unclear what experience, if any, EFSEC has in dealing with long-distance submerged cables in freshwaters including those exhibiting the additional factors identified here (containing Treaty- and ESA-listed resources, polluted, etc.). While undersea cables have been in existence for some time, freshwater cables running the length of rivers (not just crossing them) are newer and the technology is still under development and uncertain (as are its effects). To the best of our knowledge, EFSEC has not licensed a long-distance underground or underwater cable. The PEIS acknowledges this:

¹³ <https://www.merriam-webster.com/dictionary/sui%20generis> (“constituting a class alone: unique, peculiar”).

CTUIR DNR Comments to WA EFSEC on Draft PEIS
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85-5 As of 2009, an estimated 0.5 percent of all transmission lines of at least 200 kV or higher in the United States were underground (EIA 2012). There are instances where 230 kV facilities or above have been placed underground, typically for very short segments or in specific urban areas where overhead transmission facilities are not feasible.¹⁴

85-6 Given the limited experience EFSEC and the CTUIR have with underground and long distance underwater cables, the CTUIR requests such transmission lines be considered outside the scope of the PEIS. While underground and underwater transmission lines do transmit power, their similarity to above-ground transmission lines ends there. The types of impacts from these lines are different in character and in resources affected from those with above-ground transmission lines. For instance, while the potential effects of electromagnetic interference on wildlife have been studied in terrestrial wildlife populations, research has been limited in underground and underwater environments. Furthermore, while temperature of powerlines is a focus in terms of potentially causing fires, underground and underwater temperature impacts can be substantial, with limited research by entities without vested interests in licensing such facilities. Finally, failure of above-ground powerlines can have significant environmental effects; failure of powerlines underwater can potentially have catastrophic impacts on aquatic ecosystems.

Conclusion

As we strive to protect our First Foods—and our planet, and our future—from further damage and degradation, we must do so deliberately and wisely. Unlike in the past, we must seek and obtain adequate knowledge and understanding of the potential repercussions of our choices. We must rely on sound, reasonable assumptions and adequate, accurate data and analyses to anchor those assumptions. We cannot afford to compound existing environmental problems or add new and/or possibly unanticipated ones to our already dismally long list.

85-9 Specifically in terms of salmon, at a moment when so much time, effort, energy, and expense is being devoted to their protection and recovery through such initiatives as the landmark Columbia Basin Restoration Initiative (CBRI), it would be imprudent to proceed hastily, with inadequate knowledge, with electrical transmission and other energy projects that could potentially pose new and unforeseen risks to them.

85-10 We thank you for your consideration of our input and comments. We encourage you to exercise care and caution when planning for and undertaking further energy development in a region where past and present development has exacted such an

¹⁴ PEIS 2-6.

Audie Huber, (Submission 85) - Continued

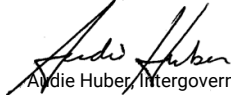
CTUIR DNR Comments to WA EFSEC on Draft PEIS
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85-10

enormous toll on tribal resources such as salmon and water quality. The PEIS should not serve as a means or mechanism that would in any way allow this to continue to occur.

The CTUIR DNR looks forward to continuing to work cooperatively and collaboratively with the State of Washington to forge a future where regional energy development, transmission, and use coexist, on an equal footing, with protecting, maintaining, and restoring our shared natural and environmental resources for the benefit of all our citizens. Please contact me at AudieHuber@ctuir.org or 541-429-7400 to meet and discuss these comments in furtherance of completing this PEIS.

Respectfully,



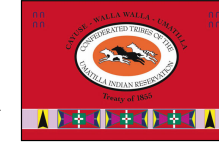
Audie Huber, Intergovernmental Affairs Coordinator
Department of Natural Resources
Confederated Tribes of the Umatilla Indian Reservation

Cc: CTUIR Fish and Wildlife Commission
CTUIR Tribal Water Commission
CTUIR Science and Technology Committee
Maria Belkina, EFSEC, maria.belkina@efsec.wa.gov
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Attachment: CTUIR DNR Letter on Cascade Renewable Transmission Project, Sept. 27, 2024

Confederated Tribes of the Umatilla Indian Reservation

Department of Natural Resources



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September 27, 2024

U.S. Army Corps of Engineers
Regulatory Branch
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RE: CTUIR DNR Comments on US Army Corps of Engineers' NWP-2022-126-2, Cascade Renewable Transmission LLC, Columbia River from The Dalles to Portland Oregon, and Oregon Department of Environmental Quality Water Quality 401 Certification

Dear Ms. Cummings, Ms. Teach, and Ms. Tattam:

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Department of Natural Resources (DNR) provides the following comments in response to the Public Notice regarding an "Application for Permit" issued July 30, 2024, by the U.S. Army Corps of Engineers, Portland, No. NWP-2022-126-2. The application is for "a Department of the Army permit for certain work in waters of the United States." The Corps characterizes the Notice as "an initial project notification." This letter also responds to the July 30, 2024, Public Notice from the Oregon Department of Environmental Quality (DEQ) for "Water Quality 401 Certification" for the proposed work.

The CTUIR and its members retain rights and interests in the Columbia River and its tributaries, in the fish that inhabit them, in the waters that support those fish, and in other associated resources (including habitats and environmental conditions) pursuant to our Treaty of 1855 with

Audie Huber, (Submission 85) - Continued

CTUIR DNR Letter on Cascade Renewable Transmission LLC Columbia River Project
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the United States and various other statutes and sources, as described and explained more fully below. These rights, interests, and resources would be affected by the proposed work.

The CTUIR Department of Natural Resources (DNR) offers the following *initial* input, including questions, comments, and other information, in response to the Corps' and DEQ's solicitation for comments on the work in the Corps' Public Notice for the proposal by "Cascade Renewable Transmission LLC, Columbia River from The Dalles to Portland Oregon" (Project) and in DEQ's Public Notice for Water Quality 401 Certification for the work. Our input incorporates by reference the comments of the Columbia River Inter-Tribal Fish Commission (CRITFC).

This letter constitutes a submission pursuant to the federal and state agency authorization and permitting processes for "work in waters of the United States" under various statutes (e.g., National Environmental Policy Act, Rivers and Harbors Act, Clean Water Act, etc.). Our input in this format does not replace, substitute for, or diminish the duties and obligations of the federal and state sovereigns to consult with the CTUIR on a government-to-government basis, on mutually agreeable terms, in adherence to existing law, policies, and relevant commitments made by those sovereigns.

Presidential Executive Order 13175¹ requires federal departments and agencies to consult with tribal governments when considering policies that would impact tribal communities. Serious, respectful government-to-government tribal consultation requires "free, prior, and informed" consent. Tribal communities must be given time and opportunity to fully understand the implications and consequences of proposals set before them. Proper government-to-government consultation should seek to achieve an understanding of a proposal's impacts and strategies for how to address them. It should include meetings among decision-makers from the sovereigns where there are opportunities to discuss the implications of a proposal for the CTUIR, our people, and the resources on which we depend. And, as the Public Notice states, "We may also notify you for consultation under Section 106 of the NHPA, as applicable." We believe it is applicable in this instance.

Initial Requests

The CTUIR DNR has numerous concerns and questions about the Project. To begin with (and discussed in greater detail below), we request the following:

1. Preparation of an Environmental Impact Statement (EIS);
2. Government-to-Government Consultation; and
3. Public Hearing(s).

¹ <https://www.federalregister.gov/documents/2000/11/09/00-29003/consultation-and-coordination-with-indian-tribal-governments>. See also "Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships," Jan. 26, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/>; "Memorandum on Uniform Standards for Tribal Consultation," Nov. 30, 2022, <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/11/30/memorandum-on-uniform-standards-for-tribal-consultation/>.

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The proposed Project is new and potentially precedent-setting, for the first time exploiting the Columbia River itself as a utility or power transmission corridor. It may have many far-reaching effects and ramifications well into the future in a myriad of contexts. It is not simple or uncomplicated; it is substantial in size, scope, and duration (the applicant reportedly envisions 40 years). The Project is extensive geographically—approximately eighty miles of the bed of the Columbia River,² at the epicenter of the exercise of tribal Treaty Rights to fish—with effects (upstream and downstream) potentially occurring beyond its already-large footprint. Yet the combined Corps/DEQ Public Notices consist of a mere nine (9) pages, constituting a preliminary "initial project notification," in the Corps' words.³ Much more information, data, study, and analyses are needed for the Project to be properly evaluated, and for the CTUIR (and no doubt others) to provide meaningful and informed input; more time to develop that input for a project of this nature and magnitude would also be helpful.

While the Corps acknowledges, among other things, that the Project would adversely affect ESA-listed endangered species, ESA-designated critical habitat, and MSA⁴-designated Essential Fish Habitat,⁵ it states that "[t]he applicant did not propose compensatory mitigation in the permit application[.]" and that the Corps "[would] determine the type and amount of compensatory mitigation necessary to offset environmental losses from the proposed project[.]"⁶ without specifying when or how it would do so. This is insufficient, unsatisfactory, and unacceptable. For this Project, a thorough, comprehensive Environmental Impact Statement (EIS) is warranted. The issues that the Corps' Public Notice indicates it intends to address include some the agency has already noted as problematic. Thus, an EIS is necessary to identify, understand, and mitigate (if possible) potential significant impacts to the environment and to tribal rights, interests, and resources which may be particularly and uniquely affected.⁷

² "The proposed alignment within the Columbia River is from approximate river mile 190 near The Dalles to approximate river mile 106 [84 miles] near Portland, Oregon." Corps Public Notice, July 30, 2024, P. 1. Elsewhere the Corps states that the Project would entail "78.3 miles of a 12-inch HVDC cable bundle buried in the bed of the Columbia River via "hydropower" methods." *Id.*, P. 2.

³ The application does include "Sixty-Seven (67) project drawings submitted by the applicant" (with the attached drawings, maps, and diagrams consisting of 71 pages total), but with little in the way of details or explanatory materials.

⁴ Magnuson-Stevens Fishery Conservation and Management Act.

⁵ Corps Public Notice, P. 5.

⁶ Corps Public Notice, P. 3.

⁷ See Aug. 23, 2024, Letter to Colonel Larry Dale Caswell, Jr., United States Army Corps of Engineers, Portland District, from the Chairmen of the Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe:

"The Tribes have many concerns regarding this project specific to the effects of the placement of a transmission line within the Columbia River. The Notice provides very little information for the Tribes to develop substantive comments, identifies no proposed mitigation despite the obvious impacts a project of this size, scope, and location is likely to have, and forces the Tribes to comply with a compressed timeline for submitting comments prior to the Corps engaging in government-to-government consultation. In order to properly discharge its duties under federal law, the Corps will need to complete government-to-government consultation with the Tribes. Therefore, the Tribes request the deadline for public comments be extended until the Corps fulfills its obligations to consult with the Tribes. Further, the Tribes believe an Environmental Impact Statement will be necessary to address the direct, indirect, and cumulative effects of the proposed project. Each of the Tribes intends on consulting with the Corps on a government-to-government basis individually regarding this project."

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The CTUIR requests government-to-government consultation, consistent with the separate, singular, historic federal-tribal relationship.⁸ The fact that neither government-to-government consultation or NHPA Section 106 consultation between the sovereigns have occurred also reinforces the necessity of additional study and examination that could allow for more informed review and input, such as would occur with the preparation of an EIS to more thoroughly and effectively evaluate the Project. Finally, the CTUIR requests a public hearing. Both the Corps’ and DEQ’s Public Notices identify that as an available step in their respective processes, and we believe it to be appropriate under the circumstances.⁹

The CTUIR DNR believes that issuance of any permit or certification at this time is premature, inappropriate, and ill-advised. We oppose and object to such issuance until all concerns—specifically, tribal concerns—are fully addressed through government-to-government consultation. Certain harmful impacts have already been identified, yet “[t]he applicant did not propose compensatory mitigation in the permit application.”¹⁰ There are additional risks, some evident now and some yet unknown, that are unquantified, not fully understood, and/or may be substantial. Tribal rights, interests, and resources are at stake. At the very least, further information, study, investigation, and evaluation—at minimum by means of preparing an Environmental Impact Statement—is needed before proceeding any further with this proposed work or any regulatory authorizations for it.

Introduction and Background

The CTUIR is a federally recognized Indian tribe, with a reservation in Northeast Oregon and ceded, aboriginal, usual and accustomed, and traditional use areas in Oregon, Washington, Idaho, and other Northwest states. In 1855, predecessors to the CTUIR—ancestors with the Cayuse, Umatilla, and Walla Walla Tribes—negotiated and signed the Treaty of 1855 with the United States, 12 Stat. 945. The Treaty is a contract between sovereigns, and *law*—indeed, “the supreme Law of the Land” under Article VI of the United States Constitution.

In the Treaty the CTUIR ceded millions of acres of land to the federal government, and in exchange received assurances that our sovereignty would be recognized and respected, our various pre-existing tribal rights would be honored, and our interests would always be considered

⁸ See Tribal Letter to Colonel Caswell, Footnote 7, above.

⁹ The Corps states that “[a]ny person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application[.]” and that “[r]equests for public hearings shall state with particularity the reasons for holding a public hearing.” As noted above (and throughout this letter), the project would be “new and potentially precedent-setting . . . [.] [i]t may have many far-reaching effects and ramifications well into the future . . .”—particularly in terms of Indian Treaty Rights, resources on which they are based, and the ability of tribal members to exercise them. It is complex and characterized by many substantial unknowns that may lead to significant harmful consequences. According to DEQ, “Oregon Administrative Rule (OAR) 340-48-0032 (2) states that ‘The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing.’”

¹⁰ Corps Public Notice, P. 3; see also Footnotes 5 and 6, above, and further discussion, below.

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and safeguarded, in perpetuity.¹¹ The federal government and all its constituent departments and agencies, including the U.S. Army Corps of Engineers,¹² have a duty to honor and uphold the Treaty of 1855 and all Indian treaties and to act as stewards and trustees to ensure that the terms and commitments of those treaties are fulfilled—the Trust Responsibility.¹³ The subordinate

¹¹ While our rights were and are recognized by the United States in the Treaty of 1855, they existed before the Treaty was signed—since time immemorial—and are based on our inherent rights and inherent sovereignty and were later secured and guaranteed by the Treaty that followed.

¹² See U.S. Army Corps of Engineers – Civil Works Tribal Consultation Policy:

- 6(b). Trust Responsibility.
- i. The trust responsibility will be honored and fulfilled.
 - ii. The federal government has a unique legal and political relationship with Tribal governments that recognizes self-government and self-determination.
 - iii. USACE shall work to meet its trust responsibilities, protect trust resources, and obtain Tribal views of trust and treaty responsibilities for actions related to USACE, in accordance with provisions of treaties, laws and Executive Orders as well as principles lodged in the Constitution of the United States. Integrating consideration of tribal treaty and reserved rights into agency decision-making and regulatory processes is consistent with the federal government’s trust responsibility to federally recognized Tribes and to fundamental principles of good government.
 - iv. As a matter of Federal law, only Congress has the authority to abrogate or interfere with tribal treaty rights, which has not been delegated to USACE. USACE cannot authorize, approve, or carry out any activities which would result in a violation of a Tribal treaty right. See Appendix A for Best Practices for Identifying and Protecting Tribal Treaty Rights, Reserved Rights, and Other Similar Rights in Federal Regulatory Actions and Federal Decision-Making for USACE use.

¹³ The U.S. Supreme Court has assisted Congress and federal agencies with interpreting Indian treaties and defining the contours of the Trust Responsibility through development of the Indian “Canons of Construction” (Cohen, Handbook of Federal Indian Law, at 221-222 (1982)). The Canons of Construction are based on the principle that the United States, in entering into Indian treaties, has assumed the obligations of a trustee and has a Trust Responsibility to tribes, and, when acting through Congress and executive agencies, the federal government is to act in a manner that favors the protection of Indian rights and resources as much as possible (*Id.* at 221). There are three major Canons of Construction that the Courts have developed to interpret Indian treaties, as well as statutes affecting Indian tribes and their rights: (1) Treaties must be liberally construed in favor of the tribes (*Id.* at 222; e.g., *Choctaw Nation v. United States*, 318 U.S. 423, 431-432 (1943); *Choate v. Trapp*, 224 U.S. 665, 675 (1912); *United States v. Walker River Irrig. Dist.*, 104 F.2d 334, 337 (9th Cir. 1939)); (2) Ambiguous treaty language must be construed in favor of the tribe (e.g., *McClanahan v. Arizona State Tax Comm.*, 411 U.S. 164, 174 (1973); *Carpenter v. Shaw*, 280 U.S. 363, 367 (1930); *Winters v. United States*, 207 U.S. 564, 576-577 (1908)); and (3) Treaties should be interpreted as the Indian people would have understood them at the time they were agreed to (e.g., *Choctaw Nation v. Oklahoma*, 397 U.S. 620, 631 (1970); *United States v. Shoshone Tribe*, 304 U.S. 111, 116 (1938); *Jones v. Meehan*, 175 U.S. 1, 11 (1899); *Worcester v. Georgia*, 31 U.S. (6 Pet.) 515, 552-554, 582 (1832)). The CTUIR expects the Corps, as a federal trustee, to adhere to its trust duties and apply the Canons of Construction in decision-making regarding activities and projects in the Columbia River such as the Cascade Project. The minutes of the negotiations during the Treaty Council at Walla Walla in 1855 have preserved our understanding of the reserved rights to natural resources that the CTUIR retained through the treaty-making process. Washington Territorial Governor Isaac I. Stevens, the lead Treaty negotiator for the United States, himself recognized the importance that the perpetuation of natural resource access and use rights had to the Indians (see Stevens, Isaac Ingalls, “A True Copy of the Record of the Official Proceedings at the Council in the Walla Walla Valley 1855, at 102 (Ye Galleon Press 1996) (statement of Issac I. Stevens that “Looking Glass knows . . . that he can catch fish at any of the fishing stations, that he can kill game and go to buffalo when he pleases, that he can get roots and berries on any of the lands not occupied by white settlers.”)). The negotiations reflect that the land cessions reserved and secured the CTUIR’s pre-existing use of our usual and accustomed and traditional use areas that are located (among other places) in and adjacent to the Columbia River where the Project would be sited.

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states, including Oregon and Washington, similarly have an obligation not to infringe on or otherwise erode tribal Treaty Rights.¹⁴

A paramount objective in the Treaty of 1855 was protecting and maintaining our tribal First Foods—water, fish, mussels, big game, roots, berries, and other plants—and the habitats and environmental conditions that support and sustain them, then, now, and forever. This remains an overriding objective of the CTUIR. Protecting and maintaining our tribal First Foods is essential to safeguarding our Treaty Rights and the traditions, culture, and way of life those Rights were and are meant to uphold and perpetuate. Vital to our authority to protect and maintain the First Foods are our legally recognized rights as resource co-managers in coordination with our state and federal counterparts¹⁵; we are co-managers of the resources that could or would be impacted by the Project. In addition to many other CTUIR regulations, policies, and plans, the CTUIR has developed a First Foods management mission, a *River Vision*,¹⁶ an *Upland Vision*,¹⁷ and an Energy Policy to guide restoration and management of our First Foods and address relevant energy issues and matters.¹⁸ Most recently, in 2022, recognizing the escalating climate change crisis, the CTUIR adopted its *Climate Adaptation Plan*.¹⁹

Among other things, the Treaty of 1855 explicitly guarantees to the CTUIR and its members the right of “taking fish.” With that right is the implicit, concurrent assurance that there will be fish

¹⁴ Pursuant to the Constitution’s Supremacy Clause, treaties and statutes also bind states. *Antoine v. Washington*, 420 U.S. 194, 205 (1975) (like a treaty, when Congress by statute ratifies an agreement that reserves Tribal rights, “State qualification of the rights is precluded by force of the Supremacy Clause, and neither an express provision precluding state qualification nor the consent of the State [is] required”); *U.S. v. Washington*, 853 F.3d 946, 966 (9th Cir. 2017) (Holding that “in building and maintaining barrier culverts within the Case Area, Washington has violated, and is continuing to violate, its obligation to the Tribes under the Treaties.”) *aff’d*, 138 S.Ct. 1832 (per curiam); *Skokomish Indian Tribe v. United States*, 410 F.3d 506, 512 (9th Cir. 2005) (Treaties “constitute the ‘supreme law of the land’” and have “been found to provide rights of action for equitable relief against non-contracting parties,” and such equitable relief “ensures compliance with a treaty; that is, it forces state governmental entities and their officers to conform their conduct to federal law.”); *see also Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172, 204 (1999) (noting that “[a]lthough States have important interests in regulating wildlife and natural resources within their borders, this authority is shared with the Federal Government when the Federal Government exercises one of its enumerated constitutional powers, such as treaty making,” and accordingly, the treaty in that case gave the Chippewa Tribe “the right to hunt, fish, and gather in the ceded territory free of . . . state, regulation.”).

¹⁵ Our ancestors were sole resource managers since time immemorial, but beginning less than two centuries ago we began to share this responsibility with federal and state managers. Tribal management is now jointly based on traditional knowledge, expertise, and experience combined with the latest, most reputable, state-of-the-art scientific knowledge, practices, techniques, and data.

¹⁶ <https://ctuir.org/media/2Schgmwn/ctuir-dnr-umatilla-river-vision-v2-051811.pdf>.

¹⁷ <https://ctuir.org/media/e21g3wp1/ctuir-dnr-upland-vision-april-2019.pdf>.

¹⁸ These guidance documents are based on the ecology between and among First Foods, the ecology of the CTUIR and our Foods, and our relationship to the landscapes and waters that provide the Foods—in other words, our relationship to our environment. The priorities in our management visions are backed by peer-reviewed science publications, and our guidance should be recognized as expressions of applied “Traditional Ecological Knowledge” and given equal weight to other government agency management guidance. Where our management goals or priorities differ, we can consult to address those differences. Where our goals and priorities align, we can collaborate to our mutual betterment.

¹⁹ <https://ctuir.org/departments/natural-resources/climate-adaptation/ctuir-climate-adaptation-plan-final/>; <https://ctuir.org/media/vlepiubg/ctuir-cap-final-2022-lo-res.pdf>.

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to take—that they will exist.²⁰ Population levels will be healthy, sustainable, and high enough to support tribal harvest.²¹ Nevertheless, this guarantee has been sadly, seriously eroded, to say the least. The evidence is overwhelming, such as the extinction of multiple salmonid populations and listings of many others under the Endangered Species Act (ESA), our myriad polluted rivers and streams²² (with some even completely de-watered or otherwise rendered virtually uninhabitable), and substantial loss of or damage to the number, health, and extent of many other fish and game species and plant and root resources.²³ Impacts from climate change can now be added to this destructive litany, and by some measures they are likely to dwarf many of these earlier harms.

Across the Pacific Northwest, many factors have played a part in causing fish extinctions and diminished populations, degraded water quality, and overall damage to and diminishment of tribal natural and cultural resources. These include ill-considered energy development, such as widespread dam construction, that has often been based on the perspective that, among other things, the Columbia and other rivers were nothing more than a mechanical engine that could be exploited to fuel “progress” and vast economic gains and rewards for non-Indian enterprise.²⁴

²⁰ *See United States v. Washington*, 853 F.3d 946 (2017), *aff’d* 138 S.Ct. 1832 (2018).

²¹ *See* Footnote 13, above, on tribal understanding of treaty meanings and terms.

²² Many regional waterways are listed under Clean Water Act Section 303(d); *see* Toxic-Impaired Waterbodies on 303(d) Lists in the Columbia River Basin, EPA Region 10, May 2020, <https://www.epa.gov/sites/default/files/2020-05/documents/columbia-river-toxic-impaired-waterbodies-list-may2020.pdf>.

²³ As the CTUIR stated in its *Columbia Basin Salmon Policy* in 1995: “For thousands of years, we managed our resources with respect. This land was rich in natural resources when the first non-Indians arrived. The wasteful and disrespectful practices of the last 150 years have used up nearly all of these resources, creating ugly conflicts between those people now dependent on them. These resources would be healthy if the Treaty of 1855 had been honored, and if the United States Government had honored its own laws.” If the Treaty had been honored, no salmon would have gone extinct. If the Treaty was honored, no salmon would be listed under the ESA. No waterways would be listed under the CWA. In addition to the infringement on Treaty Rights, substantial environmental injustices have occurred in the Pacific Northwest—to tribes and tribal people, and others. A limited, narrow snapshot and analysis of one aspect of the profound, unjust losses and vast wealth transfer away from tribes resulting from non-Indian development across the Columbia River Basin (focused on the four federal Lower Snake River dams) can be found in the “Tribal Perspectives Report” (<https://www.critfc.org/wp-content/uploads/2021/03/2019-06-10-CRTT-Trib-Perspect.pdf>) and in the earlier “Tribal Circumstances Report” (https://www.critfc.org/wp-content/uploads/2014/11/circum_exec.pdf) which it incorporates.

²⁴ *See, e.g., The Organic Machine*, Richard White, 1995, <https://us.macmillan.com/books/9780809015832/theorganicmachine>:

“[T]he state of the Columbia River is quintessential in climate change discourse because it offers a case where a region has collapsed systemically. Beginning with unsustainable corporate [i.e., non-Indian] overfishing, the construction of dams, and the human pollution of the river, the scarcity of its famous salmon increased, depriving the Native communities on its banks of a vital resource. Further, the United States Government systematically marginalized the voices of these local communities to further its politicized imperatives for the region[,]” all ultimately leading to questions about “the unflagging ‘progress’ of advanced civilizations and technologies with regard to environmental change. . . . [N]atural history and human history are entangled in a perpetual, co-dependent relationship. These ties have been made virtually irreversible by human societies’ logic of commodification and overconsumption pursued under the umbrellas of capitalism writ large, and more recently, of neoliberalism.” . . . [T]he Columbia River [can be conceived of] “as an ‘organic machine[.]’” with a “natural, inalienable purpose [that] can exist freely, in an abstract way, from human intervention. . . . [T]he river, or any other organic machine, aspires in its very nature to move energy in an optimal, life-affirming way through the world[, yet] human involvement taxes its machinations, polluting it in ways other than the strictly chemical, which scientists do

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The list of factors is long and has expanded over many decades,²⁵ yet all too often suggests a prevailing mindset that regards significant parts of Oregon and Washington as “sacrifice zones” where protecting people and the environment was not prioritized or considered minor, secondary issues. In summary, our fish, our water, our other natural and cultural resources have borne the brunt of non-Indian development throughout the region—incurring most of the costs and reaping few of the benefits.

General Comments

Many lands and waters—such as the Columbia River—over which the federal and state governments have authority and jurisdiction (sometimes sole, sometimes shared) are essential components in maintaining and sustaining tribal First Foods on which our rights depend. Management of healthy terrestrial and riverine ecosystems can profoundly affect CTUIR Treaty Rights and the ability of our members to exercise them. The proposed work, and whatever actions regulatory agencies may take regarding it, will impact, both directly and indirectly, in the short and long term, the rights, interests, and resources of the CTUIR. While this Project may (theoretically) have some benefits in addressing climate change, the Corps and the States should be wary of adding new costs to the list of those already incurred.

Historically, various non-Indian governments (federal, state, local) have frequently adopted policies and engaged in energy development, generation, and transmission practices with little to no regard to tribal rights, interests, or resources. This has often resulted in catastrophic loss of or damage to those resources. Now, as we seek to promote “green,” renewable, non-fossil-fueled energy development necessary to combat the real, growing, formidable threat of climate change,²⁶ the CTUIR encourages you to be careful not to repeat prior errors and oversights, where Indian rights, interests, and resources were often ignored or disregarded. Great, long-lasting environmental harm has frequently been the consequence—harm inflicted not just on tribes but on all American citizens. Federal and state agencies should act in a manner that promotes remedies to past and continuing environmental abuses and *in*justices. As all of us,

not yet grasp . . . [It is] a literal and metaphorical system and store of energy. . . . [T]he imposition of dams has interrupted the natural, continuous flow of kinetic energy and displaced it into stores of potential energy for human use. . . . [N]ot only this river, but also most major water systems in the northern and western regions of the United States, are already being utilized for human energy. . . . [S]iphoning of energy from these systems has contributed to a number of fraught human relationships, starting more than 150 years ago. Many of these originated with early white colonists who traveled west and began feuds with Native peoples. . . . As the river was further populated and developed, it became reimagined, not as a precious natural resource, but as a boundless source of energy in the capitalist philosophical vein.”
<https://www.supersummary.com/the-organic-machine/summary/>

²⁵ For example, we are still living with the Hanford Nuclear Reservation, with its ongoing legacy as one of the most polluted sites on earth, various military bombing ranges, multiple (and growing) Confined Animal Feeding Operations (CAFOs), energy- and water-devouring data centers, gas-fired energy projects, hazardous waste landfills (e.g., Arlington, Oregon), concrete plants, etc.; thankfully, a nerve gas storage depot has ceased operations.

²⁶ There is no doubt that climate change is an existential threat—now one of the most immediate and prominent of the many threats and challenges to tribal member health and our First Foods. One example occurred in 2015 when one salmon sub-population (Snake River sockeye migrating in the Columbia and Snake Rivers) was decimated by high water temperatures, with a mortality rate in the range of 90 to 100%. Recent occurrences of extensive drought, wildfires, and extreme summer air temperatures in the Pacific Northwest are well known and have been widely reported.

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collectively, face the undeniable challenges of human-induced climate change, we must avoid repeating past mistakes and miscalculations.

The Project Could Profoundly Impact Tribal Rights, Interests, and Resources

Generally, the CTUIR supports investing in renewable energy, reducing consumption of energy (particularly that from fossil fuels), and seeking to reduce incessant growth and its associated resource demands.²⁷ Notwithstanding the potential benefits associated with facilitating transmission of renewable²⁸ energy and thereby helping to ameliorate climate change, CTUIR rights, interests, and resources (and those of other tribes as well) could be negatively affected by the Project. Impacts could occur in a variety of forms and contexts, some of which can already be ascertained even from the limited Project information available thus far.

Some of the Project impacts could be substantial and of particular and unique significance to the CTUIR (and other tribes). The location²⁹ of the proposed work in and adjacent to the Columbia River is within the usual and accustomed and traditional use areas of the CTUIR. The Project could potentially affect the Umatilla Indian Reservation and the ceded territories of the CTUIR by impacting the resources located or migrating to and from there (including the First Foods), and the lands, waters, habitats, and conditions essential to their survival, health, maintenance, and sustainability. Thus, it could potentially affect the legally recognized rights of the CTUIR and its individual members’ ability to exercise those rights, both by impacting the resources on which the rights are based and the ability and means of tribal members to access those resources and thereby exercise their rights (see below).

Fish and Fish-Related Impacts and Issues

In many respects potential fish impacts and issues and those for water and water quality often overlap and are inter-related. There are a host of issues related to fish and fishing that must be considered, and about which the CTUIR DNR has numerous concerns. There is a lack of

²⁷ See generally CTUIR *Climate Adaptation Plan*, Footnote 19, above.

²⁸ “The applicant’s stated purpose is to develop a controllable high-voltage direct current (HVDC) underground transmission facility that will facilitate the reliable and cost-effective transfer of up to 1,100 megawatts (MW) of renewable energy from east of the Cascade Mountain Range to energy load centers located west of the Cascade Mountain Range in Oregon and Washington.” Corps Public Notice, P. 2. It is unclear how and to what extent, if any, the Project will promote or facilitate *renewable* energy generation *exclusively*, or whether it could or would be used to transmit energy from fossil fuel or otherwise non-renewable sources as well.

²⁹ “The proposal is a linear transmission line from The Dalles to Portland, Oregon. The proposed alignment within the Columbia River is from approximate river mile 190 near The Dalles to approximate river mile 106 near Portland, Oregon. The alignment would exit the river near Stevenson, Washington and reenter near North Bonneville, Washington to avoid Bonneville Lock and Dam. The proposed transmission line would interconnect with the existing Bonneville Power Administration (BPA) Big Eddy 500-kV alternating current (AC) substation, located in The Dalles, Oregon (Latitude/Longitude: 45.603972°, -121.106306°), and the existing Portland General Electric (PGE) Harborton 230-kV substation in Portland, Oregon (Latitude/Longitude: 45.613694°, -122.797917°). The proposed alignment runs through Wasco, Hood River, and Multnomah counties in Oregon, and Klickitat, Skamania, and Clark counties in Washington.” The “Waterway” at issue is home to and critical habitat for the anadromous and other fish on which our Treaty Rights are based (“The proposed project is located within the Columbia River and one wetland.”). Corps Public Notice, Pp. 1, 2.

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information about these issues, and what little has been made available already raises serious doubts and questions.

To begin with, we recognize and appreciate the Corps' interest in "assessing potential impacts to usual and accustomed fishing practices, tribal fisheries, and fisheries habitat *in the project area*"³⁰ [emphasis added]. As an initial matter, we suggest that you should look beyond just "the project area." Impacts may occur in both the immediate project area and beyond it, such as to water quality and to fish resources that may be present above and/or below "the project area" or that may migrate through "the project area." The geographic scope for further assessment of the proposed work should include areas where there may be adverse environmental impacts to Indian Treaty-secured resources, such as salmonid species, and the waters in which they migrate and spend their various life cycle stages, which may be some distance from the immediate Project area itself.

Salmon Impacts

There are thirteen (13) salmon species or subspecies (ESUs, or "Evolutionary Significant Units") that are or may be located within the Project area or may be affected by it, by either (or both) short-term construction activity and/or long-term operations. As the Corps states: "Section 7 of the Endangered Species Act (ESA) (16 U.S.C. 1536) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or that may adversely modify designated critical habitat."³¹ Importantly, the Notice states: "*The Corps' preliminary review indicates the described activity may affect an endangered or threatened species or designated critical habitat.*"³²

This is worrisome and further substantiates the need for an EIS for the Project (see below). The Corps commits to "complet[ing] the required [ESA] consultation prior to finalizing a permit decision"³³; the CTUIR is unclear as to the status of either NMFS or USFWS consultation, and certainly would agree that, at a minimum, no permit can or should be finalized (if at all) until ESA Section 7 consultation with both Services is complete. In addition to longer term operational impacts, there may be shorter-term impacts from cable installation on migratory fishes such as salmon (and lamprey and sturgeon; see below) that may be present in the Project area and beyond (upstream and downstream from it). The importance to the CTUIR and our members of salmon, lamprey, other fish, their habitats, and the health and well-being of them all cannot be understated.

ESA Critical Habitat

As noted above, according to the Corps, "Section 7 of the Endangered Species Act (ESA) (16 U.S.C. 1536) requires federal agencies to consult with the National Marine Fisheries Service

³⁰ E-mail from Brielle Cummings, Corps, to multiple tribal recipients, July 15, 2024.

³¹ Corps Public Notice, P. 5.

³² *Id.*; emphasis added.

³³ *Id.*

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(NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or that may adversely modify designated critical habitat[.]" and that "*The Corps' preliminary review indicates the described activity . . . may adversely modify designated critical habitat.*"³⁴ This is also cause for concern, justifies an EIS, and illustrates again the need for great care and caution in considering this proposal.

The Columbia River is designated as critical habitat under the federal Endangered Species Act for several salmon species. They include: Chinook salmon (Lower Columbia River ESU, Upper Columbia River spring-run ESU, and others)³⁵; Chum salmon (Columbia River ESU)³⁶; and Coho salmon (Lower Columbia River ESU).³⁷ These designations help protect the habitats essential for the conservation and recovery of these salmon populations. Critical habitat designation is a crucial conservation tool.

Critical habitats contain features essential for the conservation of a threatened or endangered species and may require special management and protection. New industrial activity in an already-beleaguered environment may be inconsistent with the designation—whose goal is to protect and restore habitats that are vital for the survival and recovery of the species. It may in fact violate the requirements that may apply when an area is so designated. Critical habitat designation aims to ensure that these areas are free from activities that could harm the species or degrade their habitat. For the Columbia River, critical habitat designation should help protect the river's ecosystem that is essential for species' survival, by (among other things) maintaining water quality and preserving spawning, rearing, and migrating areas. The Project needs to be studied and evaluated as to whether, and to what extent, it would either promote or undermine these goals and objectives (which likely necessitates an EIS).

Electromagnetic Fields

Among the potential Project impacts on migratory fish such as salmon that concern the CTUIR DNR are the electromagnetic fields (EMFs) commonly generated by power transmission cables. Migratory fish, like salmonids and sturgeon, use electroreceptors to navigate using magnetic fields as a guide. There are significant uncertainties about EMF effects on them, particularly under the circumstances of this Project. While it has been asserted that modern cable designs often include sheathing to contain electric fields, magnetic fields can still extend into the surrounding environment. There have been some studies of EMFs for migratory fish, but many of them are for ocean cables, a few of them may be for freshwater waterbodies such as lakes, and fewer still may be for narrower, more linear freshwater rivers. We are not aware of any studies of power transmission cable EMF effects on fish or other biota in the Columbia River.³⁸ The

³⁴ Corps Public Notice, P. 5; emphasis added.

³⁵ <https://www.fisheries.noaa.gov/resource/map/critical-habitat-maps-and-gis-data-west-coast-region>.

³⁶ <https://www.fisheries.noaa.gov/inport/item/72803>.

³⁷ <https://www.federalregister.gov/documents/2016/02/24/2016-03409/endangered-and-threatened-species-designation-of-critical-habitat-for-lower-columbia-river-coho>.

³⁸ See generally "How strengthening the PNW's electrical grid could end up doing harm," InvestigateWest, July 22, 2021, <https://www.cascadepbs.org/environment/2021/07/how-strengthening-pnws-electrical-grid-could-end-doing-harm>. "The study found that the cables had some effects on migratory fish like salmon, which navigate partly by

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CTUIR DNR believes that further work and analysis of EMFs and their potential impacts on migratory and other fish and biota is needed before any permits, approvals, or authorizations are issued. We encourage you to refer to and carefully consider the comments of the U.S. Fish and Wildlife Service to the Corps on this subject.³⁹

Impacts to Lamprey, Sturgeon, Other Fish

Other fish species in addition to salmon could be affected by the Project. Pacific lamprey (*Entosphenus tridentatus*) are among the CTUIR’s First Foods; they are of significant cultural importance to our members. Unfortunately, populations have experienced severe declines over the decades—caused not by tribal actions, but by many of the same factors that have so greatly imperiled salmonids. The Project is likely to impact lamprey, through short-term construction/installation activity and possibly through longer-term operations and habitat modifications.⁴⁰ CRITFC’s comments on lamprey merit particular attention.

ESA-listed Green Sturgeon (*Acipenser medirostris*) and Eulachon (*Thaleichthys pacificus*) are also present in the Project area, usually close to the riverbed where they feed and thus particularly vulnerable during the construction/installation stage when dredging and hydropflow

sensing Earth’s magnetic fields. For example, the cables *increased the chance that salmon smolts would take a wrong turn, lengthening their journey to the ocean*” [emphasis added]. The article characterized the study as “detect[ing] no evidence that fish were harmed [sic],” notwithstanding the apparent fact that their migratory ability *was* altered, possibly resulting in longer travel time (“lengthening their journey to the ocean”) and thereby increasing their exposure to predators, at a minimum. While the article asserted that “[f]ish appeared to be just as successful at migrating through the *bay*” [emphasis added] after the cables were turned on[,] it is not clear how long ago the study was done, its duration, or to what extent it examined longer-term effects.

³⁹ See Letter from United States Department of the Interior, Fish and Wildlife Service, Oregon Fish and Wildlife Office, to the Corps, “Fish and Wildlife Service Comments on Public Notice NWP 2022-126-2,” August 23, 2024, under “POTENTIAL IMPACTS TO MIGRATORY FISH”:

... [T]here may ... be unintended effects to migratory fishes, such as bull trout, lamprey, sturgeon and salmon. Many of these species are anadromous and must migrate through the lower Columbia River to complete their life cycle. ... [F]ish migrations may also be negatively affected over the life of the Project by electro-magnetic fields (EMF) produced from the cables that will be present for ~78 miles of the Columbia River. While [the applicant] has cited CSA Ocean Sciences Inc. and Exponent (2019) that concluded EMF produced by undersea AC power cables would be too low [in] intensity to affect fish behavior, this study did not look at the effects to fish species in the Columbia River. Further, this study only looked at transmission lines carrying AC, and it is not clear if the proposed transmission carrying DC would have the same or more effects on migratory fish. At this time, it is our understanding that [the applicant] does not plan to evaluate potential effects to migratory fish prior to installation. Given there is potential for negative effects on multiple fish species of economic importance, including some listed under the ESA, it seems that the potential effects should be fully analyzed prior to installation of the cable, which has an expected life of 50 or more years. The Service recommends such a study be required as part of this permit. The study should evaluate the effects of DC current on West Coast fish species in the Columbia River.”

The CTUIR DNR believes that such a study needs to be conducted and completed *before* the Corps or DEQ issue any permits.

⁴⁰ It is our understanding that within the Project area, the following lamprey and freshwater mussel species may be present: Pacific Lamprey, Western River Lamprey, Western Brook Lamprey, Western Pearlshell, Western Ridged Mussel, and Floater species; both Pacific and Western Brook lamprey have been document in Portland Harbor (citation omitted).

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use would occur. Sturgeon spawn near Bonneville Dam in the Project area; their small eggs and larvae remain close to the substrate. Because of their limited swimming ability, larvae may not be able to avoid disruptive in-water work, and thus may suffer similar injuries and mortalities as larval lamprey. Needed data and information on lamprey, sturgeon, and other fish, and potential Project impacts on them, is lacking; more study and analysis is required.

Mussels and Other Benthic Organisms

The Project will disrupt benthic organisms, including river mussels, and their habitat in the Columbia River. Mussels are essential to food webs, water quality, and nutrient cycling. Hydropflow use, dredging, and in-water spoils disposal could all detrimentally affect the benthic environment and biota (including mussels, lamprey, and sturgeon). Disruption will occur in the short term, with construction and cable installation. It is unclear, at best, to what degree or extent longer-term ongoing operations and/or periodic maintenance may cause further harm to benthic communities. Again, data and information on benthic impacts is lacking; more study and analysis is needed.

Impacts to Tribal Fishing Activity, Access

A substantial portion of the immediate Project area includes “Zone 6” of the Columbia River, which is the primary locale for mainstem tribal Treaty fishing activity and the exclusive location for the tribal commercial fishery. Tribal members from the four Columbia River Treaty Tribes⁴¹ will commonly fish with nets, from boats in the river and from platforms or other individual and shared sites along the shoreline. Additional tribal fishing also occurs at In-Lieu or Treaty Fishing Access Sites; ten (10) of these are located in the Project area in the Columbia River corridor between The Dalles and Bonneville Dams.⁴²

The Project is likely to negatively impact the ability of tribal members to exercise their Treaty Rights to fish. Impacts to Treaty fishing may occur during construction/installation, and potentially during operations. It could interfere with actual fishing activity. Access may be impaired or infringed upon for fishers in boats, on platforms along the shoreline, from the shoreline itself, and from In-Lieu or Treaty Fishing Access Sites.⁴³ Before further action can be taken on either a Corps permit or DEQ certification, this issue must be assessed and analyzed. Data and information on tribal fishing activity, including locations and access, and potential Project impacts on them, are lacking; more study and analysis is required.

⁴¹ Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Nez Perce Tribe, and Yakama Nation.

⁴² See <https://critfc.org/for-tribal-fishers/in-lieutreaty-fishing-access-sites/>.

⁴³ It has been reported that the applicant plans to bypass Bonneville Dam, re-enter the River at North Bonneville, and cut a trench or horizontally directional drill (HDD) through Hamilton Island, and that this is the location for the lower Bonneville Fishery, an important fishery for tribal elders.

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Essential Fish Habitat (EFH)

Among the laws aimed at supporting and encouraging sound conservation and management of the nation's fisheries and applicable to the Project, the Corps notes "Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as amended (16 U.S.C. 1855) [that] requires Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH)." It states that *"The Corps' preliminary review indicates the described activity would adversely affect EFH at the project location or in the vicinity[.]"*⁴⁴ and says further that it "will initiate consultation under Section 305(b)(2) of the MSA. The Corps will complete the required consultation prior to finalizing a permit decision."⁴⁵

As with ESA Critical Habitat consultation, noted above, the CTUIR DNR is uncertain as to the status of MSA consultation. We also agree that, at a minimum, no permit can or should be finalized (if at all) until MSA consultation is complete. Preserving fishing opportunities and the essential habitats that make them possible are vital to the CTUIR and its members and should be an important consideration in weighing the proposed work.

Water Quality Impacts and Issues

Much of the proposed work and operations, as we noted, may have overlapping and inter-related impacts to both fish and other biota and to water quality in the mainstem Columbia River. The Columbia River is already beset by pollution and toxic contaminants, of varying types, extent, and location. It is unclear to what degree or extent the Project will add to or exacerbate this problem, further degrade water quality, and potentially result in non-compliance with the federal Clean Water Act and standards established under it.

Heat; Water Temperature

Excessive heat is a pollutant that degrades water quality, causing high water temperatures that threaten fish. High summer water temperatures in the Columbia River are a periodic problem that risks becoming dangerously routine.⁴⁶ In response to thermal pollution, EPA developed a Columbia and Lower Snake River Temperature Total Maximum Daily Load (TMDL) with necessary load allocations.⁴⁷ The TMDL identifies the stretch of the Columbia River where the submerged power cable will be located as listed by both Washington and Oregon under Clean Water Act Section 303(d) as an impaired waterbody or waterway due to temperature—failing to meet applicable water quality standards. The Project needs to be evaluated to understand how it would (or would not) be consistent with applicable Columbia River TMDLs.

⁴⁴ Corps Public Notice, P. 5; emphasis added.

⁴⁵ *Id.*

⁴⁶ See Footnote 26, above.

⁴⁷ <https://www.epa.gov/system/files/documents/2022-06/tmdl-columbia-snake-temperature-errata-update-05102022.pdf>.

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Powerlines generate heat from resistance as power is transmitted by cable. The heat generated by power cables is primarily dissipated into the environment surrounding the transmission cable, be that soil, air, or water. Heat is conducted from the cable's core through its insulation and outer layers. By way of convection, when heat reaches the outer surface of the cable, it is transferred to the surrounding water, soil, or air which carries the heat away through natural convection currents. The efficiency of heat dissipation can be influenced by factors such as temperature of the surrounding environment, including air or water temperature, depth, and the presence of currents. Heat dissipation is crucial to prevent the cables from overheating and to ensure their efficient operation.

Studies have been done on the thermal impacts of submarine and underground cables that should be available to the Corps, its staff and technical experts, and the applicant.⁴⁸ Placement of the cable in the riverbed, even ten feet below the bed surface, may not completely dissipate the heat into the soil. In water-saturated soils, heat is transmitted by the water and warmer water will rise because it is less dense than colder water. While cables in the ocean may effectively dissipate heat, the Columbia River between Bonneville Dam and The Dalles Dam more like a narrow "lake," which even the Corps identifies as "Lake Bonneville." Heat will not dissipate the same way it would in a more naturally or actively flowing river and may build up in the soil and in the water column.⁴⁹ Finally, even in the riverbed heat must be dissipated, or else it may lead to thermal breakdown of the cable itself. This heat will invariably end up in the water column impacting aquatic habitats of endangered species and other biota and organisms. The submerged powerline, even buried in the riverbed, is going to generate heat that could warm the river and the substrate.

Significant uncertainties exist about this issue. Needed data and information on possible additional thermal loading from the Project and its potential impacts on the riverine ecosystem is lacking; more study and analysis is required. In addition, it is critical that the Corps consult with and rely on experts and reports that are neither prepared by nor paid for by the energy transmission companies that are supporting and profiting from submerged cables, but are instead prepared by scientists that do not have a vested financial interest in the outcome of the research.

Toxics; Resuspension

The Columbia River is polluted; it is water-quality-limited; it contains toxic contaminants. Besides temperature pollution, harmful substances such as mercury, PCBs, and many others are present.⁵⁰ They can be found both in both the water column and in the riverbed and its

⁴⁸ See, e.g., "The thermal regime around buried submarine high-voltage cables," <https://ieeexplore.ieee.org/document/8189072>, where the Abstract states that "... [t]hese findings are important for the surrounding near-surface environments experiencing such high temperatures and may have significant implications for chemical and physical processes operating at the grain and subgrain scale; biological activity at both microfaunal and macrofaunal levels; and indeed the operational performance of the cables themselves, as convective heat transport would increase cable current ratings, something neglected in existing standards."

