

**ADDENDUM TO SAN JUAN BASIN ENERGY CONNECT  
PUBLIC SCOPING REPORT:  
AGENCY SCOPING REPORT**

Prepared for

**BUREAU OF LAND MANAGEMENT**

Farmington Field Office  
1235 La Plata Highway  
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On behalf of

**TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.**

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Prepared by

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SWCA Project No. 15718.01

January 2010

## AGENCY COMMENT SUMMARY

During the public scoping period, the Bureau of Land Management (BLM) also invited the cooperating and other agencies to be consulted for the project to provide comments that would assist in identifying issues that may require consideration in the National Environmental Policy Act (NEPA) document. Table 1 provides a list of agencies that have responded to the BLM's request for comments as of January 8, 2010. Agency comments are included in Appendix A.

**Table 1. Agencies that Provided Comments for San Juan Basin Energy Connect as of January 8, 2010**

Commenting Agencies
Colorado Division of Wildlife
Colorado Office of Archaeology and Historic Preservation
La Plata County
New Mexico Department of Cultural Affairs Historic Preservation Division
New Mexico Department of Game and Fish
New Mexico Energy, Mineral, and Natural Resources Department
Southern Ute Indian Tribe
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service

Key issues and concerns expressed during public and agency scoping will affect impact analysis and alternatives development. Issues of primary concern to the responding agencies include:

1. Locations of preliminary alternatives
2. Impacts to biological resources
3. Impacts to visual resources

Every comment letter, email, and phone conversation received was entered into a database and assigned an identification number based on its sequential entry. Pursuant to the NEPA process, comments were reviewed and sorted into general categories that match specific sections in the proposed project's NEPA document so that each pertinent comment can be addressed. Table 2 provides the comment categories and the number of comments received that fall into each category.

**Table 2. Comment Categories**

Comment Categories	
Alternatives (12)	Land Use (2)
Biological Resources (16)	NEPA Process (7)
Cultural Resources (3)	Project Description (1)
Cumulative Impacts (1)	Visual Resources (4)
Environmental Justice (1)	Water Resources (2)

A summary of the written agency comments received and issues identified through January 8, 2010, is included in Table 3. Each comment with the associated identification number, comment category, and comment response is in tabular format for organization and cross-referencing

purposes. Comments were received via seven letters, two phone calls, and two emails. Collectively, the different methods yielded 49 separate comments from nine agencies.

**Table 3. Agency Comments Received through December 31, 2009**

Comment ID	Comment Category	Comment	Treatment/Response	Form of Comment	Agency
166-5	Alternatives	The U.S. Fish and Wildlife Service (USFWS) recommends placing power lines below ground.	Comment will be addressed in the NEPA document.	letter	USFWS
224-1	Alternatives	The New Mexico Department of Game and Fish (NMDGF) prefers that the transmission corridor follow the route designated A-UU-D-H-I-S. The alternative routes farther to the east (designated J, K, L, M and N) traverse high-quality mule deer habitat and elk winter and summer ranges. A new transmission corridor with the associated access road may cause additional habitat fragmentation and increase vehicle access for illegal hunters.	Comment will be addressed in the NEPA document.	letter	NMDGF
220-5	Alternatives	The Colorado Division of Wildlife (CDOW) prefers using corridor segments CC and AA to connect with the Iron Horse Substation as corridor segment CC contains County Road (CR) 318, a paved, heavily traveled road. Traffic and habitat changes along CR 318 impact the functional values of the adjacent winter habitat for big game. Aligning the transmission line close to CR 318 would minimize further impacts to wintering deer and elk.	Comment will be addressed in the NEPA document.	letter	CDOW
220-6	Alternatives	The CDOW recommends aligning the transmission line adjacent to J Road, within corridor segment AA to connect with the Iron Horse Substation.	Comment will be addressed in the NEPA document.	letter	CDOW
220-7	Alternatives	Routes DD and BB also contain a lower volume of county roads and are not as heavily disturbed as the corridor adjacent to CR 318. A transmission line along these routes would have additional impacts.	Comment will be addressed in the NEPA document.	letter	CDOW
220-8	Alternatives	If the transmission line cannot be located in the corridor segments adjacent to existing roads, the CDOW recommends conducting construction and maintenance activities after April 15 and prior to December 1 to help minimize disturbance to wintering mule deer and elk.	Comment noted.	letter	CDOW
161-8	Alternatives	La Plata County supports the statement and intent that this project will "supply a pathway for renewable energy" and encourages the [NEPA] document to detail how the project will support renewable energy.	Comment will be addressed in the NEPA document.	letter	La Plata County

<b>Comment ID</b>	<b>Comment Category</b>	<b>Comment</b>	<b>Treatment/Response</b>	<b>Form of Comment</b>	<b>Agency</b>
149-1	Alternatives	As with most ground-disturbing projects on tribal trust lands, the Southern Ute Indian Tribe (SUIT) strongly prefers that utility infrastructure be co-located within existing utility corridors and other previously disturbed areas in order to minimize new surface resource impacts. The Tribe believes that, of the several possible routing options already identified, those routes that fall predominately within existing corridors should be given strong preference in the siting evaluation.	Comment will be addressed in the NEPA document.	letter	SUIT
149-4	Alternatives	The Tribe recognizes the importance of this project to the area, but is concerned about significant resource impacts from new, excessively wide easement corridors. The Tribe hopes that minimum-width easement corridors can be utilized and would like to discuss and better understand the sizing constraints on these corridors.	Comment will be addressed in the NEPA document. As a cooperating agency, the Tribe will be involved in route alignment and discussions of the sizing of easements on Tribal land.	letter	SUIT
149-5	Alternatives	The Tribe has identified a preferred routing option for the portion of the project to be located within the state of Colorado and the Southern Ute Indian Reservation. This preferred routing option corresponds to several connected route segments identified in the project's initial Macro Corridor Study (i.e., segments W-Z-FF-AA). The Tribe believes that this routing option represents the best balance of efficiency, minimized environmental degradation, and the equitable sharing of impacts among the different land owners/responsible parties. Selection of an alternative to this tribal preferred route would likely increase impacts to tribal trust resources, which may not be acceptable to the Tribe.	Comment will be addressed in the NEPA document in alternative development as well as Environmental Justice considerations.	letter	SUIT
166-1	Biological Resources	USFWS's primary concern regarding construction and operation of the proposed transmission system is avoidance of impacts to threatened, endangered, and candidate species, as well as species-at-risk and their habitats within the project areas.	Potential impacts to vegetation, soils, wildlife, fish, endangered, threatened, or sensitive species, migratory birds, and ecologically sensitive habitats will be considered and analyzed for the action and no action alternatives.	letter	USFWS
166-2	Biological Resources	The USFWS has provided a list of federally listed threatened and endangered species and potential candidates for future listing that could be impacted by the proposed project.	Comment noted. Comment will be addressed in the NEPA document.	letter	USFWS

Comment ID	Comment Category	Comment	Treatment/Response	Form of Comment	Agency
166-3	Biological Resources	The USFWS notes the potential application of the Migratory Bird Treaty Act (MBTA) of 1918, as amended, 16 United States Code (USC) 703 et seq., and the Bald Eagle Protection Act of 1940, as amended, 16 USC 688 et seq., to the project.	Potential impacts to vegetation, soils, wildlife, fish, endangered, threatened, or sensitive species, migratory birds, and ecologically sensitive habitats will be considered and analyzed for the action and no action alternatives.	letter	USFWS
166-4	Biological Resources	The USFWS recommends that this project follow the guidelines included in the <i>Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors</i> , in order to avoid potential MBTA violations with regard to raptors.	Comment noted.	letter	USFWS
166-6	Biological Resources	The USFWS notes that all power lines associated with this project should conform to the USFWS draft <i>Guidelines for Raptor Conservation in the Western United States</i> , the <i>Suggested Practices for Avian Protection on Power Lines</i> , the <i>State of the Art in 2006</i> , and the <i>Avian Protection Plan Guidelines</i> .	Comment noted.	letter	USFWS
224-2	Biological Resources	A significant part of the eastern part of the proposed project area is included in the BLM Rattlesnake Canyon Specially Designated Area (SDA). Rights-of-way are granted in the SDA only on a limited case-by-case basis and construction activities are restricted between December 1 and March 31 of each year to protect wintering wildlife.	Comment noted.	letter	NMDGF
224-3	Biological Resources	The alternative routes designated KK, TT, and G include winter and high-quality habitat for mule deer and also pass through the area mapped by New Mexico Avian Protection as the Animas/La Plata/San Juan Rivers Avian Concentration Area. Avian Concentration Areas have heightened concentrations of bird species which may be at risk for potential collision with power lines.	Potential impacts to vegetation, soils, wildlife, fish, endangered, threatened, or sensitive species, migratory birds, and ecologically sensitive habitats will be considered and analyzed for the action and no action alternatives.	letter	NMDGF

