



proud past, promising future

CLARK COUNTY  
WASHINGTON

March 21, 2013

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**Subject:** Clark County's official comments regarding the draft Environmental Impact Statement for the I-5 Corridor Reinforcement Project.

Dear Mr. Drummond and Mr. Manlow,

Please accept this as Clark County's formal response regarding the accuracy and appropriateness of Bonneville Power Administration's analysis of impacts resulting from the proposed I-5 Corridor Reinforcement Project. We hope you find these comments about the draft EIS useful to the process and helpful in determining the best outcome for our community.

An environmental impact statement is designed to provide thorough and complete information to decision-makers and the community. We believe the draft will benefit from the addition of information in several sections.

We have formatted this document to follow the Table of Contents in Volume 1 & 2, focusing on Central Alternative Option 1 as BPA's "preferred alternative." We reiterate that for a document this long and a project this complex, it would have been valuable to have more time to review each section. Also, we were disappointed by your decision this month not to meet with major stakeholders regarding your draft EIS and preferred alternative. We feel this was a missed opportunity for BPA to hear comments directly from stakeholders and the community it is proposing to permanently alter with this project.

## **Chapter 1: Purpose of and Need for Action and Chapter 2: Facility Siting, Route Segments, and Action Alternatives**

A critical component of any NEPA document is a clearly defined Purpose and Need statement. We do not find one here. Without a clear purpose, it is difficult for BPA to demonstrate why a certain alternative should be chosen. It is critical that Clark County residents are persuaded that there is a local need for this project and you will see the current skepticism reflected in our comments. Throughout the NEPA process, we have spent a great deal of time struggling to understand whether this project is actually locally driven or is more about regional capacity-building for BPA and this power will just be moving through our communities. Now, citizens of Southwest Washington are convinced they are being asked to bear the entire burden of this project without receiving much, if any, of the benefit.

We want to comment on the two chapters together as they are, in our opinion, inextricably linked. The draft EIS tries unsuccessfully to split them, leaving the reader struggling to understand the differences between BPA's internal siting processes and the public scoping process for the project. We found the sections in chapters 1 and 2 confusing, often with overlapping information or referencing information (studies and processes) without enough detail, backup or description.

### **Purpose & Need**

**Comment:** Given the importance of this chapter, we find it curious that there is only one table, figure or appendix to help paint a clear explanation of the purpose and need for the project.

***Request:** If BPA is certain local load growth is driving the need for this project, we think it would be beneficial to show that in a simple, clear way. Please add a table or chart showing where the power goes and where the load growth is in our local area.*

**Comment:** BPA's documentation of August 2010 says that 80 percent of power flowing on the new line will be used locally.

***Request:** Please explain where the other 20 percent will go. This information would be useful for those who decide who should bear the inevitable impacts of this project.*

**Comment:** The draft EIS includes no discussion about how the recession has impacted the need for this project. The discussion would be more complete with detailed information about specific power users. BPA approaches this in Chapter 4.7.4 regarding the closing of Reynolds Aluminum in Longview, Wash. but stops short of including any detail about the closure's impact on transmission capacity.

*Request: Please provide this information.*

**Comment:** BPA cites many “Firm Transmission” requests for service as a critical reason to add capacity, but BPA does not say who is making the requests or where they are.

*Request: Please provide this information.*

**Comment:** The draft EIS states the Project Coordination process included agencies sharing study results.

*Request: Please make these results available as part of the final EIS.*

**Comment:** The work BPA did on the non-wires study seems inconsistent with BPA’s conclusions that this project is of immediate necessity. The study found implementing non-wires strategies could conservatively delay the need for two to six years.

*Request: We ask the BPA whether this project is of immediate importance given the non-wires study and national economic downturn.*

Overall, we find the Purpose and Need section to be confusing and inadequately supported for a project that could have such a permanent impact to the natural and human environments.

### **Scoping**

For almost four years, citizens in Clark County have been watching and participating in the process leading up to selection of a preferred alternative for BPA’s proposed I-5 Corridor Reinforcement Project. During this time, many citizens have faced uncertainty about the future of their property. While we have appreciated our relationships with BPA staff, we also think the NEPA process has been inadequate and inconsistent. Specifically, we are pleased BPA honored our request to become a cooperating agency under the provisions of the Council on Environmental Quality’s regulations, but have been frustrated by BPA’s decision not to form a citizens’ advisory committee for the project. This panel could have worked directly with BPA to bring local input and perhaps buy-off to the proposal. BPA’s decision not to form this committee is just one example of an insufficient process and what we think is the absence of reasoned decision-making.

Also, we found it difficult to understand BPA’s inconsistent reasoning for not studying other reasonable alternative routes such as the “Pearl Alternatives” or the “grey-line.” In January 2012, Project Manager Mark Korsness wrote, “developing a new route (grey-line) would...add 1.5 to 2 years to the EIS schedule because (BPA) would need to further develop and analyze this route for inclusion in the draft EIS.” We find this reasoning

flawed because BPA summarized scoping for the project in February 2010 and formally added six more route segments in August 2010, a period of only five months. In our estimation, when BPA needed or wanted to add route segments, it could be done quickly.

The magnitude of potential adverse impacts to our community was evident at the first scoping meeting. More than 500 concerned citizens were at rural Amboy Middle School on Oct. 27, 2009 to learn about the project and comment on the scope of the EIS. Despite this obvious widespread community interest, BPA did not extend the comment period for the scoping after the addition of the six new route segments. Citizens affected by the new segments never had a chance to formally comment on the scoping of the project.