⁴⁹ If this section of the Columbia River flowed more freely and quickly, concerns about additional heat input might be mitigated somewhat, but this section is effectively a reservoir that is more likely to store heat in its stored water.

⁵⁰ It is reported that the Columbia River Basin has over 50 toxic contaminants listed, including mercury, PCBs, and dioxins; see <https://www.epa.gov/columbiariver/toxic-impaired-waterbodies-303d-lists-columbia-river-basin>.

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sediments. This Project, certainly during its construction/installation phase and possibly during its future operational/maintenance phase, could add to this burden through activities such as hydroplowing the cable trench, dredging and dredge spoil disposal, etc. Potential water quality impacts could occur from disbursement/redistribution/resuspension of existing contaminants. Fish, benthic organisms, and other biota could also be directly harmed in addition to water quality. It is not effective, and no basis to issue permits or certifications, to claim that sediments and dredged materials will be examined for pollutants and toxic substances after-the-fact, after the work (and the damage) is done.

The Corps states that “[p]roposed work within or below waters of the United States would include: Dredging of up to 4,500 cy material over a length of 1,650 linear feet and 24 feet wide to facilitate required depths for cable installation in the navigation channel prism. The applicant proposes disposal of dredged material outside the navigation channel prism within an area measuring 2.3 acres below the OHWM of the Columbia River.”⁵¹ The CTUIR DNR would like to know more precisely where this would occur.

Water Quality 401 Certification Should Be Denied

Under present circumstances, based on currently available information, and in light of the issues raised in this letter, the CTUIR DNR believes that DEQ should deny Water Quality 401 Certification for the Project at this time; Certification would be premature and inappropriate. Neither the applicant nor DEQ have provided reasonable assurance that the Project—both its construction and its operations—will be able to comply with applicable water quality standards, and that compliance with the CWA will be achieved. Nor is there sufficient evidence that beneficial uses of the waterway will continue unimpeded.

It appears that a CWA 401 Certification is also needed from the State of Washington. Reportedly an application has not yet been filed; at the very least we are not aware of any such filing. In addition, the applicant may be submitting materials to the Washington EFSEC, which—again reportedly—may be closer to the end of the year (but that may be subject to change). It appears that the overall situation can be summarized as: other necessary processes are ongoing, their outcomes are uncertain, available information is incomplete, and more information may be forthcoming—and thus no CWA 401 Certification from DEQ (or CWA 404 Permit from the Corps) should be issued at this time.

Cultural Resources Impacts and Issues

The lower Columbia River was a series of village sites prior to the construction of the mainstem federal dams, which started with Bonneville Dam. Hundreds of village sites were inundated, sites that still hold both archaeological and cultural significance to the tribes (including the CTUIR) whose ancestors occupied the sites and whose members today rely on the River for both their economic and cultural subsistence. Studies will need to be conducted into the impacts of

<https://www.epa.gov/sites/default/files/2020-05/documents/columbia-river-toxic-impaired-waterbodies-list-may2020.pdf>.

⁵¹ Corps Public Notice.

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the Project on known archeological and cultural sites in, along, and adjacent to the path of the powerline, along with all potential impacts to historic properties of religious and cultural significance to Indian tribes (HPRCSITs) including the CTUIR and other tribes. Specifically, HPRCSITs are identified by the National Historic Preservation Act as being significant not exclusively for their material archaeological components, but for their cultural significance as well. These sites are also recognized in the Corps’ “Tribal Consultation Policy,” which states that “[t]o the extent allowed by law, USACE will protect the location of historic properties of religious and cultural significance, and archaeological resources, in consultation with and when requested by the affected Tribes(s).”

The Corps says that its “preliminary review indicates the permit area is likely to yield resources eligible for inclusion in the National Register of Historic Places. An investigation for the presence of potentially eligible historic properties is justified and would be required prior to the Corps’ final permit decision.”⁵² It also states that its “Regulatory Archaeologist is assessing potential impacts to archeological, historic, and cultural resources in the project area.” This process may be underway; and it certainly has not been completed. No permit should be issued unless and until the CTUIR has provided comments, appropriate reviews have been conducted, consultation has occurred, and the entire process is finalized. Further, on February 9, 2024, the Corps of Engineers issued a proposed rule, 89 Fed. Reg. 9079-87, to rescind 33 CFR Part 325, Appendix C to bring the Corps Regulatory program into consistency with the 36 CFR § 800 process under the National Historic Preservation Act (NHPA), 54 USC § 300101 et seq. This permit should be reviewed under the 36 CFR § 800 NHPA regulations in consultation with the tribes, states and other consulting parties, including the CTUIR. Finally, the CTUIR requests to be a consulting party under the NHPA for this permit application.

The Project Requires an EIS

This Project is subject to the National Environmental Policy Act (NEPA) and requires an Environmental Impact Statement (EIS). We refer you to the informative comments of Columbia Riverkeeper on this topic. The Project is likely to have significant environmental impacts. It will have both direct and indirect effects. There will be cumulative impacts, particularly when combined with other past, present, and reasonably foreseeable future actions. There will be impacts to endangered species and already-polluted waters. There will be impacts to tribes, tribal people, and our rights, interest, and resources. It would set a significant precedent, in both general terms (a submerged power cable in freshwater ESA critical habitat and a water-quality-limited waterway) and in the Columbia River specifically. More such projects or systems could possibly follow, in our region and elsewhere, if it is allowed.⁵³ Given all of the above, and the Project’s many other risks, unknowns, and uncertainties, an EIS is needed, appropriate, and should be developed.

⁵² Corps Public Notice, P. 5.

⁵³ See generally, https://www.nps.gov/subjects/NEPA/upload/SupplementalGuidance_Impact-Analysis_Final_9-2015_accessible.pdf, https://www.energy.gov/sites/prod/files/NEPApub/NEPA_documents/RedDont/G-DOE-greenbook.pdf, <https://www.yalelawjournal.org/article/NEPA-eiss-and-substantive-regulatory-regimes>, https://www.energy.gov/sites/prod/files/NEPApub/NEPA_documents/RedDont/G-DOE-greenbook.pdf.

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An EIS is needed to identify alternatives. A “no action” alternative should be considered, along with using existing transmission corridors and technologies and expanding their capacity (such as Dynamic line rating (DLR) or upgraded lines) and developing a new terrestrial transmission corridor. DLR as an option should be explored and employed, if feasible, to maximize load, when environmental conditions allow it, without compromising safety. An alternatives analysis would be helpful in verifying demand estimates and forecasts for west and east of the Cascades, and ensuring that the Project properly accounts for the significantly increasing energy demands from the growing number of data centers on the “eastside.”⁵⁴

An EIS would also need to consider the ultimate fate of the Project’s structures when its lifetime is over. Reportedly the applicant may have indicated a desire to leave the Project structures in place even after the Project is no longer being used. This may be problematic. It may also regulatory requirements to retire a project in a manner “that protects public health, safety and the environment,” “restore[s] the site to a useful, non-hazardous condition,” and minimizes “impacts to fish, wildlife and the environment.”⁵⁵

Consultation

The CTUIR DNR appreciates federal and state government initiatives to confront the many complex issues associated with climate change and the extraordinary threats it poses to us, now and in the future. We support reducing fossil fuel generation and use and increasing generation from and use of renewable energy sources. As you proceed with your efforts and consider the daunting web of factors that should be weighed in navigating the decisions and actions that must occur to address these threats, we encourage you to work collaboratively with tribal governments.⁵⁶ We reiterate our request for consultation on this Project.⁵⁷ and will be in communication with your staff scheduling those consultations.

⁵⁴ It has been reported that the applicant (apparently) has “requested studies of the project’s necessity from Portland General Electric, as well as Northern Grid, an alliance of Northwest utilities that coordinates regional transmission planning.” “How strengthening the PNW’s electrical grid could end up doing harm.” <https://www.cascadepbs.org/environment/2021/07/how-strengthening-pnws-electrical-grid-could-end-doing-harm>. If this is the case, are there any results from such studies?

⁵⁵ OAR 345-027-0110(5)(a), (5)(b).

⁵⁶ In considering the implications of the Project and its impacts on tribes and their rights, it may be helpful and informative for the Corps to refer to “EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights.” An “Overview” can be found here: <https://www.epa.gov/tribal/overview-epas-guidance-discussing-tribal-treaty-rights>. The full document is here: https://www.epa.gov/sites/production/files/2016-02/documents/tribal_treaty_rights_guidance_for_discussing_tribal_treaty_rights.pdf.

⁵⁷ As one possible aid in tribal consultation, we would refer you to the document, “Guidance and Responsibilities for Effective Tribal Consultation, Communication, and Engagement: A Guide for Agencies Working with West Coast Tribes on Ocean & Coastal Issues” (July 2020). It includes principles for consultation and best practices for consultation that address early and frequent communication, appropriate representation, understanding and respecting tribal decision-making processes, consensus-seeking approaches, and agency transparency and accountability. It was developed by the Tribal Caucus of the West Coast Ocean Alliance, and is available here: https://static1.squarespace.com/static/5bc79df3a9ab953d587032ca/t/5f0cdc876f40e375a32305af/1594678422449/WestCoastTribalEngagementGuidance_July2020.pdf. The Alliance is a state-established regional ocean partnership, whose predecessors include the West Coast Ocean Partnership, West Coast Governors Alliance on Ocean Health, and West Coast Governors Agreement on Ocean Health.

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Public Hearing Request

The CTUIR also reiterates its request for a public hearing. The Corps states that “[a]ny person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.”⁵⁸ In its subsequent Public Notice granting an extension for filing comments, the Corps adds additional language and says that “[p]er Corps’ regulations, the Corps holds a public hearing when there is a valid public interest to be served by a hearing, such as when substantive project issues cannot be addressed by any other means and a hearing would provide additional information that is necessary for a thorough evaluation of the issues. We will work with the applicant directly to address issues raised through public comment to determine if a public hearing is necessary.”⁵⁹

By whatever language used or criteria applied, the CTUIR DNR believes that a public hearing is warranted, and the need for, and appropriateness of, a hearing is amply demonstrated throughout these comments and those of others. Furthermore, we believe that the decision to hold a public hearing should not rest entirely on just the Corps “work[ing] with the applicant directly to address issues raised through public comment to determine if a public hearing is necessary.”

Conclusion

Since the arrival of non-Indian people in ever-larger numbers beginning in the mid-1800s, many of the Columbia Basin’s First Foods—in particular anadromous fish such as salmon and others—have been subject to enormous harm. In some cases this has meant outright eradication—extinction—and in others significant decreases in abundance, diversity, and distribution. Now one of the greatest threats comes from human-caused climate change, the parameters of which have only been more fully recognized relatively recently. All these impacts have reduced access to these Treaty-reserved resources and reduced Tribal harvest. First Foods and many other tribal resources are undeniably at risk from climate change; in confronting it we must not add new or expand other risks.⁶⁰

As we seek to protect our First Foods, our ecosystems and our future from the harmful changes to our climate that we have caused, we must do so quickly but wisely. Unlike the past, we must seek and obtain adequate knowledge and understanding of the potential repercussions of our choices. We must rely on sound, reasonable assumptions and adequate, accurate data and analysis to anchor those assumptions. We cannot afford to compound existing environmental problems or add new and/or possibly unanticipated ones to our already dismally long list. We must be careful not to try to “engineer” our way out of our present climate dilemma. Specifically

⁵⁸ Corps Public Notice, July 30, 2024, P. 6.

⁵⁹ Corps Public Notice, August 28, 2024.

⁶⁰ We understand and appreciate the dilemma. See, e.g., “How strengthening the PNW’s electrical grid could end up doing harm.” <https://www.cascadepbs.org/environment/2021/07/how-strengthening-pnws-electrical-grid-could-end-doing-harm> (“Regulators and environmentalists are likely to find themselves caught in the middle—wanting environmental justice for tribal nations, as well as limits to the impacts of energy projects on ecosystems, yet also eagerly seeking rapid action on projects designed to slow climate change.”).

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in terms of salmon, at a moment when so much time, effort, energy, and expense is being devoted to their protection and recovery through such initiatives as the landmark Columbia Basin Restoration Initiative (CBRI), it seems unwise to proceed too hastily, with inadequate knowledge, with a Project that potentially could pose new and unforeseen risks to them.⁶¹

The CTUIR DNR thanks you for your consideration of our input and comments. Ultimately, we believe that we must be careful and cautious about potentially trading one form of salmon harm and mortality for another newer, different variant. We must make sure that this will not be the case, with the Cascade Project or any other. At this time, based on the information currently available and appreciation for the multiple unknowns and uncertainties about the Project, the CTUIR DNR requests that the Corps deny the permit and that DEQ deny Certification. Overall, for a commitment of this magnitude, we believe that there is inadequate information about effects, short- and long-term, of a submerged/underwater power transmission cable generating heat and EMFs (even in small amounts) on anadromous, resident, and other fish and organisms

⁶¹ See generally, materials on the 2023 Columbia Basin Restoration Initiative (CBRI), at <https://critfc.org/cbri/>, “A proposal to the Biden Administration from the ‘Six Sovereigns.’” The CBRI “represents the collaborative effort of the Six Sovereigns to develop a comprehensive solution to our shared and complex challenges”:

The past 150 years has brought enormous change to the Columbia River Basin: free-flowing, cool rivers once provided between 10-18 million salmon to the basin. Those salmon nurtured Tribal people’s religion, culture, economies and physical health and the health of Columbia Basin ecosystems for thousands of years. For a time, those salmon populations provided significant economic benefits for early non-tribal settlers in the Pacific Northwest. But rapid population growth and development; prior overharvest in non-tribal fisheries; development of millions of acres of land for industrial, commercial, and agricultural uses; construction, and operation of 14 federal dams on the Columbia and Snake Rivers; and installation of hundreds of small private dams and weirs on the tributaries drastically reduced Columbia Basin salmon populations and the many benefits they once provided to the region, its inhabitants, and ecosystems.

While these transformational changes brought economic growth and new uses of the Basin’s waters, these changes also brought devastating adverse impacts to the original peoples of the Northwest, the environment, and salmon. When Tribes in good faith signed treaties with the US Government that provided for settlement of millions of acres of aboriginal lands, the Tribes expected that in return their Treaty rights to fish would be honored, and that the right to fish meant there would be fish in the rivers. The settlement occurred, but honoring the Treaty right to fish is long past due. It is time to rebalance the allocation of the natural resources of the Columbia River Basin.

Plummeting wild salmon and steelhead runs resulted in the extinction/extirpation of many stocks while putting others on the brink of extinction. Critical habitats have been lost or rendered inaccessible. Today, this crisis is further exacerbated by climate change, which threatens local and regional ecological, cultural, and economic resilience. Elevated air and water temperature, increased drought, reduced snowpack and poor ocean conditions accelerate the decline of imperiled fish stocks and amplify regulatory constraints, water scarcity, fire risk, invasive species, and pathogens that impact numerous economic sectors.

Wild salmon and steelhead from the Snake River Basin are in dire straits, in spite of the fact that the Snake River Basin contains the largest accessible amount of pristine, protected habitat remaining in the Columbia Basin. As the National Oceanic and Atmospheric Administration (NOAA) has recognized, restoring these stocks to healthy, harvestable populations and reducing the currently high likelihood of further extirpation and allowing them to fully utilize high elevation, climate resilient habitat will require breaching the four Lower Snake River dams. Consistent with the Inslee-Murray recommendations, we must act now to invest in replacing the dams’ benefits in order to make breaching a viable policy action. These investments can best ensure a future that includes healthy and abundant salmon and steelhead, reliable and affordable energy systems, a robust economy, and valuable ecosystem services throughout the Columbia River Basin.

CTUIR DNR Letter on Cascade Renewable Transmission LLC Columbia River Project
September 27, 2024
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in a relatively narrow migratory corridor (compared to the open ocean), and in freshwaters that are water-quality-limited (i.e., polluted in various ways and degrees), contain contaminated toxic waste sites (including some on the National Priorities List), and are designated as both ESA Critical Habitat and Essential Fish Habitat. The CTUIR DNR believes that the Project requires more thorough and detailed study and analysis. Absent this, without further information and assessment, we believe that the Corps’ determination should be that “authorizing the work would be contrary to the public interest.”

The CTUIR DNR looks forward to continuing to work cooperatively and collaboratively with the U.S. Army Corps of Engineers and the State of Oregon to effectively address the challenges posed by climate change, to develop and maintain adequate, safe energy sources and supplies at minimal environmental cost, and to protect, recover, and restore our shared natural and environmental resources for the benefit of all people.

Respectfully,



Eric J. Quamps, Director
Department of Natural Resources
Confederated Tribes of the Umatilla Indian Reservation

Cc: CTUIR Fish and Wildlife Commission
CTUIR Tribal Water Commission
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Response to Audie Huber, (Submission 85)

85-1

EFSEC recognizes the importance of Tribal sovereignty, government-to-government consultation, and protection of cultural and natural resources. Under RCW 70A.65.305, state agencies are required to offer early, meaningful, and individual consultation with any affected federally recognized Tribe on projects that may impact Tribal resources, including tribal cultural resources, archaeological sites, sacred sites, fisheries, or other rights and interests in tribal lands and lands within which a tribe or tribes possess rights reserved or protected by federal treaty, statute, or executive order. EFSEC also recognizes the profound and lasting impacts that past and present development has had on Tribal lands, treaty rights, and culturally significant resources.

In response to this comment, the Programmatic EIS has been revised to:

- Reaffirm the state's commitment to government-to-government consultation with Tribal Nations at all stages of energy planning and project development.
- Include specific information about Treaty-reserved rights and Usual and Accustomed Areas.
- Emphasize the need for early and meaningful Tribal engagement in project-specific environmental reviews.
- Highlight the importance of avoiding and minimizing impacts on Tribal resources and access to Tribal resources, that are Treaty-reserved rights.

85-2

Following the receipt of the CTUIR's letter addressing the Draft Programmatic EIS, EFSEC communicated a desire on July 25, 2025 to representatives of the CTUIR to schedule formal consultation. This consultation would allow for EFSEC to effectively engage with the CTUIR on concerns raised in their letter, ensure that EFSEC's proposed revisions fully and appropriately addressed the CTUIR's concerns, and meet EFSEC's requirement to provide the CTUIR with meaningful consultation, as required by the Revised Code of Washington (RCW) 70A.65.305, RCW 43.21C.405(5), RCW 80.50.060(8).

Staff from EFSEC and the CTUIR have had conversations since August of 2025 to arrange a meeting at a time and place convenient to the CTUIR to discuss further. During these conversations, representatives from the CTUIR requested that EFSEC send a formal letter response to their comment letter addressing the Draft Programmatic EIS. EFSEC sent this letter to the CTUIR on September 8, 2025. Conversations are ongoing with the CTUIR and EFSEC remains willing to engage with further communications, meetings, or government-to-government consultation at the CTUIR's direction.

If scheduling does not allow for formal consultation to occur until after the publication of the Final Programmatic EIS, EFSEC would still readily engage in the process. Any needed changes to the Final Programmatic EIS arising from continued discussions with the CTUIR could be incorporated into the document through the use of an Addendum or Supplemental EIS, as allowed under Washington Administrative Code 197-11.

Response to Audie Huber, (Submission 85) - Continued

85-3

After incorporating General Measures and Avoidance Criteria, applicants would select applicable resource-specific Mitigation Measures identified in this Programmatic EIS to minimize the adverse environmental impacts of their project. This Programmatic EIS has concluded that there would be no probable significant adverse environmental impacts if all applicable Avoidance Criteria and Mitigation Measures for impacts identified as medium or high impacts are implemented, consistent with SEPA requirements and RCW 43.21C.408(3).

Each individual project proposed under the scope of the Programmatic EIS is still required to undergo project-specific environmental review in accordance with applicable federal, state, and local laws. Chapter 1 and Section 3.1 of the Programmatic EIS have been revised to provide more detail on the ways individual projects may use this Programmatic EIS.

The following detail is provided in Section 3.1 of the Programmatic EIS:

"The SEPA Lead Agency would be responsible for verifying that applicants have committed to all applicable Mitigation Measures for medium and high adverse environmental impacts identified in this Programmatic EIS. If the applicant has not committed to all appropriate Mitigation Measures, the SEPA Lead Agency would conduct additional environmental analyses to determine impacts, project-specific mitigation, and impact significance. The SEPA Lead Agency will identify any omitted measures that should be required as a condition of the project. The SEPA Lead Agency is also responsible for identifying and analyzing any "project-level probable significant adverse environmental impacts not addressed in this Programmatic EIS" (RCW 43.21C.408(3)) and for making the SEPA Threshold Determination for the project-specific application.

When a SEPA Lead Agency reviews a project-specific application and identifies other probable adverse environmental impacts that were not accounted for in this Programmatic EIS, additional environmental analyses would be conducted, and project-specific mitigation may be required. As discussed in Chapter 1, Introduction, these additional project-specific mitigation measures may be identified by the SEPA Lead Agency and imposed by any state or local agency with jurisdiction as part of their approval through the use of their SEPA "substantive authority" (WAC 197-11-660).

85-3

Additionally, should EFSEC be the SEPA Lead Agency, EFSEC has the specific authority to "develop and apply environmental and ecological guidelines" for projects that it regulates under RCW 80.50."

85-4

EFSEC has carefully evaluated whether in-water trenching or burial within bodies of freshwater (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within bodies of freshwater have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the technical scope of the Programmatic EIS.

85-5

EFSEC has carefully evaluated whether in-water trenching or burial within bodies of freshwater (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within bodies of freshwater have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the technical scope of the Programmatic EIS.

85-6

EFSEC has carefully evaluated whether in-water trenching or burial within bodies of freshwater (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within bodies of freshwater have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the technical scope of the Programmatic EIS.

Response to Audie Huber, (Submission 85) - Continued

85-7

EFSEC has carefully evaluated whether in-water trenching or burial within bodies of freshwater (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within bodies of freshwater have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the technical scope of the Programmatic EIS.

85-8

EFSEC has carefully evaluated whether in-water trenching or burial within bodies of freshwater (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. It was determined that underwater installations within bodies of freshwater have unique technical features, similar to undersea and oceanic transmission facilities. Therefore, the Programmatic EIS was revised to exclude this type of construction method from the technical scope of the Programmatic EIS.

85-9

Salmon/steelhead stream data available from WDFW GIS datasets were identified during the background data collection and presented on maps (e.g., Figure 3.6-3). Several Avoidance Criteria and Mitigation Measures for habitat and fish are included in Section 3.6.4. AVOID-8, Important Habitat, and other measures that are aimed at minimizing impacts to salmon. Further, salmon-bearing streams were identified as a sensitive resource in the environmental sensitivity mapping included in Section 3.6, Habitat, Wildlife, and Fish.

The Programmatic EIS also provides General Measure Gen-10, which outlines various mitigation and management plans required to demonstrate regulatory compliance and effective risk management. Appendix 3.1-1 offers additional guidance for this General Measure, specifying that a wildlife species-specific mitigation plan should be developed for project-specific applications, along with details on the different components of the plan.

85-10

EFSEC recognizes the impacts that past and present development have had on Tribal lands, treaty rights, and culturally significant resources.

The Programmatic EIS is intended to guide responsible planning and decision-making for high-voltage transmission infrastructure. It is not a permitting document, nor does it authorize specific projects. Rather, it provides a framework for identifying and mitigating potential environmental and cultural impacts early in the planning process.

In response to this comment, the Final Programmatic EIS will:

- Reaffirm the state's commitment to government-to-government consultation with Tribal Nations at all stages of energy planning and project development.
- Emphasize the need for early and meaningful Tribal engagement in project-specific environmental reviews.
- Highlight the importance of protecting salmon habitat, water quality, and other Tribal trust resources as central considerations in siting and mitigation decisions.
- Clarify that the Programmatic EIS is not intended to facilitate or justify development that would perpetuate or exacerbate harm to Tribal resources.

dee carlson, (Submission 81)

Comments on the draft PEIS for High Voltage Transmission Facilities in Washington

Thanks for the opportunity to comment on this draft PEIS. I have the following comments, questions, concerns:

- | | |
|------|--|
| 81-1 | • It's not clear to me if this PEIS will apply to projects in the state where power is transmitted for sole use by another state. |
| 81-2 | • I am concerned that specific projects will move forward when impacts may not be adequately addressed. As stated in 1.6.1.3, if projects follow recommendations, they are considered "fully mitigated." However, impacts of mitigation interactions have not been adequately analyzed at this broad level. Often, the mitigations that are identified in this PEIS to benefit one resource actually increases the risk for others. This type of interaction can only be adequately analyzed at the project level. Time and time again, I have seen projects tier to a PEIS and claim "fully mitigated" based on broad level avoidance/mitigation measures, without the additional analysis that must be done at a project scale. How will project oversight be handled to assure the proper analysis is conducted, given the decision tree cited, beyond just these broad-stroke recommendations in the PEIS? |
| 81-3 | • The mitigation strategies for water quality are not adequate, especially for protection of groundwater used for drinking water and sole source aquifers. Minimizing use of hazardous pesticides is just a first step to mitigate for ground and surface waters, especially where large areas of drainages will have vegetation maintenance or pesticide application. Again, pesticides that are "less toxic" for humans may be very toxic to other non-target species. This needs to be fully evaluated and mitigated at a project level. |
| 81-4 | • The PEIS has stated a low to moderate risk suggest the risk is higher, especially in the urban-rural interface where transmission lines may be or will be constructed. Therefore, individual identified recommendations are not likely to be bring the subsequent risk to "less than significant" |
| 81-5 | • There are many avoidance or "best practices" cited in the PEIS, but who determines what happens when power companies want to move forward with projects that don't meet, won't meet, or can't meet, many of these? And will power companies be required by SEPA or other entity to include viable alternative analyses in project-specific EIS if they lack recommended avoidance and best practices? For example, will a power company be required to analyze the impact of an alternative transmission route if the path currently planned does not meet standard/recommended minimum width requirements, especially when alternative routes are available and feasible? |

Response to dee carlson, (Submission 81)

81-1

The Programmatic EIS focuses on the environmental impacts of constructing, operating, and maintaining high-voltage transmission facilities (230 kV or greater) within the geographic boundaries of Washington State. As such, the Programmatic EIS applies to any qualifying transmission project located in Washington, regardless of the ultimate destination or use of the transmitted electricity. This means that if a transmission facility is physically located in Washington—even if its purpose is to export electricity to another state, or country—it is still subject to project-specific environmental review and the guidance provided in the Programmatic EIS.

81-2

As noted in Chapter 1, Introduction, of the Programmatic EIS, when a project incorporates the specific Mitigation Measures identified in the Programmatic EIS, those measures are considered to address the probable significant adverse environmental impacts for which they were specifically developed. However, this does not exempt a project from project-specific environmental review. Each proposed transmission project must still undergo its own project-specific environmental review, during which the SEPA Lead Agency would be responsible for evaluating whether the proposed mitigation is appropriate and sufficient given the unique characteristics of the site and surrounding environment.

Chapter 1 and Section 3.1 of the Programmatic EIS have been revised to include additional details, including:

- Evaluating whether the Programmatic EIS Mitigation Strategies are applicable and sufficient
- Identifying when additional, project-specific environmental analyses may be required
- Documenting consistency with the Programmatic EIS through SEPA checklists and supporting materials

To support the project-specific environmental review process, EFSEC has developed a Programmatic EIS Manual, checklists, and interactive online siting and design tools that help applicants and the SEPA Lead Agency assess how well a proposed project aligns with the Programmatic EIS recommendations. These tools are intended to promote transparency and consistency while ensuring that mitigation is tailored to the specific context of each project.

Response to dee carlson, (Submission 81) - Continued

81-3

The Programmatic EIS acknowledges the importance of protecting both surface and groundwater resources, and it includes general Mitigation Strategies such as minimizing the use of hazardous pesticides and implementing best management practices for vegetation maintenance. As the comment notes, pesticides that are considered "less toxic" to humans may still pose significant risks to aquatic organisms, pollinators, and other non-target species. The Programmatic EIS does not attempt to prescribe specific chemical use or vegetation management practices for all future projects. Instead, it emphasizes that project-specific environmental review is required to evaluate the appropriateness and effectiveness of Mitigation Measures in the context of local hydrogeology, land use, and ecological sensitivity. To support this, the Washington State Department of Agriculture has implemented a Regional Pesticide and Nutrient Monitoring Program, which collects groundwater samples in agriculturally dense areas to assess pesticide concentrations and identify potential risks to drinking water. This data can inform project-specific environmental reviews and help SEPA Lead Agencies and applicants select Mitigation Strategies that are both effective and environmentally responsible. Furthermore, the Programmatic EIS includes a decision framework that guides SEPA Lead Agencies in determining when additional analysis is needed. If a proposed project is located in or near a sole source aquifer or other sensitive groundwater area, the SEPA Lead Agency must evaluate whether the Mitigation Measures are sufficient or whether enhanced protections are necessary. This may include the following:

- Prohibiting pesticide use in certain zones
- Requiring integrated vegetation management plans
- Conducting hydrogeological assessments
- Implementing long-term monitoring of groundwater quality

81-4

As discussed in Section 3.1, the SEPA Lead Agency is responsible for reviewing project-specific applications and determining a proposal's probable significant environmental impacts. The SEPA Lead Agency is also responsible for identifying appropriate mitigation measures as part of the proposal to address these impacts and reduce them to a less-than-significant level.

Response to dee carlson, (Submission 81) - Continued

81-5

As described in Chapter 1 of the Programmatic EIS, project-specific environmental review is required for all future transmission facility projects using the Programmatic EIS. The Programmatic EIS provides a framework of recommended Mitigation Strategies, but it does not override the requirement for a project-specific environmental review.

When a project-specific application does not incorporate the recommended Mitigation Strategies outlined in the Programmatic EIS, the SEPA Lead Agency would determine whether the project's adverse environmental impacts are adequately addressed. If not, the SEPA Lead Agency may require:

- Proposed revisions to the project design to reduce impacts
- Additional project-specific environmental analyses
- Additional project-specific mitigation
- The preparation of a supplemental EIS

The Programmatic EIS includes a decision tree, manuals, and checklists to help the SEPA Lead Agency and applicants assess whether a project-specific application aligns with the recommendations provided in the Programmatic EIS. However, these tools do not replace the SEPA Lead Agency's discretion or responsibility to require further project-specific environmental analyses when warranted.

As required by RCW 43.21C.030, the SEPA Lead Agency must include a detailed analysis of alternatives to the proposed action in every recommendation or report on legislation or other major actions that may significantly affect the environment. For proposals with probable significant adverse environmental impacts that require an EIS, agencies must evaluate a reasonable range of alternatives, consistent with WAC 197-11-440. However, for transmission facility projects that are proposed within an existing transmission right-of-way or along a designated transportation corridor, the alternatives analysis may be limited to the proposed action and a no action alternative, as specified in RCW 43.21C.405.

When project-specific applications require an alternatives analysis, it is recommended that the assessment include an explanation on how the proposed route or action was selected and whether other corridors were evaluated. Information on other corridors or alternatives should be provided, including the location and reasons why they were not utilized. It is recommended that a map showing the selected proposed route or action and those alternatives that were rejected be included in the analysis. Chapter 1,

81-5

and those alternatives that were rejected be included in the analysis. Chapter 1, Introduction, of the Programmatic EIS was revised to clarify when an alternative route analysis is required and recommendations for conducting the analysis.

Catherine and Roger Jarvis, (Submission 56)

Comment on High-Voltage Transmission Line Impacting Clark County

Roger & Catherine Jarvis

56-1

PacifiCorp is planning a high-voltage transmission line ("the Xline") running from the Swift Dam in east Clark County, WA to Troutdale, OR. Construction may begin in 2027 or 2028 and, as envisioned, will damage many properties. The transmission project will use many existing property easements. Recently, project team members from PacifiCorp set a borehole on our property at **28036 NE 212th Avenue, Battle Ground, WA**. There is an easement on our property which is currently being used to access four residences. The potential use of our property to build the Xline creates adverse impacts to the easement area. Specifically, the **adverse impacts** include...

- increased wildfire risk since trees, other flora, and natural debris are abundant on our property and are close to our residence
- close proximity to electromagnetic fields which have proven exposure to cancer and various neurological diseases, including my Parkinson's disease
- easement inaccuracies; our easements were created decades ago and fresh surveys should be mandatory not optional
- extreme noise pollution, already worsened by a nearby gravel mine, would be audible across the treasured Lewis River Valley
- decreased property value; Xline towers would visually dissuade potential buyers; would mean the loss of newly paved road (\$30,000) to our residence; and, result in a lower property tax for the County
- threatening a conservation easement which permanently limits any improvement to 10 acres at the top of 212th Avenue in order to protect its conservation value
- the use of toxic substances to control vegetation along the Xline; these herbicides will drain into a seasonal spring located at the site of the 212th borehole then into active wells further downhill

We have been informed that another route for the line is possible and will impact fewer properties. **We ask that the EFSEC fully explore this alternate route before the final decision is made to permit the Xline installation.** The EFSEC should consider the various negative impacts of the Xline when evaluating the PacifiCorp project and all such projects.

Even more "into the weeds" on alternative routes...

PacifiCorp should be required to investigate alternative route...There are wider, established routes with transmission lines already in place along the I-5 corridor. There is also a route through the Gifford Pinchot Forest just to the east that would not plow through neighborhoods and environmentally sensitive areas which BPA found to be the preferred route for a similar transmission line in 2009.

The impacts of a project to benefit taxpayers should be borne by public lands rather than involuntary condemnation of neighborhoods. Public lands should be first priority; open lands second. PacifiCorp should be required to use commercial timber land 5 miles east of the easement where land has already been roaded and clear-cut for timber management.

56-1

In 2009, BPA concluded "after three years of public outreach, environmental analysis, and technical study" the path would affect too many properties along the easement and the best alternative is the more easterly route through public land. A second alternative is for PacifiCorp to partner with BPA to upgrade the existing 300 ft wide line running to the west of the easement along the established route of Lewis River Highway to I-5.

Response to Catherine and Roger Jarvis, (Submission 56)

56-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.9, Land and Shoreline Use, and Section 3.16, Socioeconomics, to understand how the Programmatic EIS addresses potential impacts on neighboring land uses and housing.

Christine and Roger Neill, (Submission 36)

Comments for the Transmission Programmatic EIS for the State of Washington Energy Facility Site Evaluation Council (EFSEC)

36-1

Please consider our comments below for the welfare, safety and health of our community and our state. The direct, indirect and cumulative impacts of construction, operation and maintenance of transmission lines have significant impacts to our environment and human health.

Issues to highlight:

- Easement widths are fire and weather event risks
- Toxic substances in maintaining lines
- Prolonged EMF exposure with homes near/under lines
- Surface and groundwater risks for the health for our children and community
- Allowing Right-of-Way (ROW) reductions with modified poles for entire routes that are inadequate or too narrow for requested powerlines, risks from tree fall-ins, gaps in contiguous lines, centerline skews and/or home protection from proximity risks is unjust and unethical to, by default, **require eminent domain as the main mechanism** to acquisition.
- Impacts to communities that include redundant transmission lines without alternate route analysis, puts our communities at higher risks
- Property devaluation and community livability

We ask you to hold transmission routes for the public and ratepayers to a high standard of safety and ethics as you oversee new transmission projects.

Our specific comments for the Draft PEIS:

36-2

1. Pg. 76 Figure 2.1-2 Illustrates a 230kV Right-of-Way (ROW) within scope of 125-200'

Clarify intended safe use of ROW standards. Define the width of easement as the minimum safety standard to 200' for 230kV+ lines. Recommend for optimal safety as 200'+ to reduce human, fire and weather condition interaction with lines. (100' to centerline).

Citing PEIS document driving RCW 43.21C.405 (3) "...consider (all) impacts to: ...overburdened communities...cultural resources and interests... land uses... and must identify measures to avoid, minimize, and mitigate probable significant adverse environmental impacts."

36-3

2. On Pg 76 the draft states: "engineered... poles...can be used for...230kv facilities when the ROW is restricted."

What is the safe width of a "reduced ROW" for a 230kV line? Clarify the application use of a "reduced ROW," for example: use in population density, fire break/tree fall-in potential zones, watershed, waterways, wetlands, sensitive populations (children, etc.), near schools, protected or old growth forests, home distances to lines etc. Clarify how much of a new transmission line can utilize the "reduced ROW?" An entire project, a portion or percentage? Clarify the term "restricted" in the use of a new transmission line construction? What connotes "restricted" as used in the excerpt above from page 76. Clarify if a "reduced ROW" can be utilized in a change of direction on a line run.

Citing PEIS document driving RCW 43.21C.405 (3) "...consider (all) impacts to: ...overburdened communities...cultural resources and interests... land uses... and must identify measures to avoid, minimize, and mitigate probable significant adverse environmental impacts."

WAC 197-11-030 Policy. (b) "Prepare environmental documents that are concise, clear and to the point, and are supported by evidence..."

36-4

3. Pg 76 states: "... when ROW is restricted"

We need clarification. When "reduced ROW" clause is instated, we cannot have **eminent domain** as the primary mechanism to take unaware and non-deeded landowners for an entire or part of a new transmission line project. Clarify when a "reduced ROW" is utilized, confirm that there was an ethical review with public input, of adjacent lands and property owners have been notified in the title deed that the property is at risk of eminent domain. If an entire or partial project is at risk for eminent domain, substantiate why the proposed utility project will need to use engineered poles to fit into a "restricted" zone. For example, if a project has been to be reviewed to include a request for engineered poles to fit into a restricted easement AND the easement has been found to include outdated and/or inadequate deed exhibits, undersized widths, inadequate for its intended use (e.g. an 80 year old easement), skewed or assumed center lines, missing and/or gaps in easements, and tree fall-in risk of adjacent non-deeded parcels, the project will be reviewed for validity. If any are found and the requesting utility company will instate the use of a "reduced ROW" and/or eminent domain to mitigate these inadequacies, the project will be given a determination of significance for adverse impacts and rendered inoperational for the transmission size requested.

Citing PEIS document driving RCW 43.21C.405 (3)(a)...analysis of the following probable significant adverse environmental impacts, including direct, indirect and cumulative impacts to:...

(iv) Environmental justice and overburdened communities as defined in RCW 70A.02.010;"

Christine and Roger Neill, (Submission 36) - Continued

36-5

4. Pg 76 states "...choice of design... depends on factors such as... the surrounding environment."

We need to clarify this definition of design choice. We are concerned about disregarding safety or not honoring our WA State deeds and Clark County property lines a "design choice." We must oversee wetlands, population density, health effects, fire safety, deeds and property lines, and homes under or within 100 feet of lines as a public health and a vulnerable population issue and not a design choice. Define, under what conditions, a utility company can propose design changes to the permitting agencies as a remedy of an inadequate easement.

Citing PEIS document driving [RCW 43.21C.405](#) "(3)(a)...analysis of the following probable significant adverse environmental impacts, including direct, indirect and cumulative impacts to:...

(iv) Environmental justice and overburdened communities as defined in [RCW 70A.02.010](#);"

36-6

5. Pg. 509 states "A safe, minimum distance of 100 feet from transmission facilities is recommended to minimize the health effects of EMF's"

Protecting children and sensitive populations from the cumulative effects of Electromagnetic Field (EMF) exposure is very important to our communities. Define and clarify home proximity distances along a new proposed line before permits are issued to be a minimum of 100' from an overhead line.

Citing PEIS document driving [RCW 43.21C.405](#) "(2) ... scope... in proximity to existing, more suitable routes and effective use of existing routes. (4) In defining the scope of nonproject review of electrical transmission facilities with a nominal voltage of 230kV or greater, the energy facility site evaluation council shall request input from agencies, federally recognized Indian tribes, industry, stakeholders, local governments, and the public to identify the geographic areas suitable for electrical transmission facilities with a nominal voltage of 230kV or greater, based on the climatic and geophysical attributes conducive to or required for project development."

In conclusion, I invite EFSEC to continue its protection of public health, environmental and safety standards for our state. In addition, we feel it is paramount to protect our rights as landowners and the ethics of the appropriate use of and application of transmission projects to communities we live in. Keep Washington safe and livable for our future.

Sincerely,

Roger and Christine Neill

Response to Christine and Roger Neill, (Submission 36)

36-1

Section 3.16.4 of the Programmatic EIS includes Mitigation Measures that, if implemented, would reduce impacts on resources such as schools, homes, businesses, and public spaces, as well as reducing impacts on overburdened communities. Mitigation Measures aim to address potential impacts on temporary housing and property values and set forth a system for early and ongoing public engagement and a method for addressing community complaints. Appendix 3.1-1 includes an EMF and EMI risk management strategy that regularly considers the consequence, likelihood, and significance of EMF and EMI on public health and existing infrastructure.

36-2

The Programmatic EIS presents a typical ROW range of 125 to 200 feet for 230 kV transmission facilities to reflect the variability in terrain, land use, and engineering design. This range is consistent with industry standards and allows for flexibility in project-specific design while maintaining safety and reliability. The 200-foot width is not a mandated minimum but represents the upper end of the typical range used in planning-level assessments. The actual ROW width for any specific project would be determined during project-specific environmental review based on site-specific conditions.

In accordance with RCW 43.21C.405(3), the Programmatic EIS evaluates potential adverse environmental impacts on overburdened communities, cultural resources, and land uses, and identifies Mitigation Strategies. The Programmatic EIS does not impose new regulatory standards but provides a consistent framework for evaluating transmission facility projects across the state. The Programmatic EIS has been revised to clarify that the ROW range is a planning assumption and that final widths will be determined through project-specific analyses and project-specific environmental review.

36-3

In accordance with RCW 43.21C.405(3) and WAC 197-11-030(b), the Programmatic EIS has been revised to define “restricted” and “reduced” ROWs and easements. The term “reduced” in the Programmatic EIS refers to a narrower-than-typical ROW or easements. Reduced ROWs or easements may be required when the ROW is restricted and the full width (e.g., 200 feet) is not feasible due to existing land use, environmental sensitivity, or infrastructure limitations.

The safe minimum width of a reduced ROW for a 230 kV transmission facility depends on the design and configuration of the transmission structures. For example, engineered monopoles or compact tower designs may allow for ROWs as narrow as 100 to 125 feet, provided that safety clearances, maintenance access, and reliability standards are met. These designs are typically used only for short segments of a transmission facility where full-widths are infeasible. The Programmatic EIS does not grant authority or recommend the use of reduced ROWs. Instead, it recognizes that limited segments of a transmission facility may require narrower ROWs due to site-specific constraints. Furthermore, directional changes may require reduced ROWs in turning or adjusting the angle of structures where space is constrained. The project-specific application should demonstrate why the easement is inadequate, how the design change remedies the issue, and how the change aligns with the Mitigation Strategies provided in this Programmatic EIS.

The use of reduced ROWs must be evaluated during project-specific environmental review and must comply with applicable safety, engineering, and environmental standards. Additionally, if the SEPA Lead Agency determines during the project-specific environmental review that an existing or proposed easement is inadequate, due to physical limitations, landowner restrictions, or environmental sensitivities, they may propose design changes to address these issues. All design decisions must be supported by site-specific analyses, best available science, and regulatory compliance. Design decisions must also align with the Mitigation Strategies outlined in this Programmatic EIS.

In accordance with RCW 43.21C.405(3), the Programmatic EIS evaluates potential adverse environmental impacts on overburdened communities, cultural resources, and land uses, and identifies Mitigation Strategies. The Programmatic EIS does not impose

Response to Christine and Roger Neill, (Submission 36) - Continued

36-3

new regulatory standards but provides a consistent framework for evaluating transmission facility projects across the state. The Programmatic EIS has been revised to clarify that the ROW range is a planning assumption and that final widths will be determined through project-specific analyses and project-specific environmental review.

36-4

Chapter 2 of the Programmatic EIS was revised to state that the use of reduced ROWs must be evaluated during project-specific environmental review and must comply with applicable safety, engineering, and environmental standards. Additionally, if the SEPA Lead Agency determines during the project-specific environmental review that an existing or proposed easement is inadequate, due to physical limitations, landowner restrictions, or environmental sensitivities, they may propose design changes to address these issues. All design decisions must be supported by site-specific analyses, best available science, and regulatory compliance. Design decisions must also align with the Mitigation Strategies outlined in this Programmatic EIS.

In accordance with RCW 43.21C.405(3), the Programmatic EIS evaluates potential adverse environmental impacts on overburdened communities, cultural resources, and land uses, and identifies Mitigation Strategies. The Programmatic EIS does not impose new regulatory standards but provides a consistent framework for evaluating transmission facility projects across the state. The Programmatic EIS has been revised to clarify that the ROW range is a planning assumption and that final widths will be determined through project-specific analyses and project-specific environmental review.

Eminent domain is governed by RCW 54.16.020, which allows public utility districts to acquire property through condemnation. Additional provisions related to eminent domain proceedings are found in Title 8 RCW, including requirements for notice, valuation, and relocation assistance. Chapter 1, Introduction, of the Programmatic EIS has been revised to clarify project-specific applications that may require eminent domain are considered outside the scope of the Programmatic EIS. Additional environmental analyses would be required, and the SEPA Lead Agency may prepare a Supplemental EIS to include information and additional mitigation measures in accordance with Title 8 RCW and RCW 54.16.020.

Response to Christine and Roger Neill, (Submission 36) - Continued

36-5

The Programmatic EIS was revised to define "design choices" as the engineering and structural options that may be considered to better suit or adapt to site-specific conditions. These may include the use of monopoles, lattice towers, or undergrounding depending on terrain, land use, environmental sensitivity, and safety requirements. Design choices would be included in the description of a project-specific application and are required to comply with all applicable legal, environmental, and safety requirements, including public engagement. Additionally, design choices would align with the Mitigation Strategies outlined in this Programmatic EIS. All design decisions must be supported by site-specific analyses, best available science, and regulatory compliance.

36-6

As stated in Section 3.8, Public Health and Safety, bodies such as ICNIRP and NIEHS generally agree that there is no conclusive evidence linking low-level, long-term EMF exposure from transmission lines to adverse health effects, though they also note that research is ongoing and some uncertainty remains.

Deanna Koehler, (Submission 22)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #22 DETAIL	
First Name :	Deanna
Last Name :	Koehler
Business/Organization :	
Submission :	

22-1 Public Comment Opposing PacifiCorp's Proposed 230kV Transmission Line

As a concerned resident, I strongly oppose PacifiCorp's proposed 230kV high-voltage transmission line project.

This project poses a significant threat to the environmental, public health, and economic well-being of the communities in its path for several reasons:

- 1. Environmental Impact: The project would cut through forested areas, wetlands, and wildlife corridors that are essential to local ecosystems. Construction and ongoing maintenance will disrupt these natural environments and may have irreversible consequences for wildlife and biodiversity.
- 2. Health and Safety Concerns: Proximity to high-voltage power lines raises serious concerns about long-term exposure to electromagnetic fields (EMFs), particularly in residential neighborhoods and near schools. While the science continues to develop, many families are justifiably concerned about the risks.
- 3. Property Value and Community Disruption: Large-scale transmission infrastructure would significantly impact property values, scenic views, and the rural and suburban character of our communities. Residents who chose these areas for their tranquility and beauty would be unfairly burdened.
- 4. Lack of Transparency and Public Engagement: Many affected residents were not made aware of this project early enough to provide meaningful input. Projects of this magnitude require open communication, thorough environmental assessments, and genuine community involvement from the outset.
- 5. Better Alternatives Exist: There are less invasive ways to improve grid reliability and energy distribution—such as using existing corridors, undergrounding lines in sensitive areas, or investing in distributed renewable energy sources that don't come with the same environmental and social costs.

I urge regulators and decision-makers to reject this proposal and explore solutions that do not compromise the health, safety, and values of our communities. Our voices matter, and this project does not reflect what is best for the people who live here.

Response to Deanna Koehler, (Submission 22)

22-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.1, Introduction; Section 3.16, Socioeconomics; Section 3.6, Habitat, Wildlife, and Fish; Section 3.9, Land and Shoreline Use; and Section 3.8, Public Health and Safety, to understand how the Programmatic EIS addresses potential impacts on property values, habitat and wildlife, neighboring land uses, and public health and safety.