Comment ID	Comment Category	Comment	Treatment/Response	Form of Comment	Agency
224-5	Biological Resources	The NEPA analysis should evaluate potential impacts to all species listed as threatened or endangered.	Potential impacts to vegetation, soils, wildlife, fish, endangered, threatened, or sensitive species, migratory birds, and ecologically sensitive habitats will be considered and analyzed for the action and no action alternatives.	letter	NMDGF
224-8	Biological Resources	The route designated E-MM-F is used by a herd of antelope that moves south from Ute Mountain tribal land.	Comment noted.	letter	NMDGF
220-3	Biological Resources	The CDOW emphasizes the importance of limiting surface-disturbing activities by utilizing previously disturbed corridors to maximum extent practicable. This practice helps minimize direct habitat loss and additional "functional habitat loss" that occurs with the introduction of invasive weed species in newly disturbed areas.	Potential impacts to vegetation, soils, wildlife, fish, endangered, threatened, or sensitive species, migratory birds, and ecologically sensitive habitats will be considered and analyzed for the action and no action alternatives.	letter	CDOW
220-4	Biological Resources	The CDOW has documented year-round use of the area by mule deer and very high deer and elk densities during the winter months due to an influx of migratory animals. The CDOW has mapped proposed corridor segments AA, BB, CC, DD, and the Iron Horse Substation as mule deer critical winter range and elk severe winter range.	Potential impacts to vegetation, soils, wildlife, fish, endangered, threatened, or sensitive species, migratory birds, and ecologically sensitive habitats will be considered and analyzed for the action and no action alternatives.	letter	CDOW
220-9	Biological Resources	The Animas River, Florida River, and numerous smaller perennial and intermittent streams are located within one or more of the proposed alternative corridor segments. Riparian areas and wetland habitats found along the perennial and intermittent streams within the proposed corridors provide valuable habitat for a variety of wildlife species, including small mammals, otters, beavers, coyotes, raptors, and songbirds.	Potential impacts to vegetation, soils, wildlife, fish, endangered, threatened, or sensitive species, migratory birds, and ecologically sensitive habitats will be considered and analyzed for the action and no action alternatives.	letter	CDOW

Comment ID	Comment Category	Comment	Treatment/Response	Form of Comment	Agency
220-10	Biological Resources	Riparian areas along perennial streams within the corridors may provide suitable nesting habitat for the southwestern willow flycatcher, a federal endangered species, and the yellow-billed cuckoo, a federal candidate species. The New Mexico meadow jumping mouse, another federal candidate species, may occupy streamside habitats within the proposed alternative corridor segments in northern New Mexico and southern Colorado.	Potential impacts to vegetation, soils, wildlife, fish, endangered, threatened, or sensitive species, migratory birds, and ecologically sensitive habitats will be considered and analyzed for the action and no action alternatives.	letter	CDOW
220-11	Biological Resources	Leopard frogs inhabit wet meadows and the banks and shallows of marshes, stock ponds, streams, and irrigation ditches in the project area. Leopard frogs have been documented within the area are likely to be found within the proposed corridor segments. Leopard frogs are a Colorado species of special concern.	Potential impacts to vegetation, soils, wildlife, fish, endangered, threatened, or sensitive species, migratory birds, and ecologically sensitive habitats will be considered and analyzed for the action and no action alternatives.	letter	CDOW
220-12	Biological Resources	The CDOW's primary interest with respect to aquatic species is water quality. The CDOW recommends reducing erosion and sedimentation by minimizing stream crossings and surface-disturbing construction activities near these resources. Regardless of the corridor selected, the CDOW recommends: <ul style="list-style-type: none"> <li>- Using a 50-foot "no disturbance" construction buffer on each side of perennial and intermittent streams.</li> <li>- Avoiding surface disturbance within 300 feet of the riparian zone to the maximum extent practical.</li> <li>- Using existing road crossings and existing stream crossings for vehicles and other construction equipment instead of building new roads and stream crossings.</li> </ul>	Comment will be addressed in the NEPA document.	letter	CDOW
220-13	Biological Resources	Transmission lines pose electrocution and collision hazards for raptors, and the CDOW suggests that Tri-State consult with the Avian Powerline Interaction Committee for designs to minimize those hazards.	Comment noted.	letter	CDOW



Comment ID	Comment Category	Comment	Treatment/Response	Form of Comment	Agency
220-14	Biological Resources	The CDOW has mapped the Animas River and Florida River corridors as winter concentration areas for bald eagles. There are numerous bald eagle winter night roosts in the general vicinity of the proposed Iron Horse Substation, and bald eagles have been observed perching at the proposed substation location.	Potential impacts to vegetation, soils, wildlife, fish, endangered, threatened, or sensitive species, migratory birds, and ecologically sensitive habitats will be considered and analyzed for the action and no action alternatives.	letter	CDOW
220-15	Biological Resources	If construction activities must occur between November 15 and March 15, the CDOW recommends a daily bald eagle night roost survey and monitoring program to avoid disturbing bald eagles during construction. The CDOW has enclosed the <i>Raptor Buffer Guidelines</i> as a resource to assist the project proponents and permitting agencies for this project.	Comment noted.	letter	CDOW
149-3	Cultural Resources	As with all surface-disturbing projects that occur on tribal land, cultural resource surveys must be completed. Any company conducting a cultural resource survey on tribal lands must have the appropriate, valid permit issued by the Tribe's Lands Division. To avoid delays with the project, early coordination and consultation with the Tribe regarding cultural sites throughout the project area should occur.	Comment noted. The BLM will work closely with the SUIT to address cultural resource issues, as well as in all aspects of the project. The SUIT is a formally recognized cooperating agency on this project.	letter	SUIT
231-1	Cultural Resources	The Colorado Office of Archaeology and Historic Preservation (COAHP) recommends that coordination of the NEPA studies with the cultural resource studies required under Section 106 of the National Historic Preservation Act (NHPA). Once COAHP receives the Section 106 studies, we will be able to fully complete our reviews under both NHPA and NEPA.	Comment noted. The BLM will comply with the National Historic Preservation Act, to include consultation under Section 106.	Letter	COAHP
233-1	Cultural Resources	The New Mexico Department of Cultural Affairs Historic Preservation Division (NMHPD) recommends that a literature review be conducted to determine the status of cultural resources surveys and known cultural resources along each of the alternative corridors. A review of the New Mexico Cultural Resources Information System (NMCRIS) shows hundreds of known archaeological sites along the preliminary alternate corridors. After then literature review has been conducted, we will be happy to discuss the area of potential affect and appropriate identification strategies for any areas that need to be surveyed for cultural resources.	Comment noted. The BLM will comply with the National Historic Preservation Act, to include consultation under Section 106.	Letter	NMHPD