**Comment:** Regarding the draft EIS scoping discussion, we had difficulty following the analysis through the document's different sections. Scoping is discussed first in Chapter 1.6.1, but only after what we feel is an important yet vague discussion on BPA's 2008-10 NOS processes and other "planning studies" from 2006-07 found in chapters 1.1.2.3 and 1.1.3.

*Request: Please clarify the differences between the internal processes BPA uses for route selection and the public scoping process in the final draft EIS. These processes and studies, which we understand included consideration of the Pearl Alternatives, were critical to the eventual decisions about scoping. We think these earlier BPA processes or studies are not well linked to the scoping process description or section.*

**Comment:** All the process and study leading up to the project scoping seem to focus on load growth and new generation projects as the driving need for added capacity.

*Request: Please explain why in section 1.7.1, BPA concludes that proposed generation development is outside the scope of the project? This seems inconsistent or at least confusing.*

**Comment:** Given what BPA says it considers for route location in Chapter 2, the Pearl Alternatives would have received a similar or more positive assessment for route selection than the alternatives chosen for scoping.

*Request: Please explain why BPA excludes any clear discussion of this.*

**Comment:** The Pearl Alternatives are not mentioned specifically until Chapter 4.7, despite being a major process element studied until the moment of public scoping. In Chapter 4.7, the Pearl Alternatives are summarily dismissed for reasons inconsistent with the chosen preferred alternative.

***Request:*** Please explain why the Pearl Alternatives are left out of any discussion in Chapter 2.

**Comment:** In chapter 4.7.2.1, BPA admits the Pearl Alternatives would address the transmission capacity issues the project seeks to remedy. However, all 40 route segments studied on the Oregon side of the river are then quickly dismissed.

***Request:*** Explain how this is consistent with NEPA's requirement for careful consideration of alternatives and reasoned decision-making.

**Comment:** Among the dismissed options was minimal discussion about the adequacy of routes used by the former Trojan Nuclear Plant. BPA explains that the 230-kv lines on the Trojan routes were reassigned to carry other power, but the agency stops short of explaining why this existing route would not be capable of also carrying a 500-kv line. This lack of explanation seems inconsistent with BPA's facility siting factors, specifically the conclusion in Chapter 2 that states, "placing a new line next to the existing 230-kv transmission line could be considered for the project."

***Request:*** Please provide more explanation than what is offered in section 4.7.2.6.

**Comment:** BPA's primary reason for administratively dropping the Pearl Alternatives just before scoping began is that "no existing BPA right-of-way was vacant and available for any of the segments in the proposed Pearl Routes."

***Request:*** Despite dropping the Pearl Alternatives for lack of right-of-way, BPA's preferred alternative, Central Alternative Option 1, will require 2,123 acres of new easement, resulting in 90 percent of the total route requiring new right-of-way. Please explain BPA's highly inconsistent logic?

**Comment:** BPA's second reason for not including any of the 40 Pearl routes in the scoping process is that these routes "would require a new Columbia River crossing...with much different conditions than the proposed crossing into Troutdale, Oregon." BPA fails to acknowledge there already is a 500kv crossing with those "different conditions" at Longview, leading to the Allston station. Seemingly, BPA could achieve such a crossing or at least study its costs and impacts. Studying alternatives with only a singular river crossing at Camas is inconsistent with NEPA principles, which require an agency to look at a reasonable range of alternatives.

***Request:*** Please explain how studying only one Columbia River crossing location, when others are available, meets NEPA's requirement to study a reasonable range of alternatives.

**Comment:** Studying alternatives that all lead through Camas seems inconsistent with NEPA principles, which require an agency to look at a reasonable range of alternatives.

**Request:** *Please explain how BPA's studying only routes through Camas, when others are available, meets NEPA's requirement of studying a reasonable range of alternatives.*

**Comment:** We find it troubling that section 1.6.3, Scoping Comment Summary, does not include a mention of local jurisdictions' or citizens' requests for BPA to review alternative routes through Oregon. We find this curious given the number of times we, as a board, requested this of BPA. Similarly, in section 1.6.4, there is no mention of BPA Administrator Steve Wright's meeting with six Southwest Washington county commissioners on in November 2010.

**Request:** *Please include this information in the EIS.*

**Comment:** BPA's documentation released in August 2010 states that, "between March and September 2009, prior to the official scoping effort, we carefully examined" the Pearl Alternatives.

**Request:** *Please explain why, then, there is so little discussion about this examination in the early sections of the draft EIS.*

**Comment:** BPA staff often reasoned that reviewing other routes would "significantly affect the project schedule." This reasoning is undermined by the statement in section 1.1.2.2 that concludes redispach measures and upgrades at BPA's Pearl Substation "could delay the date a new line would need to be operational...by 2 to 6 years." It seems BPA is concluding it most likely will have plenty of time to look at other alternatives.

**Request:** *Given the extended time the non-wires study gives BPA, please clarify whether the agency has time to study other routes?*

**Comment:** BPA justifies this project by saying, "growing power demands in this metropolitan area are driving the need for this line." Even if the statement were true, BPA's decision to administratively drop the Pearl Alternatives from scoping remains inequitable for Washingtonians. It means BPA ignored its own evidence that the largest population base of the metropolitan area – Portland and Multnomah County – is driving the need. Oregon (PGE) customers have the highest five-year load growth increases, with 17 percent for winter and 18 percent for summer. BPA charts show the greatest need for future capacity is driven by Oregon users. Some studies show that the Pearl Alternatives would impact fewer homes. A recent article pointed out that Portland and Multnomah County are the fastest growing areas in Oregon.