Doug Howell, (Submission 84)

To: Energy Facility Site Evaluation Council
 From: Doug Howell, NGO Consultant on Transmission
 1950 4th Avenue West
 Seattle, WA, 98119
seattlehowell@gmail.com
 Re: Draft Programmatic Environmental Impact Statement (EIS) for electrical transmission facilities
 Date: May 15, 2025

Thank you for the opportunity to provide comments on Washington State's Energy Facility Site Evaluation Council's (EFSEC) Draft Programmatic Environmental Impact Statement (EIS) for electrical transmission facilities with a nominal voltage of 230 kilovolts (kV) or greater.

84-3 My comments on narrowly focused on the integration of the [Federal Energy Regulatory Commission \(FERC\) Order 1920](#)'s seven benefits and seven factors into the Programmatic EIS.

EFSEC is a key partner in the implementation of this landmark federal Order because all state siting agencies are "Relevant State Entities" under the rule:

84-2 "For purposes of Order No. 1920, a **Relevant State Entity is any state entity responsible for electric utility regulation or siting electric transmission facilities** within the state or portion of a state located in the transmission planning region, including any state entity as may be designated for that purpose by the law of such state."
 Order No. 1920, 187 FERC ¶ 61,068 at PP 44, 1355; Order No. 1920-A, 189 FERC ¶ 61,126 at P 23 & n.23." (Order No. 1920-B 191 FERC ¶ 61,026 at P 5).

The FERC Order provides an overview of the benefits from the rule:

Benefits of Transmission Facilities

Order No. 1920-A determined that transmission providers may measure and use seven benefits, first outlined in Order No. 1920, in each long-term scenario to evaluate the benefit of potential long-term regional transmission facilities. **[10]** In their evaluation, transmission providers must determine whether those potential transmission facilities would efficiently or cost-effectively address a long-term transmission need over a 20-year or longer time horizon. **[11]** Also, **Order No. 1920-A stated that transmission providers may define and consider additional benefits for cost allocation purposes, including those agreed to by relevant state entities**, so long as costs can be allocated in a way that is roughly commensurate with estimated benefits. **[12]** Given the modifications established in Order No. 1920-A, relevant state entities will be able to play a larger role in the development of a transmission provider's evaluation processes and selection criteria.

The following are benefits which must be considered in the cost-benefit analysis of long-term transmission planning:

84-1 1. **Avoided or deferred reliability transmission facilities and aging infrastructure replacement:** Calculates the costs that are avoided when proposed new long-term

84-1

regional transmission facilities address reliability needs and eliminate, or delay, the need to replace existing infrastructure.

2. **Either reduced loss of load probability or reduced planning reserve margin:** Calculates the reduction in frequency of power outages or the reduction in capital costs of generation needed to be built to meet planning reserve margins.
3. **Production cost savings:** Calculates the savings in fuel and other operating costs of generation that are realized when new long-term regional transmission facilities allow for the increased dispatch of lower-cost generators, displacing generation suppliers with higher production costs. This benefit also includes the reduction in market prices as lower-cost generation suppliers increasingly set market-clearing prices.
4. **Reduced transmission energy losses:** Calculates the reduction in total energy necessary to meet demand stemming from reduced energy losses during the movement (i.e., transmission) of power from generation to loads.
5. **Reduced congestion due to transmission outages:** Calculates the reduction in production costs resulting from avoided congestion during transmission outages.
6. **Mitigation of extreme weather events and unexpected system conditions:** Calculates the reduction in production costs during extreme weather events and unexpected system conditions, such as unusual weather conditions, fuel shortages, and generation and transmission outages.
7. **Capacity cost benefits from reduced peak energy losses:** Calculates the benefit of using a transmission facility to reduce the investment in power plants needed to meet peak electric usage, for example, on very hot days. These savings would be passed on to customers through lower generation capacity costs.

[\(Explainer on the Transmission Planning and Cost Allocation Final Rule | Federal Energy Regulatory Commission\)](#)

84-2

These seven benefits are the best tools we have to ensure that transmission project developers have done a robust accounting of the benefits of their projects. For too long, transmission projects have been narrowly focused on the generators, the transmission pathways, and the off-takers (utilities). But we have learned through numerous federal, regional and state reports, as well as countless news articles, that our transmission system is not capable of meeting long-term, and even near-term needs and demands.

Part of the reason we have found ourselves in this infrastructure deficit is because we have never adequately accounted for the important [system benefits](#) that come from additional transmission capacity, especially for "transmission facilities with a nominal voltage of 230 kilovolts (kV) or greater."

In the current draft PEIS, ESFEC only references rule on page 3-378 in Section 3.7.1.1 Energy Programs.

In email correspondence with Patty Betts of EFSEC staff on April 29, Patty explained:

"As we understand it, it is a federal requirement that transmission providers conduct and periodically update long-term transmission plans on a 20-year basis. As we are not a transmission provider and the Programmatic EIS does not deal with transmission planning, but rather the regulation and environmental impacts of transmission facilities, we are not aware of

Doug Howell, (Submission 84) - Continued

84-2

any direct connection between that FERC Order and our Programmatic EIS. It does not regulate our work and our Programmatic EIS does not affect the FERC Order.”

FERC specifically recognizes state siting agencies as “relevant state entities” under the law. And while it is correct that ESFEC is not a transmission provider, nor does FERC regulate your work, it is a missed opportunity to not recognize the direct connection of the FERC Order 1920 and EFSEC. EFSEC has an important opportunity to signal to developers that you expect a full accounting the transmission impact and benefits before such projects come to ESFEC. If EFSEC wants to help ensure that any project has gone through a reasonable, adequate, thorough analysis, then the FERC seven benefits should be part of this assessment.

If EFSEC is not willing to mandate this assessment before projects are submitted for review, then EFSEC at a minimum could send a clear signal that a robust accounting of the seven benefits will help EFSEC evaluate projects.

Transmission planning in Washington State and the Northwest has been plagued by a lack of proactive planning and robust accounting. EFSEC can do its part and honor its role as a “relevant state entity” by requiring incorporation of the FERC seven benefits.

Response to Doug Howell, (Submission 84)

84-1

The detailed list of the seven transmission benefits outlined in FERC Order No. 1920 represent a comprehensive framework for evaluating the system-wide value of long-term regional transmission projects. The Programmatic EIS has been revised to include additional guidance to Mitigation Measure ENR-6 within Appendix 3.1-1, recommending that applicants include a cost-benefit analysis aligned with FERC's framework as part of their project-specific application.

84-2

While EFSEC is not a transmission provider and is not directly regulated by FERC, it recognizes the importance of considering Order 1920. The Programmatic EIS has been revised to:

- Include a discussion in Section 3.7 on several federal initiatives and energy programs to ensure a robust and resilient electric grid, including FERC Order 1920 and the seven benefits considered in the cost-benefit analysis of long-term transmission planning.
- Include additional guidance to Mitigation Measure ENR-6 within Appendix 3.1-1, recommending that applicants include a cost-benefit analysis aligned with FERC's framework as part of their project-specific application.

84-3

Chapter 1, Introduction, of the Programmatic EIS was revised to state the following:

"This Programmatic EIS is prepared in accordance with SEPA, codified in RCW 43.21C. As stated in RCW 43.21C.010 and RCW 43.21C.020, SEPA's purposes include:

- (1) encouraging productive and enjoyable harmony between human beings and their environment;
- (2) promoting efforts to prevent or eliminate environmental damage and enhance human health and welfare;
- (3) enriching the understanding of ecological systems and natural resources; and
- (4) ensuring that environmental amenities and values are appropriately considered in decision-making alongside economic and technical factors.

SEPA applies to actions undertaken by state and local agencies within Washington.

While SEPA does not apply to federal or tribal actions directly, it may apply when such actions require state or local permits. In those cases, SEPA review is integrated into the permitting process to ensure comprehensive environmental consideration."

The detailed list of the seven transmission benefits outlined in FERC Order No. 1920 represent a comprehensive framework for evaluating the system-wide value of long-term regional transmission projects. The Programmatic EIS has been revised to include additional guidance to Mitigation Measure ENR-6 within Appendix 3.1-1, recommending that applicants include a cost-benefit analysis aligned with FERC's framework as part of their project-specific application.

Jacob Daugherty, (Submission 66)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #66 DETAIL
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First Name :	Jacob
Last Name :	Daugherty
Business/Organization :	
Submission :	

Some points to consider:

- | | |
|------|--|
| 66-1 | <p>A. Due to fire and weather danger, health risks, environmental concerns, and community livability, requirements on path width minimums for 230kV lines need to be clearly stated and enforced with no exceptions regardless of design. Otherwise, power companies can do anything they want based on what they perceive to be engineered for safety within a narrower width. That essentially means they have no regulations at all.</p> <p>B. Based on a literature search, the minimum path width for a 230 kV line should be at least 200 feet and the required distance from dwellings even greater to avoid health risks of cancers, ALS, and other neurodegenerative diseases. Furthermore, the minimum distance from dwellings needs to be enforced.</p> |
| 66-2 | <p>C. Power companies should be required to analyze alternative routes regardless of whether or not they own easements in order to protect communities, neighborhoods, and environmentally sensitive areas particularly when the easement is unused and/or historic (50+ years old) in nature as population density and environmental standards change significantly over decades' time.</p> <p>D. If power companies plan on using an existing easement but the planned path for the proposed transmission line is incomplete, in order for them to obtain new land acquisition, they must make their case that such acquisitions are necessary including analysis of all alternative routes before permitting.</p> |
| 66-3 | <p>E. Power companies should be required to establish how they plan to maintain the vegetation along transmission lines when close to dwellings, wells, surface and groundwater as there is great risk to residents who are exposed to pesticides on a long term basis, particularly children and veterans.</p> |

Thank you for your attention to these matters. I appreciate the work you do to protect communities and the environment.

Response to Jacob Daugherty, (Submission 66)

66-1

The Programmatic EIS presents a typical ROW range of 125 to 200 feet for 230 kV transmission facilities to reflect the variability in terrain, land use, and engineering design. This range is consistent with industry standards and allows for flexibility in project-specific design while maintaining safety and reliability. The 200-foot width is not a mandated minimum but represents the upper end of the typical range used in planning-level assessments. The actual ROW width for any specific project would be determined during project-specific environmental review based on site-specific conditions.

The Programmatic EIS acknowledges that wider ROWs may be appropriate in areas with elevated wildfire risk, sensitive environmental resources, or dense residential development. However, mandating a uniform minimum width of 200 feet for all 230 kV transmission facilities would not be feasible or necessary in all contexts. As discussed in Chapter 1 of the Programmatic EIS, all future transmission facility projects would be subject to project-specific environmental reviews. The SEPA Lead Agency would evaluate appropriate ROW widths based on localized conditions, including fire risk, hydrology, land use compatibility, and community impacts, and their associated impacts on the environment. If the review identifies additional probable significant adverse environmental impacts, the SEPA Lead Agency may require additional environmental analysis and must identify project-specific Mitigation Measures to address those impacts.

66-2

As described in Chapter 2 of the Programmatic EIS, all transmission facility projects considering the Programmatic EIS would be required to conduct project-specific environmental reviews. This would be inclusive of projects proposing to upgrade and modify existing transmission facilities, regardless of ownership.

The Revised Code of Washington (RCW) outlines the requirements associated with conducting an alternatives analysis, which includes the following:

- As required by RCW 43.21C.030, SEPA Lead Agencies must include a detailed analysis of alternatives to the proposed action in every recommendation or report on legislation or other major actions that may significantly affect the environment. For proposals with probable significant adverse environmental impacts that require an EIS, agencies must evaluate a reasonable range of alternatives, consistent with WAC 197-11-440.
- For transmission facility projects that are proposed within an existing transmission right-of-way or along a designated transportation corridor, the alternatives analysis may be limited to the proposed action and a no action alternative, as specified in RCW 43.21C.405.

When project-specific applications require an alternatives analysis, it is recommended that the assessment include an explanation on how the proposed route or action was selected and whether other corridors were evaluated. Information on other corridors or alternatives should be provided, including the location and reasons why they were not utilized. It is recommended that a map showing the selected proposed route or action and those alternatives that were rejected be included in the analysis. Chapter 1, Introduction, of the Programmatic EIS was revised to clarify when an alternative route analysis would be required and recommendations for conducting the analysis.

Response to Jacob Daugherty, (Submission 66) - Continued

66-3

The purpose of the Programmatic EIS is to generally evaluate adverse environmental impacts associated with different types of transmission facility developments; it does not propose, evaluate, or approve a specific project. The Programmatic EIS identifies Mitigation Measures based on the mitigation hierarchy to reduce adverse impacts. Mitigation Measures included in the Programmatic EIS address the use of herbicides, pesticides, and fungicides. Specifically, Mitigation Measure Hab-1 is included to minimize use of harmful chemicals, including pesticides, herbicides, and fungicides during all stages of transmission facility development.

The Programmatic EIS has been revised to:

- Emphasize the importance of integrated vegetation management practices that prioritize mechanical, biological, and cultural methods over chemical treatments whenever feasible.
- Recommend that applicants develop and disclose detailed vegetation management plans during project-specific environmental review. These plans should include:
 - Specific methods for vegetation control near sensitive receptors (e.g., homes, wells, waterbodies)
 - Justification for any proposed chemical use, including product selection, method of use, and frequency
 - Measures to prevent drift, runoff, and contamination of water resources.
 - Notification procedures for nearby residents prior to chemical use.
- Encourage coordination with local health departments and compliance with Washington State Department of Agriculture regulations regarding pesticide use and buffer zones.

Jason Ding, (Submission 21)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #21 DETAIL
--

First Name : Jason

Last Name : Ding

Business/Organization :

Submission :

- 21-1 | Suggest rerouting powerlines running from Merwin Dam to Troutdale to available less populated areas to the east. DNR land with zero population is readily available very near the proposed route and contains no population whatsoever from the east fork of the Lewis river all the way south to the Columbia river nearly. This is also a hugely impactful Project for Washingtonians with no benefit to them as the apparent destination for power would be Troutdale rather than locally anyway. Thank you!

Response to Jason Ding, (Submission 21)

21-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.9, Land and Shoreline Use, to understand how the Programmatic EIS addresses potential impacts on neighboring land uses.

Sara Leverette, (Submission 90)



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May 15, 2025

Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, WA 98504-3172

Re: Comments on the Draft Programmatic Environmental Impact Statement on Transmission Facilities in Washington State

Dear Energy Facility Site Evaluation Council:

Puget Sound Energy, Inc. (PSE) appreciates this opportunity to comment on the Energy Facility Site Evaluation Council's (EFSEC's) Draft Programmatic Environmental Impact Statement for High Voltage Transmission Facilities in Washington State (Draft PEIS). PSE is the oldest and largest electric and gas utility company in the state of Washington. PSE provides electric power to approximately 1.2 million customers in a 6,000 square mile service territory within central and western Washington. PSE's generation facilities consist of a diversified mix of energy resources, including natural gas/oil, wind/solar, coal, and hydroelectric. To connect these resources to our customers, PSE owns and operates approximately 2,600 miles of electric transmission lines.

In 2019, Governor Inslee signed the Clean Energy Transformation Act (CETA) into law. CETA requires electric utilities to have a coal-free portfolio by December 31, 2025 and to have greenhouse gas neutral retail sales by January 1, 2030. By January 1, 2045, all generation and sales from electric utilities to retail customers are to be from clean energy resources. At the same time changing weather patterns (including record heat and prolonged periods of very hot and very cold weather), the addition of data centers, and the electrification of the transportation sector are materially increasing and changing our load growth patterns.

Grid decarbonization and load growth directly drive a critical need for new long-haul transmission in Washington. PSE is committed to working with our state regulators to develop transmission solutions that meet the requirements mandated by the state. Washington's clean energy deployments and emission reductions contribute to national carbon reduction goals while also helping to improve the nation's energy security and clean energy workforce development.

Following careful review by PSE subject matter experts, we respectfully submit the following narrative comments and the attached detailed comment spreadsheet on EFSEC's Draft PEIS. While there are places where the Draft PEIS finds success, PSE has significant concerns about the data and legal basis for many categories of environmental impact analysis and associated prescriptive mitigation measures. Of greatest concern, and as detailed in our comment spreadsheet, there are material aspects where the analysis is incorrect and unsupported by



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adequate data. In those cases, the Draft PEIS, in its current form, may both frustrate and impede a more programmatic approach to the siting and permitting of transmission facilities needed in Washington. As always, we invite any and all engagement from EFSEC on these comments so please do not hesitate to reach out to discuss further.

90-1

A. The Draft PEIS Should be Carefully Reviewed for Consistency with SEPA.

PSE respectfully requests that EFSEC undertake a full and detailed review of the Draft PEIS to ensure that the document is legally consistent with SEPA. One example of the Draft PEIS exceeding a lead agency's authority under SEPA, is where the Draft PEIS states that all *moderate* impacts must be subject to mitigation. Under SEPA, there is no legal basis for requiring mitigation for potentially moderate impacts. Substantive SEPA authority—which is the legal basis for a SEPA lead agency's mitigation authority—is limited to where there are probable *significant* adverse environmental impacts. Moreover, any exercise of substantive SEPA authority to condition a project with mitigation measures for probable significant adverse environmental impacts is discretionary in all cases. If the Draft PEIS proceeds unchanged, it effectively legislates new SEPA law, which we do not believe to be the legislature's intent in directing the drafting of this PEIS or likely EFSEC's intent.

90-2

B. The General Requirements and Avoidance Measures Are Unnecessarily Prescriptive in Light of Otherwise Applicable Regulations and Actual Impacts of a Typical Transmission Line Project.

The Draft PEIS's General Requirements and Avoidance Measures (GR&AM) appear to all but ensure that the ability to effectively tier to the Draft PEIS will be limited because it is likely impossible for *any* project to comply with all the GR&AM. Perhaps the best evidence of this is in the maps included at the end of each section of impact analysis. The GR&AM take an approach that requires complete avoidance of impacts to various environmental resources. The Draft PEIS cannot legislate or create new mandatory policy compelling the avoidance of all impacts. To our knowledge, that is a more stringent standard than has ever been applied in a SEPA EIS, which generally works to disclose and analyze potential impacts and evaluate and/or *recommend* avoidance, minimization and mitigation measures. More fundamentally, the Draft PEIS's total avoidance undermines the purpose, intent and function of SEPA in its entirety.

90-3

One example of the many instances where the GR&AM create standards that are not supported by fact or, in our opinion, science is the requirement for a 300-foot setback from all wetlands in Washington. The Draft PEIS does not provide a scientific basis for this broad, overly prescriptive measure on a category of impacts that are already subject to established regulatory schemes that provide for specific setbacks and mitigation that in most cases are a function of the ecological function of a wetland rather than "all wetlands." The seemingly arbitrary 300-foot setback (*i.e.*, it is unclear what transmission line-related impact requires this setback) strips

Sara Leverette, (Submission 90) - Continued



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90-3

SEPA leads of their duty to use best available science and in many cases requires a standard that is well in excess of what's required in their own codes.

Other environmental reviews of transmission lines do not make this mistake. Rather, they apply local, state and federal laws applicable to the impacted wetlands, recommend avoidance and minimization measures, and then require mitigation where impacts are unavoidable. *See generally*, WAC 197-11-330. Wetland regulation in Washington is a serious, science-based undertaking. The Draft PEIS should not impose an entirely new, unsupported requirement on much needed energy infrastructure facilities for categories of potential impacts that are regulated under established, science-based, systems.

90-4

C. Any Required Mitigation Should be Based on Best Available Science and Must be Tied to a Potential Significant Adverse Environmental Impact.

The Draft PEIS includes mitigation measures that are unsupported and not necessary for all transmission projects, and suggests that some of these measures are required for all project-specific applications. RCW 43.21C.408(3) states that projects that follow the recommendations developed in this Draft PEIS shall be "considered to have mitigated the probable significant adverse project-specific environmental impacts" under SEPA. However, the Draft PEIS includes mitigation measures that should not be required for all projects (not all transmission line projects will have probable significant adverse environmental impacts) and which are not required components of project-specific applications. The potential inapplicability of proposed mitigation measures should be clearly stated in the final PEIS.

90-5

D. EFSEC Should Clearly Limit Any Recommendations on a Single Proprietary Evaluation Tool.

The consultant who drafted the Draft PEIS used a proprietary, copyrighted software program that is owned by that consultant. It is not the only software or analytical approach available to SEPA lead agencies; however, the Draft PEIS appears to promote or, if misinterpreted, to require the use of the goldSET for projects seeking to tier to the Draft PEIS. To the extent that the PEIS promotes this product or otherwise puts a SEPA lead agency or applicant into the untenable position of having to decide whether they must use the Draft PEIS authors' proprietary product to complete the project-level analysis that the Draft PEIS steers them toward, EFSEC should set the record straight. Additionally, these types of tools tend to have finite lifespans. We do not believe that EFSEC intended to direct the use of this product, but again, PSE respectfully requests that the Draft PEIS clearly state that it is only one of many available tools and that tiering does not require its use.



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90-6

E. EFSEC Should Consider the Avoidance and Mitigation Measures Required in Additional Analogous Environmental Review Documents.

The Draft PEIS should look to additional environmental reviews to inform GR&AM, particularly as many significant transmission line projects have been reviewed pursuant to a National Environmental Policy Act Environmental Assessment/Mitigated Finding of No Significant Impact, which is more analogous to a SEPA Mitigated Determination of Nonsignificance. The U.S. Department of Energy ("DOE") has extensive experience in transmission line siting, rebuilds, modifications, and upgrades on projects that have since been built in both Washington and Oregon. The environmental review documents for these projects are informative and, as can be seen in our Attachment B, contain a very different approach to avoidance and mitigation.

90-7

F. The PEIS Should Contemplate that Some Projects Will Not Require Additional SEPA Review.

Finally, the document concludes that every transmission project must undergo more SEPA. This contravenes the legislature's intent, which is to allow full use of the PEIS, without more, where possible. RCW 43.23C.408(2)(b)(i) states that some projects should be able to use the PEIS's analysis "unchanged," and subsection (3) states that projects that follow the recommendations of the PEIS shall be "considered to have mitigated the probable significant adverse project-specific environmental impacts," meaning that no further environmental review or mitigation shall be required. However, the PEIS does not provide workable or practicable recommendations consistent with this statutory directive.

PSE greatly appreciates EFSEC's work in completing this Draft PEIS. It reflects a full engagement of a complex topic and we hope that our comments are taken in the productive spirit that they are intended. Washington needs transmission facility upgrades and new builds; we very much hope that our comments are taken seriously and that the final PEIS is right sized and helps us get there.

Sincerely,

Sara Leverette
Puget Sound Energy, Inc.
Asst. General Counsel/Director Environmental
Services
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Sara Leverette, (Submission 90) - Continued

Attachment A

Sara Leverette, (Submission 90) - Continued

	Page	Section	Language	Comment
	GENERAL/THEMATIC COMMENTS			
90-8	3-3 through 3-11 and throughout PEIS	3.1.3.1 General Conditions; 3.1.3.2 Avoidance Criteria	In the PEIS Decision Tree and throughout the document, the PEIS states that if a project does not comply with any General Condition or Avoidance Criteria, then the SEPA Lead Agency must complete additional environmental review and identification of mitigation. The PEIS further states, "Several avoidance criteria throughout this Programmatic EIS are designed to avoid impacting an environmental resource altogether." This principle is evident throughout the General Conditions and Avoidance Criteria. For example: * Gen-3 requires projects to be "consistent with all applicable policies and ordinances," including Comprehensive Plan policies (i.e., planning policies that do not have the effect of development regulations); * AVOID-1 requires projects to avoid known hazardous areas, even though development regulations allow some impact and development within/near hazardous areas; and * AVOID-21 through AVOID-24 require avoiding any physical or visual impacts to historic, cultural, or tribal resources.	These standards frustrate the Legislature's intent in adopting the enabling statute for this PEIS. RCW 43.23C.408(2)(b)(i) states that some projects should be able to use the PEIS's analysis "unchanged," and subsection (3) states that projects that follow the recommendations of the PEIS shall be "considered to have mitigated the probable significant adverse project-specific environmental impacts," meaning that no further environmental review or mitigation shall be required. However, the PEIS does not provide workable or practicable recommendations. Avoidance of all impacts to environmental resources is an impossibly high standard and is not based on SEPA or any recognized legal standard. Under these standards, it is virtually impossible for any transmission project to use the PEIS without additional environmental review. This outcome frustrates the purpose of the enabling statute, which is to support more efficient and effective siting and permitting. In fact, the PEIS will likely make siting and permitting more difficult because it incorporates unachievable standards and implies a goal of zero impact, which projects simply cannot achieve. To avoid this outcome, the approach to the PEIS Decision Tree must be overhauled.
90-9	Throughout PEIS (e.g., 3-12)		The PEIS contains various inaccurate statements regarding SEPA. For example: * "When a SEPA Lead Agency reviews a project-specific application and identifies other probable significant adverse environmental impacts that were not accounted for in this Draft Programmatic EIS, additional environmental review and project-specific mitigation measures are required." (p. 3-12) SEPA substantive authority and the imposition of mitigation is discretionary. RCW 43.21C.060 provides that a governmental action "may be conditioned" pursuant to SEPA (emphasis added). It is inaccurate to state that mitigation measures are "required," even for significant impacts. * "When the following avoidance criteria cannot be met, additional environmental review and mitigation measures would be required to address related project-specific impacts." (p. 3-6) Given that the avoidance criteria are premised upon avoiding impacts entirely, the PEIS should not presume that the inability to meet avoidance criteria results in additional impacts or requires mitigation. The language should be changed from "would" to "could." * In developing the Impact Determination Scale for use in the PEIS, the PEIS states a "precautionary approach has been taken for the assessment where information is currently unknown or unavailable." This language is repeated throughout the PEIS in the sections titled "Probable Significant Adverse Impact Determination" for each element of the environment. SEPA does not support a "precautionary" presumption of significance when information is unknown.	The PEIS should accurately incorporate and reflect SEPA's standards. The PEIS is not a policy document and should not attempt to influence how decision-makers exercise their discretion and substantive authority under SEPA. By applying incorrect standards - for example, by indicating that mitigation is "required" when it is not - the PEIS creates confusion and will likely make siting and permitting more difficult, again frustrating the Legislature's intent to streamline permitting of transmission facilities.
90-10	Throughout PEIS (e.g., 3-6 to 3-11)		The PEIS makes statements or describes standards that are different from the applicable regulations and/or not supported by science. For example: * AVOID-2 states, "Avoid impacts within 300 feet of all wetlands." * AVOID-16 states, "Avoid a decrease in level of service (LOS) below level C on roads used during construction and avoid additional LOS reductions during construction on roads already below level C." * The PEIS's suitability map methodology sets a 775-foot buffer around "sensitive ecosystems and species at risk." * Regarding EMF, the PEIS states, "While there are no federal regulations for public exposure to low frequency EMFs in the United States, . . . [a] safe, minimum distance of 100 feet from transmission facilities is recommended to minimize the health effects of EMFs (NIEHS 2024)."	These standards are more stringent than the applicable regulations. Critical areas ordinances (which are required by law to be based on best available science) do not establish a 300-foot buffer around all ordinances. Local, regional, and state standards generally allow for decreases below LOS C. The PEIS provides no citation to support the use of a 775-foot buffer. While the PEIS does cite a source for the 100-foot buffer relating to EMF, the cited source does not support such a buffer; in fact, the source does not suggest any buffer or separation distance. The use of unsupported standards or characterizations of impact will create confusion and will make permitting difficult by suggesting that transmission projects should be subject to standards that are more stringent than what the applicable regulations or science support.
90-11	Appendix 3.1-1 and throughout PEIS		The PEIS includes mitigation measures that are unsupported and not necessary for all transmission projects, and suggests that some of these measures are required for all project-specific applications. For example: * Mitigation measure Geo-7 requires applicants to "commit to a Phase 1 Environmental Site Assessment (ESA)" before construction of any facility and states that "[t]his is a required component of project-specific applications necessary for SEPA Lead Agencies to evaluate baseline conditions." * Veg-4 through Veg-6 state that vegetation management plans, invasive species management plans, and revegetation plans are required components of project-specific applications. * TR-5 calls for creation of a carpool program for commuting workers. * SE-2 calls for an analysis of the temporary housing market.	RCW 43.21C.408(3) states that projects that follow the recommendations developed in this PEIS shall be "considered to have mitigated the probable significant adverse project-specific environmental impacts" under SEPA. However, the PEIS includes mitigation measures that should not be required for all projects and that are not required components of project-specific applications. For example, an upgrade or modification project within an existing corridor should not be required to prepare a Phase 1 ESA. Projects with a smaller scale or shorter construction timeframes do not warrant mitigation measures such as carpool programs or housing market analyses. Overbroad and over-inclusive mitigation measures will make permitting more difficult by creating a presumption that these measures should apply to all transmission facility projects.

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90-12	1-26 and throughout PEIS	1.6.5 Related Environmental Impact Statements	The draft PEIS fails to look at any transmission rebuild/modification/upgrade federal NEPA environmental documents from Department of Energy, despite the DOE having the most experience with conducting environmental review on rebuilds. Further, there have been many WA transmission rebuilds that have undergone NEPA review, and the NEPA documents for them greatly inform impacts evaluations.	A comparison of this draft PEIS with three NEPA EAs for recent transmission rebuilds in Washington is attached and should be reviewed to more fully inform the multiple types of measures (General, Avoidance, BMP, mitigation) recommended in the final PEIS. As shown in the comparison, while there are multiple commonalities in measures recommended in the three NEPA EAs, there is little overlap with the draft PEIS. In particular, the General Conditions and Avoidance Criteria presented in the draft PEIS are not included in the NEPA EA documents. This comparison further reinforces that the draft PEIS applies standards and criteria that are inconsistent with regulations, science, and industry practice.
90-13	Throughout PEIS			The usefulness of the PEIS would be increased and would more effectively contribute to the efficiency of selecting, siting and permitting if it highlights comparative differences throughout based on brownfield v greenfield development, including both the impacts and the benefits of each.
90-14	SPECIFIC COMMENTS			
	1-6	1.5		The PEIS should not have excluded analysis of any land in Washington irrespective of ownership. The impacts of transmission to all land should have been studied, with the acknowledgment that special identified lands (Tribal reservations, certain parks, wildlife areas, etc.) would require additional authorizations before development could occur.
90-15	1-11	1.6.1	SEPA is intended to provide information to agencies, applicants, and the public to encourage the development of environmentally sound proposals.	This is an oversimplification of SEPA and an editorial comment on the purpose of SEPA. This statement should be removed and the specific provisions of RCW 43.21C cited to properly capture the purpose of SEPA.
90-16	1-11	1.6.1	SEPA applies to actions taken at all levels of government in Washington State.	This is not factually correct. SEPA does not apply to federal actions on federal lands nor does it apply to tribal actions on tribal lands as examples.
90-17	1-12	1.6.1	One of the first steps for an applicant to consider when initiating the SEPA environmental review process and preparing a proposal application is identifying the SEPA Lead Agency.	This is not factually correct. The applicant does not determine a lead agency. Per WAC 197-11-924 the first agency receiving a proposal determines the lead agency.
90-18	1-13	1.6.1.1	Based on the criteria outlined above, transmission facility project applications within the scope of this Draft Programmatic EIS generally can or are required to follow one of two SEPA environmental review processes: 1) EFSEC's certification process or 2) local government processes	This does not describe processes, but rather the entity responsible for the process.
90-19	1-14	1.6.1.1	Determination of Significance (DS): If the project is likely to have a significant adverse environmental impact, the SEPA Lead Agency must issue a determination of significance and begin preparing an EIS.	This is not accurate. Per RCW 43.21C.031 the term "probable" is included in the classification of impacts where an EIS is required to be prepared.
90-20	1-14	1.6.1.1	A SEPA Lead Agency conducting a project-specific environmental review for transmission facilities must begin with a review of this Draft Programmatic EIS. The review must consider and further evaluate any probable significant adverse environmental impacts associated with the project-specific application that were not analyzed in this Draft Programmatic EIS. If the review identifies additional probable significant adverse environmental impacts, the SEPA Lead Agency must identify specific mitigation measures to address the probable significant adverse environmental impacts.	This language is overbroad, as the PEIS only applies to electrical transmission facilities with a nominal voltage of 230kV or greater. The language also appears to presume that mitigation is required for impacts.
90-21	1-25	1.6.4 Executive and Secretarial Orders		Strongly recommend revisiting all orders that predate the current presidential administration to ensure they have not been repealed.
90-22	1-25	1.6.5 Related Environmental Impact Statements	Vantage - Pomona, South of Tri-Cities Reinforcement, I-5 Corridor Reinforcement Project FEIS	The draft PEIS fails to look at any transmission rebuild/modification/upgrade federal NEPA environmental documents from Department of Energy despite the DOE having the most experience with conducting environmental review on rebuilds. All three cited federal NEPA documents are greenfield projects. However, there have been many WA transmission rebuilds that have undergone NEPA review and the NEPA documents for them greatly inform impacts evaluation, particularly but not only in rural areas. Energize Eastside upgrade EIS should not be the only source of reference for environmental impacts of upgrades, rebuilds, etc.

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90-23	2-1	2.1	"Consistent with the Federal Energy Regulatory Commission (FERC) National Reliability Standards, low-voltage transmission facilities are generally defined as those below 100 kV, while high-voltage transmission facilities typically operate above 200 kV and can sometimes include the 100 to 200 kV range as well (FERC 2023)."	The standards that PSE follows are referred to as the North American Electric Reliability Corporation (NERC) Reliability Standards. While FERC governs NERC, all of the standards are developed and enforced by NERC. NERC also maintains the Bulk Electric System definition, which governs the voltage level of the transmission facilities that PSE plans and operates. It would be more appropriate to point to the BES definition than how FERC generally classifies transmission, especially given that this is not a formal FERC definition.
90-24	2-1	2.1	"The electricity again passes through a substation to decrease the voltage level to a safer and more usable intensity."	This language appears to suggest that distribution voltage is "safer and more usable," which is an inaccurate and confusing claim. Suggest rewording as follows: "The electricity again passes through a substation to decrease the voltage to rated distribution system levels to allow for safe delivery through the distribution system."
90-25	2-1	2.1	"High-voltage transmission facilities can also be used to move large electrical loads from one substation to another to meet the National Energy Reliability Corporation (NERC) transmission system planning performance requirements and customer demands (NERC n.d.)."	This language is unclear and confusing. Transmission facilities are not used to "move large electrical loads" between substations, and that is not how the NERC planning performance requirements are met. Suggest rewording as follows: "High-voltage transmission facilities can also be used to move generation through a networked system from one substation to another to serve large electrical loads while meeting the National Energy Reliability Corporation (NERC) transmission system planning performance requirements and customer demands (NERC n.d.)."
90-26	2-1	2.1	"Increased development of transmission facilities also improves grid resilience by providing redundancy, backups, additional supply, and inter-grid connectivity..."	Rather than "inter-grid", the more commonly known term used in the industry is regional / inter-regional connectivity.
90-27	2-1	2.1	Overview of Transmission Facilities	This section does not include a discussion of high voltage direct current (HVDC) lines, which should be discussed.
90-28	2-2	2.1	Overview of Transmission Facilities	Important point not developed is that existing transmission facilities connect to legacy generation (e.g. coal/gas). New renewable generation will generally <u>not</u> be co-located near these legacy generation sites, so new transmission is likely needed.
90-29	2-3	2.1.1	Overhead Transmission references materials used in transmission structures.	The references to materials is not explained and is not relevant to the discussion. Further, there are additional material types that are not discussed - for example, FRP, steel, ductile iron, and concrete. Each material has different properties, and the uses vary depending on the circumstances. Recommend deletion.
90-30	2-3	2.1.1	Overhead Transmission - LST versus TSP design choice	Note that there are also tubular steel towers now.
90-31	2-3	2.1.1.1	"The function of a substation is to transform electricity to a higher level of voltage, for efficient transmission over long distances, or a lower level of voltage, for easier and safer local distribution."	The characterization of local distribution as "easier and safer" is inaccurate and confusing - recommend deletion.
90-32	2-4	2.1.1.1	Figure 2.1-3: Transmission Substations	The picture on the left appears to depict a distribution substation. Suggest renaming the figure to "Examples of Substation Footprints".
90-33	2-4	2.1.1.1	"Transformers are the primary component of substations, and they serve the substations' primary function of stepping up or stepping down the voltage of transmitted power."	There are transmission switching stations that do not contain transformers. These are used to provide better connectivity and reliability to large load areas.
90-34	2-5	2.1.1.3	Obstruction Lighting and Marking (FAA marking and lighting requirements)	It is unclear whether this level of detailed information is helpful. - the discussion may be simplified by simply pointing to the FAA guidance and noting that FAA marking and lighting requirements may apply to individual projects.
90-35	2-6	2.1.2	Underground Transmission	This section starts with multiple references to "benefits" of underground transmission. This section should eliminate the discussion of benefits, which is an editorial opinion, and focus on the specific characteristics of the activity.

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90-36	2-8	2.1.2	"Upgrades or modifications of existing transmission facilities are often considered to improve efficiency and reliability and are required to ensure compliance with updated regulations and standards."	It is inaccurate to state that upgrades/modifications "are required to ensure compliance with updated regulations and standards." Suggest rewording as follows: "Upgrades or modifications of existing transmission facilities are often considered to improve efficiency and reliability" to ensure compliance with updated regulations and standards."
90-37	2-9	2.2.1.3	The PEIS discusses various approximate construction timelines for activities.	The PEIS should include an overarching statement that the timelines provided are approximate, and that construction timelines will depend on the project. The PEIS includes timelines that may not be accurate. For example, the PEIS states that advanced transmission technologies installation "could take approximately 3 to 12 months." Advanced technologies can encompass a variety of activities, and the stated timeline is not reasonable for some activities.
90-38	2-9	2.2.1.3	"Advanced grid software technology can include solutions such as dynamic line rating that focus on improvements in the control systems and decision-making processes."	It is worth noting that many dynamic line rating options on the market today do require the installation of hardware, such as advanced conductors or weather monitoring systems, and are not software-only technologies.
90-39	2-10	2.2.1.3	"The phases of transmission facility development analyzed in this Draft Programmatic EIS include construction, operation and maintenance, and upgrade or modification. The upgrade or modification to an existing transmission facility can occur after construction and during its operation and maintenance phase, but before decommissioning."	Suggest adding Upgrade or Modification under the Operation and Maintenance arrow in the diagram.
90-40	2-10	2.3, Figure 2.3-1	"The interconnection points determine the specific location for a new transmission facility or an upgrade or modification to an existing facility. Site characterization typically involves conducting desktop analyses, system planning studies, and, with agreement from the landowner(s), field surveys. "	The interconnection points may define transmission substation location, but does not define the routing of a transmission line. Suggest removing this statement or clarifying how transmission line routes and substation locations will be characterized/identified. Further, note that system planning studies do not involve site characterization. These studies identify the impacts of new/modified transmission infrastructure on the system without consideration of where the line will be physically located.
90-41	2-11	2.3.1	"Siting considerations typically include the transmission ROW width, identification of points of interconnection need, the geography of an area, and access to proposed or existing transmission infrastructure, such as substations."	Points of interconnection are not identified as a siting consideration. This should be struck from the sentence or the term "points of delivery" should be used instead.
90-42	2-12	2.3.1	Transmission Construction section quantifies PMs and Engineers as "around 10 to 20 individuals" and "Construction workers ranges from 50 to 200 workers"	These numbers are highly variable, depending on the project. Providing quantification is not helpful.
90-43	2-12	2.3.2	Vantage - Pomona, South of Tri-Cities Reinforcement, I-5 Corridor Reinforcement Project FEIS	Sequential construction activity should not be assumed, as the sequence can be affected by multiple variables.
90-44	2-14	2.3.2	Site Construction - Overhead Transmission; Underwater	This section lacks any discussion of water crossings. Details on the variety and construction techniques should be included. This should include underground methods where overhead transmission is changed to underground for water body crossing such as lake or large rivers. Further, undersea cables were specifically excluded from the scope of the EIS in an earlier section. This section describes projects that would be excluded. the PEIS should provide additional clarification of what underwater crossings are covered by this document.
90-45	2-15	2.3.2.2	List of publications that establish design requirements.	Add citation to NESASCE Manual of Practice #74 (Transmission Design), ASCE 141 (wood poles), ASCE 123 (concrete poles), ASCE 104 (FRP poles)

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90-46	2-18	2.3.2.2	Supporting infrastructure for underground transmission facilities. Transition structures. "For underground lines less than 345 kV, a 60-100-foot-tall transition structure similar in composition and construction to an overhead transmission support structure is installed." and "For underground lines of 345kV or greater, a transition station is needed."	This seems to imply that only transition structures are below 345kV, which is not true. PSE has transition stations for an underground 115kV line.
90-47	2-20	2.3.2.2	Post-construction monitoring and reporting. Maintenance and repairs. "It is anticipated that required maintenance and repairs would be addressed as soon as warranted or within a 12-month period."	For greater clarity/accuracy, suggest rephrasing to say "in accordance with the NESC."
90-48	2-20	2.3.3.1	Transmission decommissioning	The discussion should incorporate the fact that rather than decommissioning, some lines/facilities may be left for possible future use or to minimize disturbance.
90-49	3-3	3.1.3.1	Gen-3 – Consistency with Policies and Ordinances: This Programmatic Environmental Impact Statement assumes that projects will be consistent with all applicable policies and ordinances.	Policies do not have the rule of law. They should not be included as general consistency item. For example, a Comprehensive Plan is not a regulatory document. Additionally, the PEIS's statement that inconsistency with a single policy is sufficient to require additional environmental review is overbroad and unsupported, because consistency with every single policy is not a standard or requirement in Washington law.
90-50	3-4	3.1.3.1	When applicable design considerations cannot be met, additional environmental review would be required by the State Environmental Policy Act Lead Agency.	This is incorrect. There may be a rationale for why the measure cannot be met.
90-51	3-4	3.1.3.1, General Conditions	Gen-5 states that if a project does not comply with any avoidance criteria, additional environmental review and mitigation will be required. The PEIS states, "Several avoidance criteria throughout this Programmatic EIS are designed to avoid impacting an environmental resource altogether."	Avoidance of all impacts to environmental resources is an unworkably high standard. If this is the standard applied, it is highly unlikely that any transmission project will be able to rely on the PEIS. This provision also frustrates the language of the enabling statute - which recognizes that one of the results of the Transmission PEIS is that it can be used unmodified for specific projects when appropriate, i.e., "if the project does not cause any probable significant adverse environmental impact not identified in the nonproject review" (see RCW 43.21c.538(2)(b)(i)), and is in contravention of the purpose of the legislation, which is to support more efficient, effective siting and permitting.
90-52	3-4	3.1.3.1, Gen-4 Design Considerations	When a SEPA Lead Agency reviews a project-specific application and identifies other probable significant adverse environmental impacts that were not accounted for in this Draft Programmatic EIS, additional environmental review and <u>project-specific mitigation measures are required</u> .	The underlined section is incorrect. SEPA does not mandate, and this PEIS should not mandate, that mitigation is required for any/all substantial adverse environmental impacts identified at the project-specific level of SEPA review. Imposition of mitigation is a discretionary decision held only by the decision-maker as a matter of law. The PEIS is not a policy document, and should not attempt to influence how decision-makers exercise their own informed decision.
90-53	3-6	3.1.3.2	When the following avoidance criteria cannot be met, additional environmental review and mitigation measures would be required to address related project-specific impacts.	This statement indicates that additional review and mitigation is needed for all cases. This presumes that the inability to meet specific avoidance criteria would always result in additional impacts. That is not the case and it should be changed to "could". One example is siting in "contaminated soils". There is large range of contamination present across various areas of the state, not all of which is susceptible to impacts from construction.
90-54	3-6	3.1.3.2, Avoidance criteria	AVOID-1 states, "Avoid known hazardous areas, including but not limited to, contaminated soils, geologically hazardous areas, landfills, and cutbanks."	This avoidance criterion appears to be designed to avoid all impacts. There is no authority (regulatory or scientific) cited to support this criterion. Regulations generally do not require avoidance of hazardous areas.
90-55	3-7	3.1.3.2, Avoidance criteria	AVOID-2 states, "Avoid impacts within 300 feet of all wetlands."	This avoidance criterion appears to be designed to avoid all impacts. There is no authority (regulatory or scientific) cited to support this criterion. Further, this criterion is more stringent than what development regulations require, as regulations generally do not require avoidance of all impacts within 300 feet of all wetlands. There are multiple different wetland categories, from low to high quality. Critical areas ordinances (which are required to be based on the best available science, RCW 36.70A.172) provide allowances for certain impacts based on the categorization of the wetland, the required buffer, the type or level of impact, and other criteria. In lieu of this avoidance criterion, a more appropriate standard would be to require applicants to comply with applicable wetland regulations.

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90-56	3-7	3.1.3.2, Avoidance criteria	AVOID-3 states, "Avoid impacting areas sensitive to degradation[.]"	This criterion provides no definition for the term "areas sensitive to degradation" or "sensitive water features." This does not appear to be a term of art commonly used in development regulations. Without a definition, the term may result in confusion and differing interpretations. Further, the hydrology of Washington State is very diverse and most transmission projects, even small ones, would encounter water features, making these avoidance measure nearly impossible to comply with resulting in limited ability to use it. Recommend removing this avoidance criterion and instead adopt a standard requiring that an applicant comply with applicable critical areas and natural resource regulations.
90-57	3-7	3.1.3.2, Avoidance criteria	AVOID-4 states, "Avoid having equipment or infrastructure within floodplains."	There are floodplain regulations address the installation of equipment or infrastructure within floodplains. Recommend removing this avoidance measure and instead adopt a standard requiring applicants to comply with the applicable floodplain regulations.
90-58	3-7	3.1.3.2	Avoid-5 – Areas of Rapid Channel Migration: Avoid having equipment or infrastructure in areas of rapid channel migration	This geographic area is inadequately defined. A specific definition or criteria should be added.
90-59	3-7	3.1.3.2	AVOID-7, 8, and 9 <u>require</u> avoidance of impact to "sensitive ecosystems," "important and sensitive wildlife habitat," Important Bird Areas", "modeled movement corridors," etc.	These avoidance criteria cite to several 'designations' but those designations need to be carefully scrutinized for their regulatory effect. For illustration but not limitation, Important Bird Areas (IBA) are not designated for regulatory use. An IBA is not a PHS designated by WDFW. See https://wdfw.wa.gov/sites/default/files/publications/00165/wdfw00165.pdf . Rather, it is up to the local jurisdiction where a project is proposed to determine whether an IBA should be used as part of the local Critical Areas review. Importantly, the Washington Legislature says as much: RCW 79.70.110(5) states that " <i>Recognition of an important bird area does not require or create critical area designation under chapter 36.70A RCW.</i> " Simply because an IBA is recognized through a defined process, it is not a regulatory tool in and of itself. A PEIS cannot establish state-wide binding policy, which this document attempts to do in a variety of places. The IBA is cited here just for illustration. The document needs to be reviewed by its authors to determine where non-regulatory, non-binding policies have been relied upon to develop General and Avoidance measures, and revised to remove those requirements because they are not grounded in legal authority.
90-60	3-8	3.1.3.2	AVOID-8 – Important Habitat: Avoid impacts on important and sensitive wildlife habitat, including	This list is too broad and would prohibit most transmission projects from relying on the PEIS. This list should be narrowed based on the specific impacts of transmission. For example, transmission would not likely have significant impacts on ungulate winter and summer range and appropriate temporal restrictions on construction along with appropriate restoration activities can address impacts.
90-61	3-9	3.1.3.2	AVOID-9 – Movement Corridors:	It is not clear how transmission would result in a barrier to wildlife movement. Poles are placed and wide intervals and do not result in human occupancy. This avoidance measures should be reconsidered and narrowed to features (like substations) that could impact movement.
90-62	3-8	3.1.3.2, Avoidance criteria	AVOID-10 states, "Avoid impacts within the setbacks for wildlife and wildlife features identified in Appendix 3.6-1."	Appendix 3.6-1 provide setbacks and timing windows for several species, with citations. While the citations are helpful, most of the citations appear to be to specific studies, not to applicable local/state/federal guidelines. Further, it is unclear if the cited studies represent best available science; some studies are over 30-40 years old.