Comment ID	Comment Category	Comment	Treatment/Response	Form of Comment	Agency
224-6	Cumulative Impacts	The NEPA document should also consider the cumulative impacts of this project with the extensive existing oil and gas related development in the project area.	Comment will be addressed in the NEPA document.	letter	NMDGF
149-2	Environmental Justice	The equitable distribution of surface resource impacts should be an important consideration in the evaluation and selection of a project route.	Comment will be addressed in the NEPA document.	letter	SUIT
146-1	Land Use	The corridors could have an effect on both the La Plata and San Juan mines. The New Mexico Energy, Minerals, and Natural Resources Department (EMNRD) is interested in seeing both mines avoided.	Impacts to and from mining operations and associated reclamation areas will be considered in the NEPA document.	email	EMNRD
150-1	Land Use	La Plata County Code 90-122-D2 says that if an area is electrified within a set distance of a well, then there can be more than four well pads on the county section. Electrification of the gas field is addressed in the county codes as a sound issue, not air quality.	Comment noted. The indirect impacts of induced growth will be addressed in the NEPA document.	phone	La Plata County
166-7	NEPA Process	It appears that Endangered Species Act, Section 7 consultation will be appropriate for this project. The action agency or project proponent must evaluate the effects of the action, including the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action, that will be added to the environmental baseline (50 Code of Federal Regulations [CFR] 402.02). In this case it will be the responsibility of the BLM in cooperation with the Bureau of Indian Affairs and Rural Utilities Service to complete consultation with the USFWS on effects to listed species prior to issuance of permit, if it is determined that listed species or their habitat may be affected.	Comment noted. The BLM will comply with the Endangered Species Act to include formal consultation and the development of a Biological Assessment if appropriate, as required under Section 7.	letter	USFWS
224-7	NEPA Process	Please keep NMDGF on the mailing list for information as the NEPA process goes forward.	Comment noted. Agency will be included in future correspondence.	letter	NMDGF
220-1	NEPA Process	Please continue to involve the CDOW throughout the process so that we can achieve the best outcome for wildlife.	Comment noted. Agency will be included in future correspondence.	letter	CDOW

<b>Comment ID</b>	<b>Comment Category</b>	<b>Comment</b>	<b>Treatment/Response</b>	<b>Form of Comment</b>	<b>Agency</b>
220-16	NEPA Process	Because the CDOW's recommendations do not constitute any release of liability from compliance with federal law, the CDOW recommends consulting with the USFWS for additional information.	Comment noted. The BLM will comply with the Endangered Species Act.	letter	CDOW
161-6	NEPA Process	La Plata County is currently updating its Comprehensive Plan, which will result in a new land use code. La Plata County is also considering the adoption of regulations authorized by the Areas and Activities of State Interest Act (C.R.S. Section 24-65.1-101 et seq.). Depending on when these new documents and regulations are adopted, they could introduce additional standards that may be applicable to the project. Thereby, La Plata County encourages participation in its public process governing the adoption of these aforementioned documents and regulations.	Comment noted.	letter	La Plata County
161-7	NEPA Process	La Plata County Land Use Code Section 74, Article III has requirements for utility transmission lines. Specifically, this section requires an Environmental Impact Assessment Report or similar environmental assessment be submitted.	Comment noted. Tri-State will provide the necessary information to La Plata County upon submission of the permit application.	letter	La Plata County
220-2	NEPA Process	The CDOW would like to obtain a hardcopy of the Alternative Evaluation Study (AES) and Macro Corridor Study described in your cover letter dated November 2, 2009, if possible.	The Macro Corridor Study has been provided to the CDOW. The AES document is an internal work product that is not appropriate for public review.	letter	CDOW
161-5	Project Description	La Plata County requests that the [NEPA] document indicate how the purpose and need for this transmission line has been determined, specifically with regards to development in La Plata County. The [NEPA] document should include reference to the data used to project the need for the utility in this particular part of the county, as it has not been determined whether or no La Plata County will be promoting certain types of development to this region.	Comment noted and will be addressed by the Project Description and the Purpose And Need statements.	letter	La Plata County

<b>Comment ID</b>	<b>Comment Category</b>	<b>Comment</b>	<b>Treatment/Response</b>	<b>Form of Comment</b>	<b>Agency</b>
161-1	Visual Resources	The La Plata County Land Use Code Chapter 70, Section 70-41 identifies a corridor district. Included in the district map is U.S. Highway 550. La Plata County would like this scenic corridor to be considered in the selection of alignments. La Plata County would also like the recommendations in the code to be followed to place development on the sites in such a way as to preserve visual resources and use state of the art materials painted with colors that blend in with the surrounding landscape.	Comment will be addressed in the NEPA document. Visual simulations from key observation points for the action alternatives will be provided.	letter	La Plata County
161-2	Visual Resources	The La Plata County Comprehensive Plan, Environmental Resources chapter has a section addressing Visual Resources. Page 6.7 specifically highlights the possibility of "excessive removal of vegetation and/or lack of re-vegetation along pipeline and utility rights of ways" as an activity that may affect visual resources. The plan calls for proposed development to accommodate visual resources as an important aspect of the county's character.	Comment will be addressed in the NEPA document. Visual simulations from key observation points for the action alternatives will be provided.	letter	La Plata County
161-3	Visual Resources	The Florida Mesa District Plan indicates uncongested views are valued in the proposed area of the transmission line. La Plata County asks that visual resources be considered in the alignment of the transmission line.	Comment will be addressed in the NEPA document. Visual simulations from key observation points for the action alternatives will be provided.	letter	La Plata County
161-4	Visual Resources	The proposed alignment out of Bondad to the east will affect scenic resources in that area, and La Plata County requests that visual resource impacts are addressed.	Comment will be addressed in the NEPA document. Visual simulations from key observation points for the action alternatives will be provided.	letter	La Plata County
224-4	Water Resources	Referring to Table 1 of the Macro Corridor Study, springs and wetlands should have similar exclusion and avoidance zones as proposed for surface waters.	Comment noted.	letter	NMDGF
159-1	Water Resources	The U.S. Army Corps of Engineers (USACE) will need to be consulted if the project will involve the discharge of dredged or fill material into a waters of the U.S. Not enough information has been provided at this time to make a determination of whether a permit will be required.	Comment noted. The USACE will be consulted once the project alternatives are further refined and more information regarding impacts to jurisdictional waters is available.	email	USACE



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**APPENDIX A  
AGENCY COMMENT LETTERS**

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STATE OF COLORADO

Bill Ritter, Jr., Governor  
DEPARTMENT OF NATURAL RESOURCES  
**DIVISION OF WILDLIFE**

AN EQUAL OPPORTUNITY EMPLOYER

Thomas E. Remington, Director  
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*For Wildlife-  
For People*

151 E. 16<sup>th</sup> Street  
Durango, CO 81301

11 December 2009

Ms. Molly Thrash  
SWCA Environmental Consultants  
130 Rock Point Drive, Suite A  
Durango, CO 81301

Dear Ms. Thrash:

Thank you for involving the Colorado Division of Wildlife (CDOW) in the planning stages for the **SAN JUAN BASIN ENERGY CONNECT PROJECT**. Please continue to involve us throughout the process so that we can achieve the best outcome for wildlife. Our comments are based on the letter, maps and shape files that you provided. We would like to obtain a hardcopy of the Alternative Evaluation Study (AES) and Macro Corridor Study (MCS) described in your cover letter dated November 2, 2009, if possible.

Corridor identification is important. From CDOW's perspective the best corridor is the one resulting in the least amount of disturbance to wildlife resources while meeting your goals. We emphasize the importance of limiting surface disturbing activities by utilizing previously disturbed corridors to the maximum extent practicable. This practice helps minimize direct habitat loss and additional "functional habitat loss" that occurs with the introduction of invasive weed species in newly disturbed areas.

The CDOW's comments are limited to the corridor alternatives for which we have wildlife management responsibilities, i.e., our comments are pertinent to proposed corridor alternatives identified as segments AA, BB, CC, DD, portions of EE and FF and the location of the proposed Iron Horse Substation. We are not commenting on corridor segments located on Tribal Lands or in the State of New Mexico.

**Big Game Concerns**

The current land use in the area surrounding the proposed corridor alternative segments of concern is intermixed forested rangelands, sage flats, and agricultural lands. The majority of the agricultural lands are irrigated for hay grass production. Oil and gas facilities occur on all the proposed alternative corridors. However, most corridor alternatives are relatively free of residential development.

The agricultural lands and sagebrush dominated flats provide foraging opportunities for mule deer and elk while the surrounding forested range lands provide security and thermal cover. The CDOW has documented year round use of the area by mule deer and very high deer and elk densities during the winter months due to an influx of migratory animals. As snow accumulates at higher elevations, this area is increasingly important to big game as the area contains high quality winter range for mule deer and elk. The CDOW has mapped proposed corridor segments AA, BB, CC, DD, and the Iron Horse Substation as mule deer critical winter range and elk severe winter range. Mule deer and elk typically display high site fidelity to winter range, preferring to use the same areas year after year. Recent studies show that mule deer and elk avoid

DEPARTMENT OF NATURAL RESOURCES, Harris D. Sherman, Executive Director  
WILDLIFE COMMISSION, Brad Coors, Chair • Tim Glenn, Vice Chair • Dennis Buechler, Secretary  
Members, Jeffrey Crawford • Dorothea Farris • Roy McAnally • John Singletary • Mark Smith • Robert Streeter  
Ex Officio Members, Harris Sherman and John Stulp

construction activities and may shift their distribution on winter range in response to development activities (Hebblewhite 2008, Sawyer 2009).