***Request:** If the need for added transmission capacity is driven by local load growth and the majority of growth is driven by power users in Oregon, please explain how BPA justifies excluding study of any Oregon alternative as a reasonable range of alternatives in its draft EIS. Also, please explain what census data BPA relies on for the draft EIS and why.*

**Scoping Summary:** We believe a complete discussion of the Pearl Alternatives was knowingly and inappropriately left out of the public scoping process and excluded from this draft EIS. In 2009, when BPA decided to move forward with the I-5 project after the 2008 NOS process, it feared too much opposition from Oregon landowners and elected officials to keep those routes on the map. Mr. Wright stated in a letter following that process that, “the basis for my decision is explained in more detail in Attachment A to this letter.” Attachment A was entitled, “Agency Decision Framework Analysis – 2008 Network Open Season.” Section (b) of the matrix “Landowners” reads, “There would be severe landowner challenges with I-5 if we keep western (Oregon) route alternatives on the table.”

We know that a short time later, outside of the public scoping process, Mr. Wright administratively decided to take the Oregon routes off the table. We think that decision was a critical flaw in the NEPA process. We, therefore, reaffirm our position that it was improper for BPA to prematurely and administratively remove the Pearl Alternatives from the scope of the EIS just months before the public was provided the opportunity to participate and comment. These actions were arbitrary and capricious.

### **Chapter 3: Project Components and Construction, Operation, and Maintenance Activities**

#### **Mitigation**

The BPA’s proposed mitigation measures do not include details of implementation or how its general statements and goals will be achieved. The draft EIS mitigation measures can be characterized as general statements about doing as little harm as possible or compensating people when BPA is legally required to. This is inadequate. In addition, there is no detail about mitigation for lost numbers of endangered species and their habitats.

**Comment:** In Table 4-10 under “socioeconomics,” BPA says the preferred alternative would “cause long-term decreases in government revenues by diminishing the property tax base, reducing future timber-related revenue from state trust lands, and decreasing future revenue from taxes on private timber harvests – potential **high** impacts on Cowlitz or Clark counties in some years.” Despite this admission, the Chapter 3 table describing “mitigation measures” does not include mention of BPA’s plans to help local governments make up lost revenue and prevent lower levels of service for citizens.

***Request:** Please explain how BPA will help local governments make up this lost revenue leading to lower levels of service.*

**Comment:** Section 3.12 Mitigation Measures exposes a lack of knowledge about mitigation measures BPA could use to help our community deal with the permanent impacts of this project. With only generalizations and no detailed Mitigation Action Plan, local officials have no way of making informed decisions about route alternatives or BPA's intentions to properly compensate individuals and the community. Table 3-2 is limited in detail and scope.

***Request:** Please notify Clark County about when BPA will work on a Mitigation Action Plan and when local officials become involved in that process so they can properly represent the needs of their constituents.*

#### **Chapter 4: Proposed Action and Alternatives**

**Comment:** In Chapter 4.7.7, BPA concludes that, "For these cost, reliability and environmental reasons, undergrounding the transmission line has been considered but eliminated from detailed study in this EIS." We strongly object to this conclusion. We concur with our friends in Camas, and insist that within the city limits and urban growth area, the only acceptable means by which additional transmission lines and facilities could be routed is by underground transmission in accordance with adopted city ordinances. Furthermore, we think BPA should study using routes that avoid Camas and go farther east into unpopulated areas, crossing the Columbia River at Bonneville Dam.

***Request:** We ask BPA to reconsider the underground option and add "placing portions of the 70-mile new line underground" to its listed Recommended Mitigation Measures in Chapter 7.3.8. We also ask BPA to show the relative costs of underground cable segments requested by Camas and their impact on the total project budget, and the impact to BPA as it amortizes its financing of the project. In addition, we ask BPA to consider a route that avoids Camas by going farther east. If BPA declines to do any of these, please explain why.*

**Comment:** In substation impacts Table 4-11, the word "unauthorized" recreation does not seem appropriate. People are authorized to shoot and recreate on lands owned by the state. Also, to say the Rock Creek area at the proposed Casey Road substation site has "low scenic quality" is a purely subjective comment. People who live in or visit the area might not agree with that assessment. Besides which, calling the scenic value low because of adjacent transmission lines undermines statements throughout the draft EIS that downplay the visual impacts of transmission lines.

***Request:** We ask BPA to consult Washington Department of Natural Resources about whether a majority of people are illegally recreating on state property in the Rock Creek area.*

## **Chapter 5: Land**

**Comment:** In RCW 76.19 (1), the legislature finds and declares that: forest land resources are among the most valuable in the state; that a viable forest products industry is of prime importance to the state's economy; it is in the public interest for public and private commercial forest lands to be managed consistent with sound policies of natural resource protection; along with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation and scenic beauty. Of land in the preferred alternative, 80 percent is forested and most of it is owned by large entities such as Weyerhaeuser, Longview Timber and Washington State Department of Natural Resources.

***Request:** Clark County and the state of Washington prioritize maintaining forest land resources as among the most valuable in the state. We ask that when BPA mitigates its impacts on forest land, it recognize that state statute and county codes put a high value on forest land.*

**Comment:** One of the major reasons forest land resources are so highly valued is that they are a renewable resource.

***Request:** Please clarify BPA's policies toward compensating landowners for loss especially when the loss is ongoing revenue generated by a renewable resource. It only seems logical and equitable that BPA recognize future value when compensating land owners.*

**Comment:** Because 69 miles of the preferred alternative will require new right-of-way easements, many land owners will be affected and asked to work with BPA on route location.