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90-63	3-8	3.1.3.2, Avoidance criteria	AVOID-13 states, "Avoid incompatible land uses and zoning. Demonstrate that there are no indirect or adjacent land use conflicts with private property owners or public land administrators."	The terms "incompatible" and "indirect or adjacent" conflicts are so vague that it could be applied to any situation where someone opposes transmissions facilities. Demonstrating compliance with land use regulations and/or obtaining land use permits should be deemed sufficient to qualify a project to fall within the PEIS and not require additional environmental review.
90-64	3-9	3.1.3.2	Avoid-16 - Decrease in LOS below Acceptable Levels	LOS C is too high of an LOS and generally LOS is allowed to temporarily decrease during construction. Short term impacts should not require avoidance. This measure should be removed.
90-65	3-10	3.1.3.2	Avoid-17-Night Sky	This avoidance measure is unnecessary. BMPs can be employed to avoid impacts to night sky.
90-66	3-10	3.1.3.2	Avoid-18 Exceptional Recreation Assets	This avoidance measure is too broad and is not targeted to recreation activities that are sensitive to transmission. In addition, instead of referencing a separate document the list should be included. It is not included anywhere in the document.
90-67	3-10	3.1.3.2	Avoid-22- Visual Impacts on Historic and Cultural Resources	This avoidance measure is overly broad; not all historic and cultural resources could be sensitive to visual impacts from transmission. The PEIS provides no support for these standards.
90-68	3-11	3.1.3.2, Avoidance criteria	AVOID-25 calls for avoiding disproportionate impacts on vulnerable populations or overburdened communities.	This criterion is unsupported and undefined.
90-69	3-11	3.1.3.2	Avoid-26- Displacing Residents or Housing Units	This avoidance measures is too strict. Loss of a single unit would render a project unable to meet this criteria and does not represent a significant adverse impact. At a minimum this should be tied to the exempt levels of demolition under the WAC that would not require ANY SEPA review.
90-70	3-12	3.1.3.3 Mitigation Measures	The PEIS states that it was developed through consultation with other agencies and partners that have expertise in identifying probable significant adverse environmental impacts and ways to address those impacts.	The vast gap between BMPs and mitigation measures consistently included in multiple project-level NEPA EAs prepared by the federal Department of Energy for transmission upgrades in Washington and the measures in the PEIS do not reflect effective consultation with DOE, which has the most transmission upgrade environmental review experience in the United States.
90-71	3-13 and throughout PEIS	Table 3.1-1	In the discussion of impacts characterized as "moderate," the PEIS consistently states, "Moderate impacts have the potential to be significant."	This statement is inconsistent with SEPA's standards. SEPA defines "significant" as having "a reasonable likelihood of more than a moderate adverse impact on environmental quality" (WAC 197-77-794). This statement should not be included as it is potentially confusing.
90-72	3-13 and throughout PEIS	3.1.5 Probable Significant Adverse Impact Determinations	In developing the Impact Determination Scale for use in the PEIS, the PEIS states a "precautionary approach has been taken for the assessment where information is currently unknown or unavailable." This language is repeated throughout the PEIS in the sections titled "Probable Significant Adverse Impact Determination" for each element of the environment.	This methodology is impermissible under long-standing Washington SEPA law. While "precautionary" approach is undefined, the repeated use of this language in the Probable Significant Adverse Environmental Impacts sections suggests that the intent is to err on the side of assigning significance when information is unknown. An EIS must disclose where there is an absence or deficiency of information so as to inform an impact determination, but it may not guess or speculate. Further, WAC 197-11-080 does not support an approach that presumes significance in the absence of information. WAC 197-11-080(3)(b) documenting a "worst case analysis and the likelihood of occurrence, to the extent this information can reasonably be developed." If this information cannot be reasonably developed, the PEIS should make this disclosure but should not presume significance or create a worst case analysis.
90-73	3-14 and throughout PEIS		The PEIS uses GoldSET to develop suitability maps and discussions of suitability and siting decision criteria throughout the PEIS, which is a copyright'ed WSP product, is a 5 step analysis, only the first 3 of which are applicable at the programmatic level.	GoldSET is a proprietary product owned and copyrighted by WSP, the firm that authored the PEIS. GoldSET is a five-step analysis, and only the first three are applicable at the programmatic level, while the remaining two steps are applied at a project-specific level. The use of GoldSET throughout the PEIS steers developers and/or reviewing agencies toward use of the proprietary product to complete the review at the local SEPA Lead Agency level. Additionally, there is no discussion of other available methodologies that developers/agencies could use to develop suitability/route analyses. This practice could be perceived as undermining the objectivity of the analysis.
90-74	3-14 and throughout PEIS	3.1.6 Suitability Map	The PEIS's suitability maps and discussions were developed using the GoldSET approach.	Use of the author's proprietary GoldSET maps criteria yields an impossible and unacceptable outcome. The overlay of all the suitability maps results in demonstration that there are no areas in Washington that are suitable for transmission when considering each element of the built and natural environment. This frustrates the purpose of the PEIS per the enabling legislation.

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90-75	3-14	3.1.5	"Identification of environmental impacts and assignment of significance ratings are based on professional judgment and information available at the time of writing."	Significance determinations should not be based on "best professional judgement". WAC 197-11-330 contains specific guidance for making such a determination. Each significance discussion needs to be made based on these provisions.
90-76	3-14	3.1.6	Suitability Map	The discussion of whether the programmatic EIS is "suitable" is misguided. In addition, more discussion of the purpose and use of the suitability maps should be included. This discussion must indicate that the suitability maps are not to be used to review site specific actions nor make a determination on whether a specific project is appropriate.
90-77	3-19 and throughout PEIS	3- all Regulatory, Siting, and Design Considerations subsections	Each of the cited sections states that "If the project does not comply with applicable laws and regulations or fails to adhere to design considerations or BMPs, <u>additional project-specific environmental review and mitigation would be required.</u> "	There may be reasons why the PEIS alone is adequate for environmental review. The enabling legislation contemplates this, and a PEIS cannot mandate additional review preemptively. Also, the decision whether mitigation would be required is always a discretionary decision of the SEPA lead agency. A PEIS cannot preemptively determine that mitigation must be imposed at a project-specific level, because the specific project's facts must be considered. Many scenarios may disclose that additional mitigation is not required for very specific reasons. The sentence should be rephrased to state "...may be required". This statement needs to be made in each section of Ch 3.
90-78	3-20	3.2-1 Table	Washington State Building Code	Transmission facilities are generally exempt from state building codes.
90-79	3-44	3.2.3.2	"The construction of transmission facilities often involves alterations to the landscape. Changes to topography or drainage patterns can occur during clearing and grading, the construction of access roads, and foundation excavation. The first step in constructing transmission facilities is often clearing vegetation and grading the land to create a stable foundation for structures. This process can alter the natural topography by leveling hills, filling valleys, and removing trees and other vegetation."	Overhead transmission projects generally work to follow the natural terrain, and rarely does it involve "leveling of hills" and "filling of valleys". A more accurate description of transmission construction should be included, and the resulting impact evaluation updated.
90-80	3-44	3.2.3.2 Earth - Action Alternative/Construction phase	Impact Determination: Depending on the scale of the facility and site characteristics, the <u>impacts</u> on damage <u>from a geological event or geohazard</u> from the construction of underground transmission facilities, without mitigation measures incorporated, are anticipated to vary and <u>could be</u> low to <u>high</u> . Avoidance criteria or mitigation measures may be required to reduce the rating to a less than significant impact.	Compliance with the General Condition requiring compliance with applicable Critical Areas ordinances should yield a result that is less than high insofar as geohazard, and possibly from geologic event.
90-81	3-50	3.2.4 Earth-Potential Mitigation Measures	"Geo-2 – Geotechnical Surveys: Conduct thorough geotechnical investigations to assess soil and rock conditions before construction begins. Rationale: <u>This is a required component of project-specific applications</u> necessary for SEPA Lead Agencies to evaluate baseline conditions.	The underlined language is incorrect, overbroad. A PEIS lacks authority to legislate or regulate so as to require a geotech survey for every transmission proposal, which fails to account for the Lead Agency's discretion and the nature and scope of the project-specific proposed work.
90-82	3-51	3.2.4 Earth - Potential Mitigation Measures	GEO 3, 4, 5 and 8	Unnecessary. General condition requiring compliance with all laws, regulations, environmental permits, plans, already accounts for this.
90-83	3-51	3.2.4 Earth - Potential Mitigation Measures	GEO 7 - Geo-7 – Environmental Assessments: Perform detailed environmental assessments to identify potential contamination. Rationale: <u>This is a required component of project-specific applications</u> necessary for SEPA Lead Agencies to evaluate baseline conditions.	The underlined language is incorrect and overbroad. A PEIS lacks authority to legislate or regulate so as to require an environmental assessment as part of a project application, and fails to account for the Lead Agency's discretion and the nature and scope of the project-specific proposed work..
90-84	3-51	3.2.4 Earth - Potential Mitigation Measures	GEO 8 - Minimize impacts to sensitive soils.	Sensitive soils is undefined/vague, overbroad, and used without citation to applicable science, law, or regulation. Compliance with general condition requiring compliance with applicable laws adequately addresses.
90-85	3-52	3.2.4 Earth - Potential Mitigation Measures		Add the Washington Clean Air Act (RCW 70A.15) to the table of laws and regulations for air quality and add reference to the seven regional air quality agencies around the state (not only Ecology regulates air in Washington)
90-86	3-78	3.3.3.2	Increased Fugitive Dust Emissions	That impact discussion of construction fails to consider state and local air regulations regarding fugitive dust. The determination should be updated based on an assessment of these regulations.
90-87	3-83	3.3.4 Air - Potential Mitigation Measures	Water Use & Importance bulleted items explaining why water is important to Washington	Recommend removal: this is editorial advocacy, not regulations

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90-88	3-94 and throughout PEIS	3- all Regulatory, Siting, and Design Considerations subsections	Each of the cited sections states that cities and counties in Washington are subject to the Growth Management Act, RCW 36.70A.	This is partially correct, partially incorrect. All Washington counties and cities must comply with the Critical Areas provisions of RCW 36.70A (the <u>Growth Management Act</u> or GMA) and related regulations in WAC 165-195. However, not all counties do their planning under the remaining provisions of the GMA. Rather, there are various counties across the state (in both eastern and western WA) that plan under the <u>Planning Enabling Act</u> found in RCW 36.70 (the PEA). The land use planning requirements for the non-GMA counties and cities are vastly different than the requirements for GMA counties and cities. To the extent any of the PEIS analysis and avoidance, BMPs, mitigation measures are based on policies, statutory requirements or regulations are based on GMA provisions, these should be examined to determine whether the Planning Enabling Act contains identical requirements. If not, the analysis and recommended measures should be revised so that there is either consistency throughout or there are two tables of measures - one table for GMA counties/cities, and one table for PEA counties/cities.
90-89	3-115	3.4.3.2	Increased Water Usage: Construction activities often require water for dust control, concrete mixing, and other processes, which can strain local water resources.	The use of water for construction is temporary and for transmission projects does not involve great quantities. This impact characterization is not accurate or should be limited to areas where there is limited water available.
90-90	3-115	3.4.3.2	Temporary Water Diversions: Construction may involve temporary diversions of waterbodies to facilitate the building process, which can affect the availability of water downstream.	This impact characterization is not correct. Rules require that temporary diversion maintain downstream flows.
90-91	3-116	3.4.3.2	Impact Determination: Depending on the scale of the facility and site characteristics, the impact, without mitigation measures incorporated, is anticipated to vary and could be negligible to high. Avoidance criteria or mitigation measures may be required to reduce the rating to a less than significant impact.	This impact determination should not include a "high" designation. The description of impacts to water quantity or quality does not reach this level.
90-92	3-116	3.4.3.2	Damage to Infrastructure	The impact discussion does not accurately discuss impacts to infrastructure. Construction equipment, etc. is not infrastructure and impacts to project activities should not be included within impact discussions. If included this impacts should be characterized as low.
90-93	3-210	3.5.4 Vegetation PMMs	Regarding vegetation management plans, invasive species management plans, and revegetation plans, the PEIS states, " <u>This is a required component of project-specific applications necessary to demonstrate regulatory compliance and risk management.</u> "	The underlined statement is inaccurate and misleading. Requirements for project-specific transmission application are not uniform. The application requirements will vary depending the permitting jurisdiction, as well as the project itself. For example, projects within highly disturbed ROW may not require all of these plans.
90-94	3-223	3.5.1.1 Suitability Map Methodology - Vegetation GoldSET Card – Low Conflict - Sensitive Ecosystems and Species at Risk 3.5.1.1 Vegetation GoldSET Card – Medium Conflict - Fragmentation of High Sensitivity Areas	"Note that a 775-foot buffer around Medium Conflict - Sensitive Ecosystems and Species at Risk was provided in the dataset."; "This criterion includes a 775-foot buffer around High Conflict - Sensitive Ecosystems and Species at Risk."	The PEIS provides no explanation or source for these 775-foot buffers.
90-95	3-224	3.5.1.1 Vegetation GoldSET Card – High Conflict - Sensitive Ecosystems and Species at Risk	Note that a 300-foot buffer around wetland areas and a 100-foot buffer around PHS cave points were provided in the data set	The PEIS provides no explanation or source for these buffers.
90-96	3-230	3.6.2.1	Management Practices Field Guide for ESA 4 (d) Habitat Protection (WSDOT 2018)	Simply because roads and transmission lines are both linear facilities does not mean that all impacts and measures apply equally to both. What study documents the applicability of highway management practices for wildlife to transmission? If this is not shown, remove this citation and eliminate analysis and measures based on it.

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90-97	3-231	3.6.2.1 Ungulate Migrations of the Western United States, Volume 4 (Kauffman et al. 2024)	"Provides information on ungulate movement routes for species in the western United States, which can help transmission line developers avoid key areas."	This is a document intended to inform the development of policy. The policy itself is what should be used here.
90-98	3-242	3.6.2.1 Affected Environment	Important Bird Areas	Importantly, RCW 79.70.110(5) states that "[5] "Recognition of an important bird area does not require or create critical area designation under chapter 36.70A RCW." In this case, the default regulatory authority should be critical areas designations of the jurisdiction where a transmission line is proposed.
90-99	3-274	3.6.2.3	"Modeled least-cost paths and corridors create a braided network in western Washington, connecting the Cascade Mountains to the west coast (WHCWG 2024b). These routes are fairly contiguous except when bisected by road networks and urban centers such as Olympia and Centralia. Notably, connectivity is currently impacted in this region by US Highway 12, Interstate 5, and State Route 8 (WHCWG 2024b). Conversely, habitat connectivity in the Columbia Plateau Ecoregion has been fragmented by land development limiting movement corridors to narrow bands between patches of remanent habitat"	The conclusions stated here seem improbable, and this discussion should be vetted with careful review of the cited authorities and by cross-reference to other authorities. The first conclusion states that notwithstanding Interstate 5, US Highway 21 and SR 8, the connectivity routes from the Cascade Mountains to the Pacific Ocean are "fairly contiguous" but that in eastern Washington, due to Interstate 90, development has so fragmented the habitat that movement corridors are limited to just narrow bands between patches of remanent habitat. In other words, animals have little problem moving around in Western Washington, but land is so degraded in Eastern Washington that little remains for corridor movement. Of the state's population of 7,705,281 (2020 Census), supported by human development, 6,037,688 are densely packed into Western Washington, leaving only 1,667,593 spread across nearly twice the land mass (24,472 square miles in Western WA vs. 46,620 square miles in Eastern WA). This does not seem credible.
90-100	3-274	3.6.2.3 Wildlife - Migration Routes and Corridors	Modeled least-cost paths and corridors create a braided network in western Washington, connecting the Cascade Mountains to the west coast (WHCWG 2024b). These routes are fairly contiguous except when bisected by road networks and urban centers such as Olympia and Centralia. Notably, connectivity is currently impacted in this region by US Highway 12, Interstate 5, and State Route 8 (WHCWG 2024b).	These sentence are duplicated in a single paragraph. Delete the second presentation of same sentences.
90-101	3-274	3.6.2.3 Wildlife - Migration Routes and Corridors	"The Washington State Department of Transportation has mapped and prioritized roadway habitat connectivity investments throughout the state. While this program does not identify wildlife movement corridors, it does identify areas of higher priority to improve wildlife habitat connectivity and reduce road-based mortality."	Paved roads and non-stop auto travel impacts and one-time construction impacts are wholly different. Please explain, with citation to authorities and BAS, why the effects of highways and road on migration and mortality are remotely relevant to effects on animal migration corridors and mortality from transmission rights of way, especially existing ROWs, are analogous or even relevant.
90-102	3-276	3.6.3.1 Wildlife - Methods of Analysis	▣ "Barriers to wildlife movement: occur when project features prevent or change species' ability to move across the landscape. Barriers can include physical constraints (e.g., fencing), as well as features that species may avoid crossing. Barriers to movement are considered qualitatively in this assessment based on existing literature, including modeled movement corridors.	Why is this even included as an enumerated specific impact to study? Fencing an entire ROW is not an industry practice. What features of transmission might species avoid crossing?
90-103	3-284	3.6.3.1 Wildlife - Methods of Analysis	Multiple studies have found that infrastructure causes indirect impacts on wildlife and wildlife habitat that are greater than the sum of the direct habitat loss impacts (Benítez-López et al. 2010).	Again, please review the cited authority to determine whether the infrastructure cited in that study includes transmission lines and if so, what unique aspects of transmission lines impact wildlife and then, how that study influenced the impact determination.
90-104	3-284	3.6.3.1 Wildlife - Methods of Analysis	There is limited research examining the impacts of light on wildlife. It is often difficult to separate the combined influence of industrial noise, artificial light, and edge effect on wildlife species. Artificial light has the potential to affect the timing of reproductive behavior of wildlife species (Kempenaers et al. 2010).	How did this single study inform the impact determination?
90-105	3-284	3.6.3.1 Wildlife - Methods of Analysis	In general, wildlife are expected to respond to changes in noise levels that are 10 decibels (dB) above ambient levels, with some species avoiding construction by over a mile.	Lacks citation.
90-106	3-285	3.6.3.1 Wildlife - Methods of Analysis	In oil and gas development projects, noisy areas have been shown to reduce mule deer habitat, with caribou and white-tailed deer similarly avoiding these areas (Rutherford et al. 2023).	Is the noise of oil and gas development analogous to transmission development? If so, cite authority. Did this study inform them the impact assessment and if so, how?

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90-107	3-310	3.6.3.2	Mortality - Birds	The impact discussion mixes impacts from transmission and distribution. Since this document is for transmission the distribution discussion should be eliminated.
90-108	3-334	Table 3.6-2 Non-Regulatory Siting and Design Considerations	Management Recommendations for Washington's Priority Species (MRWPS): Ferruginous Hawk (Watson and Azerrad 2024)	Confirm that this new document does not suggest absolute 2-mile setback from unoccupied Ferruginous hawk nests; needs to require documentation that the nest even exists. The state's maps are not kept up to date and many historically noted nests no longer exist.
90-109	3-357	3.6.1 Wildlife Suitability Map	Figure 3.6-4 through Figure 3.6-7 represent the suitability map for habitat, wildlife, and fish resources and identifies the appropriateness of areas using applicable laws and regulations, criteria specific to the siting of transmission facilities, and knowledge from subject matter experts. The suitability maps incorporate all the data, conflict weights , and impact categories to create a statewide perspective of all the potential wildlife impacts and least conflict or highest conflict areas; these four maps are a wildlife overhead suitability map, wildlife underground suitability map, fish overhead suitability map, and fish underground suitability map.	The bolded term is unclear and undefined. If one were to overlay the suitability maps of this subsection (3.6 - Wildlife) alone, there is almost zero land in WA where conflicts are not moderate. How does this advance the efficiency or effectiveness of SEPA review?
90-110	3-367	3.6.1.1 - Suitability Map Methodology	"Data used for wildlife cards included Priority Habitat and Species data from WDFW (including data such as grouse lek sites, colony locations, amphibian breeding sites, and snake hibernacula), critical habitat data from USFWS, IBA locations , and wildlife habitat connectivity priority areas."	This provision is emblematic of the problem of using criteria that are not regulatory and are proprietary. The goldSET is meant as a developer's infrastructure routing and site selection tool. It is unclear if it is intended as tool to develop binding standards as will happen once this PEIS is final. When a non-binding factor like an IBA (just to illustrate and not meant to limit the effect of this comment throughout) becomes binding as an Avoidance Measure or informs a suitability map, and it is not clear how heavily that factor weighted the map itself, it becomes very difficult to accept that the EIS is factually or legally adequate. It is troublesome, to say the least, that the Suitability Maps for wildlife are incredibly exclusionary, and it is difficult to know how the IBA (in this example) was weighted.
90-111	3-367	3.6.1.1 - Suitability Map Methodology	"Buffer distances for watercourses and waterbodies, and from important wildlife features were also based off the best available information, with the wildlife buffers that were used being found in Appendix 3.6-1."	Reference to Appendix 3.6-1 does not reveal how the buffer distances for watercourses and waterbodies, and from important wildlife features, were determined. How WERE they determined?
90-112	3-414	3.8.2.4 Electromagnetic Fields	"The overarching consensus of the scientific panel reviews is that neither electric nor magnetic fields are conclusively likely to cause adverse health effects at the long-term, low-exposure levels associated with electrical transmission." "[T]he public health and safety impacts of EMFs remain contentious, with little consensus among researchers and regulatory bodies regarding their potential health effects."	The discussion in this section is contradictory and confusing. The last sentence is inaccurate; it is not the "overarching consensus of the scientific panel reviews," and it is misleading to characterize the scientific evidence as having "little consensus." The latter sentence should be deleted or rewritten.
90-113	3-414	3.8.2.4 Electromagnetic Fields	"While there are no federal regulations for public exposure to low frequency EMFs in the United States, . . . [a] safe, minimum distance of 100 feet from transmission facilities is recommended to minimize the health effects of EMFs (NIEHS 2024)."	This recommendation is unsupported and appears to mischaracterize the reference cited. The PEIS References lists https://www.niehs.nih.gov/health/topics/agents/emf as the supporting URL for NIEHS 2024. This page does not contain this recommendation; in fact, the page states, "[A] magnetic field measuring 57.5 milligauss immediately beside a 230 kilovolt transmission line measures just 7.1 milligauss at a distance of 100 feet, and 1.8 milligauss at a distance of 200 feet, according to the World Health Organization in 2010." This statement indicates that the magnetic field within 100 feet of a transmission line is extremely low and at or below the ranges of standard household appliances.
90-114	3-417	3.8.3.2	Increase in Accidents and Injuries	The impacts determination over estimates impacts on this category. Federal and state worker safety laws do not appear to be factored into the discussion.
	3-421	3.8.3.2 Action Alternative	"While there are currently no laws regulating levels of EMF, due to the few implications, the effects of EMF should be minimized where possible. The safe distance from high-voltage transmission lines can vary, but a common guideline is to maintain a distance of at least 100 feet to reduce exposure (NIEHS 2024)."	See comments above for 3.8.2.4 Electromagnetic Fields.
90-115	3-426	3.8.4 Potential Mitigation Measures	H&S-4 states, "Develop and apply an electromagnetic field (EMF) and electromagnetic interference (EMI) risk management strategy that regularly considers the consequence, likelihood, and significance of EMF and EMI[.]"	The PEIS characterizes the risk of EMF/EMI as either N/A, or nil to low, before applying mitigation. (See p. 3-430). This mitigation measure is not justified given the lack of risk of impact.
90-116	3-426	3.8.4 Potential Mitigation Measures	H&S-5 requires establishment of an anonymous tip hotline for workers during construction and operation.	The intent, scope, and details of this mitigation measure is unclear. For example, it is unclear who is to operate the tip hotline, whether the hotline is expected to remain active throughout the transmission line's operations (spanning decades), and how this measure is warranted when the preceding impact analyses states that the risks to workers are generally considered low, particularly during operation.

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90-117	3-461	3.9.3.2 Action Alternative	"New easements or ROWs could also create perceived or indirect incompatibilities on adjacent or nearby property owners, including residents, visitors, and businesses."	The use of the word "perceived" invites subjectivity into the analysis. Assessment of land use incompatibility should be based on defined regulatory criteria, and the perception of incompatibility alone should not be characterized as an impact.
90-118	3-511	3.10.4 Potential Mitigation Measures	TR-1 calls for completion of a traffic impact analysis.	A TIA may not be warranted for upgrades or modifications of existing facilities or for projects that utilize existing corridors, as such projects are unlikely to generate new impacts to transportation patterns.
90-119	3-533	3.11.3.2 Action Alternative	"If existing utilities need to be de-energized or relocated to accommodate the construction of underground transmission facilities, temporary disruption to services would occur."	Service disruption is not a certain impact, as utilities may have redundancies to avoid disruption.
90-120	3-537	3.11.3.2 Action Alternative	The PEIS notes an "increased risk of power outages at public service facilities" if the operation or maintenance of transmission facilities results in a power outage.	The assumption that projects may result in increased risk of power outages may not be supported. Rather, a failure to develop transmission facilities may result in increased risk, as existing facilities are not sufficient to meet the projected demand.
90-121	3-537	3.11.3.2 Action Alternative	The PEIS notes an increased demand for fire protection, law enforcement, and emergency response services and states that the impact is expected to be negligible to high.	While demand for services may increase in response to an event, the PEIS does not support the conclusion that normal operation/maintenance of transmission facilities are associated with an increased demand for public services.
90-122	3-566	3.12.3.3	Impact Determination: Depending on the scale of the facility and site characteristics, the impact of degradation of the night sky, without mitigation measures incorporated, is anticipated to vary and could be low to high. Avoidance criteria or mitigation measures may be required to reduce the rating to a less than significant impact.	The impact characterization for these temporary construction impacts is not accurately characterized as High.
90-123	3-567	3.12.3.3	The PEIS's impacts analysis generally highlights the potential visual impact of transmission facilities.	The discussion should acknowledge that transmission facilities may be sited within existing transmission corridors or within existing road rights-of-way. Siting within existing corridors reduces the visual impact because viewer sensitivity is lower, and the existing corridor must be considered as part of the existing views.
90-124	3-569	3.12.3.3	Degradation in Aesthetics	This section characterizes rural areas as visually sensitive. There is no basis in policy for this characterization. Rural areas have varying characteristics and this makes no differentiation. This impact discussions should be updated.
90-125	3-574	3.12.4 Potential Mitigation Measures	Vis-3 states, "Create varied, feathered vegetation edges for cleared areas and linear rights-of-way (ROWs) that are sinuous horizontally and layered vertically."	This language is unclear. The PEIS does not provide a citation for this standard, and it is unclear if this mitigation measure is consistent with industry best practices.
90-126	3-575	3.12.4 Potential Mitigation Measures	Vis-4 states, "Use underground construction methods in areas with high scenic quality and/or open rural areas, depending on geologic conditions"	As noted in the PEIS, underground construction methods are significantly more costly. Using underground methods as a mitigation measure may not be prudent when transmission facilities may be sited in areas with high scenic quality and/or open rural areas without causing significant visual impact.
90-127	3-575	Vis-4	Underground Construction: Use underground construction methods in areas with high scenic quality and/or open rural areas, depending on geologic conditions.	While this mitigation measure is effective, it is too costly to be widely used. Also, the applicability to open rural areas is not applicable.
90-128	3-575	Vis-6	Visual Impact Assessment	Studies alone are not mitigation and should be characterized differently.

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90-129	3-612	3.13.3.2	Action Alternative	The assessment of noise impacts fails to include anticipated noise levels. This fails to disclose noise levels anticipated from transmission.
90-130	3-647	3.14.3.2	"In some cases, construction activities could result in permanent closures of recreational spaces if they are no longer deemed viable for public use or if continued access would compromise public safety or environmental integrity. Permanent closure would have a long-term adverse effect on recreational facilities and users by restricting access to public land or areas with a long history of recreational use."	Siting of transmission facilities would seek to avoid long term permanent impacts to recreation activities. It would be extremely rare for a project to result in permanent closures, and any such closures would likely consist of small areas associated with pole placements or similar impacts. This section should be updated to reflect this and the resulting impact determination reflect the likelihood of this occurring.
90-131	3-648	3.14.3.2	Construction projects often have associated publicity that can raise awareness about recreational facilities, attracting new users who were previously unaware of them. Large construction projects can lead to more frequent use due to temporary construction workers.	This impact characterization is very speculative and should be eliminated. In addition, this characterization includes impacts from urbanization which is not part of the proposed action. These impacts should be removed.
90-132	3-648	3.14.3.2	Change in Integrity	Impacts from change in integrity should be qualified to apply only to those facilities where integrity could be impacted. Parks in urban areas are often already in situations where landscape conditions are dominated by urban features and development. Additional transmission facilities would not impact integrity of these features. This section should be updated.
90-133	3-651	3.14.3.2 Action Alternative	The PEIS notes that access roads may have positive impacts on recreational facilities, serving as a "multipurpose access point for various uses, including off-highway vehicles, mountain biking, walking, snowshoeing and cross-country skiing, dogsledding, and hunting."	It should be noted that transmission corridors may have similar positive impacts on recreational facilities. It is not uncommon to site trails within utility corridors, and there are existing examples in Washington state.
90-134	3-700	3.15.3.2 Action Alternative	"Introduction of a modern structure into the boundary of NRHP/NHL property could result in a negligible to high impact on these resources if setting is a significant aspect of integrity for the historic property"; "Introduction of modern structures into the viewshed of these historic resources could have a negligible to high impact on these resources if setting is a significant aspect of integrity[.]"	The nature of the setting should also be considered when assessing the impact. Many settings already incorporate and include the presence of modern structures and development.
90-135	3-703	3.15.3.2 Action Alternative	The PEIS characterizes the risks of physical impacts to TCPs and Tribal resources as "moderate to high" and "moderately high", and appears to characterize the removal or loss of any vegetation identified as a TCP as a high impact.	The characterization of the level of risk is unsupported. Note that impacts can be lessened through minimized disturbance footprints and/or utilizing existing disturbed areas. Further, the degree of impact of loss of vegetation should consider factors such as the amount of loss, the prevalence of the remaining vegetation, and the ability to regrow vegetation.
90-136	3-704	3.15.3.2 Action Alternative	The PEIS characterizes the risks of visual impacts to TCPs and Tribal resources as "moderate to high."	Similar to the comment above, the assessment of impacts must consider the existing baseline conditions and the degree to which modern structures are already part of the setting or viewshed.
90-137	3-710	3.15.3.2 Action Alternative	"High impacts on Tribal resources and TCPs could result if the vegetation intersects locations where Tribal resources are hunted, gathered, or fished. High impacts on TCPs could result if the loss of vegetation diminishes the setting and feeling of the TCP."	The PEIS characterizes these risks as "high." Given the degree of considerations and the non-project nature of this analysis, risks should be characterized as a range. The PEIS does not provide support for characterizing the risk level at a single defined level, or for characterizing that risk level as "high."
90-138	3-711	3.15.3.2 Action Alternative	The PEIS characterizes the potential impacts of upgrade/modification of overhead facilities as being "similar to those described for construction of new transmission facilities."	For other elements of the environment, the PEIS has consistently acknowledged that impacts of an upgrade/modification are likely to be lower compared to construction of new facilities. The PEIS does not provide any support for a different conclusion here.

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90-139	3-731	3.16.1 Regulatory, Siting, and Design Considerations	The PEIS cites several EOs as applicable legislation.	The current administration has issued several EOs with conflicting or contradictory provisions. We recognize that there are ongoing challenges to the validity/constitutionality of some of these EOs, and that the EOs may not align with state/local laws and policy. Given the recency and uncertainty, this background may be challenging to incorporate into the impacts analysis but, at a minimum, should be disclosed as relevant background.
90-140	3-745	3.16.2 Affected Environment	The PEIS recognizes that the "economic benefits from infrastructure construction are often considered positive" but calls for a project-specific economic impacts analysis (EIA).	An EIA may not be warranted for all projects, particularly given the lack of an adverse impact.
90-141	3-780	3.16.3.2	Change in Home Values	This topic is very complex, and the impacts described are not based on any data or other studies cited and is mostly speculative. This section should be updated to cite specific empirical studies that have linked changes in housing costs to transmission construction. It should also reflect the conditions under which values could be impacted (e.g., proximity) and note where those end. Additionally, for a balanced discussion, the PEIS should also acknowledge that there are also many factors on property values that likely have a vastly greater impact on values than transmission lines. This should be acknowledged.
90-142	3-775	3.16.3.2	The PEIS describes a wide range of potential socioeconomic/EI impacts.	Several of the impacts described in this section appear to be remote, speculative, and/or not based on data or studies. E.g., a "decreased sense of belonging" due to visual impacts, loss of employment due to adverse impacts to tourism or agri-tourism, permanent adverse effects from decreased housing availability, lowering of home values locally and on an area-wide basis, and generally broad claims of adverse impacts such as to "a population's overall well-being and social conditions."
90-143	Appendix 3.9-1	Appendix 3.9-1, Washington County Comprehensive Plans		There are likely additional comprehensive plan policies that support or align with transmission facility development, beyond those stated in the Appendix. For example transmission facility development supports economic development by increasing employment; improves reliability of utility services; increases tax revenues; and supports policies and goals related to decarbonization and addressing climate change.

Sara Leverette, (Submission 90) - Continued

90-144

Attachment B

Sara Leverette, (Submission 90) - Continued

Comparison of Avoidance Criteria Between Draft Transmission PEIS and Federal Environmental Review Documents

Avoidance Criteria ("AC")/Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
The "o" is used to symbolize that the AC or MM is present in the environmental review document.				
What do the highlights mean: • NO HIGHLIGHT → AC/MM in a single environmental review. • PINK → Symbolizes two environmental reviews which have the same or similar language for an AC or MM. • GREEN → Symbolizes three environmental reviews which have the same or similar language for an AC or MM. • BLUE → Where all four environmental reviews have the same or similar language for an AC or MM.				
PEIS AC				
Hazardous Areas:				
• Avoid known hazardous areas, including but not limited to, contaminated soils, geologically hazardous areas, landfills, and cutbanks.	o			
Wetland Disturbance:				
• Avoid impacts within 300 feet of all wetlands.	o			
Sensitive Water Features:				
• Avoid impacting areas sensitive to degradation, including adjusting the layout of new transmission facilities to steer clear of sensitive water features.	o			
Floodplains:				
• Avoid having equipment or infrastructure within floodplains.	o			
Areas of Rapid Channel Migration:				
• Avoid having equipment or infrastructure in areas of rapid channel migration.	o			
Old-Growth and Mature Forests:				
• Avoid old-growth forests, which include forests older than 200 years in western Washington and greater than 150 years in eastern Washington, and mature forests, which include forests greater than 80 years.	o			
Rare, Endangered, or Threatened Plant Species and Sensitive Ecosystems:				
• Avoid impacts on rare, endangered, or threatened plant species and sensitive ecosystems.	o			

Avoidance Criteria ("AC")/Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Important Habitat: Avoid impacts on important and sensitive wildlife habitat, including:				
• National wildlife refuges, parks, and other state or federally protected areas	o			
• Washington State lands managed as wildlife areas, conservation easements, and other state managed lands for conservation.	o			
• Important Bird Areas.	o	o ¹		
• Known stopover locations for migratory species.	o			
• Mapped critical habitat for federally listed species and habitat identified in state or federal management plans for state listed species.	o			
• Mapped upstate winter and summer range.	o			
• Mapped habitat concentration areas.	o			
• Wetlands, including a 300-foot buffer.	o			
• Known bat maternity colonies and hibernacula.	o			
• Known snake hibernacula.	o	o ²		
• Washington Shrubsteppe Restoration and Resiliency Initiative greater sage-grouse core and corridor areas.	o	o ³		
Movement Corridors:	o			

¹ Avoid construction or other disturbance within 0.6 mile of active or potentially active ferruginous hawk nest sites from March 1 through August 1. Avoid all historic ferruginous hawk nest site locations after March 1 until it is certain a particular location will not be used for nesting that breeding season. Midway-Benton No. 1 Transmission Line Rebuild Project - Mitigation Action Plan (page 4).

² Avoid construction or other disturbance within 0.6 mile of active or potentially active ferruginous hawk nest sites from March 1 through August 1. Avoid all historic ferruginous hawk nest site locations after March 1 until it is certain a particular location will not be used for nesting that breeding season. Midway-Benton No. 1 Transmission Line Rebuild Project - Mitigation Action Plan (page 4).

³ Minimize the project ground disturbance footprint, including access road widths, particularly in special-status areas, which can include shrub-steppe. Midway-Benton No. 1 Transmission Line Rebuild Project - Mitigation Action Plan (page 4).

Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
The "o" is used to symbolize that the AC or MM is present in the environmental review document.				
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Avoid impacts on modeled movement corridors with medium to very high linkage as reported by the Washington Wildlife Habitat Connectivity Working Group unless the project is sited within or adjacent to an existing right-of-way or linear feature (e.g., a roadway).				
Buffer Setbacks for Wildlife and Wildlife Features: Avoid impacts within the setbacks for wildlife and wildlife features identified in Appendix 3.6-1. Applicants would verify and update as new buffers are recommended by Washington State (e.g., Washington Department of Fish and Wildlife [WDFW], Washington State Department of Ecology). Buffers and setbacks would be reviewed with WDFW prior to the submittal of a project-specific application.	o			
Oil-Containing Conductor Cables: When installing underground transmission lines, avoid the use of oil-containing equipment for cooling. Cooling should be achieved through cross-linked polyethylene (XLPE) insulation material or other, best available technology.	o			
Heat Sources: Avoid collocation with other heat sources like steam mains.	o			
Land Use and Zoning Incompatibility and Conflicts: Avoid incompatible land uses and zoning. Demonstrate that there are no indirect or adjacent land use conflicts with private property owners or public land administrators.	o			
Civilian Airports and Military Installations:	o			

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Avoid impacts on civilian airports, surrounding runway protection zones, and military installations, such as the Yakima Training Center, National Security Area, and Boardman Geographic Area of Concern.				
Non-Compliance with Utilities Accommodation Policy: Avoid planning, siting, and constructing transmission facilities that are not properly accommodated within highway rights-of-way (ROWs).	o			
Decrease in LOS below Acceptable Levels: Avoid a decrease in level of service (LOS) below level C on roads used during construction and avoid additional LOS reductions during construction on roads already below level C.	o			
Night Sky: Avoid impacts on areas managed for the protection of night sky.	o			
Exceptional Recreation Assets: Avoid impacts on, or within the viewshed of, exceptional recreation assets as defined by the Washington State Recreation and Conservation Office (RCO).	o	o ⁴		
Wilderness Areas: Avoid impacts on, or within the viewshed of, designated wilderness areas.	o			
Limit Closure of Recreation Resources:	o			

⁴ Site all construction staging and storage areas away from locations that would be clearly visible from sensitive scenic areas, as much as practical. Midway-Benton No. 1 Transmission Line Rebuild Project- Mitigation Action Plan (Page 4).

Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Consider closure and restrictions only after other mitigation strategies and alternatives have been explored. Avoid long-term closure and restriction of recreation resources lasting more than 24 months.				
Physical Impacts on Historic and Cultural Resources: Avoid physical impacts on historic and cultural resources.	o			
Visual Impacts on Historic and Cultural Resources: Avoid visual impacts on historic and cultural resources.	o			
Physical Impacts on Tribal Resources and TCPs: Avoid physical impacts on Tribal resources, including first foods, and Tribal Cultural Properties (TCPs).	o	o ⁵		
Visual Impacts on Tribal Resources and TCPs: Avoid visual impacts on Tribal resources and Tribal Cultural Properties (TCPs).	o			
Disproportionate Impacts on Environmental Justice Communities: Avoid disproportionate impacts on vulnerable populations or overburdened communities.	o			
Displacing Residents or Housing Units: Avoid land acquisitions that result in displacing residents of housing units.	o			
Midway-Benton MM				

⁵ "Restrict work areas, such as through the installation of exclusion fencing and maiting, to avoid disturbance to cultural resource sites."; "Minimize construction footprints in areas containing identified ethnobotanical species of concern, where practical"; "Minimize workspace footprints within traditional cultural property (TCP) boundaries, as much as practical." Midway-Benton No. 1 Transmission Line Renewal Project-Mitigation Action Plan (Page 5).

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Land Use and Transportation				
- Reduce access road widths to 14 feet-wide, or less, to the extent possible. - Revegetate disturbed areas, with native seeds and plants, after the conclusion of construction, with the exception of those areas required to remain clear of vegetation to ensure the safety of the transmission line and access to the structures and in previously cleared staging areas. - Keep construction activities and equipment clear of U.S. Department of Energy's Richland Operations Office (DOE-RI) access roads, to the extent possible. - Use water trucks or other measures to minimize fugitive dust during project construction. - Coordinate the routing and scheduling of construction traffic with DOE-RI staff. - Publicize road closures and traffic delays to minimize impacts to traffic. - Employ traffic-control flaggers and post signs warning of construction activity and merging traffic, when necessary, for short interruptions of traffic.		o	o	
Geology and Soils				
- Minimize the project ground disturbance footprint, particularly in areas prone to erosion (i.e., sandy soils) - Limit the amount of time soils are left exposed. - Design roads to limit water accumulation and erosion; install appropriate access road drainage (ditches, water bars, cross drainage, or roadside berms) to control and disperse runoff - Develop revegetation strategies, including soil preparation as necessary, using site-specific methods developed for use within the Hanford Site.		o	o	o

Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Vegetation				
• Cut or crush vegetation rather than blade in areas that would remain vegetated to maximize the ability of native plants to resprout.		o		
• Prepare soils if needed prior to seeding.		o		
• Collaborate with the DOE-RL to determine and carry out the best control measures deemed locally effective for weed control during construction and over the life of the line		o		
• Conduct invasive weed surveys prior to and following construction to determine potential weed spread and appropriate corrective actions.		o	o ⁶	o
• Where possible, treat identified infestations prior to construction either manually, mechanically, and/or chemically.		o		
• Air- or water-pressure wash vehicles and other equipment that have been in weed infested areas at established blow or wash stations upon leaving the infested areas to prevent spreading weeds to uninfested areas during construction.		o	o ⁷	o
• Monitor and treat existing and new infestations during construction on a minimum annual basis and for 3 years after construction.		o	o ⁸	o

⁶ Assess whether noxious weeds have spread or increased in abundance as a result of construction activities using the results of the pre-construction noxious weed survey conducted for the Proposed Action (Woodland Resource Services Inc. 2011). Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 4).

⁷ Implement measures to minimize the introduction and broadcast of weed seeds during construction. Wash equipment and vehicles before entering construction areas. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 4).

⁸ Periodically inspect resseeded sites to verify adequate growth. If necessary, implement contingency measures to ensure adequate growth and vegetation cover. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 4).

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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• Use weed-free mulch, if mulch is used for erosion control.		o		
• Equip all vehicles with basic fire-fighting equipment, including extinguishers and shovels to prevent fires that could encourage weed growth.		o		
• Reduce access road widths to 14-foot-wide or less (instead of a maximum of 20 feet) to the extent possible. Reduce road width within Levels III and IV vegetation (e.g., 12-foot-wide maximum) as much as possible.		o		
• Reduce construction footprint to 50-feet by 50-feet instead of 100-feet or 100-feet by 100-feet in Levels III and IV habitat types, as much as possible.		o		
• Make BPA contractors aware of the locations of sensitive plants identified in the preconstruction botanical survey and establish site-specific avoidance strategies during construction.		o	o ⁹	
• Develop a soil and vegetation restoration plan prior to construction in coordination with DOE-RL and other interested parties.		o		
• Catalog all individual plants and clusters of special-status plant species that cannot be avoided and include in the soil and vegetation restoration plan measures to replace at least as many individual plants as were lost.		o	o ¹⁰	o

⁹ Install stakes or flagging in sensitive areas such as the vicinity of special status plant species populations (including those identified during pre-construction surveys) prior to construction, where needed to minimize disturbance and to ensure that sensitive areas are avoided during construction.

¹⁰ Conduct surveys for federally and state-listed plant species along proposed off-right-of-way (ROW) access roads and travel routes between line mile 17 and the Bell Substation prior to construction-related use of these access roads and travel routes. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 4).

Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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- Use seed and rooted planting materials in accordance with Section 7.7.2 of the Hanford Site Biological Resources Management Plan (DOE-RI 2001) that (1) represent a broad community (shrubs, forbs, grasses) and include species of plants that have cultural significance to the tribes, (2) are native to the Hanford Site, and (3) are the appropriate specific genetic or ecotypic derivation for the Hanford Site - Implement restoration or stabilization actions as soon as is reasonably possible after ground disturbing activities. - Develop a plan, in cooperation with DOE-RI and other interested parties, to support off site restoration projects that would compensate for long-term or permanent sensitive vegetation loss, if needed		o	o ¹¹	o
- Minimize the project ground disturbance footprint, including access road widths, particularly in special-status areas, which can include shrub-steppe. - Reseed disturbed areas - Prepare for fire control to protect habitats.		o		o
Wildlife				
- Minimize the project ground disturbance footprint, including access road widths, particularly in special-status areas, which can include shrub-steppe. - Reseed disturbed areas - Prepare for fire control to protect habitats.	o	o	o ¹²	o
		o	o	o
		o		

¹¹ Mulech and reseed disturbed, non-farmed areas once construction is complete using a predominantly native seed mix or a seed mix agreed upon with landowners to make it less likely that noxious weed infestations will expand within the study area. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 4).

¹² Avoid construction and activities within high-use native habitats, especially riparian, shrubsteppe, and pine forest habitat, during spring to reduce the potential for impacting reproduction of various wildlife taxa wherever possible. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 5).

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- Plant native shrubs, such as big sagebrush, to replace shrub cover temporarily lost during construction. - Reseed disturbed areas after construction and regrading are complete, at the appropriate time period for germination with a seed mix recommended by DOE-RI and other Hanford land management agencies and in consultation with other interested parties, as appropriate. - Avoid construction or other disturbance within 0.6 mile of active or potentially active ferruginous hawk nest sites from March 1 through August 1. - Avoid all historic ferruginous hawk nest site locations after March 1 until it is certain a particular location will not be used for nesting that breeding season. - Develop a nest site protection plan that addresses construction-related impacts on Swainson's and red-tailed hawks, burrowing owl, long-billed curlew, and other bird species. - Continue to advise transmission maintenance crews on an annual basis of the occurrence (general and/or specific locations), seasons of use, and sensitivity of nesting migratory birds, raptors, and other special-status species that could be adversely affected by maintenance activities. These crews		o		
		o	o ¹³	
	o	o	o	o
		o	o ¹⁴	o
		o		
		o		

¹³ Mulech and reseed disturbed, non-farmed areas once construction is complete using a predominantly native seed mix or a seed mix agreed upon with landowners to make it less likely that noxious weed infestations will expand within the study area. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 4).

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Sara Leverette, (Submission 90) - Continued

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will incorporate this information into their maintenance planning and schedules to minimize adverse impacts on sensitive species.				
• Minimize and, if practicable, avoid disturbance of potential snake hibernaculum.	o	o		
Water Resources				
• Prepare and implement, in coordination with DOE-RL, Spill Prevention and Response Procedures to prevent and contain accidental spills, including notification procedures.				
• Locate refueling and servicing operations where spilled material cannot enter natural or manmade drainage conveyances (e.g., ditches, catch basins, ponds, wetlands, streams, and pipes). Use pumps, funnels, absorbent pads, and drip pans when fueling or servicing vehicles.		o		o
Visual Quality				
• Site all construction staging and storage areas away from locations that would be clearly visible from sensitive scenic areas, as much as practical.	o	o	o ¹⁵	
• Implement construction site maintenance and clean-up and keep construction areas free of debris.		o	o	o
• Reseed disturbed areas.		o	o ¹⁷	o
Cultural Resources				

¹⁵ Prepare and implement spill prevention and response plans to minimize the potential for spills of hazardous material. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 5).

¹⁶ Locate construction staging areas away from sensitive viewers as much as possible. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 7).

¹⁷ Reseed disturbed, non-farmed areas once construction is complete using a predominantly native seed mix or a seed mix agreed upon with landowners. Periodically inspect reseeded sites to verify adequate growth. If necessary, implement contingency measures to ensure adequate growth and vegetation cover. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 7).