While the presence of these important habitats make impacts to wintering big game animals unavoidable, the impacts can be reduced by aligning the transmission the line within previously disturbed terrain. For example, the CDOW prefers using corridor segments CC and AA to connect with the Iron Horse Substation as corridor segment CC contains County Road (CR) 318 a paved, heavily traveled road. Traffic and habitat changes along CR 318 impact the functional values of the adjacent winter habitat for big game. Aligning the transmission line close to CR 318 would minimize further impacts to wintering deer and elk. For the same reason, the CDOW recommends aligning the transmission line adjacent to J Road, within corridor segment AA to connect with the Iron Horse Substation. Routes DD and BB also contain lower volume County Roads and are not as heavily disturbed as the corridor adjacent to CR 318. A transmission line along these routes would have additional impacts.

If the transmission line cannot be located in the corridor segments adjacent to existing roads CDOW recommends conducting construction and maintenance activities after April 15th and prior to December 1st to help minimize disturbance to wintering mule deer and elk.

#### **Riparian and Aquatic Concerns**

The Animas River, Florida River and numerous smaller perennial and intermittent streams are located within one or more of the proposed alternative corridor segments. Riparian areas and wetland habitats found along the perennial and intermittent streams within the proposed corridors provide valuable habitat for a variety of wildlife species, including small mammals, otters, beavers, coyotes, raptors, and songbirds.

Riparian areas along perennial streams within the corridors may provide suitable nesting habitat for Southwestern willow flycatcher, a Federal Endangered species and yellow-billed cuckoo, a Federal Candidate species. The New Mexico meadow jumping mouse, another Federal Candidate species, may occupy streamside habitats within the proposed alternative corridor segments in northern New Mexico and southern Colorado. While little is known about this species distribution, maintaining the integrity of the riparian habitat within the proposed corridors may reduce potential impacts to this species.

Due to significant irrigation water return flows, there are numerous wetland complexes within all of the proposed alternative corridors. Leopard frogs inhabit wet meadows and the banks and shallows of marshes, stock ponds, streams, and irrigation ditches in the project area. Leopard frogs have been documented within the area are likely to be found within the proposed corridor segments. Leopard frogs are a State of Colorado Species of Special Concern.

Aquatic species in the Florida River, Animas River and perennial streams within the proposed corridors are sensitive to any changes in water quality. CDOW's primary interest with respect to aquatic species is water quality. We recommend reducing erosion and sedimentation by minimizing stream crossings and surface disturbing construction activities near these resources. Regardless of the corridor selected we recommend:

- A 50-foot "no disturbance" construction buffer on each side of perennial and intermittent streams;
- Avoiding surface disturbance within 300 feet of the riparian zone to the maximum extent practical;
- Using existing road crossings and existing stream crossings for vehicles and other construction equipment instead of building new roads and stream crossings.

#### **Avian/ Transmission line Issues**

Many raptor species utilize all the proposed alternative corridors. It is likely that raptors will perch and/or build nests on newly installed transmission line and poles. Transmission lines pose electrocution and collision hazards for raptors and CDOW suggests that Tri-State consult with the Avian Powerline Interaction Committee (APLIC) for designs to minimize those hazards.

The CDOW has mapped the Animas River and Florida River corridors as winter concentration areas for bald eagles. There are numerous bald eagle winter night roosts in the general vicinity of the proposed Iron Horse Substation and bald eagles have been observed perching at the proposed substation location. Depending upon



where the facility is specifically sited the Substation may be within ½ mile line of sight to an active bald eagle winter night roost.

Bald eagle winter movements are highly variable as they are influenced by changes in weather and prey availability. Therefore bald eagle distribution and abundance may change quickly during the winter and between winters. If construction activities *must* occur between November 15 and March 15 we recommend a daily bald eagle night roost survey and monitoring program to avoid disturbing bald eagles during construction. We are enclosing the CDOW's Raptor Buffer Guidelines as a resource to assist the project proponents and permitting agencies for this project.

The CDOW developed these raptor survey and buffer recommendations to help avoid violations of the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). Because the CDOW's recommendations do not constitute any release of liability from compliance with Federal law we recommend consulting with the U.S. Fish and Wildlife Service for additional information.

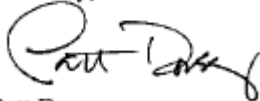
#### **Summary**

In summary, all proposed corridors impact wildlife resources in some fashion. The CDOW prefers connecting corridor segments CC and AA with the Iron Horse substation due to the presence of existing disturbance and heavily traveled roadways. In addition, we recommend the following practices to minimize impacts to wildlife resources:

- Limit surface disturbing activities to the maximum extent practicable by utilizing previously disturbed corridors and facilities where possible;
- Conduct construction and maintenance after April 15th and prior to December 1st to help minimize disturbance to wintering mule deer and elk, if the transmission line cannot be located in the corridor segments adjacent to existing roads;
- Buffer both sides of streams with a 50-foot "no disturbance" construction zone and avoiding surface disturbance within 300 feet of the riparian zone to the maximum extent practical;
- Use existing road crossings and existing stream crossings for vehicles and other construction equipment instead of new roads and stream crossings to reduce sedimentation and erosion;
- Consult with the Avian Powerline Interaction Committee (APLIC) for transmission line and pole designs that minimize the risk of raptor electrocutions and collisions;
- Conduct daily bald eagle night roost survey and monitoring to avoid disturbing bald eagles during construction if construction activities *must* occur between November 15 and March. If active night roosts are located, follow CDOW's raptor buffer guidelines and consult with the U.S. Fish and Wildlife Service for additional information.

We appreciate this opportunity to comment on this project during the planning phase. If you have questions or would like to discuss these recommendations feel free to contact District Wildlife Manager, Stephanie Schuler at the Durango Area Office 247-0855, or Brian Magee at 375-6707. We look forward to working with you to benefit wildlife.

Sincerely,



Patt Dorsey  
Area Wildlife Manager, Durango

xc: Field Ops Branch, Spezze, Holst, Magee, Area File, DWM

Hebblewhite, M. 2008. A literature review of the effects of energy development on ungulates: Implications for central and eastern Montana. Report prepared for Montana Fish, Wildlife and Parks, Miles City, MT.

Sawyer, H., R. Nielson, and D. Strickland. 2009. Sublette Mule Deer Study (Phase II): Final Report 2007. Western Ecosystems Technology, Inc. Cheyenne, Wyoming, USA



 OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

RECEIVED

DEC 30 2009

Bureau of Land Management  
Farmington Field Office

*Handwritten notes:*  
Joe [unclear]  
Date [unclear]  
Tim C. [unclear]

December 23, 2009

Steve Henke  
District Manager  
Bureau of Land Management  
Farmington District Office  
1235 La Plata Highway, Suite A  
Farmington, New Mexico 87401

Re: San Juan Basin Energy Connect Project (CHS #56087)

Dear Mr. Henke,

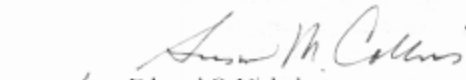
Thank you for your correspondence dated December 1, 2009 (received by our office on December 3, 2009) regarding the subject project.

In order to determine the effect of the proposed project on cultural resources, we recommend that you coordinate your NEPA studies with the cultural resource studies required under Section 106 of the National Historic Preservation Act (NHPA). Per 36 CFR 800.8, "Federal agencies are encouraged to coordinate compliance with Section 106 and the procedures in this part with any steps taken to meet the requirements of the National Environmental Policy Act." Also, Section 110 of the National Historic Preservation Act states that Federal agencies should "coordinate with the earliest phases of any environmental review carried out under the National Environmental Policy Act."

The findings from the Section 106 studies can inform the NEPA studies, such as including mitigation measures identified under Section 106 into the NEPA decision document. Once we receive the Section 106 studies, we will be able to fully complete our reviews under both NHPA and NEPA. Additional information regarding the Section 106 process is available on our website at <http://www.coloradohistory-oahp.org/FAQ/106.htm>.