***Request:** Please better explain BPA's process of working with individual land owners to create the least impact on them by placing route segments on property lines, not bisecting property where possible.*

## **Chapter 7: Visual Resources**

**Comment:** In Chapter 7, section 7.1.1.1, despite the preferred alternative having high levels of all positive factors for scenic quality, BPA dismisses this fact using arbitrary valuation tables. BPA continually refers to the scenic quality of the routes in Clark County as "low" or "low-to-moderate." We find BPA's judgment about the scenic quality of our county to be urban-centric. We think BPA's methodology for determining impacts on scenic quality is fundamentally flawed and arbitrary. The methodology that results in a

“low-to-moderate” visual impact for a line that cuts between our largest population bases, against a backdrop of the Cascade Mountains and across dozens of major rivers, streams and wetlands needs additional explanation.

***Request:** We ask for time to review the methodology BPA used for determining visual impact values, any scientific literature that supports it and its appropriate application in a northwest environment.*

### **Chapter 8: Electric and Magnetic Fields**

**Comment:** Because so much remains unknown about the relationship between EMF and human health, we think BPA should continue to support scientific studies on this issue. The association between childhood leukemia and EMF remains controversial and we think more studies in this area are needed.

***Request:** Please continue to study and share the results of those studies with the public regarding the impacts of EMF on human health.*

### **Chapter 10: Health and Safety**

**Comment:** In Chapter 10, BPA identifies three hazardous waste sites along various alternatives: 1) BPA’s Ross Complex in the West Alternative; 2) International Paper Company Mill and Solid Waste Site in the Central Alternative; and, 3) Reynolds Metals Site in all alternatives. A brief description of each site is given.

For the International Paper Mill, BPA mentions the mill site and the landfill, but not the Chelatchie Tank Farm. Under the section describing impacts to each specific alternative, BPA suggests that impacts resulting from the Central Alternative crossing the paper mill site would be “low.” First, BPA suggests that, “This location is likely not within areas potentially contaminated by prior mill operations.” Then, BPA admits, “Available information on the International Paper Company is limited and is archived in Ecology records.” BPA then suggests the impacts would be low because, “the site would be investigated further and would be mitigated if the Central Alternative is selected.”

***Request:** Please explain how BPA can say impacts would be low or the location of the Central Alternative is not within potentially contaminated areas if they don’t have reliable information about the hazardous waste sites or have identified all waste sites in the Chelatchie Prairie area. Also, please explain how BPA can suggest all three alternatives have been thoroughly analyzed if records regarding the International Paper Company Mill are “archived in Ecology” and have not been reviewed.*

## **Chapter 11: Socioeconomics**

We find this chapter woefully inadequate. Critical information is not included and studies are not complete. We are unable to gain full understanding of how this project will impact our community's quality of life and our ability as a local government to provide critical services on which our citizens rely.

**Comment:** Continuing to include so many route segments in the project places a hold on thousands of acres in our county and leaves many residents concerned about the future of their property.

*Request: Please reconsider route segments in Oregon and remove as many Clark County routes as possible from study so many Clark County landowners can make better-informed decisions about the future of their property.*

**Comment:** In tables 11-5 and 11-11, values are assigned for timber that would be cleared from state trust and large industrial forest landowners, but no value is assigned to non-industrial forest landowners. The methodology for how the agency arrived at these values is not explained. The draft EIS assumes these values are a one-time project expense, when in fact, permanently removing any area from the commercial forest land base is a permanent annual loss to the local economy.

This is demonstrated with data from the Washington Forest Protective Association which shows Clark County has slightly more than 202,000 acres of "working" forest land. In Clark County, this forest land base annually generates 2,974 direct jobs and 7,267 total jobs, translating into more than \$342 million in annual wages. Based on Washington Department of Revenue data, the area immediately within the 150-foot right-of-way along the 39 miles of the Central Alternative would result in the loss of 253 jobs and \$1.2 million in annual lost wages. When expanded to include the acreage impacted by the NERC Transmission Vegetation Management Program under R3.4.3 Category 3, the total job wages lost would exceed \$3.7 million.

The draft EIS does not mention "Lost Jobs" primarily because it assumes harvesting trees for the right-of-way is a one-time event and not a sustainable resource. It fails to recognize the generational nature of a forest managed for multiple yields. The same problem exists when this assumption is applied for stumpage fees and excise taxes.

*Request: The BPA needs to develop a methodology for accurately assessing the present net and future net economic and social losses relating to all alternatives. The methodology must be recognized and accepted by all stakeholders impacted by the project. An unbiased third party should have oversight authority regarding BPA's methodology.*

**Comment:** While Section 11.2.2.4, Government Revenue, acknowledges, "The project would cause long-term decreases in government revenue," it fails to describe these losses with any detail or how BPA will mitigate the losses. In Chapter 4 Table 4-10 under

“socioeconomics,” BPA says the preferred alternative would “cause long-term decreases in government revenues by diminishing the property tax base...potential **high** impacts on Cowlitz or Clark counties in some years.” We expected a detailed analysis of this revenue loss to be in the “Property Tax” section, but instead were disturbed to only find statements such as “data are insufficient to determine...what the net effect on property tax collections would be” and “available data are insufficient to fully quantify the impacts.”