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• Restrict work areas, such as through the installation of exclusion fencing and matting, to avoid disturbance to cultural resource sites.	o	o	o	
• Employ tribal monitors to be present during all ground-disturbing activities with the potential to affect cultural resources.		o	o	o
• Implement BPA's Unanticipated Discovery Procedure for cultural resources. This procedure provides that: should ground-disturbing activities reveal any cultural materials (e.g., structural remains, Euro-American artifacts, or Native American artifacts), all activities in the vicinity of the find would cease. The BPA archaeologist, the Washington Department of Archaeology and Historic Preservation, and affected tribes would be notified immediately.		o	o	o
• The inadvertent Discovery of Human Remains Procedure would also require crews to cease construction immediately within 200 feet of any human remains, suspected human remains, or any items suspected to be related to a human burial (i.e., funerary items, sacred objects, or objects of cultural patrimony) encountered during project construction. The area around the discovery will be secured and the Benton County Sheriff, the BPA archaeologist, the State Historic Preservation Officer, DOE-RL archaeologist, and the affected tribes would be contacted immediately. All response processes would be coordinated with DOE-RL staff in accordance with the agreements and management plans for the Hanford Site.				
• Minimize construction footprints in areas containing identified ethnobotanical species of concern, where practical.	o	o		

Sara Leverette, (Submission 90) - Continued

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- Minimize workspace footprints within traditional cultural property (TCP) boundaries, as much as practical. - Revegetate TCP disturbance areas with native seed and vegetation species, as developed through consultation with interested tribes and DOE-RL.	o	o		
Air Quality and Climate Change				
Incorporate measures into a Fugitive Dust Control Plan, identified in consultation with DOE-RL, which would minimize dust in the dry, windy conditions at the Hanford Site		o	o ¹⁸	o
Water or use palliatives on exposed soil surfaces in areas disturbed during construction.		o	o	o
Gravel access road surfaces in areas of sustained wind to reduce potential dust erosion.		o		
Encourage construction personnel to travel at low speeds on access roads and at construction sites to minimize dust.		o	o ¹⁹	o
Reseed disturbed areas to prevent dust from erosion.		o	o	o
Shut down idling construction equipment, if feasible.		o	o ²⁰	o
Ensure all vehicles are in compliance with applicable federal and state air quality regulations for tailpipe emissions. Certification that vehicles meet applicable regulations will be provided by contractors to BPA in writing.		o		

¹⁸ Use water trucks or other dust control measures to control dust during construction. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 7).

¹⁹ Keep construction vehicles at low speeds (15 miles per hour) or unpaved access roads to minimize dust. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 7).

²⁰ Implement vehicle idling and equipment emissions measures. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 7).

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- Maintain and certify in writing that all construction equipment is in proper working condition according to manufacturer's specifications. - Locate all staging areas as close to construction sites as practicable to minimize driving distances between staging areas and construction sites. Locate staging areas in previously disturbed or graveled areas to minimize soil and vegetation disturbance where practicable. - Use the proper size of equipment for the job. - Use locally sourced rock for road construction, if possible.		o	o ²¹	
Noise, Public Health, and Safety				
- Ensure standard sound-control devices, including mufflers, are on all construction equipment and vehicles prior to and during construction. - If blasting is required, take appropriate safety measures and follow all applicable regulations, including obtaining an explosives permit from DOE-RL Fire Department and obtaining a Prohibited Article Pass from DOE-RL Security. Lock up or remove all explosives from work sites at the end of the workday. - All off road driving must adhere to the latest revision of the Fire Marshal Bulletin. - Coordinate all helicopter landings daily with the Hanford Patrol. - Develop a helicopter refueling protocol, if needed.		o	o	
		o		
		o		
		o		

²¹ Keep all vehicle engines in good operating condition to minimize exhaust emissions. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (page 7).

Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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• Prepare and implement Spill Prevention and Response Procedures to prevent spills of hazardous materials and respond to emergency situations.		o	o	o
• Prepare and maintain an on-site safety plan in compliance with state requirements.		o	o	
• Prepare for fire control.		o		
• Coordinate activities the Hanford Patrol and Hanford Fire Department.		o		
• Fuel all highway-authorized vehicles off-site to minimize the risk of fire. Fueling of construction equipment that is transported to the site via truck and is not highway authorized will be done in accordance with regulated construction practices and applicable laws. Helicopters will be fueled and housed at local airfields or at staging areas.		o		
• Ensure that BPA contractors flying helicopters prioritize public safety during flights. For example, establish flight paths to avoid populated areas or schools.		o		
• Implement appropriate airport safety measures prior to construction.		o		
• Obtain appropriate Hanford excavation permits.		o		
• Report possible hazardous materials, toxic substances, or petroleum products discovered along the transmission line route that would pose an immediate threat to human health or the environment, including large dump sites, drums of unknown substances, suspicious odors, stained soil, etc.		o		
• Design, construct, and operate the new transmission line according to the National Electrical Safety Code.		o	o	
• Restore reception quality if there is radio or television interference due to the transmission lines.		o		
Creston-Bell MM				

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Land Use and Recreation				
• Distribute a schedule of construction activities to all potentially affected landowners.			o	o
• Schedule construction during periods when active farms along the corridor are likely to be fallow, where possible, to minimize the potential for crop damage.			o	o
• Compensate landowners for the value of commercial crops damaged or destroyed by construction activities.			o	o
• Revegetate disturbed areas after the conclusion of construction, with the exception of those areas required to remain clear of vegetation to ensure the safety of the transmission line and access to the structures.			o	
• Keep construction activities and equipment clear of residential driveways, to the extent possible.			o	o
• Use water trucks or other measures to minimize fugitive dust during project construction.		o	o	
• Coordinate the routing and scheduling of construction traffic with Washington State Department of Transportation and county road staff.		o	o	o
• Publicize road closures and traffic delays to minimize impacts to traffic.		o	o	
• Coordinate construction in Riverside State Park with the Washington State Parks Lands Program.		o	o	
• Employ traffic-control flaggers and post signs warning of construction activity and merging traffic, when necessary, for short interruptions of traffic.		o	o	
Geology and Soils				
• Locate offset replacement structures as far as possible from nearby streams and wetlands where adjustments are possible.			o	

Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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• Space and size culverts, cross-drains, and water bars to prevent erosion.			o	o
• Minimize erosion, sedimentation, and soil compaction by conducting as much work as possible during the dry season when streamflow, rainfall, and runoff are low.		o	o	o
• Prepare and implement a stormwater pollution prevention plan that addresses measures to reduce erosion and runoff and stabilize disturbed areas.			o	
• Limit heavy equipment use to minimize soil compaction, particularly during the critical erosion period (November through March). Do not operate equipment on saturated soils.			o	
• Revegetate disturbed, non-farmed, areas with a predominantly native seed mix or a seed mix agreed upon with landowners.		o	o	o
• Inspect and maintain access roads, culverts, and other facilities after construction to ensure proper function and nominal erosion levels.			o	o
• Inspect revegetation work and sites to verify adequate growth, and contingency measures as needed.			o	o
Vegetation				
• Assess whether noxious weeds have spread or increased in abundance as a result of construction activities using the results of the pre-construction noxious weed survey conducted for the Proposed Action (Woodland Resource Services Inc. 2011).		o	o	o
• Implement measures to minimize the introduction and broadcast of weed seeds during construction. Wash equipment and vehicles before entering construction areas.		o	o	o

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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• Restrict construction activities to the area needed to work effectively to limit disturbance of native plant communities and to prevent expansion of noxious weed species.			o	o
• Mulch and reseed disturbed, non-farmed areas once construction is complete using a predominantly native seed mix or a seed mix agreed upon with landowners to make it less likely that noxious weed infestations will expand within the study area.		o	o	
• Periodically inspect reseeded sites to verify adequate growth. If necessary, implement contingency measures to ensure adequate growth and vegetation cover.		o	o	o
• Conduct surveys for federally and state-listed plant species along proposed off-right-of-way (ROW) access roads and travel routes between line mile 17 and the Bell Substation prior to construction-related use of these access roads and travel routes.		o	o	
• Install stakes or flagging in sensitive areas such as the vicinity of special status plant species populations (including those identified during pre-construction surveys) prior to construction, where needed to minimize disturbance and to restrict vehicles and equipment to designated routes.		o	o	o
• Minimize chip, sawdust, or brush accumulation in the ROW and haul these materials out, if possible.			o	
• Continue to implement weed control efforts in the ROW as part of ongoing vegetation management efforts.		o	o	o
Water Resources and Water Quality				

Sara Leverette, (Submission 90) - Continued

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Conduct all culvert installation/replacement work in the dry, either when there is no flow or by diverting flow from the stream culvert location during installation/replacement, as necessary, to avoid impacts on water quality.			o	o
Keep disturbance to the minimum necessary when working in or near water bodies, and install stakes or flagging to restrict vehicles and equipment to designated routes and areas.			o	
Retain vegetative buffers, where possible, to prevent sedimentation into water bodies.			o	
Minimize erosion, sedimentation, and soil compaction by conducting as much work as possible during the dry season when stream flow, rainfall, and runoff are low.			o	o
Install sediment barriers and other suitable erosion- and runoff-control devices, where needed, prior to ground-disturbing activities at construction sites to minimize offsite sediment movement.			o	
Place construction vehicles or equipment at least 50 feet from any stream or wetland unless authorized by a permit or on an existing road.			o	
Locate tensioning sites at least 50 feet from streams or floodplains.			o	
Design and construct roads to minimize drainage from the road surface directly into water features.			o	o
Prepare and implement spill prevention and response plans to minimize the potential for spills of hazardous material.		o	o	o
Keep spill prevention materials on site and with equipment.		o	o	o
Maintain vehicles and equipment in good working order to prevent oil and fuel leaks.			o	o

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Cover approaches to streams and crossings of streams in clean cobble rock to minimize erosion and sedimentation from BPA and landowner use, where appropriate. Steel plates and/or grates may also be used for driving surfaces across streams to minimize erosion and sedimentation, where appropriate.			o	
Fish and Wildlife				
Minimize potential impacts on salmonids by avoiding the use of fords wherever an alternative route is available. Alternately a temporary fish and water passage structure could be installed if water is present when the ford is in use.			o	o
Conduct all culvert installation/replacement work in the dry, either when there is no flow or by diverting flow from the stream culvert location during installation/replacement, as necessary, to avoid impacts on fish species.			o	o
Limit disturbance to the minimum necessary when working in or near water bodies and wetlands or their buffers. Install stakes or flagging to restrict vehicles and equipment to designated routes and areas.			o	
Mark the transmission line with bird flight diverters over any major water body that may be a potential flyway for migratory bird species (water fowl) where appropriate, including the Spokane River and specifically identified wetlands and wetland complexes.			o	
Inspect danger trees for the presence of nesting avian species—cavity nesters, small and large stick nests—prior to removal to minimize impacts to nesting birds. Large stick nests (raptors) would be documented to species to determine whether they can be removed. No trees containing large stick		o	o	

Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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• nests would be removed during the nesting season, typically February 1 (owls) through July 30 (cavity nesters and raptors).				
• Top and leave tall dead trees (snags) in place for wildlife habitat, where possible and appropriate, in accordance with BFA's Transmission System Vegetation Management Program Final Environmental Impact Statement (BFA 2000).			o	o
• Avoid construction activities within high-use native habitats, especially riparian, shrubsteppe, and pine forest habitat, during spring to reduce the potential for impacting reproduction of various wildlife taxa, wherever possible.	o	o	o	
• Gate and lock access and restrict vehicle traffic in areas where the ROW crosses habitats heavily used by wildlife.			o	
• Avoid construction-related disturbances within 1.2 miles (2 km) of known active leks between 05:00 and 09:00 from March 1 through April 30 to reduce potential impacts to Columbian sharp-tailed grouse during mating season (Stinson and Schroeder 2010).	o	o	o	o
• Prepare and implement a stormwater pollution prevention plan that addresses measures to reduce erosion and runoff and stabilize disturbed areas.			o	
• Minimize erosion, sedimentation, and soil compaction by conducting as much work as possible during the dry season when streamflow, rainfall, and runoff are low.			o	o
• Install sediment barriers and other suitable erosion- and runoff-control devices, where needed, prior to ground-disturbing activities at construction sites to minimize offsite sediment movement.			o	o

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• Place construction vehicles or equipment at least 50 feet from any stream or wetland unless authorized by a permit or on an existing road.			o	
• Locate tensioning sites at least 50 feet from streams or floodplains.			o	
• Design and construct roads to minimize drainage from the road surface directly into water features.			o	o
• Prepare and implement spill prevention and response plans to minimize the potential for spills of hazardous material.		o	o	o
• Keep spill prevention materials on site and with equipment.			o	o
• Maintain vehicles and equipment in good working order to prevent oil and fuel leaks.			o	o
Wetlands				
• Locate roads and structures to avoid wetlands, whenever possible.			o	
• Design construction activities within wetlands to minimize unavoidable impacts, and coordinate with the U.S. Army Corps of Engineers and Washington Department of Ecology for appropriate permits.			o	o
• Flag or stake wetland boundaries in the vicinity of construction areas and avoid these areas during construction.			o	o
• Place construction vehicles or equipment at least 50 feet from any wetland unless authorized by a permit or on an existing road.			o	
• Locate tensioning sites outside of wetlands and buffers when possible.			o	
• Limit disturbance to the minimum necessary when working in wetlands or their buffers.			o	

Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Place geotextile fabric around the work area when working on structures within 25 feet of wetlands to avoid depositing excavated material into the wetlands. Remove and stabilize material in an upland area.			o	o
Store fuel and refuel machinery at least 200 feet from wetlands and waterways and inspect regularly for leaks.			o	o ²²
Require an environmental specialist to meet with contractors and inspectors in the field and visit wetlands near or within construction areas to go over mitigation measures and any permit requirements.			o	
Install sediment barriers and other suitable erosion- and runoff-control devices, where needed, prior to ground-disturbing activities at construction sites to minimize offsite sediment movement near wetlands.			o	o
Underlay temporary fill for temporary roads in wetlands with geotextile fabric and remove all fill in compliance with applicable permits.			o	o
Remove trees cut in wetland areas.			o	
Vegetate disturbed wetland and buffer areas with appropriate native plant species and follow specific revegetation guidelines in permits.			o	
Monitor disturbed wetlands for weed invasion and control in accordance with BPA's Transmission System Vegetation Management Program Final Environmental Impact Statement (BPA 2000).			o	

²² Refuel and maintain equipment away from natural or manmade drainage conveyances, including streams, wetlands, ditches, catch basins, ponds, and culverts. Alvey-Fairview Transmission Line Rebuild Project - Mitigation Action Plan (Page 5).

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Construct permanent access roads with adequate cross culverts or other methods to maintain the existing hydrologic regime.			o	
Floodplains				
Minimize erosion, sedimentation, and soil compaction by conducting as much work as possible during the dry season when streamflow, rainfall, and runoff are low.			o	o
Delineate construction limits as specified in the stormwater pollution prevention plan, using sediment fence or straw wattles or similar erosion and stormwater control Best Management Practices (BMPs) to eliminate discharge into floodplains.			o	
Identify the locations of 100-year floodplains on project maps for contractors and restrict tensioning sites to areas outside floodplains, where possible.			o	
Locate all staging areas at least 200 feet from Federal Emergency Management Agency designated floodplains.			o	
Inspect and maintain access roads, culverts, and other facilities after construction to ensure proper function and nominal erosion levels.			o	o
Visual Quality				
Schedule all construction work during daylight hours to avoid noise and the use of nighttime illumination of work areas.			o	
Use non-reflective conductors and insulators on all replacement structures. Treat tower steel on the two new lattice towers to reduce reflectivity.			o	o

Sara Leverette, (Submission 90) - Continued

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• Avoid storing construction equipment and supplies on residential streets or access roads directly adjacent to residential property, to the greatest extent possible.			o	
• Incorporate BMPs for the control of erosion and dust associated with construction of access roads to minimize permanent visual impacts on nearby residential viewers.			o	
• Reseed disturbed, non-farmed areas once construction is complete using a predominantly native seed mix or a seed mix agreed upon with landowners. Periodically inspect reseeded sites to verify adequate growth. If necessary, implement contingency measures to ensure adequate growth and vegetation cover.		o	o	o
• Locate construction staging areas away from sensitive viewers as much as possible.		o	o	o
• Require contractors to maintain clean construction sites.				
Air Quality				
• Use water trucks or other dust control measures to control dust during construction.		o	o	o
• Keep construction vehicles at low speeds (15 miles per hour) on unpaved access roads to minimize dust.		o	o	o
• Keep all vehicle engines in good operating condition to minimize exhaust emissions.		o	o	o
• Implement vehicle idling and equipment emissions measures		o	o	o
Socioeconomics and Public Services				
• Distribute a schedule of construction activities to all potentially affected landowners.				
• Coordinate with local farmers and landowners to minimize potential construction-related disruptions.		o	o	o

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• Compensate landowners for the value of commercial crops damaged or destroyed by construction activities			o	o
• Coordinate the routing and scheduling of construction traffic with Washington State Department of Transportation and county road staff.		o	o	o
Cultural Resources				
• Restrict work areas to avoid disturbance to seven cultural resource sites. Employ an archaeological monitor at four of the sites to further ensure impacts are avoided.		o	o	o
• Stop all activities in the vicinity of the find if ground-disturbing activities reveal any cultural materials (e.g., structural remains, Euroamerican artifacts or Native American artifacts) per BPA's Inadvertent Discovery Procedure for projects. Notify the BPA archaeologist, the Washington Department of Archaeology and Historic Preservation (DAHP), and affected tribes immediately.		o	o	o
• Stop operations immediately within 200 feet of the find if human remains, suspected human remains, or any items suspected to be related to a human burial (i.e., funerary items, sacred objects, or objects of cultural patrimony) are encountered during project construction. Secure the area around the discovery and immediately contact the Lincoln or Spokane County Sheriff, the BPA archaeologist, the State Historic Preservation Officer (SHPO), and the affected tribes.		o	o	o
Noise Public Health and Safety				
• Locate equipment as far away as is practical from noise-sensitive uses			o	
• Require all construction equipment powered by gasoline or diesel engines to have sound control devices that are at least as effective as those originally provided by the manufacturer.		o	o	

Sara Leverette, (Submission 90) - Continued

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• Require all equipment to be operated and maintained to minimize noise generation.		o	o	
• Prohibit gasoline or diesel engines from having unmuffled exhaust.			o	
• Prepare and maintain a safety plan that would detail how to manage hazardous materials such as fuel, and how to respond to emergency situations. This plan, prepared prior to the start of construction, would be kept on site at all times.		o	o	o
• Hold crew safety meetings at the start of each workday to review potential safety issues and concerns			o	
• Secure the site at the end of each workday, as much as possible, to protect equipment and the general public.			o	
• Comply with all fire safety laws, rules, and regulations of the State of Washington and prepare a fire prevention and suppression plan to meet BPA, local authority, and land manager requirements.		o	o	
• Construct and operate the new transmission line to comply with the National Electric Safety Code.		o	o	
• Notify the BPA Contracting Officer's Technical Representative immediately if a hazardous material is discovered that could pose an immediate threat to human health or the environment and stop work in that area until the site is properly cleaned up		o	o	
• Ground fences and other metal structures on and near the transmission line corridor during construction to limit the potential for shocks.			o	
Climate Change				
• Implement vehicle idling and equipment emissions measures.		o	o	o

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• Encourage carpooling and the use of shuttle vans among construction workers to minimize construction-related traffic and associated emissions.			o	
• Locate staging areas as close to construction sites as practicable to minimize driving distances between staging areas and construction sites.			o	
• Locate staging areas in previously disturbed or graveled areas to minimize soil and vegetation disturbance where practicable.			o	
• Encourage the use of the proper size of equipment for the job to maximize energy efficiency.			o	
• Use alternative fuels for generators at construction sites, such as propane or solar, or use electrical power where practicable			o	
• Reduce electricity use in the construction office by using compact fluorescent bulbs and turning off computers and other electronic equipment every night.			o	
• Recycle or salvage non-hazardous construction and demolition debris where practicable.			o	
• Use local rock sources for road construction.		o	o	
Alvey-Fairview MM				
Land Use and Recreation				
• Provide a construction schedule to all potentially affected landowners		o	o	o
• Post a construction schedule in affected recreational areas.				
• Maintain existing access to residences and other areas during construction.		o	o	o
• Schedule construction during periods when active farms along the corridor are likely to be fallow, to the extent practicable, to minimize the potential for crop damage.			o	o

Sara Leverette, (Submission 90) - Continued

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• Leave gates as they were found to avoid disturbances to livestock.				o
• Limit construction activities to the existing right-of-way and easements to minimize impacts to crops.				o
• Coordinate with individual landowners to ensure that new or temporary access roads and gates and construction and maintenance activities would minimize disruptions to agricultural and commercial operations.				o
• Compensate landowners for the value of commercial crops damaged or destroyed by construction activities.			o	o
• Coordinate with local agencies to avoid construction activities that could conflict with their own construction activities.		o	o	o
• Install permanent gates at selected locations to minimize unauthorized use of BPA access roads and unauthorized entry to BPA right-of-way as part of project construction.				o
Geology and Soils				
• Place new structures in existing structure holes to the maximum extent practicable to reduce ground disturbance.				o
• Conduct project construction, including tree removal, during the dry season when rainfall, runoff and stream flow are low to minimize erosion, compaction, and sedimentation, to the extent practicable			o	o

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• Follow Landslide Investigation and Mitigation guidance or other current geotechnical engineering guidance to minimize impacts from structure replacement and road work in known landslide hazard areas (Transportation Research Board, 1996).				o
• Contact BPA geotechnical specialists if geotechnical issues, such as new landslides, arise during construction.				o
• Install sediment barriers and other appropriate erosion-control devices where needed to minimize sediment transport.				o
• Retain vegetative buffers where possible to prevent sediment from entering waterbodies.				o
• Control runoff and prevent erosion on access road improvements by using low grades, water bars, and drain dips.		o		o
• Properly space and size culverts on access roads.				o
• Use water trucks on an as-needed basis to minimize dust and reduce erosion due to wind.				o
• Till or scarify compacted soil at structure sites prior to reseeding.				o
• Reseed disturbed areas with a native seed mix as soon as work in that area is completed.		o	o	o
• Inspect reseeded and revegetated areas to verify adequate growth; implement contingency measures as needed.			o	o
• Conduct construction activities in coordination with agricultural activities to the extent practicable.				o
• Assist farm operators in restoring productivity of compacted soils for structure sites on agricultural lands.				o

Sara Leverette, (Submission 90) - Continued

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• Allow agricultural activities to resume on temporarily disturbed lands as soon as construction is complete. • Stabilize permanently disturbed areas for new access roads with a top layer of pavement or gravel for the roadway and revegetate the roadway shoulders. • Inspect and maintain facilities to ensure proper function and nominal erosion levels after construction.				o
Vegetation				
• Demarcate vegetation clearing limits prior to disturbance • Clearly mark trees identified for removal and demarcate tree removal disturbance limits and staging areas. • Use existing road systems (including forest/ farm access roads), where practicable, to access structure locations. • Minimize the construction area (footprint) to the extent practicable, especially within wetlands and adjacent waterbody crossings.				o
• In sensitive vegetation areas, install construction "envelopes" of silt fencing, weed free straw wattles, or other barrier materials around construction sites to prevent vehicle turnaround, materials storage, or other disturbance outside designated construction areas. • Place materials storage and staging areas in upland areas (away from wetland/ waterbodies).		o	o	o
				o

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• Implement appropriate measures to minimize the introduction and broadcast of weed seeds/ propagules, including inspection of vehicles before entering construction areas and appropriate equipment cleaning measures. • Conduct as much work as possible during the dry season when stream flow, rainfall, and runoff are low to minimize erosion, sedimentation, and soil compaction. • Return temporarily disturbed areas to the original (pre-construction) contours and conduct site restoration and revegetation measures as soon as practicable following construction • Reseed disturbed areas with native grasses and forbs to ensure appropriate vegetation coverage and soil stabilization prior to the beginning of the rainy season (November 1). • Inspect seeded sites to verify adequate growth and implement contingency measures as needed. • Conduct a noxious weed survey within the transmission line right-of-way prior to construction to more specifically identify existing infestations of noxious weeds. • Visit existing noxious weed infestations and conduct preemptive measures to minimize transport and expansion of weed occurrences during construction; flag infestations for avoidance (as practicable) during construction. • Minimize ground disturbance in proximity to existing noxious weed populations during construction. • Install and use weed wash stations at selected locations along the transmission line right-of-way. • Minimize disturbance to vegetation; only remove vegetation that would interfere with the proposed construction activities.		o	o	o
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Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Return temporarily disturbed areas to their original (pre-construction) contours and conduct site restoration and revegetation measures before or at the beginning of the first growing season following construction.				o
Restore all temporarily disturbed soils resulting from roadwork (e.g., spoil areas, cut/fill slopes, staging areas, etc.) according to BLM requirements and agency Biological Opinions for seeding and mulching.			o	o
Replant native riparian species at specified bridge/culvert replacement locations during the dormant season (November 1 to February 1).		o	o	o
Salvage and stockpile selected topsoil for replacement on cut/fill slopes to improve site restoration and plant establishment.				o
Conduct a weed survey prior to construction to identify infestation areas. BPA would target existing infestation areas on BLM land for BLM-approved treatment prior to construction; BPA would perform follow-up monitoring and treat infestation areas after construction if needed.		o	o	o
Install and use weed wash stations at selected locations along the transmission line right-of-way.			o	o
Conduct post-construction site restoration monitoring with at least three field visits per year until site stabilization is achieved.		o	o	o
Streams and Fish				
Conduct in-water work in the Coast Fork Willamette River subbasin between July 1 and September 30, or during ODFW biologist-approved extensions.				o

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Conduct in-water work in the Umpqua, South Umpqua, and Coquille subbasins between July 1 and September 15, or during ODFW biologist-approved extensions.				o
Conduct fish salvage according to National Marine Fisheries Service (NMFS)/ODFW requirements (NMFS/NOAA, 2000; ODFW, 2014).				o
Divert stream flow around the work area and maintain downstream flow during construction.			o	o
Isolate in-water work areas prior to culvert and bridge installations. Dewater work area as necessary for construction and to minimize turbidity. Do not discharge turbid water to streams.			o	o
Install culverts, bridge crossings in accordance with NMFS/ODFW fish passage requirements.			o	o
Restrict construction vehicles and equipment access to access roads and existing work areas only.				
Return temporary disturbance areas for bridge, culvert, and road work to pre-existing contours and seed.			o	o
Dispose of waste material generated from access road work in a stable upland site approved by a geotechnical engineer or other qualified personnel, smooth to match adjacent grades, and seed for stability.				o
Conduct soil disturbing activities during dry conditions to the greatest extent practicable.				o
Outslope access roads (e.g., 2 to 5%), maintaining natural drainage patterns and minimizing interceptions and concentration of upgradient runoff when practicable (e.g., less than 7% slopes).		o	o	o
Utilize minimum of 18 inch diameter pipes for replacements and installation of additional cross-drains.				o

Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Install cross-drains at a slope steeper than road slope and skew approximately 30 degrees from perpendicular to the road to help with self-cleaning.				o
Install cross-drains long enough so that outlets extend beyond road fill.				o
Excavate cross-drain inlets to allow for initial sediment influx after construction.				o
Armor first 25 feet of ditch upgradient from cross-drain and catch basin with rock (e.g., pit-run/jaw rock or equivalent) to decrease the water's energy and slow flow.				o
Armor cross-drain outlets (e.g., pit run/jaw rock, slash, or equivalent) to decrease the water's energy and slow flows.				o
Design headwaters culverts (non-fish drainages) for the 100-year storm event and include a blockage allowance when sizing culverts to minimize future maintenance needs.				o
Size non-fish culverts to provide a free flow condition for the 100-year storm event.		o	o	o
Develop a spill prevention and spill response plan prior to rebuild construction.				o
Maintain emergency spill control materials, such as oil booms and spill response kits, on-site at each bridge/culvert replacement site at all times and ready for immediate deployment.			o	o
Include small sorbent booms (sausage booms), sorbent sheets/pads and socks, vermiculite/kitty litter, duct tape, heavy duty garbage bags, zip ties, and nitrile gloves in spill kits. Restock materials within 24 hours if used.				o
Outfit heavy machinery (e.g., excavators) with fire extinguisher, shovel, first aid kits, and caps and plugs for machine hydraulic lines and associated attachments (e.g., hammer/plate compactor, etc.).				o

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Stockpile and make available large sorbent booms, straw bales, straw wattles, and turbidity curtains at each specified bridge/culvert replacement site to quickly respond to any spills or turbidity and erosion concerns during construction.			o ²³	o
Store, fuel, and maintain all vehicles and other heavy equipment (when not in use) in a designated upland staging area located a minimum of 150 feet away from any stream, waterbody, or wetland or where any spilled material cannot enter natural or manmade drainage conveyances.				o
Confirm equipment is clean (e.g., power-washed) and that it does not have fluid leaks prior to contractor mobilization of heavy equipment to site. Inspect equipment and tanks for drips or leaks daily and make necessary repairs within 24 hours				o
In the event of a spill, immediately contain the spill, eliminate the source and deploy appropriate measures to clean and dispose of spilled materials in accordance with federal, state, and local regulations.				o
Wetlands, Floodplains, and Groundwater				
Avoid and minimize wetland/waters impacts where possible by re-routing access roads, decreasing road width, or only crossing wetlands during the dry season.				o
Obtain and comply with applicable Corps of Engineers Clean Water Act and State of Oregon Removal/Fill permits for all work in wetlands or streams.			o	o
Identify and flag wetland boundaries before construction.			o	o

²³ Store fuel and refuel machinery at least 200 feet from wetlands and waterways and inspect regularly for leaks. Creston-Bell Transmission Line Rebuild Project - Mitigation Action Plan (Page 6).

Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Install erosion-control measures prior to work in or near wetlands (e.g., silt fences, straw wattles, and other sediment control measures) and reseed disturbed areas as required.			o	o
Place new poles installed in wetlands inside a four-foot diameter corrugated metal pipe. This measure would help prevent leaching of wood preservative to surrounding wetlands or waters.				o
Deposit and stabilize all excavated material not reused in an upland area outside of wetlands.				o
- Avoid construction within wetlands to protect wetland functions and values, where possible. - Avoid using these areas for construction staging, equipment or materials storage, or fueling of vehicles.			o	o
Use existing road systems, where possible, to access structure locations.				o
Remove all temporary fill and geotextile fabric and revegetate temporary roads built in wetlands after use.			o	o
Restore all temporary disturbance areas to original contours and decompact, if necessary.			o	o
Replant all temporary disturbance areas within wetlands with native species and remove or control invasive plants until native plants are well-established. Monitor revegetated wetland areas for three years. Use herbicides to control vegetation near wetlands in accordance with BPA's Transmission System Vegetation Management Program Final Environmental Impact Statement / Record of Decision (BPA 2000) to limit impacts to water quality.			o	o
Purchase wetland mitigation bank credits and/or in-lieu fee program mitigation credits, and/or participate in payment-in-lieu programs as mitigation for 264,905 square feet (6.08 acres) of permanent wetland impacts				o

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Purchase 3.2 credits at the Coyote Prairie North Mitigation Bank to replace lost wetland functions and values for 3.2 acres of wetland impact in the Coast Fork Willamette River watershed.				o
Purchase 2.40 credits from either the Cow Hollow Mitigation Bank or the Umpqua Interior Foothills In-Lieu Fee Program to replace lost wetland functions and values for the 2.39 acres of wetland impact in the Upper and South Umpqua River watersheds.				o
Purchase 0.28 credit at either the Cow Hollow Mitigation Bank or the Umpqua Foothills In-Lieu Fee Program to mitigate for 0.49 acre of impacts and purchase of 0.21 credit from the Oregon State Payment-in-Lieu Program.				o
Deposit and stabilize all excavated material not reused in an upland area outside of floodplains.				o
Install erosion-control measures prior to work in or near floodplains.			o	o
Avoid construction within floodplains to protect floodplain function, where possible.			o	o
Prepare and implement a storm water pollution prevention plan.			o	o
Inspect and maintain tanks and equipment containing oil, fuel, or chemicals for drips or leaks to prevent spills onto the ground or into waterbodies.				o
Maintain and repair all equipment and vehicles on impervious surfaces away from all sources of surface water.			o	o
Refuel and maintain equipment away from natural or manmade drainage conveyances, including streams, wetlands, ditches, catch basins, ponds and culverts.		o	o	o
Provide spill containment and cleanup and use pumps, funnels, and absorbent pads for all equipment-fueling operations.		o		o

Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Keep, maintain, and have readily available appropriate spill containment and cleanup materials in construction equipment, in staging areas, and at work sites.		o	o	o
Place sorbent materials or other impervious materials underneath individual wood poles at pole storage and staging areas to contain leaching of preservative materials.				o
Place poles located in wetlands inside metal culverts backfilled with crushed rock to help prevent leaching of the preservative material into surrounding areas.				o
Install erosion control measures prior to work in or near floodplains.			o	o
Monitor revegetation and site restoration work for adequate growth; implement contingency measures as necessary.				o
Monitor erosion control BMPs to ensure proper function and nominal erosion levels.				o
Wildlife				
Install bird diverters where the line crosses rivers, wetlands, or other high bird-use areas, and would be technically feasible.			o	o
Minimize the construction area to the extent practicable.		o	o	o
Leave a small percentage of cut and felled danger trees as snags in upland and wetland areas within the transmission line as additional habitat/structure for wildlife, particularly small mammals and amphibians.				o
Top, trim, or girdle a percentage of designated danger trees to create snags (e.g., in higher quality habitat areas) to reduce impacts to vegetation and wildlife species, such as small mammals and amphibians.			o	o

Avoidance Criteria ("AC")/Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Limit removal of Fender's blue butterfly host or nectar plants to the minimum necessary for construction.				o
Restore areas cleared for construction to pre-construction condition.				o
Re-vegetate disturbed areas with weed-free seed mixes and plantings that include nectar plants for Fender's blue butterfly.				o
Implement the following construction timing restrictions:				
Northern spotted owl critical breeding period: No work within established disturbance distance between March 1 and July 7 (See Section 2.1.7 of the Final EA for additional information on wildlife restrictions).	o	o	o	o
Marbled murrelet MAMU A locations: No work between April 1 and August 5. Between August 6 and September 15, start work two hours after dawn and stop work two hours before dusk. Marbled murrelet MAMU B locations: Start work two hours after dawn and stop work two hours before dusk between April 1 and September 15 (See Section 2.1.7 of the Final EA for additional information on wildlife restrictions and Section 3.6 for more information on MAMU A and B locations).	o	o	o	o
Fender's blue butterfly adult flight season: No work in line miles 1 and 2 between April 15 and July 7.	o	o	o	o
Provide support for USFWS's research activities benefiting ESA-listed species.				o
Cultural Resources				

Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Stop work immediately and notify local law enforcement officials, appropriate BPA personnel, the Oregon State Historic Preservation Office (SHPO), and the interested Tribes if cultural resources (either archaeological or historical materials) are discovered during construction activities.		o	o	o
Develop an Inadvertent Discovery Plan that details crew member responsibilities for reporting in the event of a discovery during construction.		o	o	o
Stop construction in the area immediately should human remains or burials be encountered. Secure the area, placing it off limits for anyone but authorized personnel, and immediately notify proper law enforcement, the BPA archaeologist, the Oregon SHPO, and the Tribes.		o	o	o
Implement any additional mitigation measures for cultural resources identified by the Oregon SHPO through the Section 106 consultation process.		o	o	o
Visual Quality				
Use non-reflective insulators (e.g., non-ceramic insulators or porcelain) to reduce refraction and glare.			o	o
Focus construction lighting on work areas to minimize spillover of light and glare.				o
Require that contractors maintain a clean construction site and remove all construction debris.		o	o	o
Socioeconomics and Public Services				
Maintain access to all businesses, residences, and public facilities during construction				o
Coordinate with utility providers that share BPA right-of-way to determine the exact locations of utilities and minimize service disruptions to other utility lines.				o

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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Compensate landowners at market value for any new land rights required to acquire new, temporary, or permanent access roads on private lands and apply for applicable permits to obtain new access rights on public lands.			o	o
Noise, Public Health, and Safety and Electromagnetic Fields				
Since there would be no significant changes to the noise environment in the vicinity of the line, and no impacts would result from operational activities, no avoidance, minimization, or mitigation measures would be needed				o
BPA would implement spill prevention and response BMP's as described earlier in this table under the Streams and Fish section to avoid, minimize, or mitigate impacts to public health and safety from the Proposed Action.		o	o	o
Since there would be no significant changes to the electric and magnetic fields in the vicinity of the line, and no impacts would result from operational activities, no avoidance, minimization, or mitigation measures would be needed.				o
Transportation				
Prepare a notice about construction activities and a proposed schedule for posting on the Oregon Department of Transportation's (ODOT) traffic advisory web site called Trip Check (http://www.tripcheck.com).			o	o
Schedule construction activities at transmission line crossings of Interstate 5 and Oregon Route 99 so as to avoid lane closures during peak travel times, as determined in coordination with ODOT.				o

Sara Leverette, (Submission 90) - Continued

Avoidance Criteria ("AC")/ Mitigation Measures ("MM")	PEIS	Midway-Benton	Creston-Bell	Alvey-Fairview
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• Use traffic safety signs and flaggers to inform motorists and manage traffic during construction activities on affected roads.				o
• Repair damage to roads caused by construction.				o
• Keep construction activities and equipment clear of residential driveways to the extent possible.				o
Air Quality and Greenhouse Gases				
• Use water trucks to control dust during construction		o	o	o
• Keep all vehicles in good operating condition to minimize exhaust emissions.		o	o	o
• Turn off construction equipment during prolonged periods of non-use.		o	o	o
• Drive vehicles at low speeds (less than 5 miles per hour) on access roads and the BPA easement to minimize dust during high dust conditions.		o	o	o

Response to Sara Leverette, (Submission 90)

90-1

As identified in RCW 43.21C.408(1), the SEPA Lead Agency conducting a project-specific environmental review under this chapter must consider this Programmatic EIS. The SEPA Lead Agency is not required to incorporate the Mitigation Strategies identified in this Programmatic EIS; therefore, this Programmatic EIS does not impose new SEPA law or legislation.

Section 3.1 of the Programmatic EIS has been revised to avoid confusion regarding significance determinations under SEPA by renaming "moderate" impact determinations to "medium". The Programmatic EIS was revised to clarify and compare the five-tiered impact determinations used in the Programmatic EIS to the three significance determinations provided under SEPA as follows:

- "Nil," "Negligible," and "Low" impacts are not anticipated to exceed the SEPA threshold of significance, which is defined as a reasonable likelihood of more than a moderate adverse impact on environmental quality. These impacts would be expected to qualify for a determination of nonsignificance under SEPA.
- "Medium" impacts may involve significant adverse impacts depending on the setting and context of the project. Because they are not the highest level of impact, Mitigation Strategies are expected to be more effective in reducing the impact to a nonsignificant level. The final decision on whether an impact is effectively mitigated must be made on a case-by-case basis by the SEPA Lead Agency.
- "High" impacts would likely result in significant adverse environmental impacts. The Avoidance Criteria and Mitigation Measures in this Programmatic EIS were designed to ensure that all impacts, regardless of magnitude, would qualify for a determination of nonsignificance under SEPA. However, as these impacts are at the highest level of magnitude, the Mitigation Strategies from this Programmatic EIS may be more difficult to fully implement or not as effective in reducing impacts to a level of nonsignificance. Most Avoidance Criteria were developed because of "high" impacts that could not otherwise be mitigated to a nonsignificant level in all situations. The final decision on whether an impact is effectively mitigated must be made on a case-by-case basis by the SEPA Lead Agency.

Throughout Chapter 3, it has been clarified that when impact determinations are identified as medium or high, then either the applicant would adopt applicable Mitigation

90-1

Measures from this Programmatic EIS, or the SEPA Lead Agency may require other applicable mitigation measures to be implemented to reduce project-specific adverse environmental impacts. When impact determinations are low, applicable Mitigation Measures should still be considered by the applicant and the SEPA Lead Agency, as these measures would help to further reduce adverse environmental impacts, including the project's contribution to cumulative impacts. These measures would be implemented in addition to compliance with laws, regulations, environmental permits, plans, and design considerations required for transmission facilities.

Additionally, Section 3.1 has been revised to include the following:

When a SEPA Lead Agency reviews a project-specific application and identifies other probable adverse environmental impacts that were not accounted for in this Programmatic EIS, additional environmental analyses would be conducted, and project-specific mitigation may be required. As discussed in Chapter 1, Introduction, these additional project-specific mitigation measures may be identified by the SEPA Lead Agency, and imposed by any state or local agency with jurisdiction, as part of their approval through the use of their SEPA "substantive authority" (WAC 197-11-660). Additionally, should EFSEC be the SEPA Lead Agency, EFSEC has the specific authority to "develop and apply environmental and ecological guidelines" for projects that it regulates under RCW 80.50.

Response to Sara Leverette, (Submission 90) - Continued

90-2

Section 3.1 of the Programmatic EIS was revised to clarify that the General Measures and Avoidance Criteria were identified as part of a broader mitigation strategy. During the preparation of the Programmatic EIS, it was determined that the development of transmission facilities could result in a probable significant adverse impact on certain environmental resources. However, it was not possible to identify mitigation within the Programmatic EIS that would reduce the impact to a nonsignificant level in all project-specific circumstances. Therefore, General Measures and Avoidance Criteria were created to provide a consistent framework for evaluating and managing probable significant adverse environmental impacts from transmission facility projects at a broader scale. Avoidance Criteria, in particular, were developed as a method for addressing probable significant adverse environmental impacts for a variety of project types and locations.

Additionally, this section clarifies that total avoidance of all adverse environmental impacts is not required for a project-specific application to complete a phased review using this Programmatic EIS. It states that the analysis provided in the Programmatic EIS assumes that project-specific applications incorporate and conform to all Avoidance Criteria. As such, the analysis does not specifically analyze the environmental impacts from projects where Avoidance Criteria would not be implemented; the environmental analysis would be incomplete for that specific project. It is recommended throughout the Programmatic EIS that applicants provide information in their project-specific application documenting their project's consistency with, or incorporation of, the Mitigation Strategies. If the project does not incorporate a Mitigation Strategy, additional information would be provided in the project-specific application for the SEPA Lead Agency's consideration. The SEPA Lead Agency would be expected to conduct additional project-specific environmental analyses for those impacts. This project-specific environmental review may result in the SEPA Lead Agency developing additional mitigation, as required by SEPA, to address related project-specific impacts.

90-3

The 300-foot setback referenced in the Programmatic EIS is not intended to serve as a mandatory or universally applicable regulatory requirement. Rather, it is identified as a setback distance where the Programmatic EIS has used best available science to conclude that no significant adverse environmental impacts would occur to wetlands from any transmission facility project within the scope of this Programmatic EIS.

As described in Section 3.1 of the Programmatic EIS, if a transmission facility is proposed within the 300-foot setback, project-specific environmental analyses would be completed by the SEPA Lead Agency. Once adverse environmental impacts are evaluated for that specific location, mitigation can be appropriately identified based on context as well as intensity. This approach is consistent with WAC 197-11-060(5)(b), regarding phased review.

The Programmatic EIS does not supersede or replace existing regulatory frameworks, including local Critical Areas Ordinances, the Shoreline Management Act, or federal Clean Water Act Section 401 reviews. Instead, the Programmatic EIS is intended to supplement existing regulatory frameworks by identifying any gaps in existing regulations. This Programmatic EIS also serves as a planning tool to help identify potential constraints and inform early siting routing decisions. Final setbacks and mitigation measures would be established through compliance with applicable local, state, and federal regulations, consistent with WAC 197-11-330, the use of best available science, and mitigation identified through project-specific environmental review.

This buffer distance reflects guidance from the Washington State Department of Ecology, which notes that high-functioning wetlands adjacent to development may require buffers in the range of 200 to 300 feet to maintain ecological integrity, particularly for habitat functions (<https://apps.ecology.wa.gov/publications/documents/2206014.pdf>). However, the Programmatic EIS acknowledges that actual buffer requirements are determined through project-specific environmental review and permitting processes, which consider wetland category, function, and site-specific conditions. Siting a project outside of the 300-foot buffer signifies that a project has substantially avoided impacts to known wetlands and therefore additional mitigation is likely not warranted.

Response to Sara Leverette, (Submission 90) - Continued

90-3

Appendix 3.1-1 of the Programmatic EIS was revised to clarify although the 300-foot buffer is not a regulatory requirement, it is intended to be a planning-level tool for applicants and a project-specific environmental review tool for the SEPA Lead Agency.

90-4

In response to this comment, Chapter 3, Affected Environment, Significant Impacts, and Mitigation, of the Programmatic EIS has been revised to clarify that:

- The Programmatic EIS has concluded that there would be no probable significant adverse environmental impacts if all applicable Avoidance Criteria and Mitigation Measures for impacts identified as medium or high impacts are implemented, consistent with SEPA requirements and RCW 43.21C.408(3).
- Not all Mitigation Measures identified in the Programmatic EIS will apply to every project-specific application. The Mitigation Measures presented are recommendations for the SEPA Lead Agency to assess their applicability in project-specific applications.
- When impact determinations are identified as medium or high, then either the applicant would adopt applicable Mitigation Measures from this Programmatic EIS, or the SEPA Lead Agency may require other applicable mitigation measures to be implemented to reduce project-specific adverse environmental impacts.
- When impact determinations are low, applicable Mitigation Measures should still be considered by the applicant and the SEPA Lead Agency, as these measures would help to further reduce adverse environmental impacts, including the project's contribution to cumulative impacts.
- These measures would be implemented in addition to compliance with laws, regulations, environmental permits, plans, and design considerations required for transmission facilities.
- All recommended Mitigation Measures are based on the best available science and established best practices. Where applicable, references to scientific literature, regulatory guidance, or case studies have been included to support the rationale for each Mitigation Measure.

90-5

To address this concern, Section 3.1 of Chapter 3, Affected Environment, Significant Impacts, and Mitigation, of the Programmatic EIS has been revised to include the following clarifications:

- Tool Neutrality:** The Programmatic EIS has been revised to clearly state that no specific tool is required to be utilized by applicants or the SEPA Lead Agency. The mention of GoldSET or any other methodology in the Draft Programmatic EIS was intended solely to illustrate one example of a decision-support methodology used during the programmatic analysis.
- Flexibility in Analytical Approaches:** The Programmatic EIS has been revised to emphasize that multiple tools, frameworks, and methodologies—including open-source, agency-developed, or consultant-supported options—may be used to conduct project-specific environmental analyses, provided they are scientifically sound and consistent with SEPA requirements.
- Transparent Methodology:** Appendix 3.1-2 was developed for the Programmatic EIS and provides detailed methodology describing the data sources and processing methods used to develop the environmental sensitivity criteria.
- Online Mapping Tool:** An online mapping tool has been developed to provide public access to the input data used to develop the environmental sensitivity maps, allowing users to view and interact with the information. EFSEC will host this tool online following the publication of this Programmatic EIS and will continue to do so over time, as resources allow.
- Tool Lifespan and Adaptability:** The Programmatic EIS is designed to be tool-agnostic and adaptable over time, allowing the SEPA Lead Agency and applicants to use the best available tools and data at the time of project-specific environmental review.

Response to Sara Leverette, (Submission 90) - Continued

90-6

Chapter 1, Introduction, of the Programmatic EIS has been revised to incorporate the following actions:

•**Review of Relevant NEPA Documents:** The Programmatic EIS team has reviewed several DOE Environmental Assessments (EAs), including the Avista Utilities 115-kV Transmission Line Rebuild Project on the Hanford Site (DOE/EA-2038), Big Eddy-Ostrander Conductor Replacement Project (DOE/EA-2287), and Bandon-Rogue Transmission Line Rebuild Project (EA-1739)

•**Incorporation of Best Practices:** Where applicable, Appendix 3.1-1 of the Programmatic EIS has been revised to include best practices and additional guidance based on these documents.