Additional information regarding the Section 106 process is available on our website at <http://www.coloradohistory-oahp.org/FAQ/106.htm>. We look forward to continued consultation on the subject project. If we may be of further assistance, please contact Shina duVall, Section 106 Compliance Manager, at (303) 866-4674 or [shina.duvall@chs.state.co.us](mailto:shina.duvall@chs.state.co.us) or Amy Pallante, Section 106 Compliance Manager, at (303) 866-4678.

Sincerely,

  
Edward C. Nichols  
State Historic Preservation Officer  
ECN/SAD

COLORADO HISTORICAL SOCIETY

1300 BROADWAY DENVER COLORADO 80203 TEL 303/866-3395 FAX 303/866-2711 [www.coloradohistory-oahp.org](http://www.coloradohistory-oahp.org)

**Tri-State San Juan Basin Energy Connect Project  
Telephone Call Record**

Author (including agency): Molly Thrash SWCA

Date of call: 18 November 2009

Date of Response: immediate

Caller Name: Tracy Hughes

Caller Telephone Number:

Additional Contact info: La Plata County Planning office

E-mail:

Address:

Summary of Telephone Call: Received project information at Ignacio scoping meeting and wanted to know how best to have staff comments sent. I told her she could email me, email the info@, or used the web page interface – that it all went to the same place. She will try to have comments by the 30<sup>th</sup>, and staff comments will probably only be on technical planning issues

County staff has not heard anything from the public regarding the project, so she did not think that the BOCC was going to do a formal letter back to us.

I asked about the county code that required electrifying the gas fields, and she said that was a common misunderstanding of the 2009 regulations. LPC 90-122-D2 says that if an area is electrified within a set distance of a well, then there can be more than 4 well pads on the county Section. (indirect impact: induced growth) Electrification of the gas field is addressed in the county codes as a sound issue, not air quality. She suggests contacting Anthony Martinez at the county for more information.

Request for information:

To be completed by:

Additional Information:

**Please return this Telephone Call Record to: Molly Thrash at [mthrash@swca.com](mailto:mthrash@swca.com) for inclusion in the public comment database.**



Farmington Field Office  
Bureau of Land Management  
c/o SWCA Inc.  
130 Rock Point Drive Suite A  
Durango, CO 81301

November 24, 2009

Dear Ms. Thrash,

The La Plata County Planning Staff would like to thank you for the opportunity to submit comments regarding the San Juan Basin Energy Connect Environmental Analysis. We hope that the following comments will assist your decisions regarding this project.

Staff has identified the following items of concern:

1. The La Plata County Land Use Code chapter 70, section 70-41 identifies a corridor district. This district encompasses areas along county roads and state highways. Included in the district map is highway 550. We hope you will consider this scenic corridor in the selection of your alignments, and follow the recommendations found in the code to place development on the sites in such a way as to preserve visual resources, and by using state of the art materials painted with colors that blend in with the surrounding landscape.

Similarly, the La Plata County Comprehensive Plan adopted by the Planning Commission in 2001, also addresses scenic resources. The Environmental Resources chapter has a section addressing Visual Resources. Page 6.7 specifically highlights the possibility of "excessive removal of vegetation and or lack of re-vegetation along pipeline and utility rights of ways" as an activity that may affect visual resources. The plan calls for proposed development to accommodate visual resources as an important aspect of the counties character. Also, the Florida Mesa District plan indicates uncongested views are valued in the proposed area of the transmission line. We ask that you address how you will be considering visual resources in the alignment of the transmission line.

The proposed alignment out of Bondad to the east will affect scenic resources in that area and we request you address how this may affect visual resources.

2. We would request that the document indicate how the purpose and need for this transmission line has been determined, specifically with regards to development in La Plata County. Specifically, the document should include reference to the data used to project the need for the utility in this particular part of the county, as it has not been determined whether or not La Plata County will be promoting certain types of development to this region.
3. As you may be aware, La Plata County is currently updating our Comprehensive Plan. This plan will provide a framework for how and where growth will occur in La Plata County in the future. Additionally, once the Comprehensive Plan is complete, a new land use code will soon follow. Last, the County is considering adopting regulations authorized by the Areas and Activities of State Interest Act, C.R.S. Section 24-65.1-101 *et seq.* Depending on when they are adopted, these new documents and regulations could introduce additional standards to our land use system that may be applicable to your project. Thereby, we encourage you to participate in the County's public process governing the adoption of these aforementioned documents and regulations.
4. La Plata County Land use Code section 74 Article III has requirements for utility Transmission Lines. Specifically, this section requires an Environmental Impact Assessment Report, or similar environmental assessment be submitted. Section 74-153 (3) contains specific topics that require evaluation in the document. We would encourage you to review this section of our code, and we would be happy to meet and discuss any issues with you.
5. We support the statement and intent that this project will "supply a pathway for renewable energy" and encourage that the document detail how the project will support renewable energy.

Again, La Plata County Planning Staff sincerely appreciates the opportunity to comment during the scoping portion of this project. If you have any questions or would like further clarification, please do not hesitate to contact us.

Sincerely,

Matthew Armstrong  
Assistant Director  
La Plata County Planning Department  
(970) 382-6292  
armstrongmj@co.laplata.co.us

Tracie Hughes  
Planner II  
(970) 382- 6287  
hughestl@co.laplata.co.us

**Tri-State San Juan Basin Energy Connect Project  
Telephone Call Record**

Author (including agency): Molly Thrash SWCA

Date of call: 18 and 23 November 2009

Date of Response: immediate

Caller Name: Rachel Jankowitz

Caller Telephone Number:

Additional Contact info: New Mexico Department of Fish and Game

E-mail: rjankowitz@state.nm.us

Address:

Summary of Telephone Call: Received project information package and requested to send her comments by 15 December. I said that would be okay, and to let me know if she needed anything else. Second phone call was to request shape files for the New Mexico corridors. Trent will do that today.

Request for information: shape files

To be completed by: Trent

Additional Information:

**Please return this Telephone Call Record to: Molly Thrash at [mthrash@swca.com](mailto:mthrash@swca.com) for inclusion in the public comment database.**

GOVERNOR  
Bill Richardson



DIRECTOR AND SECRETARY  
TO THE COMMISSION  
Tod Stevenson

Robert S. Jenks, Deputy Director

**STATE OF NEW MEXICO  
DEPARTMENT OF GAME & FISH**

One Wildlife Way  
Post Office Box 25112  
Santa Fe, NM 87504  
Phone: (505) 476-8008  
Fax: (505) 476-8124

Visit our website at [www.wildlife.state.nm.us](http://www.wildlife.state.nm.us)  
For information call: 505/476-8000  
To order free publications call: 1-800-862-9310

**STATE GAME COMMISSION**

Jim McClintic, Chairman  
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Albuquerque, NM

M.H. "Dutch" Salmon, Commissioner  
Silver City, NM

Leo V. Sims, II, Commissioner  
Hobbs, NM

December 14, 2009

Molly Thrash, Project Manager  
SWCA Environmental Consultants  
130 Rock Point Drive, Suite A  
Durango, CO 81301

Re: San Juan Basin Energy Connect Project Request for Agency Comment; NMDGF Project No.13080

Dear Ms. Thrash:

In response to your letter dated 13 Nov 2009, the New Mexico Department of Game and Fish (NMDGF) has reviewed the above referenced document, as well as the Macro Corridor Study (MCS) available online at [www.sjbenergyconnect.com](http://www.sjbenergyconnect.com). Tri-State Generation and Transmission Association proposes to construct a 230-kilovolt transmission line (and supporting electrical facilities) from the Farmington area in New Mexico to Ignacio, Colorado. Your company is currently soliciting agency comments as part of the scoping phase of the National Environmental Policy Act (NEPA) process. Our comments below pertain only to the portion of the project area located within the boundaries of the state of New Mexico.

Of the alternatives presented on the Project Overview Map dated 22 Oct 2009, NMDGF would prefer that the transmission corridor follow the route designated A-UU-D-H-I-S. The alternative routes farther to the east, designated J, K, L, M and N, traverse high quality mule deer habitat and elk winter and summer ranges. A new transmission corridor with the associated access road may cause additional habitat fragmentation and increase vehicle access for illegal hunters.