***Request:** For the final EIS, BPA should document potential long-term and permanent financial impacts attributable to decreases in property value along each alternative.*

**Comment:** BPA studies of private property sales adjacent to and near transmission lines and away from transmission lines suggest a decline in sales value of at least 1-2 percentage points. For a \$250,000 property, that would mean a \$2,500 to \$5,000 loss in the sale price. Despite this evidence, BPA states, “BPA would not pay compensation to owners of other property, such as residences outside but near the right-of-way, if they should experience a decline in market value.”

***Request:** For the final EIS, please explain the reasoning behind the policy of not recognizing and compensating property owners for this real value loss caused by BPA’s needed easement.*

**Comment:** In section 11.2.2.5 Property Values, BPA says the law “limits BPA to paying compensation equal to the fair market value.” But it also states, “BPA would take into consideration current economic conditions.”

***Request:** Please further explain BPA’s policies about compensating property owners, specifically how BPA takes current economic conditions into consideration. This information is critical, given the decline in the housing market and values since BPA proposed this project.*

**Comment:** In section 11.2.2.5, BPA says “If, after good faith negotiations, BPA and a landowner are unable to agree on terms of a purchase, BPA would ask the U.S. Department of Justice to begin condemnation.”

***Request:** Please explain how the parties will determine who is qualified to decide what “good faith negotiations” are. If a property owner disagrees, please explain the appeal process.*

## **Chapter 12: Transportation**

**Comment:** The review of Chapter 12, Transportation, indicated a number of critical questions are still unanswered. Specifically, the driveway and intersections where heavy and oversized vehicles/equipment will intersect the county road system are not identified, nor are the specific impacts at those locations. For example, the safety and delay times for non-project traffic at those locations are not addressed. Additionally, the number and

extent of oversized loads on narrow, windy, rural roads and resulting safety issues were not addressed. The extent and frequency to which existing businesses and residents in the project vicinity will encounter roadway and intersection closures, lane closures and detours also were not defined.

*Request: Please address the impacts on the county road system more specifically in the final EIS.*

#### **Chapter 14: Geology and Soils**

**Comment:** According to BPA's analysis of soils and geological hazards along the preferred alternative, most of the Central Alternative is within potentially landslide-susceptible terrain, and it crosses several mapped landslides. Through mitigation measures, BPA will conduct site-specific geologic evaluation of potential landslides areas, and if they cannot be avoided, site-specific designs will be developed.

BPA also acknowledges that impacts would be high where erosion occurs at road, tower or substation construction and when clearing sites on soils with severe or very severe erosion-hazard potential, or in areas of permanent soil compaction. Additionally, BPA acknowledges that impacts would be moderate where erosion occurs at road, tower, or substation construction and when clearing sites on soils with a moderate erosion-hazard potential.

Along the preferred alternative, 596 acres are considered soils with severe or very severe erosion hazard, 262 acres will become permanently compacted, and 30 acres are considered soils with moderate erosion hazard. With mitigation measures, such as the Washington Department of Ecology's Best Management Practices for construction stormwater pollution prevention, BPA suggests impacts of construction of the preferred alternative would be low-to-moderate. In addition, BPA suggests erosion during operation and maintenance would be low because temporary erosion control measures would be maintained until vegetation reestablishes or permanent erosion control measures are in place.

Previously, under Chapter 5 Land, BPA acknowledges that a majority of the preferred alternative is currently forested, whether in production or not. The mitigation measures above suggest BPA both will implement site-specific designs for towers and access roads in areas of landslide potential and implement Best Management Practices for temporary and permanent erosion control. BPA does not, however, address the permanent conversion of forest vegetation on soils with geological hazards such as landslide potential or severe erosion hazard.

*Request: We ask that BPA analyze the long-term impacts of removing forest vegetation from soils with severe erosion hazard and landslide susceptibility, and use effective*

*mitigation measures as prescribed by a qualified Geotechnical Engineer across the entire length of the preferred alternative.*

### **Chapter 15: Water**

**Comment:** According to BPA, clearing of up to 1,000 acres results in less than a 1 percent change in runoff and sediment delivery. BPA suggests this is a minimal or low impact on water quality. However, this level of vegetation clearing and the new impervious surfaces created for maintenance access roads and tower pads could be subject to Clark County's stormwater manual, as required by the county's Phase I NPDES Municipal Stormwater Permit. At a minimum, a detailed stormwater analysis would have to be done for the entire corridor just to assess applicability with Clark County's Stormwater Management Manual.

*Request: Please explain how BPA intends to do a detailed stormwater analysis for the corridor and how it will meet or exceed local standards.*

**Comment:** BPA suggests the proposed project's cumulative impacts on water quality will be small. BPA's recognition that the preferred alternative will have the greatest impact on water quality and the highest number of new stream crossings (301) seems inconsistent with that conclusion. BPA also recognizes the loss of 1,000 acres of forest habitat along this alternative, which also does not support the "low impact" conclusion.

BPA fails to understand that conversions of forested habitats to invasive species-dominated habitats, which are commonly found in transmission line corridors, will have a substantial cumulative impact on water quality. Regardless of BPA's analysis of potential impacts on water quality, mitigation measures should ensure all BPA's development activities comply with the Washington Department of Ecology's most current stormwater management manual. However, complying with the state stormwater manual may not address the cumulative impacts on water quality that will result from clearing 1,000 acres of forest land on the Central Alternative. In addition, BPA's selection of the Central Alternative will result in a much greater loss of highly valued forest land.