90-7

The commenter is correct that RCW 43.21C.408(2)(b)(i) allows for the use of the nonproject environmental review “unchanged” if a proposed project does not cause any probable significant adverse environmental impacts not identified in the Programmatic EIS. Furthermore, RCW 43.21C.408(3) states that projects following the recommendations of the Programmatic EIS are considered to have mitigated the probable significant adverse project-specific environmental impacts for which recommendations were developed, unless new impacts are identified.

As described in Chapter 1, Introduction, of the Programmatic EIS, this Programmatic EIS is the first step of a phased review for transmission facility development and broadly evaluates adverse environmental impacts; it is not a SEPA review for a specific project. It may be adopted or otherwise used, as applicable, by the SEPA Lead Agency for meeting SEPA requirements for a specific project.

Environmental review for project-specific applications may be conducted in phases under both the EFSEC certification process and local government SEPA procedures. As defined in WAC 197-11-060(5), “phased review” allows broader environmental documents to be followed by narrower, site-specific analysis. This approach enhances efficiency by referencing prior general discussions and focusing subsequent reviews on localized impacts.

The application would identify the Mitigation Strategies and design considerations that were incorporated into the project-specific application to ensure that adverse environmental impacts result in a less-than-significant impact. Additional environmental analyses would be expected for any adverse environmental impacts that were not analyzed in this Programmatic EIS or if Mitigation Strategies provided in this Programmatic EIS are not met. Additional project-specific mitigation may be necessary to address adverse environmental impacts, as appropriate.

Project-specific analyses and mitigation may be identified by the SEPA Lead Agency, consistent with SEPA rules. SEPA's core purpose is to identify and mitigate adverse environmental impacts, including those not addressed in existing regulations. Under RCW 43.21C.030, state and local agencies must consider environmental amenities and values, along with economic and technical matters. Adverse environmental impacts may occur even when a project-specific application complies with all applicable federal, state, and local laws and regulations. Therefore, the SEPA Lead Agency's review is not limited

Response to Sara Leverette, (Submission 90) - Continued

90-7

to verifying regulatory compliance. For example, if a project's adverse environmental impacts on soil and water quality are not fully addressed by existing regulations, the SEPA Lead Agency may identify additional mitigation measures to address those impacts. Such mitigation can be imposed by any state or local agency through the use of their SEPA "substantive authority" and must be reasonable, capable of being accomplished, and directly attributable to those identified adverse environmental impacts (WAC 197-11-660).

As directed by RCW 43.21C.408, a SEPA Lead Agency reviewing project-specific applications for transmission facilities would use this Programmatic EIS through one of four methods:

- 1. Adopt the Programmatic EIS in its entirety** without the need for an addendum or supplemental analysis. This indicates that there are no additional project-specific details or analyses of adverse environmental impacts that should be recorded in the SEPA documentation.
- 2. Adopt the Programmatic EIS and Prepare an Addendum**, in addition to adopting the Programmatic EIS, which adds analyses or information about the project but does not substantially change the analysis of significant adverse environmental impacts and alternatives addressed in this Programmatic EIS.
- 3. Adopt the Programmatic EIS and Prepare a Supplemental EIS**, in addition to adopting the Programmatic EIS, which adds new analyses or information related to probable significant adverse environmental impacts of the project that have not been addressed in this Programmatic EIS.
- 4. Incorporate by Reference**, if the intent is for the SEPA Lead Agency to produce a full, distinct project-specific SEPA review resulting in a DNS, MDNS, or EIS.

The Programmatic EIS does not preclude the possibility that some projects may proceed with adoption of the Programmatic EIS in its entirety provided they are consistent with the scope of the Programmatic EIS and do not introduce new probable significant adverse impacts. Considering whether adoption in its entirety would be considered as part of the project-specific environmental review process. To decide on an adoption, the SEPA Lead Agency must review the project sufficiently to determine that all impacts have been analyzed and must formalize the adoption by issuing a DS/Adoption. WAC 197-11-630(1) states: "The agency adopting an existing environmental document must independently review the content of the document and determine that it meets the

90-7

adopting agency's environmental review standards and needs for the proposal...." In addition, RCW 43.21C.408(2)(b) allows for an addendum which, "adds analyses or information about a proposal but does not substantially change the analysis of significant impacts and alternatives in the existing environmental document." So, EFSEC has interpreted the law to anticipate adding information and analysis for impacts that are nonsignificant.

Response to Sara Leverette, (Submission 90) - Continued

90-8

The Programmatic EIS is intended to support, not replace, project-specific environmental review. It serves as a foundational tool to streamline subsequent project-specific environmental reviews by providing consistent baseline information, guidance, and environmental Mitigation Strategies. Each transmission facility project must undergo its own project-specific environmental review, during which the SEPA Lead Agency evaluates the adequacy and applicability of Mitigation Strategies based on the specific characteristics of the site and surrounding environment.

Under RCW 43.21C.408(2)(b)(i), project-specific environmental review is not waived. Instead, it must begin with the review or consideration of the Programmatic EIS, ensuring that relevant information is considered early in the process. When used unchanged pursuant to RCW 43.21C.034 and WAC 197-11-630(1), the SEPA Lead Agency is required to independently assess the relevance and adequacy of the Programmatic EIS and determine whether additional environmental analyses or mitigation are needed to fully address environmental impacts.

The authority to condition a project-specific application under SEPA is further supported by WAC 197-11-660, which provides that mitigation measures must:

- Be based on formally adopted policies, plans, rules, or regulations
- Be related to specific, adverse environmental impacts clearly identified in an environmental document
- Be reasonable and capable of being accomplished

Importantly, WAC 197-11-660 does not distinguish between significant and non-significant impacts—mitigation may be required for any adverse environmental effect identified through project-specific environmental review.

The Programmatic EIS does not impose a “zero impact” requirement. Instead, it reinforces SEPA’s principle of reasonable mitigation for adverse environmental impacts, consistent with best available science and legal precedent. To support implementation, Chapter 1, Introduction, of the Programmatic EIS has been revised to include additional guidance and examples demonstrating how projects may use the document either unchanged, with addenda, or supplemental analysis, as needed. Additionally, a Programmatic EIS Manual and Checklists have been prepared to provide further

90-8

information and clarification on what would be expected under different scenarios.

Response to Sara Leverette, (Submission 90) - Continued

90-9

The Programmatic EIS does not override the discretion of the SEPA Lead Agency or impose new regulatory mandates. Section 3.1 of the Programmatic EIS has been revised to clarify that the inclusion of a Mitigation Measure does not imply that a given adverse environmental impact is presumed to occur. Rather, the Mitigation Measures are provided to support early planning and avoidance of adverse environmental impacts, streamlining project-level environmental reviews when impacts are identified. These Mitigation Measures are intended to serve as a set of potential strategies that the SEPA Lead Agency and applicant can draw from, depending on the specific environmental context and project footprint. Applicants and the SEPA Lead Agency retain discretion to:

- Propose alternative mitigation strategies that achieve equivalent or better outcomes.
- Demonstrate that certain Mitigation Measures are not applicable due to the absence of relevant impacts.

When a SEPA Lead Agency reviews a project-specific application and identifies other probable adverse environmental impacts that were not accounted for in this Programmatic EIS, additional environmental analyses would be conducted, and project-specific mitigation may be required. As discussed in Chapter 1, Introduction, these additional project-specific mitigation measures may be identified by the SEPA Lead Agency and imposed by any state or local agency with jurisdiction as part of their approval through the use of their SEPA "substantive authority" (WAC 197-11-660). Additionally, should EFSEC be the SEPA Lead Agency, EFSEC has the specific authority to "develop and apply environmental and ecological guidelines" for projects that it regulates under RCW 80.50.

The term "precautionary" was not utilized to assess or determine significance in the Programmatic EIS. Instead, the terms "precautionary" or "conservative" were applied to represent a range of potential impacts, recognizing the diverse contexts and environmental settings across the Study Area. This approach was necessary because the Programmatic EIS has to consider such a large Study Area rather than a specific project location.

90-10

The Programmatic EIS developed Avoidance Criteria to provide a baseline assumption for evaluating adverse environmental impacts on a broad level and across diverse geographic settings throughout the Study Area. The Avoidance Criteria can be used by applicants and the SEPA Lead Agency as a best practice or guide in the early planning and design stages of a project to reduce the likelihood of significant adverse environmental impacts. However, it is not the intent of the Programmatic EIS to require the incorporation of all Avoidance Criteria for project-specific applications. When a project-specific application is inconsistent with or cannot comply with any of the Avoidance Criteria, additional information should be provided in the project-specific application for the SEPA Lead Agency's consideration. The SEPA Lead Agency may determine that additional environmental analyses and mitigation are required to address related project-specific impacts.

In response to this comment, the Programmatic EIS was revised as follows:

- **Wetland Buffers:** Appendix 3.1-1 clarifies that although the 300-foot buffer is not a regulatory requirement, it is intended to be a planning-level tool for applicants and a project-specific environmental review tool for the SEPA Lead Agency. Project-specific applications should comply with all applicable local, state, and federal regulations, including local Critical Area Ordinances developed under the Growth Management Act.
- **LOS C:** The intent of the Avoidance Criterion AVOID-16 is to encourage applicants to consider long-term operational impacts on transportation systems during the siting and design of transmission facilities. It is not intended to prohibit or unduly constrain construction activities that may temporarily reduce LOS below C, especially when such impacts are managed through traffic control plans, coordination with local agencies, and public notification. Section 3.10 and Appendix 3.1-1 the Programmatic EIS has been revised to retain the wording of Avoidance Criterion but edit the supporting text to state: "This Avoidance Criterion is intended to apply to long-term operational impacts on transportation systems. Temporary reductions in LOS during construction are recognized as common and may be acceptable when managed through appropriate mitigation measures and coordination with local transportation authorities."
- **Vegetation Buffers and Edge Effects:** The 775-foot buffer is based on studies describing the extent of edge effects on ecosystems, particularly impacts on microclimate, invasive species spread, and community composition. Section 3.5, Vegetation, cites Bentrup (2008), which estimates that edge effects may extend from

Response to Sara Leverette, (Submission 90) - Continued

90-10

25 to 775 feet depending on ecosystem type. This buffer was applied in the Vegetation environmental sensitivity card to help identify areas where sensitive ecosystems—such as shrub-steppe—may be vulnerable to degradation beyond their mapped boundaries. Additional support is provided by Haddad et al. (2015), which discusses long-term ecological impacts from fragmentation.

•**EMF Buffer:** Section 3.8 of the Programmatic EIS was revised to remove this assumption and replaced with other considerations.

In summary, the buffers and criteria used in the Programmatic EIS are not intended to replace or override applicable regulations. Instead, they serve as a set of potential strategies to identify constraints and support early avoidance and minimization strategies. These assumptions are clearly identified as part of the planning framework and are subject to refinement through project-specific environmental analyses and project-specific environmental review.

90-11

RCW 43.21C.408(3) provides that transmission projects following the recommendations developed in the Programmatic EIS “are considered to have mitigated the probable significant adverse project-specific environmental impacts” for which those recommendations were developed. This provision is intended to streamline permitting by allowing project applicants to rely on the Programmatic EIS where appropriate, without requiring duplicative environmental review or mitigation.

The Mitigation Measures included in the Programmatic EIS are intended to:

- Support early planning and avoidance of adverse environmental impacts, streamlining project-level environmental reviews when impacts are identified.
- Serve as a set of potential strategies that the SEPA Lead Agency and applicants can draw from, depending on the specific environmental context and project footprint.
- Support the use of the Programmatic EIS as a foundational document under RCW 43.21C.408.

However, the Programmatic EIS does not—and cannot—mandate that every Mitigation Measure apply to every project. The Programmatic EIS has been revised to:

- Clarify that Mitigation Measures are not universally required, but are rather intended to be applied based on the nature, scale, and location of the proposed project.
- Emphasize that the SEPA Lead Agency retain full discretion to determine which measures are applicable and necessary, consistent with SEPA’s substantive authority provisions in WAC 197-11-660.
- Avoid language that could be interpreted as creating a presumption that all listed measures are mandatory for all projects.

Response to Sara Leverette, (Submission 90) - Continued

90-12

The Programmatic EIS is developed under SEPA, which differs in scope and procedural requirements from NEPA. While both frameworks aim to assess environmental impacts and identify Mitigation Strategies, SEPA allows for broader programmatic analysis and the use of General Measures and Avoidance Criteria that may not be present in project-specific NEPA EAs.

EFSEC acknowledges that the Programmatic EIS includes General Measures and Avoidance Criteria that are not explicitly found in the referenced NEPA documents. These elements were developed in consultation with state agencies, Tribal governments, and stakeholders to provide a consistent framework for evaluating and guiding future high-voltage transmission facility projects across Washington. They are intended to support early planning, reduce environmental conflicts, and streamline project-specific environmental reviews. The attached documentation was reviewed and additional guidance was provided in Appendix 3.1-1 as applicable.

90-13

Chapter 2, Overview of Transmission Facilities, Development Considerations, and Regulations, of the Programmatic EIS has been revised to highlight benefits of upgrades and modifications within existing transmission facility right-of-ways.

90-14

Certain lands—such as national parks, wilderness areas, and wildlife refuges—were not excluded from the Programmatic EIS. The Programmatic EIS recognizes that additional legal, procedural, or jurisdictional requirements apply to development on these lands. However, Tribal lands were excluded from the scope of the Programmatic EIS as a result of consultation with Tribes as required by RCW 43.21C.405. This consultation was "independent of, and in addition to, any public participation process required by state law" and concluded that it would be inappropriate to include Tribal lands within the Scope of the Programmatic EIS.

The Programmatic EIS analyzes the adverse environmental impacts on parks in Section 3.14; wildlife areas in Section 3.6; and land ownership in Section 3.9.

90-15

To ensure accuracy and alignment with statutory language, Chapter 1, Introduction, of the Programmatic EIS revised this statement to directly reference the purpose as articulated in RCW 43.21C.010, which states:

"The purposes of this chapter are: (1) To declare a state policy which will encourage productive and enjoyable harmony between human beings and their environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of human beings; (3) to enrich the understanding of the ecological systems and natural resources important to the state and the nation; and (4) to establish a state policy which will ensure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations."

Response to Sara Leverette, (Submission 90) - Continued

90-16

SEPA applies to actions taken by state and local agencies in Washington. It does not apply to federal actions on federal lands, unless a state or local permit is required, in which case the federal agency may be treated as a private applicant under SEPA, or to Tribal actions on Tribal lands, unless those actions require state or local permits, in which case SEPA may apply to the SEPA Lead Agency's decision, but not to the Tribal action itself.

Chapter 1, Introduction, of the Programmatic EIS has been revised to more accurately reflect SEPA's jurisdictional limits. The following was provided:

"SEPA applies to actions undertaken by state and local agencies within Washington. While SEPA does not apply to federal or Tribal actions directly, it may apply when such actions require state or local permits. In those cases, SEPA review is integrated into the permitting process to ensure comprehensive environmental consideration."

90-17

For clarity, the Programmatic EIS was revised to state that one of the first steps for initiating the SEPA environmental review process is identifying the SEPA Lead Agency, as outlined in WAC 197-11-922 through 948 (Ecology 2018).

90-18

To improve clarity and accuracy, the Programmatic EIS has been revised to reflect that EFSEC and local governments are responsible agencies under SEPA and that the project-specific environmental review process itself is governed by SEPA rules (Chapter 197-11 WAC), regardless of which agency conducts it. Chapter 1, Introduction, of the Programmatic EIS was revised to state:

"Based on the criteria outlined above, transmission facility project applications within the scope of this Programmatic EIS are subject to project-specific environmental reviews conducted either by EFSEC through its certification process or by local governments through their SEPA Lead Agency responsibilities. While the responsible entity may differ, the project-specific environmental review process follows the procedures and requirements established under SEPA."

90-19

The commenter is correct that RCW 43.21C.031 specifies that an EIS is required for proposals that would have a probable significant, adverse environmental impact. The term "probable" is a key component of SEPA's threshold determination process and reflects the intent to evaluate impacts that are reasonably likely to occur, even if not certain. The Programmatic EIS has been revised to include the term "probable" in the classification of impacts where an EIS is required.

Response to Sara Leverette, (Submission 90) - Continued

90-20

Chapter 1, Introduction, defined transmission facilities as electrical transmission facilities with a nominal voltage of 230 kV or greater, as directed by the Washington State Legislature under RCW 43.21C.405. The Programmatic EIS does not apply to lower-voltage facilities or to other types of infrastructure.

Regarding the language on mitigation, the Programmatic EIS includes recommendations for Mitigation Measures as part of its analysis of probable significant adverse environmental impacts, consistent with RCW 43.21C.031 and RCW 43.21C.408. However, the use of these Mitigation Measures is not presumed or automatically required. Instead, when a project-specific application incorporates Mitigation Measures identified in the Programmatic EIS, those impacts are considered to be mitigated for the specific issues addressed by those recommendations. This approach is intended to streamline project-specific environmental review for qualifying projects. The Programmatic EIS was revised to clarify and reaffirm when additional environmental analyses and additional mitigation measures may be required for project-specific applications using the Programmatic EIS.

90-21

The Programmatic EIS was reviewed to verify whether any executive orders cited in the Programmatic EIS have been repealed, amended, or superseded. The Programmatic EIS was updated accordingly to reflect the most current legal and policy framework.

90-22

Chapter 1, Introduction, of the Programmatic EIS has been revised to:

- Expand the review of relevant NEPA documents to include transmission rebuild and upgrade projects in Washington and the broader Pacific Northwest.
- Supplement the Energize Eastside EIS with additional case studies and impact analyses from DOE-led or DOE-reviewed rebuild projects, such as those conducted by the Western Area Power Administration and Bonneville Power Administration.

90-23

In response to this comment, the Programmatic EIS has been revised to add, "While FERC oversees NERC as the Electric Reliability Organization under Section 215 of the Federal Power Act, the Bulk Electric System definition—which generally includes transmission facilities operating at 100 kV or higher—is maintained and applied by NERC."

90-24

In response, the Programmatic EIS has been revised to read:

"The electricity again passes through a substation to decrease the voltage to rated distribution system levels to allow for safe delivery through the distribution system."

This revision more accurately reflects the purpose of voltage reduction in the context of power delivery and avoids implying that distribution voltage is inherently "safer" in a general sense.

Response to Sara Leverette, (Submission 90) - Continued

90-25

The commenter's suggested revision improves both the technical accuracy and the clarity of the statement. In response, the Programmatic EIS has been revised to read:

"High-voltage transmission facilities can also be used to move generation through a networked system from one substation to another to serve large electrical loads while meeting the North American Electric Reliability Corporation (NERC) transmission system planning performance requirements and customer demands."

This revision more accurately reflects the function of transmission facility systems in delivering power from generation sources to load centers and aligns with the intent of NERC's reliability standards, which focus on system performance under normal and contingency conditions.

90-26

In response to the commenter's suggestion, the Programmatic EIS has been revised to replace "inter-grid" with the more widely recognized and technically appropriate term "regional and interregional connectivity."

90-27

The Programmatic EIS was developed to assess transmission facilities rated at 230 kV or higher, without specifying the transmission type (HVAC or HVDC). The analyzed impacts were designed to be inclusive of both technologies, allowing flexibility for future project-specific applications. The impact determination ranges in the Programmatic EIS are intentionally broad, allowing them to encompass the environmental considerations of both HVAC and HVDC systems. The document remains flexible and applicable to various transmission technologies that may be selected based on project-specific needs, cost-benefit analysis, and regional grid requirements. This approach avoids prematurely narrowing the scope or excluding viable alternatives. Specific differences, such as converter station impacts for HVDC or wider ROWs for HVAC facilities, are expected to be addressed during project-specific environmental review.

In response to this comment, Chapter 2.0 of the Programmatic EIS has been revised to note that it does not specify transmission type and that the analyzed environmental impacts were designed to be inclusive of both technologies.

90-28

In response to this comment, Chapter 2, Overview of Transmission Facilities, Development Considerations, and Regulations, of the Programmatic EIS has been revised to read:

"Transmission facilities have traditionally been used to transfer electricity generated from nonrenewable generation facilities, such as coal and gas, to customers. However, as the electricity demand increases, more renewable electricity sources, such as wind and solar, are being developed. These renewable energy facilities can be developed in remote locations or far from existing infrastructure. Therefore, the development of new transmission facilities is likely required to effectively deliver the energy produced."

Response to Sara Leverette, (Submission 90) - Continued

90-29

The Programmatic EIS includes a general reference to materials used in overhead transmission structures (e.g., wood, steel, aluminum) to provide context for the types of infrastructure typically associated with high-voltage transmission facilities. This information is intended to support a broad understanding of the physical characteristics of transmission facilities and does not prescribe or limit the use of specific materials for future projects.

While the comment correctly notes that additional materials such as fiber-reinforced polymer (FRP), ductile iron, and concrete are also used in transmission infrastructure, the Programmatic EIS is a nonproject, programmatic document. Its purpose is to provide a high-level framework for future project-specific environmental review, and it is not intended to serve as a comprehensive engineering manual or evaluate the performance characteristics of all potential material types.

The inclusion of a brief reference to common materials does not preclude the use of other materials in project-specific applications. Project-specific environmental reviews will continue to evaluate material selection based on site-specific conditions, engineering requirements, and applicable regulatory standards.

Therefore, no change to the Programmatic EIS is warranted in response to this comment.

90-30

Chapter 2, Overview of Transmission Facilities, Development Considerations, and Regulations, of the Programmatic EIS was revised to include tubular steel towers as another type of potential overhead transmission facility structure.

90-31

In response, to this comment the Programmatic EIS has been revised to read: "The electricity is transported to another substation that reduces the voltage to levels suitable for the local distribution system, enabling it to be delivered to consumers."

90-32

In response to the commenter's suggestion, the title of the figure numbered 2.1-3 in the Programmatic EIS has been revised to "Examples of Substation Footprints."

90-33

In response to this comment, the Programmatic EIS has been revised to read:

"Substations may include transformers to increase or decrease the voltage of transmitted electricity... Switching stations are a distinct type of substation infrastructure that is also used to control transmitted electricity. Switching stations are different from substations in that they do not include transformers, and can connect or disconnect electric circuits and control the flow of electricity."

90-34

The Programmatic EIS includes a summary of Federal Aviation Administration (FAA) marking and lighting requirements to provide general context for potential visual and safety considerations associated with overhead transmission facilities. This information is included to inform readers of the types of federal requirements that may apply to transmission facilities, particularly those located near airports or in navigable airspace.

The discussion is not intended to serve as a comprehensive regulatory guide but rather to acknowledge that FAA requirements may be triggered depending on project-specific design factors, such as structure height and location. Including this information at the programmatic level helps ensure that potential permitting considerations are transparently identified early in the planning process.

Therefore, no change to the Programmatic EIS is warranted in response to this comment.

Response to Sara Leverette, (Submission 90) - Continued

90-35

The Programmatic EIS includes a brief discussion of the benefits of underground transmission facilities to provide context for why this type of development may be considered in certain scenarios. These benefits—such as reduced visual impact, increased resilience, and avoidance of aboveground conflicts—are widely recognized in transmission planning and are supported by industry practice and public agency guidance.

While the Programmatic EIS is a programmatic document and not intended to advocate for specific technologies, the inclusion of general benefits helps inform stakeholders of the potential trade-offs between overhead and underground transmission options. This framing supports SEPA's goal of encouraging environmentally sound proposals by presenting relevant considerations early in the planning process.

The discussion is factual and consistent with the informational purpose of the Programmatic EIS. Therefore, no change to the document is warranted in response to this comment.

90-36

The Programmatic EIS has been revised to clarify that upgrades and modifications to existing transmission facilities are considered to improve efficiency and reliability, and increase the existing system's capacity. Upgrades or modifications of existing transmission facilities are often considered to improve efficiency and reliability or to ensure compliance with updated regulations and standards.

90-37

In response to the commenter's suggestion, the Programmatic EIS has been revised to include an overarching statement that the timeframes provided in the Programmatic EIS are approximate. Exact timeframes would be determined for each project-specific application and may vary on a case-by-case basis.

90-38

The commenter is correct that many commercially available dynamic line rating solutions involve the installation of hardware components. In response to this comment, the Programmatic EIS has been revised to clarify that although dynamic line rating is considered a software technology improvement, it also involves the installation of physical hardware, such as advanced conductors and weather monitoring systems.

90-39

Figure 2.3-1 of the Programmatic EIS was revised to indicate that upgrades and modifications would occur during the operation and maintenance stage of a transmission facility project.

90-40

In response to this comment, the suggested statement was removed for clarity.

90-41

In response to this comment, the Programmatic EIS has been revised to use the term "points of delivery" when referring to considerations that influence transmission facility routing and design.

90-42

The Programmatic EIS provides an estimate of the number of employees needed for the construction of new transmission facilities. This estimate helps readers understand the scale of these projects and supports the programmatic-level analysis. For example, the employee numbers are used to assess the potential adverse environmental impacts on housing availability, as discussed in Section 3.16, Socioeconomics, of the Programmatic EIS. Therefore, no revisions were made in response to this comment.

90-43

The Programmatic EIS has been revised to clarify that construction activities may occur concurrently or in varying sequences, depending on the nature and complexity of the project.

Response to Sara Leverette, (Submission 90) - Continued

90-44

Chapter 2, Overview of Transmission Facilities, Development Considerations, and Regulations, of the Programmatic EIS has been revised to include a discussion of water crossing methods, including the following:

- Overhead transmission facilities can be used to clear span water crossings, including riparian areas, wetlands, wetland buffers, and surface waters. Taller structures are often needed to meet clearance requirements, and careful consideration should be made for the placement of foundations, access roads, and construction work areas.
- HDD can be used as a method for crossing bodies of water and sensitive ecosystems, including riparian areas, wetlands and wetland buffers, and surface waters.

EFSEC has carefully evaluated whether in-water trenching or burial within bodies of freshwater (e.g., lakes and rivers) should remain within the scope of the Final Programmatic EIS. As a result of this review, underwater installations within bodies of freshwater have been excluded from the technical scope of the Programmatic EIS to ensure that these types of projects receive appropriate, project-specific environmental review and mitigation planning.

90-45

In response to this comment, Chapter 2 of the Programmatic EIS has been revised to include citations to the following authoritative sources:

- ASCE Manual of Practice No. 74 –Guidelines for Electrical Transmission Line Structural Loading, Fourth Edition (2020), which provides comprehensive guidance on structural loading concepts and applications for transmission line design
- ASCE 141 –Design of Wood Transmission Structures, which outlines best practices for the structural design and use of wood poles
- ASCE 123 –Design of Concrete Pole Structures, which provides design criteria and methodologies for concrete transmission poles
- ASCE 104 –Recommended Practice for Fiber-Reinforced Polymer (FRP) Poles, which addresses the use of FRP materials in utility structures

90-46

The Programmatic EIS has been revised to clarify that transition structures and stations may be used across a range of voltage levels, depending on system design, operational needs, and site-specific conditions.

90-47

The Programmatic EIS was revised to clarify that required maintenance and repairs would be addresses as soon as warranted, in accordance with the NESC.

Response to Sara Leverette, (Submission 90) - Continued

90-48

It is acknowledged that not all transmission lines or facilities are fully decommissioned or removed. In some cases, infrastructure may be retained for potential future use, system redundancy, or to minimize environmental disturbance associated with removal.

The Programmatic EIS revised the decommissioning section to clarify that transmission facilities may be left in place under certain circumstances. The revised language notes that decisions regarding decommissioning versus retention are made on a case-by-case basis by considering system needs, adverse environmental impacts, and land use compatibility.

90-49

Under Washington law, comprehensive plans adopted under the Growth Management Act serve as guiding documents for land use planning and development, but they are not themselves regulatory instruments. As clarified in WAC 365-197-030, a consistency analysis under SEPA may involve both development regulations and comprehensive plan policies. Inconsistencies with policies could be identified as an impact to an environmental resource analyzed under SEPA and could require mitigation.

Under RCW 43.21C.240 and WAC 197-11-158, environmental review should focus on impacts not already addressed by applicable laws and regulations. If a project's impacts have been adequately addressed through adopted development regulations or other enforceable standards, additional SEPA-based mitigation or review is generally not warranted.

In response to this comment:

- General Measure Gen-3 in Section 3.1 of the Programmatic EIS was revised to clarify that if a project-specific application is inconsistent with one or more policies or ordinances, then additional environmental analyses and mitigation measures may be required per WAC 197-11-660.
- Additional guidance was provided for General Measure Gen-3 in Appendix 3.1-1 to emphasize that consistency with every individual policy is not implied as a legal requirement. However, additional project-specific environmental analyses and mitigation may be required when an inconsistency with a policy could be identified as an impact to an environmental resource analyzed under SEPA.

90-50

Section 3.1 of the Programmatic EIS adds that applicants should provide information in their project-specific application documenting the project's consistency with, or incorporation of, the Mitigation Strategies. If a project does not incorporate a Mitigation Strategy, additional information would be provided in the project-specific application for the SEPA Lead Agency's consideration.

Response to Sara Leverette, (Submission 90) - Continued

90-51

The commenter is correct that absolute avoidance of all environmental impacts is not a standard requirement under SEPA or the enabling legislation. The Programmatic EIS recognizes that some level of environmental impact is expected and acceptable if it has been previously analyzed in the nonproject EIS. The purpose of the Programmatic EIS is to streamline project-environmental review by allowing SEPA Lead Agencies to adopt the nonproject review unchanged, adopt it with an addendum or supplemental EIS, or incorporate the document by reference, depending on the nature of the project-specific application and extent of new impacts.

In response to this comment, in Section 3.1 of Chapter 3, General Measure Gen-5 was revised to note that it is assumed that all project-specific applications would incorporate and comply with the Avoidance Criteria identified in the Programmatic EIS. If a project-specific application cannot comply with the identified Avoidance Criteria, the SEPA Lead Agency may determine that additional project-specific environmental analyses and mitigation are required. These revisions clarify that compliance with all Avoidance Criteria is not a requirement of the Programmatic EIS, leaving discretion to the SEPA Lead Agency during the project-specific environmental review stage.

90-52

The Programmatic EIS does not assert that the implementation of Mitigation Strategies is automatically required for all adverse environmental impacts. Rather, it identifies potential Mitigation Strategies that may be appropriate for consideration during project-specific environmental review, consistent with the discretionary authority granted to decision-makers under SEPA (WAC 197-11-660).

Section 3.1 of the Programmatic EIS was revised to refine this General Measure and to identify what the applicant should include in their project-specific application. Appendix 3.1-1 was revised to include additional guidance to General Measure Gen-4 stating, "If applicable design considerations cannot be incorporated, the applicant should provide additional information for the SEPA Lead Agency's consideration. The SEPA Lead Agency may determine that additional environmental analyses or design modifications are warranted."

90-53

Section 3.1 of the Programmatic EIS has been revised to clarify that when a project-specific application is inconsistent with or does not comply with any of the Avoidance Criteria, additional information should be provided in the project-specific application for the SEPA Lead Agency's consideration. The SEPA Lead Agency would be expected to conduct additional environmental analyses and identify mitigation measures, as required by SEPA, to address related project-specific impacts.

Response to Sara Leverette, (Submission 90) - Continued

90-54

The Programmatic EIS does not assert that all environmental impacts must be avoided. Rather, it reflects the hierarchy of mitigation established under SEPA and widely accepted in environmental review practice: avoidance, minimization, and compensation. This framework is consistent with WAC 197-11-768, which defines mitigation to include avoiding, minimizing, rectifying, reducing, or compensating for impacts.

While regulations do not generally require avoidance of all hazardous areas, SEPA encourages agencies to consider alternatives and design modifications that reduce or eliminate probable significant adverse environmental impacts where feasible. The Programmatic EIS applies this principle at a programmatic level to help identify lower-sensitivity corridors and siting strategies that may reduce the need for additional mitigation at the project level.

The Avoidance Criteria in the Programmatic EIS are intended to:

- Inform early planning and siting decisions, not to impose a regulatory mandate.
- Highlight areas where probable significant adverse environmental impacts may be more difficult or costly to address.
- Support the legislative intent of RCW 43.21C.405 and RCW 43.21C.408, which promote more efficient and effective siting of high-voltage transmission facilities.

In response to this comment, Section 3.1 of Chapter 3 in the Programmatic EIS was revised to include the following language:

"As previously described, incorporating all Avoidance Criteria provides the most environmentally effective and economically feasible method for implementing a proposal. They are used in this Programmatic EIS as a baseline assumption to evaluate probable adverse environmental impacts on a broad level. They can be used by applicants and the SEPA Lead Agency as a best practice or guide in the early planning and design stages of a project to avoid significant adverse environmental impacts. However, it is not the intent of this Programmatic EIS to require the incorporation of all Avoidance Criteria into project-specific applications..."

90-55

The Programmatic EIS developed Avoidance Criteria to provide a baseline assumption for evaluating adverse environmental impacts on a broad level and across diverse geographic settings throughout the Study Area. The Avoidance Criteria can be used by applicants and the SEPA Lead Agency as a best practice or guide in the early planning and design stages of a project to reduce the likelihood of significant adverse environmental impacts. However, it is not the intent of the Programmatic EIS to require the incorporation of all Avoidance Criteria for project-specific applications. When a project-specific application is inconsistent with or cannot comply with any of the Avoidance Criteria, additional information should be provided in the project-specific application for the SEPA Lead Agency's consideration. The SEPA Lead Agency may determine that additional environmental analyses and mitigation are required to address related project-specific impacts.

The Programmatic EIS acknowledges that regulatory frameworks such as local Critical Areas Ordinances do not require avoidance of all impacts within a fixed distance (e.g., 300 feet) of all wetlands. The 300-foot setback referenced in the Programmatic EIS is not intended to serve as a mandatory or universally applicable regulatory requirement. Rather, it is identified as a setback distance where the Programmatic EIS has used best available science to conclude that no significant adverse environmental impacts would occur to wetlands from any transmission facility project within the scope of this Programmatic EIS. The Programmatic EIS explains that activities within the 300 ft setback, if proposed by the applicant, would undergo project-specific environmental analyses by the SEPA Lead Agency. Once adverse environmental impacts are evaluated for that specific location, mitigation can be appropriately identified based on context as well as intensity. This approach is consistent with WAC 197-11-060(5)(b), regarding phased review.

This buffer distance reflects guidance from the Washington State Department of Ecology, which notes that high-functioning wetlands adjacent to development may require buffers in the range of 200 to 300 feet to maintain ecological integrity, particularly for habitat functions (<https://apps.ecology.wa.gov/publications/documents/2206014.pdf>). However, the Programmatic EIS acknowledges that the actual buffer requirements are determined through project-specific environmental review and permitting processes, which consider wetland category, function, and site-specific conditions. Siting a project

Response to Sara Leverette, (Submission 90) - Continued

90-55

outside of the 300-foot buffer signifies that a project has substantially avoided impacts to known wetlands and therefore additional mitigation is likely not warranted.

The Programmatic EIS does not supersede or replace existing regulatory frameworks, including local Critical Areas Ordinances, the Shoreline Management Act, or federal Clean Water Act Section 401 reviews. Instead, the Programmatic EIS is intended to supplement existing regulatory frameworks by identifying any gaps in existing regulations. This Programmatic EIS also serves as a conservative planning tool to help identify potential constraints and inform early-stage routing decisions. Final setbacks and mitigation measures would be established through compliance with applicable local, state, and federal regulations, consistent with WAC 197-11-330, the use of best available science, and mitigation identified through project-specific environmental review.

Appendix 3.1-1 in the Programmatic EIS was revised to clarify that although the 300-foot buffer is not a regulatory requirement, it is intended to be a planning-level tool for applicants and a project-specific environmental review tool for the SEPA Lead Agency.

90-56

Washington's environmental regulations already provide a well-established framework for identifying and protecting critical areas, including:

- Wetlands
- Streams and riparian corridors
- Flood hazard areas
- Geologically hazardous areas
- Fish and wildlife habitat conservation areas
- And critical aquifer recharge areas

These categories are defined and regulated under local Critical Areas Ordinances, which are adopted pursuant to the Growth Management Act and supported by the project-specific environmental review processes. In response to this comment, AVOID-3, found in Section 3.1 of the Programmatic EIS, was revised to include a footnote with the following language:

"Washington does not have a single, unified legal definition for "sensitive water features," but the concept is addressed through several statutes and regulatory frameworks that define and protect critical areas and water resources. Washington's Growth Management Act (RCW 36.70A.030) defines five types of critical areas, which include water-related features considered sensitive: wetlands, areas with a critical recharging effect on aquifers used for potable water, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. These areas must be designated and protected using best available science, and local governments are required to adopt development regulations to preserve their functions and values. While the Washington State Department of Ecology does not offer a definition for "sensitive water features," areas such as fish-critical basins, instream flows, and water quality and quantity compliance zones may be identified to protect water features (RCW 90.54)."

Response to Sara Leverette, (Submission 90) - Continued

90-57

Management of floodplains in Washington is governed by Chapter 86.16 RCW, which establishes the Washington State Department of Ecology's authority and outlines the responsibilities of local governments in administering floodplain regulations in accordance with the National Flood Insurance Program. These regulations address the planning, construction, and maintenance of infrastructure within designated flood hazard areas and are designed to ensure public safety and environmental protection.

Although incorporating all Avoidance Criteria outlined in the Programmatic EIS provides the most environmentally effective method for implementing a proposal, it is not required. Avoidance Criteria should be reviewed and used by applicants early in the planning process to prioritize or help guide the siting and design of a project. However, if an Avoidance Criterion is not met, the SEPA Lead Agency would be expected to conduct additional project-specific environmental analyses, and may develop additional mitigation to address impacts.

Gen-2, found in Section 3.1 of the Programmatic EIS, was revised to reflect SEPA's core purpose, which is to identify and mitigate adverse environmental impacts, including those not addressed in existing regulations to adequately protect environmental resources. Therefore, the SEPA environmental review process is not limited to the review of a proposal's regulatory compliance. The SEPA Lead Agency would be responsible for performing the following actions:

- Conducting project-specific environmental reviews to identify gaps in regulations;
- Identifying mitigation for any identified gaps, as appropriate; and
- Providing agencies with jurisdiction with supplemental authority to require the identified mitigation in their approvals.

Section 3.1 and Appendix 3.1-1 of the Programmatic EIS has also been revised to identify additional guidance for applicants to demonstrate compliance with applicable federal, state, and local floodplain regulations, including those adopted under the National Flood Insurance Program and local Critical Areas Ordinances.

90-58

The Washington State Department of Ecology uses the term Channel Migration Zone (CMZ) to describe areas where a stream or river channel is likely to move over time due to natural processes such as erosion, sediment deposition, and flooding. Ecology also provides a methodology for delineating planning-level CMZs, which uses historical aerial imagery, geomorphic analysis, and field data to identify areas at risk of channel migration.

According to WAC 222-16-010, a CMZ is defined as, "The area where the active channel of a stream is prone to move and this results in a potential near-term loss of riparian function and associated habitat adjacent to the stream, except as modified by a permanent levee or dike."

In response to this comment, the Programmatic EIS has been revised to:

- Replace or clarify the term "areas of rapid channel migration" by referencing the established definition of CMZs.
- Cite WAC 222-16-010 and relevant Washington State Department of Ecology guidance to provide a consistent and regulatory-based framework.
- Clarify that avoidance of CMZs is recommended where feasible, but that compliance with applicable shoreline, floodplain, and critical areas regulations should also guide project-specific decisions.

Response to Sara Leverette, (Submission 90) - Continued

90-59

The commenter is correct that Important Bird Areas (IBAs) are not regulatory designations under Washington law. As stated in RCW 79.70.110(5), "Recognition of an important bird area does not require or create critical area designation under chapter 36.70A RCW". IBAs are identified through a scientific process led by qualified nonprofit organizations and are intended to inform conservation priorities—not to impose regulatory obligations.

The Programmatic EIS references IBAs and similar designations (e.g., Priority Habitat and Species, Natural Heritage Areas) as planning-level indicators of ecological sensitivity, not as binding regulatory constraints. Their inclusion is intended to:

- Inform transmission facility siting decisions early in the planning process by suggesting when project-specific environmental reviews may be more complex, or where additional data and analyses may be warranted.
- Support the identification of areas with lower sensitivity for transmission facility development.
- Complement, not replace, local land use authority and critical areas review processes.

In response to this comment, Section 3.1 and Appendix 3.1-1 of the Programmatic EIS have been revised to:

- Clarify that any General Measures and Avoidance Criteria that include non-binding designations are not presented as regulatory requirements.
- Clarify although important habitat designations, such as IBAs, are not regulatory requirements, they are intended to be a planning-level tool for applicants and a project-specific environmental review tool for the SEPA Lead Agency.
- Explain that activities within these designations, if proposed by the applicant, would undergo project-specific environmental analyses by the SEPA Lead Agency. Once adverse environmental impacts are evaluated for that specific location, mitigation can be appropriately identified based on context as well as intensity. This approach is consistent with WAC 197-11-060(5)(b), regarding phased review.

90-60

Chapter 1, Introduction, and Section 3.1 of the Programmatic EIS have been revised to include additional details regarding the process to be applied if Avoidance Criteria are not met. Additionally, Appendix 3.1-1 of the Programmatic EIS has been revised to:

- Clarify that any General Measures and Avoidance Criteria that include non-binding designations are not presented as regulatory requirements.
- Clarify although important habitat designations are not regulatory requirements, they are intended to be a planning-level tool for applicants and a project-specific environmental review tool for the SEPA Lead Agency.
- Explain that activities within these designations, if proposed by the applicant, would undergo project-specific environmental analyses by the SEPA Lead Agency. Once adverse environmental impacts are evaluated for that specific location, mitigation can be appropriately identified based on context as well as intensity. This approach is consistent with WAC 197-11-060(5)(b), regarding phased review.

The effects of transmission facilities on ungulates, including their use of summer and winter ranges, may vary by species. Overhead transmission facilities can create corridors for ungulates and predators, changing predator/prey dynamics, and can attract some species that forage on the ROW but deter others. Species that require snow interception during the winter may be negatively impacted by the reduction in forest canopy in winter ranges caused by a transmission line bisecting these habitats. The Programmatic EIS applies a cautionary approach by requiring project-specific environmental analyses of impacts, and mitigation as appropriate, if proposed transmission lines intercept sensitive or designated habitat.

Response to Sara Leverette, (Submission 90) - Continued

90-61

Transmission facilities can create barriers to movement, as described in Section 3.6, in a variety of ways. Barriers to movement occur when infrastructure bisects a movement corridor or habitat, reducing or preventing wildlife movement between habitat patches. These barriers can be physical constraints, such as construction fencing, sediment and erosion control measures, and material laydown, while perceived barriers could include human presence, noise, anthropogenic structures, and light. Barriers to movement during operation and maintenance could also occur from physical and perceived barriers, changes to predator-prey dynamics, and restricted animal movement across a landscape.

90-62

Setbacks and timing windows were identified, when available, from government sources, such as those published by the WDFW. Where Washington State-specific guidelines were not available, guidance from other government agencies was applied, followed by information from available background literature and studies. Most of the older sources cited—for example, Nordstrom and Milner (1997)—are provided because they are guidance published by Washington State and have not been replaced by newer guidance.

90-63

The Programmatic EIS is intended as a guide for transmission projects across Washington and therefore requires conservative assumptions to manage potential impacts on a variety of land use types and owners, given the lack of project-specific details. In the event that an Avoidance Criterion is not met, the applicant would provide additional information for the SEPA Lead Agency's consideration. The SEPA Lead Agency may determine that additional environmental analyses and mitigation is required.

Additional guidance was provided for this Avoidance Criterion in Appendix 3.1-1 to identify examples of land use incompatibilities beyond regulatory requirements. Additionally the following was provided: "While there may be practical limitations to avoiding all land use incompatibilities, particularly for large-scale infrastructure, consulting with local authorities, city planners, zoning boards, and other relevant authorities, as well as property owners, is a critical step to understanding sensitive land uses or land use incompatibilities, rules that govern development locally, and land use concepts specific to the region. Coordination could also result in identifying the need for minor changes to the project proposal, including pole heights, specific pole locations, and construction timing."

Response to Sara Leverette, (Submission 90) - Continued

90-64

The intent of the Avoidance Criterion AVOID-16 is to encourage applicants to consider long-term operational impacts on transportation systems during the siting and design of transmission infrastructure. It is not intended to prohibit or unduly constrain construction activities that may temporarily reduce LOS below C, especially when such impacts are managed through traffic control plans, coordination with local agencies, and public notification.

To clarify this intent, the Programmatic EIS has been revised to retain the wording of Avoidance Criterion but edit the supporting text to state:

“This Avoidance Criterion is intended to apply to long-term operational impacts on transportation systems. Temporary reductions in LOS during construction are recognized as common and may be acceptable when managed through appropriate Mitigation Measures and coordination with local transportation authorities.”

90-65

The intent of Avoidance Criterion Avoid-17 is not to prohibit development in areas with dark-sky sensitivity, but rather to encourage early consideration of lighting impacts in project design, particularly in or near:

- Designated Dark Sky Parks or Reserves
- Rural or undeveloped areas with minimal ambient lighting
- Tribal or culturally significant landscapes where night sky visibility may hold ecological or cultural value

In response to this comment, the Programmatic EIS has been revised to retain Avoid-17, but revise the text as follows:

“Avoid the installation of overhead transmission facilities that require lighting in areas where night sky preservation is a documented resource concern and managed for the protection of the night sky.”

Additionally, Appendix 3.1-1 was revised to clarify that:

- Adverse environmental impacts on the night sky should be minimized using appropriate lighting BMPs where avoidance is not feasible.
 - Consider lifeways and cultural practices that depend on darkened skies.
 - Consider the ecological benefits of reduced artificial light for nocturnal wildlife and pollinators.
-

Response to Sara Leverette, (Submission 90) - Continued

90-66

The intent of AVOID-18 is to encourage early consideration of high-value, destination-oriented recreation areas that may be disproportionately affected by visual, noise-related, or access-related impacts from transmission facilities. Additional guidance has been added to Appendix 3.1-1 of the Programmatic EIS as follows:

- Refer to the Recreational Assets of Statewide Significance in Washington State Study Report[SG1] (2019) or any more current version for a comprehensive list of exceptional recreation assets identified by the RCO.
- Document avoidance efforts in the project-specific application, including any constraints that limit full avoidance and the rationale for siting decisions.
- If avoidance is not feasible, provide justification and propose mitigation measures such as design measures to limit visual impacts and ground disturbance on exceptional recreation assets or development of compensatory recreation resources.
- Coordinate with the SEPA Lead Agency, the RCO, and local governments early in the project planning process to identify opportunities to avoid sensitive recreational resources.

90-67

The Programmatic EIS includes visual impact considerations as part of a broader effort to identify and avoid potential adverse impacts on culturally significant landscapes, traditional cultural properties, and historic sites. This approach is consistent with guidance from the Washington State Department of Archaeology and Historic Preservation (DAHP), which encourages early coordination and context-sensitive evaluation of potential impacts. Appendix 3.1-1 of the Programmatic EIS has been revised to:

- Clarify that visual sensitivity varies by resource type and cultural context, and that not all historic or cultural resources are subject to visual impact concerns.
- Emphasize that project-specific environmental reviews, in coordination with DAHP and affected Tribes, will determine whether visual impacts are relevant and significant for a given resource.

Response to Sara Leverette, (Submission 90) - Continued

90-68

AVOID-25 aligns with Washington State's environmental justice commitments under the Healthy Environment for All (HEAL) Act (RCW 70A.02) and the Climate Commitment Act. These laws require state agencies to identify and reduce environmental and health disparities in overburdened communities and for vulnerable populations.

RCW 43.21C.405 mandates that all nonproject EISs evaluate potential impacts on environmental justice and overburdened communities as defined in RCW 70A.02.010.

The HEAL Act, as codified in RCW 70A.02, defines environmental justice as: "The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm."

As defined under the HEAL Act, overburdened communities are geographic areas where vulnerable populations face combined, multiple environmental harms and health impacts. These communities are identified using readily available data and tools such as U.S. Census Bureau demographic data, the Washington Tracking Network (WTN) and Washington State Office of Financial Management databases, and the Information by Location tool hosted by the WTN.

Section 3.16 of the Programmatic EIS has been revised to clarify that AVOID-25 reflects and builds upon existing legal and planning frameworks.