Additionally, a significant part of the eastern part of the proposed project area is included in the BLM Rattlesnake Canyon Specially Designated Area (SDA). Rights-of-way are granted in the SDA only on a limited case-by-case basis, and construction activities are restricted between December 1 and March 31 of each year to protect wintering wildlife. The alternative routes designated KK, TT and G, include winter and high quality habitat for mule deer, and also pass through the area mapped by New Mexico Avian Protection as the Animas/La Plata/San Juan Rivers Avian Concentration Area. These avian areas are important to waterfowl and raptors, including winter concentrations of bald eagles. Avian Concentration Areas have heightened concentrations of bird

species which may be at risk for potential collision with power lines. The route designated E-MM-F is used by a herd of antelope which moves south from the Ute Mountain tribal land.

Referring to Table 1 of the MCS, springs and wetlands should have similar exclusion and avoidance zones as proposed for surface waters.

A list of state and federal Wildlife of Concern known to occur in San Juan County is enclosed. The NEPA analysis should evaluate potential impact to all species listed as threatened or endangered. Information about species which are not listed, but are considered sensitive by NMDGF or the U.S. Fish and Wildlife Service, is also included for planning purposes. The NEPA document should also consider the cumulative impacts of this project with the extensive existing oil and gas related development on the project area.

Thank you for the opportunity to consult on this proposed project. Please keep NMDGF on the mailing list for information as the NEPA process goes forward. If there are any questions, please contact Rachel Jankowitz at 505-476-8159, or [rjankowitz@state.nm.us](mailto:rjankowitz@state.nm.us).

Sincerely,

Matthew Wunder, PhD  
Chief, Conservation Services Division

xc: Wally Murphy, Ecological Services Field Supervisor, USFWS  
Brian Gleadle, NW Area Office Supervisor, NMGF  
Kathy McKim, NW Area Sergeant, NMGF



-----Original Message-----

From: Marcella\_Romero@blm.gov [mailto:Marcella\_Romero@blm.gov]  
Sent: Friday, November 20, 2009 10:37 AM  
To: nkorbe@tristategt.org; Molly Thrash  
Subject: Fw: San Juan Basin Energy Connect Project - Jim O'Hara's Message

This was the message I referred to at the meeting yesterday, there was no letter.

Marcy Romero  
Realty Specialist  
Phone: 505-599-6339

Forwarded by Marcella Romero/FFO/NM/BLM/DOI on 11/20/2009 10:34 AM  
Marcella Romero/FFO/NM/BLM/DOI  
To jim.ohara@state.nm.us  
10/14/2009 07:45  
cc [mthrash@swca.com](mailto:mthrash@swca.com), nkorbe@tristategt.org  
Subject Fw: San Juan Basin Energy Connect Project

Mr. O'Hara, thank you for your message, I have forwarded your message to SWCA and Tri-State.

Marcy Romero  
Realty Specialist  
Phone: 505-599-6339

Forwarded by Marcella Romero/FFO/NM/BLM/DOI on 10/14/2009 07:42 AM  
"Ohara, Jim EMNRD  
To Marcella\_Romero@blm.gov>  
cc <Shannon\_Hoefeler@blm.gov>, "Thomas, Charles, EMNRD charles.thomas@state.nm.us>  
RE: San Juan Basin Energy Connect Project

Ms. Romero,

Thanks for the information. It looks like the corridor's could have an effect on both the La Plata and San Juan mines. I am interested in seeing both mine avoided. There are a number of liability issues that affect the San Juan Coal Company and long term issues associated with the integrity of the reclamation if disturbed by industrial development.

Please keep me informed as the project progresses.

Thank you.

Jim O'Hara  
Coal Program Manager  
505-476-3413

-----Original Message-----

From: Marcella\_Romero@blm.gov [mailto:Marcella\_Romero@blm.gov]  
Sent: Friday, October 09, 2009 12:10 PM  
To: Ohara, Jim, EMNRD  
Cc: Shannon\_Hoefeler@blm.gov; nkorbe@tristategt.org; mthrash@swca.com  
Subject: San Juan Basin Energy Connect Project

Mr. O'Hara,

Shannon Hoefeler, Mining Engineer, from my office forwarded your message To me and I in turn forwarded it to Tri-State and SWCA, the Environmental Consultant agency who is working with this project to let them know of your concerns.

The website that has information on this project is [www.SJBEnergyConnect.com](http://www.SJBEnergyConnect.com). Please feel free to navigate the website which has newsletters, maps and much more information on this project. Please contact me at the no. below if I can be of additional assistance, or by e-mail.

Marcy Romero  
Realty Specialist  
Phone:505-599-6339



# SOUTHERN UTE INDIAN TRIBE

November 17, 2009

Ms. Marcella Romero, Realty Specialist  
U.S. Bureau of Land Management / Farmington Field Office  
1235 La Plata Highway, Suite A  
Farmington, NM 87401-8731

Re: Tribal comment on Tri-State's proposed San Juan Energy Connect Project

Dear Ms. Romero,

This letter is to formally communicate the Southern Ute Indian Tribe's position and comments regarding the San Juan Energy Connect Project (Project) proposed by Tri-State Generation and Transmission Association, Inc. (Tri-State).

As a cooperating agency and a sovereign entity with lands potentially affected by the Project, the Tribe supports the implementation of the Project primarily for the important socio-economic benefits it can bring to the Tribe, as well as other local communities in southwest Colorado and northwest New Mexico. Notwithstanding the Tribe's support for the general goals and objectives of the Project, we would like to offer the following comments and recommendations as part of the Project's NEPA process, which is currently underway:

1. **Co-location of Infrastructure.** As with most ground-disturbing projects on Tribal trust lands, the Tribe strongly prefers that utility infrastructure be co-located within existing utility corridors and other previously disturbed areas in order to minimize new surface resource impacts. The Tribe believes that, of the several possible routing options already identified, those routes that fall predominately within existing corridors should be given strong preference in the siting evaluation.
2. **Equitable Distribution of Impacts.** The Tribe recognizes that implementation of the Project will bring benefits to an entire region; benefits that will be shared by Tribal and non-Tribal communities alike. There will also be a variety of surface resource impacts resulting from the Project that should similarly be shared among the beneficiaries of the Project. No single affected entity among the Tribal, public, and private landowners should be expected to carry a disproportionate burden of Project impacts. The equitable distribution of surface resource impacts should also be an important consideration in the evaluation and selection of a Project route.
3. **Cultural Resource Evaluation.** As with all surface disturbing projects that occur on Tribal Land, an extensive cultural resource survey must be completed. Any company conducting a cultural resource survey on Tribal lands must have the appropriate, valid permit issued by the Tribe's Lands Division. To avoid delays with the Project, early coordination and consultation with the Tribe regarding cultural sites throughout the Project area should occur.
4. **Right-of-Way Width on Tribal Lands.** The Tribe recognizes the importance of this Project to the area, but is concerned about significant resource impacts from new, excessively wide easement corridors. The Tribe hopes that minimum-width easement corridors can be utilized, and would like to discuss and better understand the sizing constraints on these corridors.