*Request: Will BPA comply with the Washington Department of Ecology's most current stormwater manual and address this project's cumulative impacts on water quality? If not, specifically, how will BPA meet or exceed local requirements?*

### **Chapter 16: Wetlands**

**Comment:** BPA's remote sensing approach to wetland delineation is not consistent with the U.S. Army Corps of Engineer's 1987 Delineation Manual and the Western Mountains and Valleys Regional Supplement. Wetlands are delineated by confirming hydrology, hydric soils and hydrophytic vegetation. Because this information is absent, BPA has neglected to accurately analyze the full range of impacts any alternative would have on wetlands. All wetlands on the various routes must be delineated using methodologies accepted by the U.S. Army Corps of Engineers (the Corps), Washington State Department

of Ecology (Ecology), and Clark County Environmental Services before impacts of the routes on wetland habitats are analyzed and added to the final Environmental Impact Statement.

BPA says identifying and fully analyzing these impacts could mean the loss of 19-43 acres of wetlands and the conversion of 83-123 wetland acres because of vegetation clearing. BPA states it will, “Obtain all required permits with approved wetland delineations and compensatory mitigation plans prior to construction, and implement required wetland compensation in accordance with these plans and permits.”

It is unclear, however, whether BPA would be able to obtain a permit from Clark County for the preferred alternative because, according to Title 40.450.010(B)(4):

- d. The application of this chapter shall not be used to deny a development proposal for a linear facility from a public agency or public utility, provided the agency or utility meets the following criteria:
  - (1) There is no practical alternative to the proposed project with less impact on the wetland and buffer area; and
  - (2) The application of this chapter would unreasonably restrict the ability to provide public utility services to the public.

Without accurate wetland delineations for all three alternatives, it is impossible to determine whether the preferred alternative would result in the least impact on wetlands and buffers. BPA’s failure to clearly define the necessity of this project suggests that a reasonable use exemption from Clark County might not be warranted. Denial of a wetland permit might not unreasonably restrict BPA’s ability to provide services to the public.

***Request:*** *Considering the absence of adequate wetland determinations, please explain whether BPA will meet local standards and apply for permits from Clark County. If not, specifically how will BPA meet or exceed local requirements?*

***Comment:*** If BPA resolves the many issues with its wetlands analysis and submits permit applications and a compensatory mitigation plan, Clark County would seek wetland mitigation commensurate with the impacts as defined by Clark County’s Wetland Protection Ordinance and guidance provided by the Corps and Ecology in *Wetland Mitigation in Washington State – Part II: Developing Mitigation Plans*. Mitigation for any impacts to wetlands in Clark County should occur in Clark County, not elsewhere in the region.

***Request:*** *Please explain whether BPA will work with Clark County on wetland mitigation in accordance with the county’s Wetland Protection Ordinance and mitigate impacts to Clark County in Clark County. If BPA will not work with Clark County on mitigation, how will it meet or exceed local mitigation standards and where will the mitigation be?*

## **Chapter 17: Vegetation**

**Comment:** BPA's draft EIS suggests that vegetation impacts of the Central Alternative can be considered a low impact. This assessment is inaccurate as BPA failed to analyze the impacts of permanently removing forested vegetation from more than 1,200 acres. Once cleared, this land will be maintained by BPA with some other form of vegetation, making it: more susceptible to noxious weeds; less desirable as wildlife habitat; more susceptible to erosion; and, less visually appealing. Contrarily, if left for production, forests are managed for timber harvest and replanted on a recurring basis. That way, the impacts of timber harvest are temporary, not permanent.

*Request: Please address this inaccuracy.*

## **Chapter 18: Wildlife**

**Comment:** Because the Central Alternative will have the greatest impact on all forest vegetation types, it follows that impacts, such as fragmentation, on wildlife habitats also will be greater. Chapter 15 discusses the impacts stream crossings will have on riparian habitats. The overall number of crossings per alternative is similar. However, the forested nature of the Central Alternative means its impact will have a more detrimental effect on riparian habitats and the wildlife that depends on them.

Looking strictly at the impacts of vegetation clearing in riparian crossings, it is clear that the Central Alternative will result in the greatest environmental impact. We suggest that BPA should have a clear and concise Purpose and Need statement tied to the preferred alternative in order to justify its selection.

According to Clark County's Habitat Conservation Ordinance (Title 40.440), impacts on forested riparian zones have temporal impacts that are often difficult or impossible to approve. Specifically, the ordinance has two simple approval criteria as shown in Title 40.440.020(A):2. Basic Criteria. Applicants proposing activities subject to this chapter shall demonstrate that the activity:

- a. Substantially maintains the level of habitat functions and values as characterized and documented using best available science; and
- b. Minimizes habitat disruption or alteration beyond the extent required to undertake the proposal.

Removal of mature forests inherently means a change in the level of habitat function and value, and no mitigation can replace the loss of mature conifers. As such, the ordinance is clear with regards to projects proposed by a public entity, as seen in Title 40.440.020(B):

4. This chapter shall not be used to deny a development proposal from a public agency or public utility, if:

- a. There is no practical alternative to the proposed project with less impact on the habitat area;
- b. The ability of the public agency or utility to provide services to the public would be unreasonably restricted; and
- c. The application is approved through a Type III process pursuant to Section 40.510.030, (Type III Processes). Fees are subject to the Type III Variance fee schedule in Section 6.110A.010 (Development Fees).