Appendix 3.1-1 was also revised to identify available databases to help identify overburdened communities and vulnerable populations; identify that the Washington State Department of Health's Environmental Justice Assessment Report Template can be used when preparing an environmental justice assessment; and note that transmission facility project planning can avoid or minimize disproportionate impacts on environmental justice communities through early engagement, siting criteria, and mitigation.

90-68

90-69

WAC 197-11-800 provides categorical exemptions for certain minor construction and demolition activities, including thresholds for fill, excavation, and small-scale development that are unlikely to result in significant environmental harm. Specifically, SEPA allows for flexible exemption levels for minor new construction and demolition, and these exemptions are often tied to the scale and intensity of the proposed action. For example, demolition of small structures or limited excavation (e.g., under 100 cubic yards) may be exempt from environmental review if they fall below the thresholds outlined in WAC 197-11-800(1)(b).

The focus for demolition could be related to other environmental impacts that come from the process (e.g. equipment emissions, demolition emissions, transportations impacts, addition to landfill, noise, safety, etc.), which is not the focus of this Avoidance Criterion. Demolition is not the same as removing housing that would otherwise be usable. Therefore, AVOID-26 refers to the loss of housing or the displacement of residents, for any reason, which could result in socioeconomic impacts.

The Avoidance Criterion was not revised, as it is the most effective strategy to ensure that a variety of project types using this Programmatic EIS for a phased review would not result in a probable significant adverse impact. However, Section 3.1 of the Programmatic EIS was revised to clarify what an applicant should do in instances where it does not implement all Mitigation Strategies provided in the Programmatic EIS.

Response to Sara Leverette, (Submission 90) - Continued

90-70

The Programmatic EIS includes a suite of General Measures, Avoidance Criteria, and Mitigation Measures developed through review of relevant literature, SEPA Lead Agency guidance, and prior environmental documents. In response to this comment, the Programmatic EIS has been revised to review and incorporate applicable BMPs and Mitigation Measures from DOE-prepared NEPA documents for transmission upgrades in Washington and the broader Pacific Northwest.

90-71

The statement in the Draft Programmatic EIS that "moderate impacts have the potential to be significant" was intended to reflect the contextual and qualitative nature of SEPA significance determinations, as further described in WAC 197-11-330. That section emphasizes that significance is based on context and intensity, and that even impacts with a low probability of occurrence may be considered significant if their potential consequences are severe.

In response to this comment, the Programmatic EIS was revised to avoid confusion regarding significance determinations under SEPA by renaming "moderate" impact determinations to "medium". The Programmatic EIS also clarifies and compares the five-tiered impact determinations to the three significance determinations under SEPA. Additionally, it was revised to clarify that a low impact "is not expected to exceed the SEPA threshold of significance, which is defined as a reasonable likelihood of more than a moderate adverse impact on environmental quality."

90-72

The Programmatic EIS uses the term precautionary to describe a conservative approach to evaluating potential environmental impacts in cases where scientific uncertainty or data limitations exist. This approach is consistent with WAC 197-11-080, which provides guidance on how agencies should proceed when information relevant to significant adverse impacts is incomplete or unavailable. Specifically, WAC 197-11-080(3) allows agencies to proceed in the absence of vital information if: 1) the information is essential but not known and the cost of obtaining it is exorbitant, or 2) the means to obtain the information are speculative or unknown. In such cases, the agency is directed to:

"weigh the need for the action with the severity of possible adverse impacts... and generally indicate in the appropriate environmental documents its worst case analysis and the likelihood of occurrence, to the extent this information can reasonably be developed."

The Programmatic EIS complies with this requirement by:

- Disclosing where information is limited or uncertain
- Avoiding speculation
- Providing a reasoned analysis of potential impacts, including qualitative assessments where quantitative data may be lacking.

The use of precautionary or conservative language is not intended to presume significance in the absence of information, but rather to acknowledge uncertainty transparently and to support informed decision-making. Section 3.1 of the Programmatic EIS was revised to provide the following clarifications:

- Determining the significance of an impact involves context and intensity and does not lend itself to a formula or quantifiable test. The context may vary with the physical setting, and the intensity depends on the magnitude and duration of an impact (WAC 197-11-794). When evaluating the physical setting and intensity of impact, quantitative data are preferable; in some circumstances, qualitative information is sufficient and is used.
- Identification of adverse environmental impacts and assignment of discipline-specific ratings are based on a structured evaluation consistent with the criteria outlined in WAC 197-11-330. Significance determinations consider the context and intensity of potential

Response to Sara Leverette, (Submission 90) - Continued

90-72

impacts, using both quantitative and qualitative information where appropriate. Professional expertise does not substitute for regulatory compliance. Regulatory requirements establish the baseline for environmental analysis and mitigation. Professional experience is used to supplement this baseline, providing additional insight to identify whether mitigation beyond those required by regulation may be warranted. Professional expertise informs this evaluation, but does not substitute for regulatory compliance. In cases where data are incomplete or unavailable, a precautionary approach has been applied to ensure that potential impacts are not underestimated.

90-73

The use of the GoldSET mapping tool in the Draft Programmatic EIS was intended to demonstrate one example of a systematic and replicable approach to illustrate probable significant adverse environmental impacts and areas where impacts are avoided or capable of being minimized or mitigated, per RCW 43.21C.405.

Section 3.1 of the Programmatic EIS has been revised to clarify that:

- The environmental sensitivity maps were developed to help inform the siting and design of transmission facilities for environmental resource sections presented throughout Chapter 3. They help to better understand and illustrate the spatial distribution of resource sensitivities across environmental, social, economic, and technical dimensions.
- They are intended for a broad, comparative analysis at a regional scale, and should not be used for reviewing or approving project-specific applications. These maps can be used for preliminary screening purposes, but do not replace or substitute site-specific studies or assessments.
- While this Programmatic EIS uses the multi-criteria evaluation methodology, applicants and the SEPA Lead Agency are not required to use this same process. A variety of other tools, frameworks, and methodologies—including open-source, agency-developed, or consultant-supported options—can be used to conduct project-specific analyses and to demonstrate consistency with the recommendations in this Programmatic EIS.

Additionally, the Programmatic EIS also provides the following:

- Appendix 3.1-2 describes the data sources and processing methods used to develop the environmental sensitivity criteria.
 - An online mapping tool has been developed to provide public access to the input data used to develop the environmental sensitivity maps, allowing users to view and interact with the information. EFSEC will host this tool online following the publication of this Programmatic EIS and will continue to do so over time, as resources allow.
-

Response to Sara Leverette, (Submission 90) - Continued

90-74

The GoldSET tool was used in the Draft Programmatic EIS to support comparative, high-level screening of environmental and land use constraints across the state. Its purpose is to inform—not dictate—decision-making by highlighting areas of potential sensitivity or conflict. The overlay of all suitability maps may show that there are no areas in Washington that have no risk of adverse impacts on environmental resources. The tool's outputs are not intended to serve as a definitive siting map, but rather as a planning aid to identify areas where further analysis or stakeholder engagement may be warranted.

In response to this comment, Section 3.1 of the Programmatic EIS has been revised to:

- Clarify the role and limitations of the mapping outputs.
- Avoid presenting the composite overlay as a prescriptive constraint map, and instead emphasize one of its uses as a screening tool to support early planning.
- Supplement the mapping discussion with narrative guidance on how to interpret and apply the results in a flexible, context-sensitive manner.

90-75

EFSEC agrees that the steps for making a threshold determination are identified in 197-11-330(1) and factors for determining a significance threshold are identified in WAC 197-11-330(2). WAC 197-11-330 is not the only part of the SEPA rules addressing environmental analysis and threshold determinations. For example, several locations in the rules identify the role of agencies with environmental expertise in the SEPA process. They play an important role in assisting the SEPA Lead Agency to understand impacts and identify appropriate mitigation. Expertise is used to understand and interpret data and apply science. Professional expertise outside agency expertise is also used.

In response to this comment, Chapter 3, Affected Environment, Significant Impacts, and Mitigation, of the Programmatic EIS has been revised to:

- Remove or revise references to "best professional judgment" where it may imply a discretionary or informal approach.
 - Clarify the role of professional expertise as part of a documented data and science-based evaluation.
-

Response to Sara Leverette, (Submission 90) - Continued

90-76

EFSEC agrees that the focus of the Programmatic EIS should not be on whether the document itself is “suitable,” but rather on how it supports informed planning and environmental review for high-voltage transmission facilities in Washington. These maps were developed as a planning-level tool to help identify areas of potential environmental sensitivity or land use conflict.

In response to this comment, Section 3.1 of Chapter 3 in the Programmatic EIS has been revised to:

- Remove or revise language that characterizes the maps provided in the Programmatic EIS as “suitable” or not. Instead, the text focuses on the Programmatic EIS’s purpose as a programmatic planning and guidance document. The focus also emphasizes providing information about the environmental impacts, and possible mitigation for those impacts, of large transmission facilities at a programmatic level.
- Update the terminology so that the maps are referred to as “environmental sensitivity maps.”
- Expand the discussion of the environmental sensitivity maps to clearly state that the maps are intended for broad, comparative analysis at a regional or desktop scale; they are not intended for approving site-specific projects; and they do not determine project appropriateness, which would be evaluated through project-specific environmental analyses.

90-77

As outlined in WAC 197-11-660, the decision to impose mitigation measures is at the discretion of the SEPA Lead Agency, based on the specific facts and context of a given proposal. Similarly, WAC 197-11-330 provides the framework for determining significance, which must be based on probable significant adverse environmental impacts—not assumed in advance.

The enabling legislation for the Programmatic EIS also recognizes that, in some cases, the Programmatic EIS may be sufficient to support environmental review without requiring additional documentation. Therefore, the Programmatic EIS does not preemptively mandate further review or mitigation without considering the specifics of a project.

In response to this comment, the Programmatic EIS has been revised to:

- Edit the language throughout Chapters 1 and 3 to clarify that additional project-specific environmental analyses may be required, and mitigation identified, depending on the nature of a project and its potential impacts.
- Reinforce the role of the SEPA Lead Agency in making case-by-case determinations regarding the adequacy of the Programmatic EIS and the need for additional environmental analyses and mitigation.
- Ensure consistency with SEPA rules, including WAC 197-11-330 and WAC 197-11-660.

90-78

In response to this comment, the Chapter 3, Affected Environment, Significant Impacts, and Mitigation, of the Programmatic EIS has been revised to:

- Clarify that transmission facilities are generally not subject to state building code requirements, unless specific components (e.g., control buildings) fall within the scope of the code.
 - Reference the appropriate regulatory frameworks that govern the design, construction, and safety of transmission infrastructure.
-

Response to Sara Leverette, (Submission 90) - Continued

90-79

It is recognized that transmission facility design practices prioritize: 1) minimizing ground disturbance by using structure types and spans that accommodate topographic variation; 2) strategic placement of towers or poles to avoid steep cuts or fills; and 3) access road design that balances constructability with environmental sensitivity. While some localized grading may be necessary for structure foundations or access roads, large-scale terrain modification—such as leveling hills or filling valleys—is rare and typically avoided due to cost, environmental impact, and engineering constraints.

In response to this comment, Section 3.2, Earth Resources, of the Programmatic EIS has been revised to:

- Edit the description of earthwork activities to more accurately reflect typical overhead transmission practices.
- Update the impact evaluation to align with the reduced likelihood of extensive terrain modification.

90-80

Under the Washington Growth Management Act (RCW 36.70A), local governments are required to adopt and periodically update CAOs to protect critical areas, including geologically hazardous areas, such as landslide-prone slopes, seismic hazard zones, and areas of erosion risk, and frequently flooded areas, which may overlap with geohazard zones in certain landscapes. These ordinances are based on best available science and are designed to ensure that development is appropriately sited, engineered, and mitigated to reduce risk to people, property, and the environment.

In response to this comment, Section 3.2, Earth Resources, of the Programmatic EIS has been revised to:

- Clarify that compliance with applicable CAOs—including geohazard-specific provisions—may result in a lower significance rating for potential impacts from geologic hazards.
- Acknowledge that not all geologic hazards pose the same level of risk, and that site-specific conditions and mitigation measures must be considered.
- Update the impact evaluation framework to reflect that compliance with CAOs is a strong indicator of reduced environmental and public safety risk, but does not remove the SEPA Lead Agency's responsibility to verify there are no site-specific conditions that warrant additional project-specific environmental analyses and possible mitigation.

Response to Sara Leverette, (Submission 90) - Continued

90-81

The Programmatic EIS referenced geotechnical surveys as a potential tool to inform project design and environmental review, particularly in areas with known geologic hazards or sensitive soils. However, this reference is not intended to create a blanket requirement for all project-specific applications. The need for such studies will depend on the nature, location, and scale of the specific project and will be determined by the SEPA Lead Agency in accordance with applicable laws, regulations, and local permitting requirements.

In response to this comment, the Programmatic EIS has been revised to clarify that:

- The Programmatic EIS does not impose regulatory obligations or override SEPA Lead Agency discretion.
- References to geotechnical surveys are advisory and illustrative, not prescriptive.
- Project-specific requirements would be determined through the project-specific environmental review process.

Additionally, Mitigation Measure Geo-2 has been revised to be included as a part of General Measure Gen-9, which outlines various preconstruction surveys and assessments that helps identify project-specific probable significant adverse environmental impacts and inform the development of project-specific Mitigation Measures. Appendix 3.1-1 offers additional guidance for this General Measure, specifying that geologic surveys should be conducted prior to construction.

90-82

The Programmatic EIS includes Mitigation Measures and General Measures (which outlines various preconstruction surveys and assessments that helps identify project-specific probable significant adverse environmental impacts and inform the development of project-specific Mitigation Measures; Appendix 3.1-1 offers additional guidance for General Measures, specifying that geologic surveys should be conducted prior to construction.), as part of a comprehensive framework to identify and mitigate potential geologic hazards and impacts associated with high-voltage transmission facilities. While it is correct that compliance with existing laws and regulations is a foundational requirement for all projects, the inclusion of specific Mitigation Measures serve several important purposes:

- Clarification and Transparency: These Mitigation Measures provide clear expectations for applicants, Tribes, and stakeholders regarding how geologic risks should be addressed, beyond general legal compliance.
- Consistency Across Projects: By identifying specific Mitigation Strategies in the Programmatic EIS, the state ensures a consistent approach to managing geologic hazards across all future transmission projects, regardless of the SEPA Lead Agency.
- Early Planning and Design Guidance: The Mitigation Measures are intended to inform early-stage planning and siting decisions, helping applicants avoid high-risk areas and incorporate mitigation proactively, in alignment with RCW 43.21C.408.
- Support for Phased Review: As outlined in Chapter 1, Introduction, project-specific environmental reviews may adopt or incorporate relevant information from the Programmatic EIS. Including specific Mitigation Measures facilitates this process and supports more efficient and effective project-specific environmental review.

Therefore, while General Conditions remain in place, the inclusion of Mitigation Measures enhance the utility of the Programmatic EIS as a planning and environmental review tool. These measures are not redundant but rather complementary to existing regulatory frameworks.

Response to Sara Leverette, (Submission 90) - Continued

90-83

Under SEPA, a programmatic EIS is a planning-level document that provides guidance and identifies potential environmental impacts and mitigation. It does not have regulatory authority to require specific actions such as environmental assessments as part of project-specific applications.

The rationale in Appendix 3.1-1 has been revised to reflect that:

- The Programmatic EIS recommends environmental assessments as a best practice for identifying potential contamination, particularly in areas with known or suspected environmental hazards.
- The SEPA Lead Agency retains full discretion to determine the appropriate level of environmental review based on the specific characteristics of each proposed project, consistent with WAC 197-112.
- The requirement for environmental assessments, if any, would arise from applicable federal, state, or local regulations, or from the SEPA Lead Agency's own SEPA process—not from the Programmatic EIS itself.
- This clarification ensures that the Programmatic EIS remains consistent with SEPA's procedural framework and respects the authority and discretion of SEPA Lead Agencies in project-specific decision-making.

Additionally, the Programmatic EIS has been revised and Mitigation Measure Geo-7 is now included in General Measure Gen-9., which outlines various preconstruction surveys and assessments that helps identify project-specific probable significant adverse environmental impacts (including those identified in the Programmatic EIS and those not identified) and inform the development of project-specific mitigation measures. Appendix 3.1-1 offers additional guidance for this General Measure.

90-84

The term “sensitive soils” was intended to refer generally to soil types that may be more prone to erosion, instability, contamination, or other geotechnical concerns.

To address this concern, the Programmatic EIS has been revised to:

- Include a clearer definition of “sensitive soils,” referencing applicable sources such as the NRCS soil classifications, Washington State Department of Ecology guidance, or local Critical Areas Ordinances where relevant.
- Clarify that any identification of sensitive soils provides programmatic level environmental analysis and can also inform early planning and siting decisions—it is not intended to impose new regulatory requirements.
- Emphasize that compliance with existing federal, state, and local regulations governing soil stability, erosion control, and contamination remains the primary obligation of applicants. However, it is the responsibility of the SEPA Lead Agency to assess the site-specific conditions and determine if there are any project-specific adverse environmental impacts resulting from gaps in existing regulations.
- Ensure that its language does not imply new mandates or override SEPA Lead Agency discretion.

90-85

Section 3.3 of the Programmatic EIS has been revised to include RCW 70A.15 in the table of air quality laws and regulations.

Appendix 3.1-1 of the Programmatic EIS was revised to include additional guidance referencing the seven regional clean air agencies and their roles in permitting, enforcement, and monitoring. Clarify that applicants must coordinate with the appropriate regional agency or Washington State Department of Ecology office based on project location.

Response to Sara Leverette, (Submission 90) - Continued

90-86

The commenter is correct that fugitive dust emissions from construction activities are regulated under both state and local air quality frameworks. The Washington State Department of Ecology and local air authorities require the use of BMPs to minimize onsite fugitive dust emissions during construction, including measures such as:

- Watering or stabilizing disturbed soils
- Covering stockpiles and haul trucks
- Limiting vehicle speeds on unpaved surfaces
- Scheduling construction to avoid high-wind conditions

Section 3.3, Air Quality, of the Programmatic EIS has been revised to reflect these regulatory requirements and to clarify that applicants must comply with applicable state and local air quality regulations, including those related to onsite fugitive dust.

90-87

The purpose of the “Water Use &Importance” section in the Programmatic EIS is to provide contextual background on the significance of water resources in Washington. This background is intended to inform the reader about why water-related impacts are considered in the environmental analysis, consistent with SEPA’s directive to consider probable significant adverse impacts on the environment (WAC 197-11-060); therefore, no revisions were made.

90-88

The commenter is correct that Washington State law distinguishes between jurisdictions that fully plan under the GMA (RCW 36.70A) and those that operate under the Planning Enabling Act (RCW 36.70). While all counties and cities must comply with the critical areas provisions of the GMA, only certain jurisdictions are required—or have opted—to fully plan under the GMA.

Section 3.9, Land and Shoreline Use, of the Programmatic EIS was revised to:

- Distinguish between GMA and Planning Enabling Act jurisdictions, including which elements are required to be included in comprehensive plans, the level at which development regulations must align with the comprehensive plans, and how future development must consider a jurisdiction’s requirements for accommodating projected growth within urban growth areas.
- Provide a summary of which counties fall under each planning framework.
- Provide examples of potential land use conflicts that may be pertinent to jurisdictions fully planning under the GMA.
- Identify in Appendix 3.9-1 which Counties are Partially Planning or Fully Planning under the GMA, for more context.

Response to Sara Leverette, (Submission 90) - Continued

90-89

The commenter is correct that water use during construction of high-voltage transmission projects is generally temporary and localized, primarily for dust suppression, soil compaction, and concrete mixing. In most cases, the quantities of water used are modest and do not result in significant or long-term impacts on water resources.

Section 3.4, Water Resources, of the Programmatic EIS has been revised to:

- Clarify that water use impacts are typically short term for transmission facility construction.
- Qualify the impact discussion to reflect that potential significance varies by location, particularly in areas with limited water availability or during drought conditions.
- Identify that applicants would refer to applicable local and regional water use restrictions or permitting requirements.

90-90

Under WAC 220-660-250, temporary water diversions must be designed and operated in a manner that maintains sufficient downstream flows to protect fish life. By adhering to this requirement, bypass flows would be maintained, ensuring ecological continuity and prevent dewatering of downstream habitats.

In response to this comment, Section 3.4, Water Resources, of the Programmatic EIS has been revised to:

- Reference applicable rules, including WAC 220-660-250, which governs water diversion and intake design, new construction, and operation.
 - Clarify that compliance with Hydraulic Project Approval conditions is required for any in-stream work, including temporary diversions, and that these conditions are designed to prevent adverse downstream impacts.
 - Update the impact characterization to reflect that temporary diversions are subject to regulatory requirements that ensure downstream flows are maintained.
 - Update the additional guidance provided in Appendix 3.1-1 to include a reference to WAC 220-660-250 and WAC 220-660-120(9).
-

Response to Sara Leverette, (Submission 90) - Continued

90-91

Under SEPA, the determination of impact significance is based on the probable adverse environmental impacts of a proposal, considering both the context and intensity of those impacts (WAC 197-11-330 and 197-11-444). For projects with a typical scale and duration, the impact determination before applying Mitigation Measures could be medium or low. However, projects that propose construction within water-scarce regions or near sensitive waterbodies could result in having a high impact determination.

SEPA's core purpose is to identify and mitigate adverse environmental impacts, including those not addressed in existing regulations. Therefore, this range of impact determinations are intended to capture the wide variety of possible impacts that could occur when implementing a transmission facility project.

In response to this comment, Section 3.4, Water Resources, of the Programmatic EIS has been revised to:

- Reevaluate the impact rating for water quantity and quality to ensure it reflects the typical scale and duration of impacts associated with transmission projects.
- Consider regional variability, such as water availability and watershed sensitivity, in determining whether a "moderate" or "low" rating may be more appropriate in most cases.
- The Programmatic EIS has been changed to use the word "medium" instead of "moderate" when referring to impact ratings to avoid confusion
- Clarify that site-specific conditions and project-specific environmental reviews will ultimately determine the actual level of impact and required mitigation.

90-92

The intent of the impact discussion in this section is to broadly consider potential interactions between construction activities and existing infrastructure. To clarify, the existing Programmatic EIS language is not intended to redefine infrastructure but to acknowledge that construction activities may have indirect or incidental effects on infrastructure. These effects are generally temporary and localized and, in most cases, would be expected to result in low levels of impact.

Section 3.4, Water Resources, of the Programmatic EIS was revised to note that while construction equipment and temporary project-related activities are not infrastructure themselves, their presence and operation may interact with or place temporary demands on infrastructure systems (e.g., roads, utilities).

90-93

The rationale for this Mitigation Measure has been revised in Section 3.5 and Appendix 3.1-1 to reflect that:

- The SEPA Lead Agency retains full discretion to determine the appropriate level of project-specific environmental review based on the specific characteristics of each proposed project, consistent with WAC 197-112.
- The requirement for additional project-specific environmental analyses, if any, would arise from applicable federal, state, or local regulations or from the SEPA Lead Agency's own SEPA process—not from the Programmatic EIS itself.

This clarification ensures that the Programmatic EIS remains consistent with SEPA's procedural framework and respects the authority and discretion of the SEPA Lead Agency in project-specific decision-making.

Additionally, all Mitigation Measures associated with vegetation plans are now included as a part of General Measure Gen-10, which outlines various mitigation and management plans required to demonstrate regulatory compliance and effective risk management. Appendix 3.1-1 offers additional guidance for this General Measure.

Response to Sara Leverette, (Submission 90) - Continued

90-94

The 775-foot buffer was used as a conservative estimate of the extent to which edge effects may impact ecosystems and vegetation.

Section 3.5, Vegetation, notes that, "Edge effects from fragmentation may vary depending on the ecosystem type. It is estimated that impacts on microclimate and from invasive plants along edges may extend 25 to 775 feet into adjacent areas (Bentrop 2008). Edge effects can impact community composition and should be considered for linear infrastructure." The Programmatic EIS states that while individual plant priority species were not specifically investigated for this Programmatic EIS, this concept can be applied in ecosystem-level impact assessments. If the habitat on which a plant priority species depends is substantially altered, localized extirpation may occur. In addition, changes to community composition, in particular the spread of invasive plants, can extirpate a population. The closer the populations of priority plant species are to the edge, the larger and more likely an impact will occur.

Therefore, the 775-foot buffer was applied to the vegetation environmental sensitivity cards to help identify a buffer around sensitive species and ecosystems that would be affected by edge effects. The protected area should extend beyond the boundary of the ecosystem and include a buffer since noxious weeds, dust, etc., can spread beyond arbitrary clearing boundaries and degrade ecosystems over time.

90-95

The 300-foot wetland buffer aligns with guidance from the Washington State Department of Ecology, which recommends buffer widths of 200 to 300 feet for high-functioning wetlands adjacent to development. These wider buffers are intended to preserve ecological integrity, particularly with respect to habitat functions. Project-specific environmental reviews would be conducted to refine buffer distances and assess potential adverse impacts to the resource.

The 100-foot buffer surrounding Priority Habitat and Species (PHS) Cave Points was initially applied to visually illustrate the area of influence around cave point features, based on publicly available point data. This representation is conceptual in nature. Project-specific environmental reviews would be conducted to refine buffer distances and assess potential adverse impacts to the resource.

90-96

This design consideration was included to provide a reference for projects that may be routed within transportation corridors located in sensitive priority areas. The project-specific application would determine the applicability of incorporating these management practices. Projects could also use these management practices to build from if the SEPA Lead Agency determines that additional project-specific environmental analyses and mitigation is required.

90-97

The source Ungulate Migrations of the Western United States, Volume 4 (Kauffman et al. 2024) is not intended to exclusively inform the development of policy. As stated in the document's abstract on page 2, this report provides "a map-based inventory of the documented ungulate migrations across the Western United States for biologists, managers, policy makers, and conservation practitioners." This represents relevant information to consider during the siting and design of transmission facilities to reduce potential adverse environmental impacts to wildlife.

Response to Sara Leverette, (Submission 90) - Continued

90-98

The Programmatic EIS describes existing conditions for wildlife in the state and analyzes the potential adverse environmental impacts of a transmission facility on those conditions. The analysis of adverse environmental impacts on wildlife is not limited to habitat designated as a critical area, but rather considers relevant scientific data on wildlife populations in Washington and wildlife habitat use. Important bird areas have been identified and delineated based on scientific data collected regarding bird use and reliance on specific areas.

90-99

Note that the discussion in Section 3.6.3 of the Programmatic EIS states "Columbia Plateau Ecoregion" specifically, not "eastern Washington" generally. Further, human population density is not necessarily correlated to habitat fragmentation or connectivity because land use is an important factor. This is further discussed in this section which states: "More than half of the Columbia Plateau ecoregion has been converted to agricultural land or altered by other development, and the remaining habitat is fragmented by these practices and restricted to areas that are less suitable for agriculture (WHCWG 2012). This makes maintaining the remaining intact and interconnected shrubsteppe in the Columbia Plateau a priority for conservation, as several species that inhabit these areas require corridors to move among populations. WHCWG (2012) stated that future infrastructure projects 'warrant appropriate consideration of connectivity effects in this area.'" This section also notes that connectivity is generally connected through the montane regions with habitat connectivity to the coast contiguous "except when bisected by road networks and urban centers," acknowledging that urban areas have fragmented habitat.

90-100

Noted. Duplicate sentence has been deleted.

90-101

As discussed in Section 3.6 of the Programmatic EIS, the effects of highways and roads on wildlife movement and mortality are relevant to transmission facilities because during construction, there would be increased vehicle traffic from project activities. Increased vehicle traffic can result in increased wildlife mortality risk. During operations, public recreational activities such as all-terrain vehicle riding, snowmobiling, and dirt biking can occur from using transmission facility corridors, which can disrupt wildlife movement. It is acknowledged that effects of vehicle traffic are greater for highways than transmission facilities (e.g., "moose will generally cross transmission lines but are more resistant to crossing roads [Bartzke et al. 2015]"). However, inferences need to be made if literature specific to transmission facilities is not available. This limitation is noted with "However, the effects of linear features such as pipelines and transmission lines on ungulate migration are still not well understood (Sawyer et al. 2013)."

90-102

As discussed in Section 3.6 of the Programmatic EIS, barriers to movement include physical barriers that wildlife are not capable of crossing (e.g., fencing), as well as perceived barriers to movement, which are landscape features such as habitat gaps or matrix habitats that wildlife are physically capable of crossing but typically do not because of behavioral constraints. One example is "amphibians and reptiles may avoid crossing construction access roads due to changes in microclimate conditions and lack of cover objects." This section acknowledges that barriers for some guilds, such as birds, are predominantly perceived barriers and not physical ones.

While it is understood that fencing an entire ROW is not industry practice, fencing is mentioned as an example of a physical barrier and may be required in specific areas at specific times (e.g., safety fencing) or specific portions of the ROW. Permanent fencing is a typical feature for switchyards and substations, which are included within the Programmatic EIS.

Response to Sara Leverette, (Submission 90) - Continued

90-103

The cited study (i.e., Benito-Lopez et al. 2010) is a meta-analysis of a variety of infrastructure, including roads, railways, powerlines, pipelines, etc. The study investigated patterns of animal distribution in relation to proximity to infrastructure, but did not describe unique aspects of different types of infrastructure related to the observed patterns (which is not the goal of a meta-analysis). The context where this study is cited within the Programmatic EIS states that studies have found that wildlife abundances decreases near infrastructure, often due to indirect impacts on habitat quality.

90-104

In Section 3.6 of the Programmatic EIS, the results of the cited study (i.e., Kempenaers et al. 2010) regarding the adverse effects of light on wildlife were considered together with the other studies referenced throughout this section to inform the impact determination of indirect habitat loss on wildlife. Other cited studies included:

- Gaston et al. 2013; Gaston and Bennie 2014
- Perry et al. 2008; Fain et al. 2001; Cornell and Hailman 1984; Erskine and Hutchison 1982; Vanecek 1998; Wise and Buchanan 2006; Bouskila 1995
- Boyes et al. 2021; Van de Broeck 2021

90-105

Citations have been added in Section 3.6 of the Programmatic EIS. They currently appear in the subsequent sections (i.e., Caltrans 2016, Babic 2017 for the noise threshold and Eftestol 2016 for the distance threshold).

90-106

The referenced citation, Rutherford et al. 2023, was used to describe how large mammals have been documented avoiding noisy areas, which is applicable to the new construction and operation and maintenance of transmission facilities. This reference was not used to enumerate setback distances or estimate indirect habitat loss associated with transmission facilities. The next paragraph describes changes in mammal behavior due to transmission facilities and quantifies those changes. The Programmatic EIS relies on studies of the effects of transmission facilities on wildlife habitat and behavior, where available; however, inferences are made based on alternate studies when transmission facility-specific studies are not available.

90-107

The commenter is correct that the scope of this Programmatic EIS is limited to high-voltage transmission facilities and that distribution lines are not included in the definition of covered actions. Literature specific to transmission facilities was reviewed where available; however, inference from other sources were included where there is a lack of literature. The Programmatic EIS clarifies that there is a difference in impacts between distribution and transmission lines (e.g., "Electrocutions occur primarily at distribution lines, but collisions occur at both distribution and transmission lines [Loss et al. 2014]"). While some general avian impact studies reference both transmission and distribution systems, the Programmatic EIS has been revised to clarify that the impact analysis is specific to transmission facilities.

To maintain consistency with the scope of the document, Section 3.6 of the Programmatic EIS has been revised as follows:

- Remove any references to distribution-related impacts if not applicable to characterizing the potential risk of mortality.
- Retain relevant information on avian collision and electrocution risks associated with transmission lines, as these are well-documented and pertinent to the analysis.

Response to Sara Leverette, (Submission 90) - Continued

90-108

Mitigation outlined in Management Recommendations for Washington's Priority Species (MRWPS): Ferruginous Hawk [*Buteo regalis*] (Watson and Azerrad 2024) is recommended for implementation at occupied and "unoccupied nesting territories because ferruginous hawks have been observed re-occupying territories after an absence of at least 20 years...." (Watson and Azerrad 2024). The management plan provides a table of management zones on page 11 and strongly recommends avoidance of activity within 3.2 km (2 miles) of a known nest. Avoidance within 3.2 km is further described on page 12.

Section 3.6 of the Programmatic EIS identifies consultation with WDFW for proposed works within 3.2 km of a ferruginous hawk nest (occupied and unoccupied) and for other impacts involving priority species, included in the Programmatic EIS's Mitigation Measures.

90-109

The term "conflict weights" was used to describe a relative ranking system applied to geospatial data. The rankings helped to identify areas where potential conflicts with transmission facilities may be more likely. These weights are intended to support the programmatic-level planning document and are not regulatory thresholds or determinations of significance under SEPA.

To improve clarity and usefulness Section 3.1 of the Programmatic EIS has been revised to:

- Update "conflict weights" to "sensitivity level"
- Include a footnote for sensitivity level to provide a brief explanation. This definition was also included in Chapter 7, Glossary.
- Clarify that these environmental sensitivity maps do not replace or substitute site-specific studies or assessments and that actual impacts will vary based on site-specific conditions and mitigation measures.

90-110

The environmental sensitivity maps provided in the Programmatic EIS were developed to better understand and illustrate the spatial distribution of resource sensitivities across environmental, social, economic, and technical dimensions. They are intended for a broad, comparative analysis at a regional scale, and should not be used for reviewing or approving project-specific applications. These maps can be used for preliminary screening purposes, but do not replace or substitute site-specific studies or assessments. Project-specific applications would include a comprehensive review and analysis to identify site-specific adverse environmental impacts using the project-specific location and site-specific conditions.

Section 3.1 was revised to clarify the process that would be completed if projects do not conform to Mitigation Strategies provided in the Programmatic EIS. The Programmatic EIS assumes that project-specific applications incorporate and conform to all Avoidance Criteria. The analysis in the Programmatic EIS does not specifically analyze the environmental impact from project proposals where Avoidance Criteria would not be implemented. Therefore, the environmental analysis would be incomplete for that specific project, and the impact from not avoiding an environmental resource would be analyzed by the SEPA Lead Agency as part of the project-specific environmental review. This project-specific environmental review may result in the SEPA Lead Agency developing additional mitigation measures to address impacts that do not fit within the programmatic analysis framework of this Programmatic EIS.

Additionally, when impact determinations for an impact are identified as medium or high, then either the applicant would adopt applicable Mitigation Measures from this Programmatic EIS, or the SEPA Lead Agency may require other applicable mitigation measures to be implemented to reduce project-specific adverse environmental impacts. When impact determinations are low, applicable Mitigation Measures should still be considered by the applicant and the SEPA Lead Agency, as these measures would help to further reduce adverse environmental impacts, including the project's contribution to cumulative impacts. These measures would be implemented in addition to compliance with laws, regulations, environmental permits, plans, and design considerations required for transmission facilities.

Response to Sara Leverette, (Submission 90) - Continued

90-111

As discussed in Section 3.6 of the Programmatic EIS, riparian buffers are based on the riparian widths recommended in Riparian Ecosystems, Volume 2 Management Recommendations (Rentz et al. 2020). Additionally, the Programmatic EIS states that although recommended riparian buffers may vary throughout Washington, and different counties may have different recommended buffer widths, a buffer width of 240 feet was used to be conservative.

90-112

The purpose of the section referred to in this comment is to summarize the current scientific understanding of EMFs, including distinctions between electric fields and magnetic fields, and to present the range of perspectives in peer-reviewed literature and agency guidance. However, it is recognized that characterizing the scientific evidence as having "little consensus" may not accurately reflect the conclusions of major scientific reviews conducted by bodies such as ICNIRP and NIEHS. These agencies generally agree that there is no conclusive evidence linking low-level, long-term EMF exposure from transmission lines to adverse health effects, though they also note that research is ongoing and some uncertainty remains.

In response to this comment, the final sentence referred to in the comment has been revised to better reflect this nuance. Specifically, the Programmatic EIS has been revised to clarify that, while major regulatory and scientific bodies have concluded that typical EMF exposures from transmission facilities are not conclusively linked to health risks, the topic continues to be studied and debated, especially by segments of the public and some researchers. This revision helps ensure that the section maintains scientific accuracy and avoids overgeneralization.

90-113

Section 3.08, Public Health and Safety, of the Programmatic EIS has been revised to refer to ICNIRP's internationally recognized guidelines.

90-114

Please refer to Section 3.8.1 for information on federal and state worker safety laws and regulations that are relevant to the Programmatic EIS.

90-115

The Programmatic EIS reflects the overarching consensus of multiple scientific panel reviews, which is that neither electric nor magnetic fields is conclusively likely to cause adverse health effects at the long-term, low-exposure levels associated with electrical transmission. The only established link between electric or magnetic fields and negative biological or health effects occurs when the body experiences a shock-like effect due to electric currents at extremely high exposure levels. International organizations like ICNIRP, as well as U.S. nongovernmental groups like the Institute of Electrical and Electronics Engineers Standards, provide recommendations and guidelines for exposure limits to protect against acute adverse effects from short-term exposure (ICNIRP 2010; IEEE 2019). Accordingly, the Programmatic EIS characterizes the baseline risk as low or negligible, particularly when facilities are sited and operated in accordance with established standards.

While the risk is low, the inclusion of Mitigation Measure H&S-2 is intended to:

- Address public concern and perception, which can influence project acceptance and community trust.
- Ensure consistency with best practices and precautionary principles used in infrastructure planning.
- Minimize potential EMI impacts on sensitive equipment or facilities (e.g., hospitals, laboratories, or communication infrastructure), even if the likelihood of interference is low.

These measures are not based on a finding of significant risk, but rather serve as precautionary and confidence-building practices that can be scaled or waived based on site-specific conditions and Tribal and stakeholder input.

Response to Sara Leverette, (Submission 90) - Continued

90-116

The intent of the hotline is to provide a communication channel during construction, when public observation of activities may help identify issues such as unauthorized access, equipment malfunctions, or environmental concerns. In response to this comment, the Programmatic EIS has been revised as follows:

- Section 3.8 and Appendix 3.1-1 renumbered Mitigation Measure H&S-5 to H&S-3.
- Additional guidance was provided in Appendix 3.1-1 to state that the operation of the hotline would typically fall to the applicant or construction contractor. The hotline would be expected to remain active throughout construction activities, unless otherwise determined by the SEPA Lead Agency.

90-117

The use of the term "perceived" in the Programmatic EIS was intended to acknowledge that public concerns or Tribal and stakeholder input may arise as it relates to adjacent land uses, even in cases where a project is technically consistent with zoning or land use regulations.

Incompatibilities with adjacent land uses is still a relevant impact that is considered within the Programmatic EIS. However, Section 3.9 of the Programmatic EIS was revised to include a specific example of this potential scenario. Section 3.9 describes how the conversion of state trust lands managed by DNR could restrict the allowable uses for future development of adjacent properties. This example is further supported when evaluating the impacts transmission facility development may have on the function and value of agricultural lands and rangelands.

90-118

The commenter is correct that not all transmission projects will require a Traffic Impact Analysis (TIA), particularly those involving upgrades to existing facilities or use of established corridors where construction-related traffic is minimal and no long-term changes to transportation patterns are anticipated.

Throughout Chapter 3 of the Programmatic EIS, the following language has been provided to clarify when and how Mitigation Measures would be incorporated into project-specific applications.

"When impact determinations are identified as medium or high, then either the applicant would adopt applicable Mitigation Measures from this Programmatic EIS, or the State Environmental Policy Act (SEPA) Lead Agency may require applicable mitigation measures to be implemented to reduce project-specific adverse environmental impacts. When impact determinations are low, applicable Mitigation Measures should still be considered by the applicant and the SEPA Lead Agency, as these measures would help to further reduce adverse environmental impacts, including the project's contribution to cumulative impacts. These Mitigation Measures would be implemented in addition to compliance with laws, regulations, environmental permits, plans, and design considerations required for transmission facilities."

TR-1 is now included as additional guidance in Appendix 3.1-1 of the Programmatic EIS for General Measure Gen-6 and Avoidance Criterion AVOID-16. Additionally, Appendix 3.1-1 of the Programmatic EIS has been revised to clarify that: "A TIA is not automatically required for all projects. The scope and scale of a project, including whether it involves new corridors or significant construction activity, will determine whether a TIA is appropriate. For projects with minimal or no anticipated transportation impacts, a TIA may be unnecessary, and a more limited transportation assessment may suffice."

90-119

Section 3.11, Public Services and Utilities, has been updated to state that "...temporary disruption to services may occur."

Response to Sara Leverette, (Submission 90) - Continued

90-120

The commenter suggests that the assumption that operation and maintenance of transmission facility projects may increase the risk of power outages may not be supported, and asserts that a failure to develop transmission facilities may increase this risk since existing facilities are not sufficient to meet the projected demand.

Section 1.3 of the Programmatic EIS was revised to outline various reasons that transmission facilities are needed in Washington. This section of the Programmatic EIS includes a discussion specifically relating to meeting the forecasted demand, enhancing the reliability of the electric power system to ensure continuous delivery of electricity to consumers, and addressing existing congestion and constraints on transmission capacity.

Section 3.11, Public Services and Utilities, states that maintenance activities may impact the continuous operation of public service facilities. It is also recognized in the affected environment of this section that emergency response facilities, healthcare facilities, and enhanced services facilities have stringent requirements for secondary power sources to ensure patient safety and continuous communication coverage during power outages. Furthermore, with the implementation of General Measure Gen-10, impacts are expected to be less than significant. Appendix 3.1-1 offers additional guidance for this General Measure, specifying that an emergency management plan should be developed for project-specific applications.

90-121

Section 3.11 of the Programmatic EIS includes details describing how operation and maintenance could increase the risk of accident and/or injury, thereby leading to an increased demand for public services. Given the broad nature of the Programmatic EIS and the variability of adverse environmental impacts on public services, the impact determination is based on a worst-case scenario. That is, the rating has been assigned based on the scenarios that could have the greatest impact magnitude by a transmission facility project.

90-122

It is recognized that not all construction lighting impacts would be considered as High. Night lighting in very urban conditions may cause little to no adverse impact during construction, while construction lighting in areas where night sky preservation is a documented resource could have adverse environmental impacts.

90-123

The commenter is correct that siting transmission facilities within existing transmission corridors or road ROWs is a common practice and can help minimize visual impacts. These areas often have lower viewer sensitivity due to the presence of existing infrastructure, and any new facilities are typically perceived as part of the established visual environment. The Programmatic EIS has been revised to acknowledge the potential for reduced visual impacts when transmission facilities are sited within existing corridors or ROWs. The text has been revised to read: "Siting transmission lines within established corridors or ROWs can reduce these visual contrasts and can significantly mitigate potential visual impacts. Project-level siting decisions should consider opportunities to co-locate with existing infrastructure to reduce environmental and visual impacts where feasible."

Project-specific environmental reviews would be conducted to evaluate potential adverse environmental impacts across all resources, including, but not limited to: biological, cultural, water, and land use, and to determine whether locating the project within existing ROWs presents a more environmentally and logistically favorable alternative than new construction.

Response to Sara Leverette, (Submission 90) - Continued

90-124

While the Programmatic EIS includes generalizations about visual sensitivity in rural areas, the intent was to acknowledge that some rural landscapes may be valued for their scenic or undeveloped character, which can heighten sensitivity to visual change.

Section 3.12 of the Programmatic EIS has been revised to clarify that visual sensitivity in rural areas is context-dependent, and that not all rural landscapes are considered highly sensitive. The revised language reads: "It should be emphasized that current visual conditions, including existing infrastructure, form an integral component of the baseline in visual impact assessments. As noted above, visual adverse environmental impacts are largely based on the contrast between the existing visual environment and the resulting visual environment. This contrast is greater in less developed areas, such as rural or scenic areas; thus, visual impacts are generally higher in these areas; however, visual impacts are context sensitive, and not all rural landscapes and viewers are sensitive. Project-specific visual impact assessments will consider site-specific conditions, including existing land use, viewer groups, and visual expectations."

90-125

The language in Mitigation Measure Vis-2 is intended to describe a strategy that uses naturalistic vegetation patterns to soften the visual contrast between cleared ROWs and surrounding landscapes. The terms "feathered," "sinuous," and "layered" are drawn from landscape architecture and visual resource management practices, particularly those used by federal agencies such as the BLM and U.S. Forest Service, which often recommend irregular, naturalistic edges to reduce visual impacts of linear infrastructure.

Appendix 3.1-1 has been revised to include the following items as additional guidance for Mitigation Measure Vis-2:

- The implementation of this measure should be adapted to site-specific conditions and coordinated with industry best practices and landowner agreements.
- The additional guidance provides a figure and identifies that it illustrates an example of straight ROW corridors versus feathered vegetation edges.

Additionally, the Programmatic EIS has been revised so that Mitigation Measure Vis-3 is now Vis-2.

Response to Sara Leverette, (Submission 90) - Continued

90-126

As a Mitigation Measure for visual impacts, undergrounding transmission facilities is context-dependent and should be considered when adverse environmental impacts on visual and scenic resources have the potential to be significant even with other mitigation applied. Additionally, even in areas with high scenic value or rural character, the impacts of overhead transmission facilities could be minimal when, for example, sited within existing corridors or where topography and vegetation provide natural screening.

Appendix 3.1-1 was revised to include additional guidance for this Mitigation Measure, as follows:

"Undergrounding transmission facilities is context-dependent and should only be considered where adverse environmental impacts are determined to be significant and where other Mitigation Measures are insufficient. In areas with high scenic value or rural character, the impact of overhead transmission facilities may be minimal, particularly when sited within existing corridors or where topography and vegetation provide natural screening."

90-127

As a Mitigation Measure for visual impacts, undergrounding transmission facilities is context-dependent and should be considered when adverse environmental impacts on visual and scenic resources have the potential to be significant even with other mitigation applied. Additionally, even in areas with high scenic value or rural character, the impacts of overhead transmission facilities could be minimal when, for example, sited within existing corridors or where topography and vegetation provide natural screening.

Appendix 3.1-1 provides the following language as additional guidance for this Mitigation Measure:

"The Programmatic EIS includes undergrounding as one of several potential visual mitigation strategies, but it is not intended to be a default or universally applicable measure.

Undergrounding is context-dependent and should only be considered where visual impacts are determined to be significant and where other Mitigation Measures are insufficient. The impact of overhead transmission facilities may be minimal, even in areas with high scenic value or rural character, particularly when sited within existing corridors or where topography and vegetation provide natural screening.

The decision to underground should be made during project-specific environmental reviews."

Additionally, the Programmatic EIS has been revised so that Mitigation Measure Vis-4 is now Vis-3.

Response to Sara Leverette, (Submission 90) - Continued

90-128

A variety of Mitigation Measures presented in the Programmatic EIS are considered general preconstruction surveys and assessments that are often essential to inform project design and impact analyses. It is recognized that these measures are not mitigation measures in and of themselves. Therefore, the Programmatic EIS has been revised to categorize these measures differently and are now provided as rationale in Appendix 3.1-1.

90-129

To address this, Section 3.13, Noise and Vibration, of the Programmatic EIS has been revised to incorporate representative noise levels based on available technical data and regulatory guidance. For example, construction activities typically generate noise levels ranging from 80 to 90 dBA at 50 feet, depending on equipment used, and operational noise from high-voltage transmission lines (e.g., corona discharge) is generally low, often in the range of 20 to 40 dBA at the edge of the ROW, and typically below ambient levels in rural areas. Appendix 3.1-1 of the Programmatic EIS has been revised to include additional guidance for Mitigation Measures.

90-130

It is recognized that when closures occur, they are generally limited in scope, such as small exclusion zones around pole bases or temporary access restrictions during construction. To reflect this, Section 3.14 of the Programmatic EIS was revised to include the following discussion:

"Although rare, new construction activities could result in permanent closures of recreational spaces if they are no longer deemed viable for public use or if continued access would compromise public safety or environmental integrity. While temporary disruptions during new construction are more typical, permanent closure would have a long-term adverse effect on recreational facilities and users by restricting access to public land or areas with a long history of recreational use."

The impact determination of "high" accurately reflects the severity and duration of the impact, prior to Mitigation Measures or Avoidance Criteria.