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P. O. BOX 737 ♦ IGNACIO, CO 81137 ♦ PHONE: 970-563-0100

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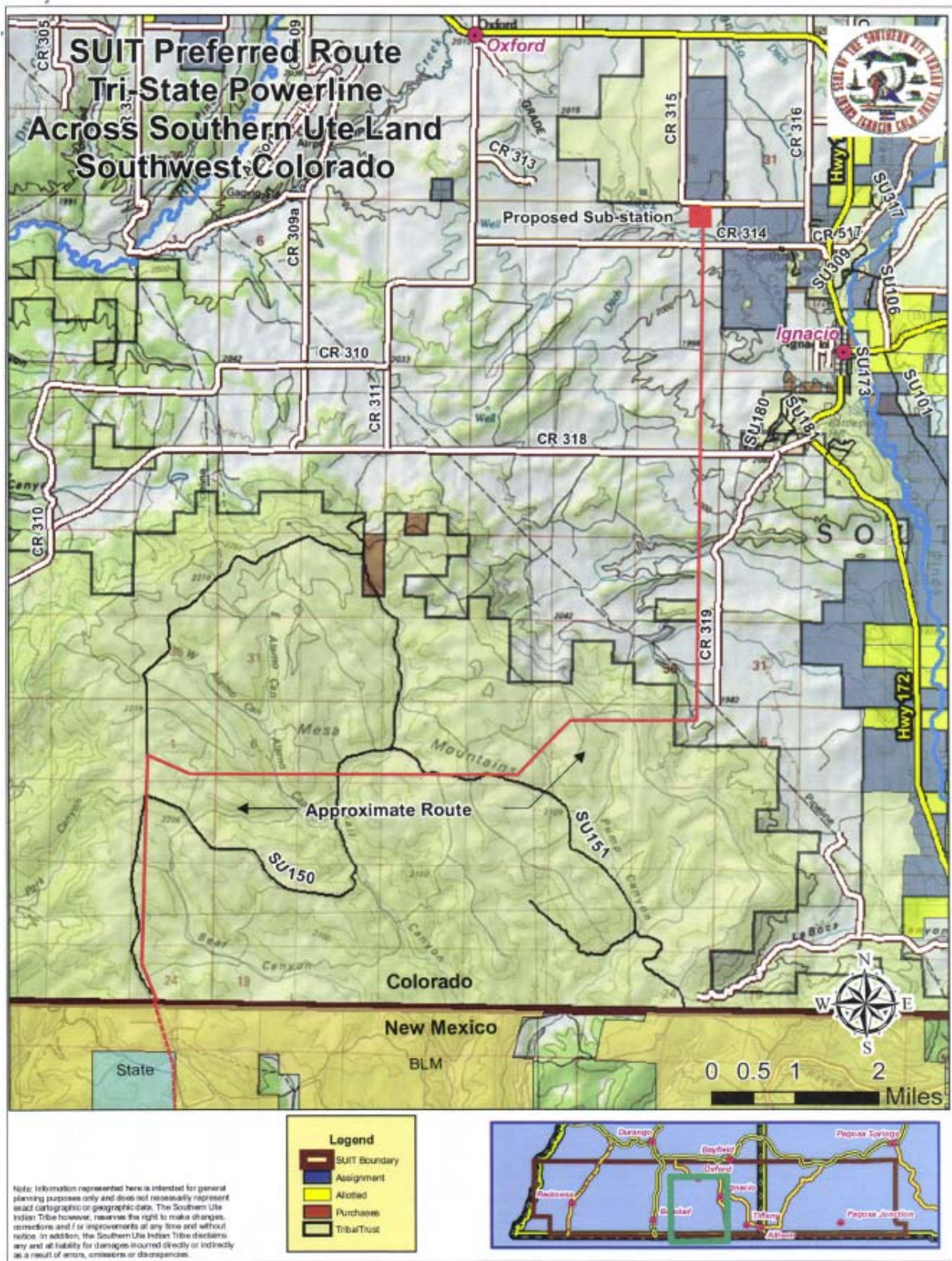
5. **Tribal Preferred Route.** Pursuant to past discussions among technical experts with the Tribe, BIA, BLM, Tri-State, and others, the Tribe has identified a preferred routing option for the portion of the Project to be within the State of Colorado and Southern Ute Indian Reservation. This preferred routing option corresponds to several connected route segments identified in the Project's initial macro-corridor study (i.e., segments W – Z – FF – AA). The Tribe believes that this routing option represents the best balance of efficiency, minimized environmental degradation, and the equitable sharing of impacts among the different land owners/responsible parties. Selection of an alternative to this Tribal preferred route would likely increase impacts to Tribal trust resources, which may not be acceptable to the Tribe.

I appreciate the opportunity to provide these comments and recommendations on behalf of the Tribe and look forward to continued dialog and progress with planning and implementation of the Project. If you have questions or would like to discuss these comments, please contact the Tribe's lead representative and coordinator for this project, Mr. Steve Whiteman, at 970-563-0130.

Sincerely,

  
for Matthew J. Boy, Chairman  
Southern Ute Tribal Council

cc: Mr. John Waconda, US BIA – Southern Ute Agency  
Ms. Nicole Korbe, Tri-State Generation and Transmission Association, Inc.  
Ms. Molly Thrash, SWCA, Inc.  
Southern Ute Indian Tribe: Dept of Natural Resources  
Growth Fund Properties  
Planning



-----Original Message-----

From: Hellige, Kara A SPK [mailto:Kara.A.Hellige@usace.army.mil]  
Sent: Tuesday, November 24, 2009 9:54 AM  
To: Molly Thrash  
Cc: Wrbas, Christopher R SPA; sjbecp; Sarah Wilcox  
Subject: RE: San Juan Basin Energy Connect Project

Molly:

Absolutely! Once you have the preferred alternative established along with an impact assessment, Chris and I would be happy to sit down with you to discuss impacts. Also just as an FYI, the only Section 10 waterway that we have in this area is Navajo Reservoir. So if the project involves work within (or over, if using overhead lines) the spillway elevation of the reservoir then a Section 10 permit is required. Most of the work in this region is limited to Section 404 only.

I look forward to meeting with you.

Kara Hellige  
Durango Regulatory Field Office  
Sacramento District  
799 E 3rd Street, #2  
Durango, Colorado 81301  
(970)375-9452 (phone)  
(970)375-9531 (fax)

-----Original Message-----

From: Molly Thrash [mailto:mthrash@swca.com]  
Sent: Monday, November 23, 2009 5:13 PM  
To: Hellige, Kara A SPK  
Cc: Wrbas, Christopher R SPA; sjbecp; Sarah Wilcox  
Subject: RE: San Juan Basin Energy Connect Project

Hi Kara - thanks for getting back to me!

We should get coffee sometime; I'd like to meet you. Sections 404/10 (and 401) were my baby when I worked for the Navy in San Diego, just a year ago. Between Rapanos with arid southwest ephemeral drainages and ocean dredging, it certainly kept me busy for 2 years! At least in Colorado and New Mexico, I don't have any ocean disposal issues to work on. One of my ACOE folks back there, Robert Smith, suggested I look you up when I got back to town, but I figured we'd meet professionally soon enough.

Anyway, about the project.... There isn't a preferred alternative yet, from either the proponent or the agencies sides of the table. The preliminary corridors are being evaluated against a matrix of consideration criteria, which is a process designed to shake out the 'best' corridors, and then help define the route within the corridors.

Proximity to water, including those arid southwest drainages and irrigation ditches, are certainly on the list of criteria being considered.

Once an alignment(s) is selected, we'll know more how it may impact water resources. In general, Tri-State designs to avoid water resources with the physical towers, poles and access roads. At this point, admittedly very early in the 404 process, I expect the project would meet the requirements of NWP 12, with a Section 10 permit for river crossings.

If it's okay with you, once we get the consideration criteria in a little more final form, I'd like send it to you for a review of water resource issues. For example, I am not familiar with the regulations pertaining to ditches/proximity to ditches, and don't want to not consider something that would be an inadvertent impact best avoided.

Thanks, and I look forward to working with you!

Molly Thrash  
SJBEC NEPA Project Manager  
SWCA Environmental Consultants  
Durango Office  
515 East College Drive  
Durango, CO 81301  
office 970-385-8566  
cell 970-769-5006  
mthrash@swca.com

File Code: 3004

-----Original Message-----

From: Hellige, Kara A SPK [mailto:Kara.A.Hellige@usace.army.mil]  
Sent: Monday, November 23, 2009 4:35 PM  
To: Molly Thrash  
Cc: Wrbas, Christopher R SPA  
Subject: RE: San Juan Basin Energy Connect Project

Hi Molly

Your November 9, 2009 letter does not contain enough information for us to determine if a Department of the Army (DA) permit is required for the proposed work. Under Section 404 of the Clean Water Act, a DA permit is required for the discharge of dredged or fill material into a waters of the U.S. Most discharges fall within our Nationwide Permit Program. If the project is a single and complete project and it crosses state lines, I would suggest arranging a pre-application meeting with Chris and I so we can determine the proper permitting process. You should have fairly detailed plans along with a delineation of waters, including wetlands, prior to this meeting.

We appreciate your efforts for early coordination. Coordinating early aids in a more efficient permit process.

If you have any questions regarding specific information needed within the preconstruction notification or pre-application meeting, please do not hesitate to contact us.