Similar to the discussion provided under Chapter 16 Wetlands, BPA has not demonstrated that there is no practical alternative to the proposed project with less impact on habitat areas. In fact, BPA admits selecting the alternative with the most impact on habitat areas. Also, lacking a clear Purpose and Need statement, BPA fails to make the case that in the absence of the preferred alternative, its ability to provide public services would be unreasonably restricted.

***Request:** Please clarify whether BPA will seek a habitat permit from Clark County. If not, how will BPA meet or exceed local requirements?*

**Comment:** If BPA resolves the many issues with the preferred alternative and impacts on forested habitats, Clark County would seek habitat mitigation commensurate with the impacts as defined by Clark County's Habitat Conservation Ordinance and as defined by any Biological Opinion issued by the U.S. Fish and Wildlife Service or National Marine Fisheries Service or by any Hydraulic Project Approval issued by the Washington Department of Fish and Wildlife. For any impact to habitats in Clark County, mitigation should occur in Clark County, not in a nearby region.

***Request:** Please clarify whether BPA will mitigate habitat impacts in Clark County. If not, where will BPA mitigate?*

### **Chapter 19: Fish**

**Comment:** BPA recognizes the Preferred Alternative will result in: clearing forested vegetation along two to three miles of fish-bearing streams; the highest number of new stream crossings (301); and, the highest number of stream crossings with forested riparian areas (49). BPA acknowledges the local impacts of sediment delivery would be high. However, BPA also suggests the long-term changes or impacts on the watershed will be low.

***Request:** Please explain this recurring inconsistency in many sections of the draft EIS, namely that BPA acknowledges impacts will be high, but states that overall, change or effect on the resource will be low.*

**Comment:** In Chapter 27, when discussing Section 7 Consultant for endangered species, BPA suggests, "While none of the alternatives and options would cause a substantial risk

to listed species, additional impacts will further degrade the state of ESA-listed species from current levels.” BPA contradicts itself. On the one hand, it acknowledges that removing two to three miles of forested vegetation along fish-bearing streams and a high number of new stream crossings will result in high impacts from sediment delivery. On the other hand, it says there is no substantial risk for listed species and impact on water quality will be minimal or low.

*Request: Please address this inconsistency in the EIS.*

**Comment:** Through the process of Section 7 Consultant, BPA will be required to provide mitigation for impacts on listed species. As described in chapters 16 and 18, for any impacts to habitats in the county, mitigation should occur here, not in a nearby region.

*Request: Please clarify whether BPA will mitigate its impacts in Clark County.*

### **Chapter 25: Irreversible or Irrecoverable Commitment of Resources**

**Comment:** BPA acknowledges in Chapter 25.2 that “an irretrievable loss of soil stability and increased soil compaction and landslide potential would occur between construction and vegetation.”

*Request: Please explain specifically how BPA will mitigate for this impact.*

**Comment:** In Chapter 25.3, BPA says, “Resulting wildlife losses from these permanent alterations and during construction and operation of the project would represent an irretrievable commitment of biological resources.”

*Request: Please explain how this statement is consistent with the conclusions in Chapter 4 that say “Overall impact on the watershed functions” will be low and also that impacts to wildlife would be “low from habitat loss.”*

### **Chapter 26: Cumulative Impacts**

**Comment:** BPA has selected the Central Alternative as the preferred alternative despite its higher level of cumulative impacts and harm to the natural environment.

*Request: As discussed in the analysis of Chapter 1, Purpose & Need, Clark County feels that BPA has not crafted a clear, concise Purpose and Need statement demonstrating that selecting the Central Alternative as the preferred alternative was an appropriate decision. Please address these issues before finalizing the draft EIS?*

### **Chapter 27: Consultation, Review, and Permit Requirements**

**Comment:** Given the intentional destruction and irreversible commitment of resources this project will cause, the Endangered Species Act consultation discussion in section 27.2 seems inconsistent and incomplete. Chapter 19.2.9 acknowledges this project would

“reduce the production of affected fish species in these streams” and Chapter 27.2 says that “eight federally protected fish species could occur in the project area.” Along with these admissions BPA states that “loss of riparian function would be greatest along the preferred alternative.”

BPA then contradicts itself concluding that while the project will “degrade the state of ESA-listed species,” there is no “substantial risk to listed species.” The conclusion seems not only inconsistent, but unsubstantiated. BPA states that it is only now consulting with U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration Fisheries. No fish surveys have been done, and a Biological Assessment isn’t available to “analyze the potential effects of the action on listed species and critical habitat,” BPA says. Local jurisdictions and citizens cannot make informed judgments without this critical, legally required information.

***Request:** Please explain how BPA will incorporate consultation documentation into the final EIS. Also please explain whether BPA will prepare a Biological Assessment so USFWS and NOAA Fisheries can issue a Biological Opinion and possible Letter of Concurrence for the project.*

**Comment:** The Magnuson-Stevens Fishery Conservation Management Act requires NOAA Fisheries to provide essential fish habitat conservation and enhancement recommendations.

***Request:** Please explain when BPA will consult with NOAA Fisheries to ensure appropriate mitigation measures are made public and part of the final EIS.*

## **Chapter 28: Consistency with State Substantive Standards Shoreline Master Program**

**Comment:** Under its analysis of the Washington State Shoreline Master Program, BPA lists little information about complying with Clark County’s Shoreline Ordinance. BPA also suggests the current Shoreline Master Program was adopted by Clark County in 1974. However, Clark County adopted a new shoreline ordinance in July 2012. As such, BPA has not adequately analyzed impacts of the transmission line alternatives on Shorelines of the State through a majority of the preferred alternative. BPA will need to re-evaluate the various alternatives and analyze impacts on shoreline environments for the final Environmental Impact Statement.