90-131

The language is not intended to characterize a probable significant adverse environmental impact, but rather to acknowledge that, in some cases, construction publicity and the presence of temporary construction workers can lead to short-term increases in recreational use or awareness. This is a well-documented phenomenon in environmental review literature. No edits to the Programmatic EIS have been made.

Response to Sara Leverette, (Submission 90) - Continued

90-132

To address this, the Programmatic EIS has been revised to:

- Clarify that impacts to integrity are context-dependent and apply primarily to facilities where the existing landscape character is integral to the resource's value, such as scenic or natural parks in rural or undeveloped areas.
- Note that in urban settings, where infrastructure is already a dominant feature, the potential for integrity-related impacts is lower and may not be significant.

These revisions are based on established visual resource assessment principles, which recognize that existing visual complexity and infrastructure density in urban areas typically reduce the perceived impact of new structures.

90-133

Transmission corridors can offer opportunities for compatible recreational uses, particularly in the form of multi-use trails or linear parks. In Washington and elsewhere, utility corridors have been successfully integrated into recreational planning, providing public access, connectivity, and open space benefits. To reflect this, Chapter 1, Introduction, of the Programmatic EIS has been revised to:

- Acknowledge that transmission corridors may support co-location of recreational uses, such as trails, where safety, land ownership, and operational considerations allow.
- Note that such co-location can enhance recreational access and may be considered a beneficial secondary use of the corridor.
- Clarify that the not all ROWs are open to public use, and opportunities depend on land ownership, existing agreements, and project-specific management plans.

While Chapter 1, Introduction, has been revised to identify potential benefits and opportunities associated with transmission facility ROWs, this Programmatic EIS does not include an analysis of beneficial impacts. This approach is consistent with WAC 197-11-330, which states: "A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section." Accordingly, the project-specific environmental review process focuses on identifying and evaluating probable significant adverse environmental impacts, rather than weighing or quantifying potential recreational benefits.

Response to Sara Leverette, (Submission 90) - Continued

90-134

Appendix 3.1-1 offers additional guidance for the following Avoidance Criteria:

- AVOID 22: Not all historic and cultural resources are subject to visual adverse environmental impact concerns. Understanding the nature of a resource's significance is key, and efforts should be made at the planning level to gather this information. Project-specific environmental review, in coordination with the Washington State DAHP and affected Tribes, will determine whether a project will result in visual impacts on historic and cultural resources, and whether the impact would be considered significant for a given resource.
- AVOID-24: Visual impacts on resources within the boundaries of Usual and Accustomed Areas, TCPs, and Tribal areas of interest may be considered adverse if the integrity of a property's setting and feeling are important to its significance. While these resources can be highly susceptible, not all Tribal resources and TCPs are subject to visual impact concerns. Understanding the nature of the resource's importance to the traditions of the Tribe and overall significance is key, and efforts should be made at the planning level to gather this information. Early engagement with affected Tribe(s) to identify these resources is critical to this process. Project-specific environmental review, in coordination with the Washington State DAHP and affected Tribes, would determine whether visual impacts are relevant and significant for a given resource.

It should be recognized that although adding visual intrusions may not result in an adverse environmental impact, it could further degrade the setting in which an adverse cumulative impact occurs. Cumulative impacts would be evaluated during project-specific environmental reviews as outlined in General Measure Gen-7.

90-135

The level of risk as medium to high/high is supported by the critical importance of setting and feeling in most Traditional Cultural Properties and the likelihood of traditional plants, trees and other vegetation contributing to the significance of the Traditional Cultural Property. While there are factors that might minimize the visual impacts, the loss of significant traditional vegetation may be hard to minimize.

90-136

Appendix 3.1-1 of the Programmatic EIS has been revised to include verbiage to reflect the consideration of existing modern intrusions on assessing the level of impacts.

It should be recognized that although adding visual intrusions may not result in an adverse environmental impact, it could further degrade the setting in which an adverse cumulative impact occurs. Cumulative impacts would be evaluated during project-specific environmental reviews as outlined in General Measure Gen-7.

90-137

It is recognized that not all transmission facility projects will intersect with Tribal resources or Traditional Cultural Properties. The degree of impact will vary significantly depending on location and resource sensitivity. To address this, Section 3.15 of the Programmatic EIS has been revised to:

- Edit the risk characterization to reflect a range, depending on the presence and nature of Tribal resources or Traditional Cultural Properties in the project area.
- Clarify that project-specific consultation with Tribes is essential to identifying and evaluating potential impacts.
- Emphasize that project-specific environmental reviews would determine the actual level of impact and appropriate mitigation based on government-to-government consultation and cultural resource assessments.

90-138

Section 3.15 of the Programmatic EIS has been updated to support the conclusion that upgrades and modifications generally result in lower impacts than new construction. Specifically, upgrades tend to have adverse environmental impacts more akin to maintenance activities, while modifications may result in impacts that are somewhat greater than upgrades but still less than those associated with new construction.

Response to Sara Leverette, (Submission 90) - Continued

90-139

Section 3.16 of the Programmatic EIS has been revised to remove rescinded federal regulations, including Executive Orders and provide a footnote acknowledging that the applicable legislation has been updated accordingly.

90-140

Section 3.16 of the Programmatic EIS has been revised to clarify that economic impacts generated from a transmission facility project would be assessed on a case-by-case basis through a project-specific economic impact analysis (EIA). This analysis was also included as additional guidance for General Measure Gen-9 in Appendix 3.1-1.

90-141

Mitigation Measure SE-1 aims to address potential impacts on temporary housing and property values. It assesses the potential impacts on temporary housing, identifying when and what type of mitigation would be necessary. Appendix 3.1-1 was revised to include the following language as additional guidance:

- Although many factors influence property values, the analysis should consider the conditions in which the project could impact property values (i.e., proximity, easement access requirements, restrictions). The analysis may cite studies that link changes in property values to transmission facility construction.

90-142

The impact analysis provided in Section 3.16 of the Programmatic EIS is qualitative given the high-level nature of the nonproject environmental review; quantification would require project-specific details to analyze. In cases where data are incomplete or unavailable, a conservative approach has been applied to ensure that potential adverse environmental impacts are not underestimated.

As provided as additional guidance to Avoidance Criterion AVOID-25 in Appendix 3.1-1 of the Programmatic EIS, an environmental justice assessment and socioeconomic analysis would be prepared as part of the project-specific environmental review. Applicants would coordinate with the SEPA Lead Agency to determine the scope and level of detail required.

90-143

Appendix 3.1-9 of the Programmatic EIS was revised to acknowledge that in addition to the goals and policies identified in the appendix, other goals and policies may include support transmission facility development. These goals and policies may include:

- Economic development, through job creation and infrastructure investment
- Improved utility service reliability, which may support both residential and commercial growth
- Increased local tax revenues
- Support for climate action and decarbonization, consistent with the Clean Energy Transformation Act and local climate resilience strategies.

While goals and policies may support or provide consistency with transmission facility development, it should be recognized that they do not qualify as mitigation.

Response to Sara Leverette, (Submission 90) - Continued

90-144

Attachment B provided by Puget Sound Energy includes a comparison of Avoidance Criteria and Mitigation Measures provided in the Programmatic EIS to other mitigation measures provided in transmission line environmental documents prepared by the U.S. Department of Energy.

The mitigation measures outlined in other environmental documents are generally best management practices or measures that would be developed and implemented during the project-specific environmental review. Relevant and applicable requirements to reduce impacts on vegetation and wildlife, manage invasive plants, restore disturbed areas, and document and manage impacts on special status species are captured in the Avoidance Criteria and Mitigation Measures included throughout the Programmatic EIS.

The Programmatic EIS identifies Avoidance Criteria and Mitigation Measures as part of a broader Mitigation Strategy, which were created to provide a consistent framework for evaluating and managing adverse environmental impacts from transmission facility projects at a broader scale. The Mitigation Strategies, including Avoidance Criteria identified in the Programmatic EIS, are not as prescriptive as those provided by Puget Sound Energy; rather, they outline the circumstances and framework for determining when project-specific environmental analyses and mitigation may be required, as determined by the SEPA Lead Agency.

Emma Oliver, (Submission 83)



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May 17, 2025

Sean Greene
Environmental Planner 4
Energy Facility Site Evaluation Council
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Subject: EFSEC Docket No. 181034, Transmission Programmatic Environmental Impact Statement (EIS)

Dear Mr. Greene

Thank you for the opportunity to comment on the Programmatic EIS for electrical transmission facilities. The Washington State Department of Natural Resources (DNR) wishes to formally comment with regards to the following issues:

83-1 DNR-Managed Uplands Considerations

1. (Avoidance Criteria): 3.1.3.2 Avoidance Criteria Avoid 7 and 8, as well as 3.6 (Habitat, Wildlife, and Fish) appears to have failed to identify Washington State Department of Natural Resources Natural Area Preserves (NAP) and Natural Resources Conservation Areas (NRCA) and locations of rare species and rare and high-quality ecosystems specifically called out to be avoided and recognize the importance of RCW 79.70 and 79.71.

RCW 79.70.010: Purpose.

*"The purpose of this chapter is to establish a state system of natural area preserves and a means whereby the preservation of these aquatic and land areas can be accomplished.
All areas within the state, except those which are expressly dedicated by law for preservation and protection in their natural condition, are subject to alteration by human activity. Natural lands, together with the plants and animals living thereon in natural ecological systems, are valuable for the purposes of scientific research, teaching, as habitats of rare and vanishing species, as places of natural historic and natural interest and scenic beauty, and as living museums of the original heritage of the state.
It is, therefore, the public policy of the state of Washington to secure for the people of present and future generations the benefit of an enduring resource of natural areas by establishing a system of natural area preserves, and to provide for the protection of these natural areas."*

RCW 79.71.020: Characteristics of lands considered for conservation purposes.

*"Lands possessing the following characteristics are considered by the legislature to be worthy of consideration for conservation purposes:
(1) Lands identified as having high priority for conservation, natural systems, wildlife, and low-impact public use values;*

83-1

- (2) An area of land or water, or land and water, that has flora, fauna, geological, archaeological, scenic, or similar features of critical importance to the people of Washington and that has retained to some degree or has reestablished its natural character;
- (3) Examples of native ecological communities; and
- (4) Environmentally significant sites threatened with conversion to incompatible or ecologically irreversible uses."

- a. The State of Washington Natural Heritage Program, which is housed at DNR, identifies the highest quality, most ecologically important sites for protection as natural area preserves. The resulting network of preserves represents a legacy for future generations and helps ensure that blueprints of the state's natural ecosystems are protected forever. Western Washington preserves include several large coastal preserves supporting high quality wetlands, salt marshes and forested buffers. Other westside habitats include mounded prairies, sphagnum bogs, natural late-successional forests and grassland balds. NAP's and NRCA's have been identified as locations that contain mature coastal forests, streams, and feeder bluffs, which have been set aside for preservation. Eastern Washington sites include rare plant locations, state endangered species sites, and prime habitat for threatened wildlife. Additional sites protected by NAP's and NRCA's in eastern Washington include Shrub steppe landscape habitats which are being set aside for perpetual protection.
- b. Natural Area Preserves protect Washington's highest-quality remaining examples of native ecosystems and habitat for rare plant or animal species.
- c. Locations identified in the Natural Heritage Data Explorer are rare plants of rare and/or high-quality ecosystem occurrences that the Natural Heritage Program has concluded as having significant conservation. That data can be located here:
<https://experience.arcgis.com/experience/174566100f2a47bebe56db3f0f78b5d9/>
- d. Natural Resources Conservation Areas protect outstanding examples of native ecosystems, habitat for endangered, threatened and sensitive plants and animals, and scenic landscapes. Critical habitat is conserved in NRCAs for many plant and animal species, including rare species. Conservation areas also protect geologic, cultural, historical, and archeological sites.
- e. Most, if not all, of these NAP's and NRCA's, are encumbered with conservation easements to protect them. As part of those easements, future activities which are inconsistent with the purposes of NAP's and NRCA's – the preservation of the property in its natural condition and the protection of their ecological features – or inconsistent with any adopted site-specific management plan, is prohibited.
- f. These conservation easements often have rigid components, which would require mitigation, remediation, and/or purchase of replacement land to account for the conversion of these lands out of their protected status. These should factor in the extreme complexity and expense of any consideration of these parcels for conversion into utility corridors.
 - i. Any parcel identified with a conservation easement (or Deed of Right) will require in addition to the requirement of RCW 79.36.355, that, prior to any grant of easement or conversion, that an equal area of land, that is adjacent or contiguous to the NAP or NRCA, and that is deemed to be "reasonably equivalent in habitat and location" be purchased, for the sole purpose to be exchanged for the acres needed for the easement. The Washington State Recreation and Conservation Office will be the authority to determine qualifying "reasonably equivalent in habitat and location", and the proponent utility will be required to pay for DNR work related to any conversion process, which may or may not be granted.

Emma Oliver, (Submission 83) - Continued

- 83-1 g. All of these expenses should be the responsibility of the proponent utility and any grant of easement under the authority of this EIS.
- h. All these NAP and NRCA parcels should be identified as high conflict-avoidance areas for future transmission line siting.
- 83-2 2. (Avoidance Criteria): 3.1.3.2 Avoidance Criteria Avoid 7 and 8, as well as 3.6 (Habitat, Wildlife and Fish) fails to impart the legal requirements of compliance with a habitat conservation plan and legal consequences of non-compliance. Further, the DEIS does not mention the financial costs that are required to consult with the Federal Services and potential identification and provision of additional mitigation for specific projects.
- Certain State Trust Lands managed by the DNR have been included within the Trust Lands HCP and associated Incidental Take Permits #TE81251-1 and #1168, with the United States Fish and Wildlife Service and National Marine Fisheries Service (the Services). DNR's HCP is a multi-species, long-term land management plan to conserve threatened and endangered species under the Endangered Species Act. Compliance with the HCP affords incidental take, while carrying out forest management and other activities on DNR's Trust Lands. This long-term plan outlines how DNR will provide habitat in specific locations for species such as the northern spotted owl, and marbled murrelet, as well as many others.
- Figure 3-5.5 identifies DNR-managed lands covered by the Trust Lands Habitat Conservation Plan (HCP). Avoidance Criteria 3.1.3.2 (Avoid 6, 7 & 8) describes the rationale to avoid these criteria to reduce habitat loss and fragmentation that can be caused by specific projects approved by EFSEC. General Condition 3 also recognizes the importance of specific projects to evaluate impacts to the compliance with Policies and Ordinances including habitat conservation plans.
- Specific proposals on DNR-managed parcels identified through this EIS should account for the commitments of the HCP, and be responsible for any incidental take and mitigation, and not be a responsibility burdened on DNR.
 - Any required mitigation, as identified per the specific project environmental review and proposal, should be a requirement of the proponent utility to account for and take responsibility for.
 - The HCP has rigid components, which would require mitigation, remediation, and/or purchase of replacement land to account for the conversion of these lands out of their conservation status. These should factor in the extreme complexity and expense of any consideration of these parcels for conversion into utility corridors.
 - All these expenses should be the responsibility of the proponent utility and any grant of easement under the authority of this EIS.
 - All of the parcels identified as having HCP coverage should be considered as high conflict-avoidance areas for future transmission siting and consultation with DNR and potentially the Services should be required.
- 83-3 3. (Socioeconomics and Environmental Justice) 4.3.4.15 failed to capture the complexity of RCW 79.13.420 and its impact to transmission line projects, and to project goals:

83-3 RCW 79.13.420: "Nondefault or early termination provision.

- (1) For the purposes of this section, "nondefault or early termination provision" means a provision that authorizes the department to terminate a lease in the event the department includes the leased land in a plan for higher and better use, land exchange, or sale.
- (2) Any nondefault or early termination provision included in a state land lease for agricultural or grazing purposes must:
 - (a) Require advance written notice of at least one hundred eighty days by the department to the lessee prior to termination of the lease; and
 - (b) Require the department to provide to the lessee, along with the notice under (a) of this subsection, written documentation demonstrating that the department has included the leased land in a plan for higher and better use, land exchange, or sale.
 - (3) This section does not require the department to include a nondefault or early termination provision in any state land lease for agricultural or grazing purposes.
 - (4) This section does not prohibit the department from allowing the lessee to surrender the leasehold subject to terms provided in the lease.
 - (5) This section does not prohibit the department from executing other lease provisions designed to protect the interests of the lessee in the event that the lease is terminated under a nondefault or early termination provision.
 - (6) In the event that the department exercises a nondefault or early termination provision in a state land lease for agricultural or grazing purposes, the department shall compensate the lessee according to the following schedule:
 - (a) For grazing leases, the department shall pay to the lessee the annual rent for the land subject to the lease, multiplied by a factor of six, except that the department need not compensate the lessee for any years that are specifically designated in the lease as nongrazing years.
 - (b) For agricultural leases, the department shall pay to the lessee the expected net return the lessee would have realized from crops raised on the leased land, which shall be calculated according to the following formula: The annual net revenue per acre for the class of crop produced by the lessee, less the rental rate per acre for the land leased by the lessee; multiplied by the number of acres leased by the lessee. For purposes of this subsection, the annual net revenue per acre for a class of crop must be calculated according to the most recent rolling average annual net rental return per acre for that class of crop as established by the county assessor of the county in which the leased land is located or, if the county assessor of the county in which the land is located has not established an annual net rental return per acre, as established by the county assessor of the nearest county in which the county assessor has established such an annual net rental return per acre. The annual net rental return per acre, as established by the county assessor, must be adjusted to reflect the total annual net revenue per acre.
 - (c) For both grazing leases and agricultural leases, the department shall make payments to the lessee on an annual basis for the remaining term of the terminated lease, unless the department and the lessee agree to an alternate schedule of payments. In the event that payments are made on any schedule other than on an annual basis, any advance payments must be subjected to an appropriate discount rate in order to reflect the net present value of the compensation owed by the department.
 - (d) For both grazing leases and agricultural leases, in the event that the lessee has placed any improvements, as authorized under RCW 79.13.050, on the land that is subject to the lease, the department is responsible for compensating the lessee for the fair market value of the improvements. In the event that an agreement cannot be reached between the state and the lessee on the fair market value of the improvements, the valuation must be determined as prescribed under RCW 79.13.160.
 - (7) In the event that the department's exercise of a nondefault or early termination provision in a state land lease for agricultural or grazing purposes results in the removal of fencing from the land subject to the lease, the department is responsible for ensuring the replacement of any removed fencing.
 - (8) In the event that the department's exercise of a nondefault or early termination provision in a state land lease for agricultural or grazing purposes causes the lessee to incur a financial penalty as a result of an early withdrawal from a natural resources conservation service program, the department is responsible for reimbursing the lessee for payment of the financial penalty.
 - (9) The compensation and reimbursement available to a lessee under subsections (6) and (8) of this section, respectively, is the sole financial remedy available to the lessee based on the department's exercise of a nondefault or early termination provision in an agriculture or grazing lease. Appeal rights under RCW 79.02.030 are unaffected by the relief provided in this section."

a. RCW 79.13.420 clearly identifies the steps, responsibilities, and expenditures that must be met prior to any grant of an easement, which removes these parcels from active lease on DNR trust lands. As a component of this statute, the leaseholders are compensated on an

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- 83-3 increasing scale, based on the term, and remained of term of the lease. These costs can become extreme, impacting the timeline for granting of easement, and costs to the utility proponent. Leaseholders are entitled to these re-imbursements for both the investment of capital improvements, as well as future planned revenue from those investments of both capital and crops.
- b. DNR's stand is that utility lines should be planned and placed at the edges of any leased property, and to have minimum to no impact to the parcels currently leased, or with intent to lease.
- c. All these expenses should be the responsibility of the proponent utility and any grant of easement under the authority of this EIS.
- d. All these leased parcels should be identified as high conflict-avoidance areas for future transmission line siting.
- 83-4 4. (Socioeconomics and Environmental Justice) 4.3.4.15 fails to address the cumulative impacts on DNR when granting transmission line corridors across DNR trust lands.
- RCW 79.36.355: **Grant of easements and rights in public land.**
"The department may grant to any person such easements and rights in public lands, not otherwise provided in law, as the applicant applying therefor may acquire in privately owned lands. No grant shall be made under this section until such time as the full market value of the estate or interest granted together with damages to all remaining property of the state of Washington has been ascertained and safely secured to the state."
- a. While WA RCW 79.36.355 is specific in its requirements prior to granting easement across DNR lands applies, it does not account for the cumulative impacts these transmission lines impose. DNR generates revenue for the trusts which it is managing the lands for. It has a fiduciary responsibility to manage these state trust lands, including schools, counties, and other state institutions. Included in this responsibility is to generate revenue, protecting the corpus of the trust, manage the lands for the future, maintain undivided loyalty to the trusts, exercising reasonable skill and care, and acting prudently in managing the assets of the trust. When transmission lines are installed across DNR lands, often these linear strips become unproductive areas, where future revenue production is lost, often permanently. While the land has been paid for, the loss of long term, on-going revenue is not. DNR asks that these projects consider the ongoing financial impacts the loss of these productive lands have on the underlying landowners. DNR asks that these projects consider the ongoing financial impacts the loss of these productive lands have on the underlying landowners. Be it, ongoing financial payments, or increased consideration, which can be used to re-invest for future revenue production, some means of capturing, accounting for, and mitigating for this financial loss should be addressed
- b. Utility lines should be planned and placed at the edges of any DNR property, and to reduce the overall impact on the parcels. Utilities (and this EIS) should focus on locating such utilities to run adjacent to the DNR trust parcels, even if it is not the shortest route, and avoid crossing parcels and leaving severed parcel remnants, which severely impact DNR land management options.
- c. All these expenses should be the responsibility of the proponent utility and any grant of easement under the authority of this EIS.

State Owned Aquatic Land Considerations

- 83-5 5. (Method of Analysis) 3.4.3.1 Will there be any weighting of these impacts when analyzing a proposal? How exactly are the impacts of a proposal ranked? What level of impact still allows a proposal to move forward? (If this is addressed in another section, it might be helpful to link that section within this one)
- 83-6 6. (Potential Mitigation Measures) 3.4.4
- a. What are the pathways for the public to weigh in on siting of facilities that cannot avoid all of the potential impacts within this section? It seems one likely exists, and maybe it is worth a small explanation here.
- 83-7 b. If there are impacts to water resources, will they have to abide by construction fish windows?
- 83-8 7. (Fish) 3.6.2.2
- c. Priority Habitat:
- i. It seems there should be more citations for the description of priority habitats, unless they are all from the WDFW 2008 citation from above.
- ii. Is there a better way to describe fresh deepwater? Is there a depth requirement to be considered "deepwater"? (this may relate to management considerations).

For specific questions regarding these comments please contact Scott Nelson, DNR Rights-of-Way, 360-902-2143, or Brittany Poirson, Aquatics Resources Division, 360-791-9814,

DNR looks forward to the ongoing conversations and discussions to resolve these issues.

Sincerely Yours,

Emma Oliver

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Response to Emma Oliver, (Submission 83)

83-1

Section 3.6, Habitat, Wildlife, and Fish has been revised to include:

- Explicit recognition of DNR-managed lands, including Natural Area Preserves and Natural Resource Conservation Areas, as high-sensitivity areas
- Integration of Natural Heritage Program data to identify rare species and high-quality ecosystems
- Reference to RCW 79.70 and RCW 79.71, emphasizing the legal and ecological importance of preserving these lands
- Environmental sensitivity mapping: These areas are now incorporated into environmental sensitivity maps used to evaluate potential transmission corridors

The section also recommends:

- Consultation with DNR during project-specific environmental review
- Long-term Mitigation Strategies such as land swaps, habitat restoration, or financial contributions to offset impacts on DNR lands

Section 3.9, Land and Shoreline Use, has been updated to:

- Include DNR Trust Lands and conservation easements as part of the land use analysis.
- Recognize the complexity and cost of converting protected lands, including the need for full market value compensation and equivalent habitat replacement as required under RCW 79.36.355.
- Highlight the importance of siting transmission corridors along parcel boundaries to minimize severance and preserve land management flexibility

83-2

Section 3.5 of the Programmatic EIS has been revised to:

- Include a discussion regarding DNR-administered lands, specifically Natural Area Preserves, Natural Resource Conservation Areas, and the State Trust Lands Habitat Conservation Plan.
- Include Natural Area Preserves and Natural Resource Conservation Areas in the environmental sensitivity map titled, Sensitive Ecosystems and Species at Risk –Sensitivity Level 3.

Appendix 3.1-1 of the Programmatic EIS was revised to:

- Clarify that compliance with DNR-administered lands, especially those associated with the state trust lands HCP, is legally required and that non-compliance may result in enforcement actions.
- Emphasize that applicants—not the DNR—are responsible for any incidental take, additional mitigation strategies, or remediation required under the HCP or as a result of impacting DNR-administered lands.
- The financial costs associated with consulting the USFWS and National Marine Fisheries Service, including the potential need for additional mitigation measures, are the applicant's responsibility.
- Recommend applicant's consider the complexity and expense of converting HCP-covered lands for utility corridors early in the planning process.

The revised sections also highlight:

- The importance of protecting habitat for species such as the northern spotted owl and marbled murrelet, which are specifically covered under the HCP.
 - The need for project-specific environmental reviews to evaluate impacts on HCP commitments and determine appropriate mitigation strategies.
-

Response to Emma Oliver, (Submission 83) - Continued

83-3

The Programmatic EIS has been revised to:

- Include RCW 79.13 as a relevant regulation and summarize its implementation framework in Section 3.9, Land and Shoreline Use.
- Identify how the conversion of State Trust Lands could result in a land use conflict in Section 3.9, Land and Shoreline Use.
- Identify DNR-administered lands in the Land Use - Sensitivity Level 2 environmental sensitivity criteria card.
- Include an Avoidance Criterion for State Trust Lands and incorporate additional guidance that the DNR should be consulted early on and throughout project planning and development. It was also noted that if complete avoidance is not feasible, applicants should prioritize routing corridors along the edge of any leased land and consider the long-term financial impacts, and all expenses for terminating a lease early will be the applicant's responsibility.
- Identify how the potential for converting State Trust Lands to another use could result in socioeconomic impacts, identified in Section 3.16, Socioeconomics.

Additionally, the socioeconomic and environmental justice analysis in Section 4.3 of the Programmatic EIS has been revised to reflect the disproportionate impacts that may fall on rural leaseholders, Tribes, and subsistence land users when transmission projects disrupt access to land, water, or income-generating activities.

83-4

EFSEC acknowledges the importance of considering the unique legal and fiduciary responsibilities associated with DNR-managed trust lands. Under RCW 79.36.355, DNR is required to ensure that any easement granted across public lands reflects full market value and compensates for damages to remaining property.

In response to this comment, the Final Programmatic EIS has been revised to:

- Identify in Section 3.9, Land and Shoreline Use, how the conversion of State Trust Lands could result in a land use conflict.
- Identify DNR-administered lands in the Land Use - Sensitivity Level 2 environmental sensitivity criteria card.
- Include an Avoidance Criterion for State Trust Lands, and incorporate additional guidance that the DNR should be consulted early and throughout project planning and development. It was also noted that if complete avoidance is not feasible, applicants should prioritize routing corridors along the edge of any leased land to minimize the creation of remnant parcels and consider the ongoing financial impacts, and all expenses to terminate a lease early will be the applicant's responsibility.
- Identify in Section 3.16, Socioeconomics, how the potential for converting State Trust Lands to another use could result in adverse impacts.
- Identify how the conversion of State Trust Lands to another use could have cumulative impacts on the fiscal conditions of the beneficiaries and the communities they serve.

Response to Emma Oliver, (Submission 83) - Continued

83-5

The Programmatic EIS used an impact determination (nil, negligible, low, medium, and high) based on the following:

- The anticipated magnitude, duration, and geographic extent of the impact
- The sensitivity of the affected resource
- The likelihood of the impact occurring

The Programmatic EIS then evaluated the effectiveness of applicable laws and regulations, siting and design considerations, General Measures, Avoidance Criteria, and Mitigation Measures to determine the resulting significance for each impact. The significance determination is based on how SEPA defines a significant adverse impact, as follows: "a significant adverse impact is defined as a reasonable likelihood of more than a moderate adverse impact on environmental quality." Any impact that does not rise to the level of significance is considered a "less than significant" impact.

The Programmatic EIS does not assign numerical weights to different resource categories or impacts within each element of the environment. Instead, it provides a narrative and comparative analysis to help SEPA Lead Agencies and applicants understand the relative severity and importance of potential impacts used in project-specific reviews.

Whether a project may proceed depends on the determination of significance under SEPA (WAC 197-11-330) and whether the impacts can be avoided or mitigated to a less-than-significant level. The SEPA Lead Agency has discretion in applying SEPA substantive authority to condition or deny a proposal. If project-specific impacts are found to be significant and cannot be adequately mitigated, the SEPA Lead Agency may require a Supplemental EIS or may choose to deny the proposal under SEPA authority.

83-6

Chapter 1, Introduction, of the Programmatic EIS has been revised to identify the steps for project-specific environmental review, including public noticing requirements.

83-7

The Programmatic EIS includes Mitigation Measures which requires that new construction and maintenance activities be scheduled during least-risk periods for salmonids and other sensitive fish species (see Section 3.6.4).

83-8

There is a typo in Section 3.6.2.2, Fish, under the Priority Habitat heading, which has been corrected for the Final Programmatic EIS.

Patti Reynolds, (Submission 80)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #80 DETAIL
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First Name :	Patti
Last Name :	Reynolds
Business/Organization :	
Submission :	

80-1	The decision by Pacficorp to activate its rights to an easement purchased 50 years ago appears fully driven by corporate profit without regard for environmental and personal property concerns of the long-standing residents impacted by tjis easement. The Clark County leadership in the past certainly showed no restraint in allowing developers to increase residential structures so this previously low-home count easement is now an impact on homes, environment and wildlife . Current Clark County leadership has stated concerns they were not aware. Pacificorp has potentially insufficient land to meet construction and safety standards and an eminent domain strategy creates an economic nightmare and safety concerns for a large taxpayer base in our County. I ask that development and construction permits be denied first this plan
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Response to Patti Reynolds, (Submission 80)

80-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.16.4 of the Programmatic EIS, which contains Mitigation Measures that aim to reduce impacts on homes and other socioeconomic resources.

Alan Borem, (Submission 25)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #25 DETAIL
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First Name : Alan
Last Name : Borem
Business/Organization :
Submission :

- 25-1 | The PacificCorp Powerline that may be going in at Hockenson area may cause issues for me and those living in my neighborhood. The powerlines may be in direct line of site for cell, wifi and internet. We already have limited and poor service in our area and if the powerlines go in it will cause loss of signals. What will PacificCorp do to mitigate this issue?

Response to Alan Borem, (Submission 25)

25-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.11, Public Services and Utilities, to understand how the Programmatic EIS addresses potential impacts on communication systems from electromagnetic interference.

B, (Submission 15)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #15 DETAIL
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First Name : B

Last Name :

Business/Organization :

Submission :

- | | |
|------|--|
| 15-1 | The proposed line will have a grave impact on neighbors and needs to be scrapped. Would you want your grandchildren playing this close, eating garden food grown this close, or drinking water from wells this close? I don't think so. Not to mention the potential fire danger and EMF exposure. NO! Move the line to the original location where the land is less populated. It's common sense. |
|------|--|

Response to B, (Submission 15)

15-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities.

Darrel Rast, (Submission 75)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #75 DETAIL
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First Name : Darrel

Last Name : Rast

Business/Organization :

Submission :

75-1 | The route through our populated communities should not be considered when alternatives exist. The potential for fires and health effects exposes PacifiCorp to enormous future liability running these lines through land that is now largely residential. The route through GPNF is so much better for everyone.

Response to Darrel Rast, (Submission 75)

75-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.8, Public Health and Safety, to understand how the Programmatic EIS addresses potential impacts related to fire and health.

Julie Berge, (Submission 13)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #13 DETAIL
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First Name : Julie

Last Name : Berge

Business/Organization :

Submission :

13-1 | These lines will be very near our beautiful Hockinson home. We do not want to see them or have them lower the value of our home. Thank God the towers aren't on our property, but I feel awful for those it is. Move the easement East towards Larch.

Response to Julie Berge, (Submission 13)

13-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.12, Visual Quality, for Mitigation Measures that reduce the visual impact of transmission facilities such as dull paint finishes, vegetation, fencing, and underground construction. It's important to clarify that this Programmatic EIS is designed to address broader, overarching goals and objectives associated with the statewide program. As such, it does not specifically address the visual impacts associated with individual projects. EFSEC understands that visual impacts can be a significant concern. However, the scope of this Programmatic EIS is focused on achieving larger-scale evaluations, rather than delving into the specifics of individual project impacts.

Connie Krier, (Submission 4)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #4 DETAIL

First Name : Connie

Last Name : Krier

Business/Organization :

Submission :

- 4-1 | This absolutely should not be allowed. Every single site where harm can be done to the environment should be appropriately assessed for the unique impacts of that location.
- Rubber stamping a category of projects as all the same impact to all environments is a ridiculous notion. Why even have environmental studies or reports done at all. If you can do this for energy or transmission projects, then all construction of residential homes is the same, all road projects are the same, any "category" of project could use your same argument about impacts and create a blanket environmental impact statement.
- This sets a very scary precedence that the EIS for a project next to salmon-bearing stream is exactly the same as a project in an industrial area, or one in a commercial area would have the same impacts as one located in protected prairie lands with endangered animals.
- This is just one more way EFSEC and the state are attempting to take the voice of the people away and circumvent the environmental laws this state "claims" to care about.
- There is no reason for this and no benefit to it.

Response to Connie Krier, (Submission 4)

4-1

The Programmatic EIS does not replace or eliminate the need for project-specific environmental analyses, assessments, or field studies. Rather, it serves as a high-level tool to evaluate the potential adverse environmental impacts of a category of actions—such as the development of high-voltage transmission facilities—across a broad geographic area. This approach helps identify general areas of environmental sensitivity, potential conflicts, and opportunities for early Mitigation Strategies.

Each individual project proposed under the scope of the Programmatic EIS is still required to undergo project-specific environmental review in accordance with applicable federal, state, and local laws. Chapter 1 and Section 3.1 of the Programmatic EIS have been revised to provide more detail on the ways individual projects may use this Programmatic EIS.

Ryan Crompton, (Submission 69)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #69 DETAIL
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First Name : Ryan
Last Name : Crompton
Business/Organization :
Submission :

- 69-1 | This is a great approach for the state to be taking to help be more efficient and faster when reviewing transmission line applications. And since many of these projects have many of the same attributes it makes sense to review those once and start from there on every new project application. I feel like a week doesn't go by without seeing an article or a news segment on how the grid is struggling and more transmission capabilities are needed. With everyone putting in AC, data centers popping up throughout Wenatchee, Quincy and the new factories in Moses Lake this approach should help get power to where it's needed as cheap as possible and allow our state to keep growing.

Response to Ryan Crompton, (Submission 69)

69-1

Thank you for your supportive comment. Washington's proactive approach to streamlining the environmental review process for high-voltage transmission projects through a Programmatic EIS is designed to address exactly the kinds of challenges this comment mentions.

By evaluating common project elements and environmental impacts up front, the Programmatic EIS helps to:

- Accelerate project timelines by reducing redundant analysis
- Improve consistency and transparency in environmental reviews
- Support grid reliability and resilience, especially as demand grows from data centers, electrification, and industrial development
- Lower costs by enabling smarter, more coordinated infrastructure planning

Bonnie S Helms, (Submission 78)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #78 DETAIL
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First Name : Bonnie S

Last Name : Helms

Business/Organization :

Submission :

78-1 | This is a statewide project so, if the number of comments is low, the EFSEC council has only their selves to blame. This PEIS will affect all Washingtonians, yet you hardly make an effort to engage the people to be involved and make comment on something so consequential, impactful and costly. In regards to the EIS, you MUST continue to allow each project to go through its own SEPA process and to NOT be guided by a single study. As things evolve technologically, politically and economically, each area of our state will have different needs and requirements that must go through their own justified due process. You cannot paint our state with a single brush just so that you may have ease of siting. This is a gross overreach and unconstitutional move by the council, which is in line with the corruption that lies with having a chair that has questionable ethics. Please see the article by cascade PBS below:

<https://www.cascadepbs.org/investigations/2025/04/new-washington-energy-chairs-industry-ties-raise-ethics-questions>

Further, the April Executive Order restricts the council specifically in regards to energy. The POTUS has said:

American energy dominance is threatened when State and local governments seek to regulate energy beyond their constitutional or statutory authorities. For example, when States target or discriminate against out-of-State energy producers by imposing significant barriers to interstate and international trade, American energy suffers, and the equality of each State enshrined by the Constitution is undermined. Similarly, when States subject energy producers to arbitrary or excessive fines through retroactive penalties or seek to control energy development, siting, or production activities on Federal land, American energy suffers.

<https://www.whitehouse.gov/presidential-actions/2025/04/protecting-american-energy-from-state-overreach/>

78-2 | Washington state has a large amount of federal land which is included in this PEIS. If this is allowed to go through, if you, the council, approve this PEIS, it will not only be in direct violation of the WA state constitution, but you will be performing an action that oversteps the federal government. This is not your place. You must vote for the "No Action Alternative" untile either more Washingtonians are allowed to partake in this process, OR until the federal lawsuits with the state and the Federal govt are concluded. It's quite hypocritical to sue over an energy emergency, yet to be creating one yourselves.

<https://www.atg.wa.gov/news/news-releases/wa-joins-states-suing-trump-over-illegal-attacks-wind-energy-development>

This is not the right time. Either take no action or delay this process until a fair assessment of the PEOPLE's energy needs is completed. This PEIS is not that, it is overreach, unconstitutional, not equitable and not in our best interests.

Response to Bonnie S Helms, (Submission 78)

78-1

The Programmatic EIS is intended to serve as a planning-level tool to support more efficient and consistent environmental review of high-voltage transmission projects across Washington. It does not replace project-specific environmental reviews, nor does it authorize or approve any specific project.

On Public Engagement:

EFSEC conducted a public comment period from March 31 to May 15, 2025, and made the Draft Programmatic EIS available online, by mail, and through public meetings. While EFSEC strives to reach as many Washingtonians as possible, EFSEC acknowledges that more can always be done to improve outreach and accessibility. The commenter's feedback will help inform future engagement efforts.

On Local Review and SEPA Compliance:

The commenter is correct that local conditions vary and that each project must undergo its own project-specific environmental review. The Programmatic EIS is not intended to override local input or evolving technological, political, or economic contexts. Instead, it provides a framework for identifying common impacts and Mitigation Strategies, which can be adapted and supplemented during project-specific environmental reviews.

On Constitutional and Legal Authority:

The Programmatic EIS is being developed under the direction of the Washington State Legislature and in accordance with SEPA. It does not impose binding regulations or preempt federal or constitutional authority. Any use of eminent domain, land use decisions, or project approvals must comply with state and federal law, including due process protections.

78-2

On Federal Lands and Jurisdiction: The geographic scope considered in the Programmatic EIS is limited to areas where state and local permitting authority applies. Any transmission facility development on federal lands would require separate review and approval under the NEPA and oversight by the relevant federal agencies (e.g., BLM, U.S. Forest Service). As identified in Chapter 1, Introduction, proposals that are covered under a specific NEPA exclusion but also involve "agency actions" by state or local agencies may require project-specific environmental review.

On Constitutional Authority and the "No Action" Alternative: The Programmatic EIS does not authorize or approve any specific project. It is a planning-level document developed under the authority granted by the Washington State Legislature (RCW 43.21C.405 and RCW 43.21C.408). It is designed to support—but not replace—project-specific environmental reviews, which remain mandatory for all proposed transmission projects. The No Action Alternative is fully analyzed in the Programmatic EIS and remains a valid option.

On Public Participation and Transparency: EFSEC recognizes the commenter's concern about the level of public engagement. EFSEC has conducted public meetings, published notices, and provided a public comment period.

On Allegations of Overreach and Ethics: While EFSEC cannot comment on personnel matters or ongoing legal proceedings, EFSEC is committed to transparency, accountability, and adherence to both state and federal law. The Programmatic EIS process is being conducted in accordance with SEPA and does not preempt federal authority or constitutional protections.

Mars Wirkkala, (Submission 5)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #5 DETAIL

First Name : Mars
Last Name : Wirkkala
Business/Organization :
Submission :

5-1 | To Whom it may concern (i e: all citizens of Washington State):

No action should be taken on the Transmission Programmatic Environmental Impact Study (EIS).

Any amount of money, promises, deals, and gifts are not worth your conscience if you do not oppose BESS in Washington State. BESS is guaranteed to be a disaster, and your conscience will be as dirty as the environment and health screenings of those affected by any choice you make to advance any BESS projects.

You know the risks and dangers BESS. You will not be able to claim immunity. When BESS fails, and they will, and the groundwater is polluted, and people cannot safely return to their homes, and toxicity permeates the minds of those whom you claim to want to help, and towns are evacuated, and FEMA takes over, your name, yes, you who are reading this and deciding what you think is in our, nee', your, best interest, you will have this catastrophe on your soul. You will have your names highlighted in history as being responsible for the downfall of the West Coast. Is the money you are promised worth it?

Response to Mars Wirkkala, (Submission 5)

5-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities.

Robert Johnson, (Submission 27)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #27 DETAIL
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First Name :	Robert
Last Name :	Johnson
Business/Organization :	
Attachments :	JOHNSON_95fd831dcd88c4239962a57bcd15868f_Johnson_Prop.pdf (35 kb)

Submission :

27-1 To Whom It May Concern,

I am writing to express my strong opposition to the proposed installation of high-power electrical transmission lines over our residential community. As a resident of Hockinson and a direct neighbor to this project, I am deeply concerned about the serious and long-term implications this project poses to our health, safety, property values, and overall quality of life.

First and foremost, there are significant health concerns associated with prolonged exposure to electromagnetic fields (EMFs) emitted by high-voltage power lines. Although research on the long-term effects is ongoing, studies have raised serious questions about potential links to various health conditions, especially in children and vulnerable populations. We have children as young as 6 years old, and vulnerable elderly parents living on our property under medical hardship. It is both unwise and unjust to move forward with a project that could pose such risks directly over homes, near schools, and public spaces.

In addition, the visual and environmental impact of these power lines will be substantial. Large towers and high-voltage cables would drastically alter the character of our community, reducing the aesthetic appeal and peaceful atmosphere that residents value. This change could also lead to a decrease in property values, placing an unfair economic burden on homeowners who had no say in this decision to build corporate wealth.

There are also safety concerns. In the event of severe weather, natural disasters, or technical failures, overhead high-power transmission lines pose a heightened risk of fires, outages, and even electrocution. Routing them through or above populated areas is not a responsible or acceptable risk.

I respectfully urge the decision-makers involved in this project to consider alternative routes or methods— such as underground cabling — that would mitigate the adverse effects on our community.

We are not opposed to progress or infrastructure improvements, but such development must not come at the expense of public health, safety, and well-being. I hope this testimony will be fully considered and that community voices will guide the final decision.

Sincerely,

Robert Johnson
21311 NE 189th St
Brush Prairie, WA 98606
rrojohnso@gmail.com
4/21/2025

Response to Robert Johnson, (Submission 27)

27-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.1, Introduction; Section 3.16, Socioeconomics; Section 3.9, Land and Shoreline Use; 3.12, Visual Quality; and Section 3.8, Public Health and Safety, to understand how the Programmatic EIS addresses potential impacts on property values, neighboring land uses, visual quality, and public health and safety.

Robyn Galka, (Submission 52)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #52 DETAIL
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First Name : Robyn

Last Name : Galka

Business/Organization :

Submission :

52-1 | We have worked hard our entire lives to have a home - now, pacific power gets to ruin our properties and environments without any concern or accountability to the people?! Shame on you all.

Response to Robyn Galka, (Submission 52)

52-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities.

Laurie Books, (Submission 24)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #24 DETAIL
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First Name : Laurie

Last Name : Books

Business/Organization :

Submission :

24-1 | We live across the street from the proposed power line, where there are current Clark County electrical lines. We went to a meeting with the BPA spokesperson. He sounded like he hadn't even driven the route where they were proposing the line or found an alternative. They want to eminent domain and remove our trees, buy out homes, and move structures in their way. It is unjust. We heard Camas City and an ordinance about major powerlines going through their town, and now Clark County must also do the same.

Response to Laurie Books, (Submission 24)

24-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.16.4 of the Programmatic EIS, which contains Mitigation Measures that reduce impacts on resources such as schools, homes, and businesses.

Randy and Marianne Ingram, (Submission 95)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #95 DETAIL
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First Name : Randy and Marianne

Last Name : Ingram

Business/Organization :

Submission :

- 95-1 | We researched this easement prior to purchasing our home. What made us not concerned were 2 specific items.
1. The easement was older than 50 years old and had not been built upon. It is my understanding that this classifies as an abandoned easement.
 2. The reasoning that the easement was obtained upon, was to ship power from the Swift dam hydro project, to the Troutdale substation. Speaking to engineers involved, the Swift dam did not have enough volume to generate power that necessitated the line. Rather the power generated was so insignificant, that it was transferred to the trunk via low volume service lines. Unless the Lewis River has grown substantially in volume, this project is not being used for its original intent. Rather, I speculate that the project is planned to ship high volume power as an alternate path to the I-5 corridor lines. This is disingenuous.
- If they are planning to ship high volumes of power as I suspect, this easement is not large enough and the line should be moved east to less population density.
-

Response to Randy and Marianne Ingram, (Submission 95)

95-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.9, Land and Shoreline Use, to understand how the Programmatic EIS addresses potential impacts on neighboring land uses.

Dixie Berg, (Submission 23)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #23 DETAIL
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First Name : Dixie

Last Name : Berg

Business/Organization :

Submission :

23-1 | We've been through this same exact problem before and it was decided that going through the alternate route through the forest was by far more economical and practical. Less obtrusive to the those living in the path of the old easements. Those easements were done so long ago that the existing population makes it obvious that the route PacifiCorp has chose is so wrong on so many levels!!!! Use common sense and move the path the less populated areas.

Response to Dixie Berg, (Submission 23)

23-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.16.4 of the Programmatic EIS, which presents Mitigation Measures that reduce impacts on socioeconomic resources such as homes. Additionally, the commenter may refer to Section 3.9, Land and Shoreline Use, as it relates to outdated easements and impacts on neighboring land uses.

Martha Todd, (Submission 62)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #62 DETAIL
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First Name : Martha

Last Name : Todd

Business/Organization :

Submission :

62-1 | When my great aunt and uncle signed this agreement, their concept of what a power line was was entirely different than what it is. Today, Palm right? Living history, farm and Pomeroy farm are now a place for gatherings, weddings and community events. The pomeroy farm is also a haven for many in the local community, a place of rest, relaxation, and in just enjoyment of the natural beauty. This power line would be very disruptive and completely ruin the appeal and the sense of what the community has come to Noah's Pomeroy farm. I'm very interested in knowing how the historic. Aspects of the log house, which sits on the national historic register, will be impacted by this high voltage line. Thousands of people use that parking lot, including school children that come visit our farm every year.

Response to Martha Todd, (Submission 62)

62-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities.

Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.16.4 of the Programmatic EIS, which contains Mitigation Measures that reduce impacts on socioeconomic resources such as schools, homes, businesses, and public spaces as well as reducing impacts on overburdened communities. It's important to clarify that this Programmatic EIS is designed to address broader, overarching goals and objectives associated with the statewide program. As such, it does not specifically address the visual impacts associated with individual projects. The scope of this Programmatic EIS is focused on achieving larger-scale improvements and efficiencies, rather than delving into the specifics of individual project impacts.

Tom Galka, (Submission 51)

WA EFSEC Programmatic EIS - High-Voltage Transmission - RECORD #51 DETAIL
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First Name : Tom

Last Name : Galka

Business/Organization :

Submission :

51-1 | Why destroy all the people's properties when they can update the existing lines or move the proposed line farther east? Please take into consideration that your home could be what they are about to destroy.

Response to Tom Galka, (Submission 51)

51-1

The commenter raises concerns associated with a site-specific project, which is not being analyzed under this Programmatic EIS. The Programmatic EIS is a nonproject environmental review document that is intended to be used for the future planning and development of transmission facilities. Although this comment does not pertain to the Programmatic EIS, the commenter may refer to Section 3.16, Socioeconomics, to understand how the Programmatic EIS addresses potential impacts on private landowners.