Kara Hellige  
Durango Regulatory Field Office  
Sacramento District  
799 E 3rd Street, #2  
Durango, Colorado 81301  
(970)375-9452 (phone)  
(970)375-9531 (fax)

-----Original Message-----

From: Molly Thrash [mailto:mthrash@swca.com]  
Sent: Monday, November 16, 2009 2:57 PM  
To: Hellige, Kara A SPK  
Cc: Wrbas, Christopher R SPA  
Subject: RE: San Juan Basin Energy Connect Project

Thanks Kara! I wasn't sure what your district boundaries are, and appreciate you bringing the Albuquerque District into the discussion.

Please let me know if you need any additional information. Note that we're still looking at all of the preliminary alternative corridors, and when preferred corridors and routing with the corridors is determined, there will be announcements made and an additional round of routing workshops. I'll be sure to include you and the ABQ district in that announcement.

Thanks again -

Molly Thrash  
SJBEC NEPA Project Manager  
SWCA Environmental Consultants  
Durango Office  
515 East College Drive  
Durango, CO 81301  
office 970-385-8566  
cell 970-769-5006  
mthrash@swca.com

-----Original Message-----

From: Hellige, Kara A SPK [mailto:Kara.A.Hellige@usace.army.mil]  
Sent: Monday, November 16, 2009 2:42 PM  
To: Molly Thrash  
Cc: Wrbas, Christopher R SPA  
Subject: RE: San Juan Basin Energy Connect Project

Thanks Mary. We received the package last Thursday. It looks like the project crosses State lines so I will coordinate with the Albuquerque District regarding providing you with some comments.

Kara Hellige  
Durango Regulatory Field Office



Sacramento District  
799 E 3rd Street, #2  
Durango, Colorado 81301  
(970)375-9452 (phone)  
(970)375-9531 (fax)

-----Original Message-----

From: Molly Thrash [mailto:mthrash@swca.com]  
Sent: Monday, November 09, 2009 3:47 PM  
To: Hellige, Kara A SPK  
Cc: sjbecp; Sarah Wilcox  
Subject: San Juan Basin Energy Connect Project

Dear Ms. Hellige,

The attached package regarding the San Juan Basin Energy Connect Project has been mailed to you, via FedEx, today. An 11 x 17 map is also in the mailing, but is too large to attach by email. Complete project information is also available at [www.sjbenergyconnect.com](http://www.sjbenergyconnect.com)

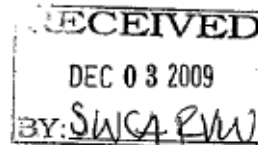
If you have any questions or concerns about this project, please do not hesitate to call me at 970-385-8566!

Thanks very much.  
Molly Thrash  
SJBEC NEPA Project Manager  
SWCA Environmental Consultants - Durango  
Desk: 970-385-8566  
Cell: 970-769-5006  
Email:mthrash@swca.com



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
 Ecological Services  
 764 Horizon Drive, Building B  
 Grand Junction, Colorado 81506-3946



IN REPLY REFER TO:  
 ES/CO:BLM/SJPL  
 TAILS 65413-2010-TA-0007

December 2, 2009

SWCA Environmental Consultants  
 Ms. Molly Thrash  
 130 Rock Point Drive, Suite A  
 Durango, Colorado 81301

Dear Ms. Thrash:

The U.S. Fish and Wildlife Service (Service) received your request for comments regarding the Proposed San Juan Basin Energy Connect Project. The proposed project includes construction of approximately 70 miles of new transmission lines and associated facilities, from the Shiprock Substation near Farmington, New Mexico, to the proposed Iron Horse Substation near Ignacio, Colorado.

Our primary concern regarding construction and operation of the proposed transmission system is avoidance of impacts to threatened, endangered and candidate species, as well as species-at-risk and their habitats within the project areas. We provide the following list of federally listed threatened and endangered species, and potential candidates for future listing, that could be impacted by the proposed project.

Common Name	Scientific Name	Status
Canada lynx	<i>Lynx canadensis</i>	T
New Mexico meadow jumping mouse	<i>Zapus hudsonius luteus</i>	C
Uncompahgre fritillary butterfly	<i>Boloria acrocynema</i>	E
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	C
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	E
Colorado pikeminnow	<i>Ptychocheilus lucius</i>	E
Razorback sucker	<i>Xyrauchen texanus</i>	E
Black-footed ferret <sup>2</sup>	<i>Mustela nigripes</i>	E
Knowlton cactus	<i>Pediocactus knowltonii</i>	E
Mancos milk-vetch	<i>Astragalus humillimus</i>	E
Mexican spotted owl ©	<i>Strix occidentalis lucida</i>	E
Mesa Verde cactus	<i>Sclerocactus mesae-verdae</i>	T

(T = federally listed threatened, E = federally listed endangered, C = Federal candidate species)

© There is designated critical habitat for the species within the county

<sup>2</sup> Survey should be conducted if project involves impacts to prairie dog towns or complexes of 200-acres or more for the Gunnison's prairie dog (*Cynomys gunnisoni*) and/or 80-acres or more for any subspecies of Black-tailed prairie dog (*Cynomys ludovicianus*). A complex consists of two or more neighboring prairie dog towns within 4.3 miles (7 kilometers) of each other.

We compiled the list above from an inventory for San Juan County, New Mexico and La Plata County, Colorado and therefore it may be that some or all of the species do not presently occupy or use the proposed project area, and/or that habitats for these species do not exist within the project area. We included the four federally-listed fishes on the list in part in the event that project actions cause measurable water depletions to the San Juan River, and therefore affect listed species and/or off-site habitat, including critical habitat, in downstream reaches.

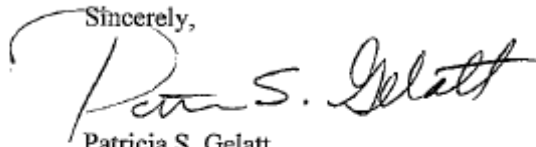
**Migratory birds, raptors and eagles:** Please be apprised of the potential application of the Migratory Bird Treaty Act (MBTA) of 1918, as amended, 16 U.S.C. 703 et seq., and the Bald Eagle Protection Act (BEPA) of 1940, as amended, 16 U.S.C. 688 et seq., to your project. The MBTA does not require intent to be proven and does not allow for "take," except as permitted by regulations. Section 703 of the MBTA provides: "Unless and except as permitted by regulations . . . it shall be unlawful at any time, by any means or in any manner, to . . . take, capture, kill, attempt to take, capture, or kill, possess . . . any migratory bird, any part, nest, or eggs of any such bird . . ." The BEPA prohibits knowingly taking, or taking with wanton disregard for the consequences of an activity, any bald or golden eagles or their body parts, nests, or eggs, which includes collection, molestation, disturbance, or killing activities.

We recommend that this project follow the guidelines included in the Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors (enclosed), in order to avoid potential MBTA violations with regard to raptors. We recommend placing power lines below ground. All power lines associated with this project should conform to the Service draft "Guidelines for Raptor Conservation in the Western United States" (enclosed), the "Suggested Practices for Avian Protection on Power Lines, the State of the Art in 2006" and the "Avian Protection Plan (APP) Guidelines" document published in 2005 (the latter two documents can be accessed at [www.aplic.org](http://www.aplic.org)).

It appears that Endangered Species Act, section 7 consultation will be appropriate for this project. The action agency or project proponent must evaluate the effects of the action, including the direct and indirect effects of an action on the species or critical habitat, together with the effects of other activities that are interrelated or interdependent with that action, that will be added to the environmental baseline (50 CFR 402.02). In this case it will be the responsibility of the Bureau of Land Management in cooperation with the Bureau of Indian Affairs and Rural Utilities Service to complete consultation with the Service on effects to listed species prior to issuance of permit, if it is determined that listed species or their habitat may be affected.

We appreciate the opportunity to comment on the proposed project. If the Service can be of further assistance, please contact Collin Ewing at (970) 243-2778, extension 18, or [collin\\_ewing@fws.gov](mailto:collin_ewing@fws.gov).

Sincerely,



Patricia S. Gelatt  
Acting Western Colorado Supervisor

Enclosure

cc: BLM San Juan Public Lands Center

Bureau of Indian Affairs  
Southern Ute Agency  
P.O. Box 315  
Ignacio, CO 81137-0315

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