***Request:** Please re-evaluate the various alternatives using the most current shorelines ordinance.*

**Comment:** The following Clark County code sections will be difficult for BPA to address with the preferred alternative:

“40.460.510 General Shoreline Use and Development Regulations

B. Shoreline uses and developments shall fully mitigate for impacts and shall not cause impacts that require remedial action or loss of shoreline ecological functions on the subject property or other properties.”

*Request: Please explain how BPA will meet the mitigation requirements of the Shoreline Ordinance.*

**Comment:** Regarding reasonable use provisions of the Habitat Conservation Ordinance and Wetland Protection Ordinance, the Shoreline Ordinance states:

“40.460.530(1)(F)(1)

f. The reasonable use provisions in Chapter 40.440 do not apply to habitat conservation areas regulated under this Program.

40.460.530(1)9G)(1)

k. The reasonable use provisions in Chapter 40.450 do not apply to wetlands regulated under this Program.”

As such, for any crossing of Shorelines of the State, impacts to wetlands or riparian habitats within those shorelines will not be granted a reasonable use exception or public interest exception, but would be required to meet the criteria for a Shoreline Variance as described here:

- “1. That the strict application of the bulk, dimensional or performance standards set forth in this Program precludes, or significantly interferes with, reasonable use of the property;
2. That the hardship described in subsection (A) of this section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this Program, and not, for example, from deed restrictions or the applicant’s own actions;
3. That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Growth Management Plan and this Program and will not cause adverse impacts to the shoreline environment;
4. That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
5. That the variance requested is the minimum necessary to afford relief; and
6. That the public interest will suffer no substantial detrimental effect.”

**Request:** *Because BPA has not analyzed the various alternatives, we find it difficult to determine if the preferred alternative could meet the criteria for a variance. Please explain how BPA intends to do this analysis or apply for a variance.*

**Comment:** According to the vegetation conservation components of Clark County's Shoreline Master Program under Title 40.460.570:

"A. Existing vegetation within shoreline jurisdiction shall be retained in the riparian area closest to the water body but landward from the OHWM."

B. Removal of native vegetation shall be avoided to the extent possible. Where removal of native vegetation cannot be avoided, it shall be minimized to protect shoreline ecological functions.

D. If vegetation removal cannot be avoided, it shall be minimized and then mitigated at a minimum ratio of one to one (1:1), and shall result in no net loss of shoreline ecological functions. Lost functions may be replaced by enhancing other functions; provided, that no net loss in overall functions is demonstrated and habitat connectivity is maintained. Mitigation shall be provided consistent with an approved mitigation plan.

G. Vegetation that cannot be replaced or restored within twenty (20) years shall be preserved."

**Request:** *BPA almost certainly will need to remove vegetation that cannot be replaced or restored within 20 years. As such, any crossing of a Shoreline of the State where this is necessary will mean the proposed project would be out of compliance with local or state standards. Please address this concern.*

### **Critical Areas Protection**

**Comment:** Under its analysis of local critical areas ordinances, BPA says: "BPA has incorporated some of the standards and guidance from the CAOs in analyzing and proposing mitigation for impacts on potentially critical areas. See Sections 14.2.8, 15.2.8, 16.2.8, 17.2.8, 18.2.8, and 19.2.8 for mitigation measures. BPA would use these measures to meet or exceed critical area ordinance requirements to the extent practicable."

**Request:** *As discussed under the Wetlands and Wildlife chapters, BPA might not be able to meet or exceed Clark County's Wetland Protection or Habitat Conservation Ordinances. Some form of reasonable use exception will be required for both. Please explain BPA's intent to apply to the county for some type of exception.*

### **Noxious Weed Laws**

**Comment:** Under its analysis of noxious weed control laws, BPA suggests: "Construction and maintenance activities would create some risk of spreading undesirable plant species in the project area in Cowlitz and Clark counties, Washington and Multnomah County, Oregon."

If privately or state-managed undesirable plant species are found or spread during project construction or maintenance, BPA will coordinate with the state, county, and landowners regarding their control or eradication (BPA 2000a).

*Request: Mitigation measures should ensure agreements are drafted wherein BPA will support noxious weed control for all state listed noxious weeds whose populations develop or increase in the vicinity of the new transmission line. Please discuss whether BPA will work with the county to make sure agreements to control noxious weeds are in place before work begins.*

### **Closing**

The Board of County Commissioners' paramount duty is to maintain the high quality of life and livability of its community. While we recognize the importance of a dependable power grid and BPA's need for reliable transmission capacity, we will not allow that need to slice through our sense of place and community without proper study and mitigation. We stress: it is critical that Clark County residents are persuaded that there is a local need for this project. We believe Chapter 1's explanation of that need is inadequate. In our estimation, the citizens of Southwest Washington are being asked to bear most of the burden for this project without receiving much of the benefit.

To be clear, we have enjoyed working with BPA's staff during the past four years. But our appreciation does not preempt our conclusions about the draft Environmental Impact Statement and NEPA process thus far. Both are inconsistent and inadequate.

Thank you for your consideration,

Sincerely,



Steve Stuart  
Commissioner, Chair



Tom Mielke  
Commissioner



David Madore  
Commissioner