



## **BARK**

PO Box 12065  
Portland, OR 97212

www.bark-out.org  
503-331-0374



*The location of the proposed Palomar pipeline crossing on the Deschutes River. Alternatives are up river.*

July 13, 2009

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First St. NE Room 1A  
Washington, DC 20426

Re: Comments on the proposed alternatives to the Palomar Pipeline, CP09-035-000

Dear Ms. Bose:

Thank you for the opportunity to comment on the recent scoping notice for alternative routes for the Palomar Pipeline. As you know, this pipeline is of great interest and concern to Bark's supporters and we continue to be engaged, in order to ensure that all environmental rules and guidelines are followed in the interest of the public.

Since 1999, Bark has advocated for the ecosystems of Mt. Hood National Forest. Our mission is to bring about a transformation of Mt. Hood National Forest into a place where natural processes prevail, where wildlife thrives and where local communities have a social, cultural, and economic investment in its restoration and preservation. As of writing these comments, we represent over 5,000 Oregonians who support our mission.

We also wish to submit these comments on behalf of other organizations committed to protecting the forest, waters, wildlife and recreation opportunities found in Mt. Hood National Forest, as well as the impacted lands and communities along the entire proposed routes of the Palomar Pipeline. Please consider these organizations and their contacts as a continuing resource for information and clarification on concerns for the true impacts that the Palomar Pipeline poses; Center for Biological Diversity , Federation of Western Outdoor Clubs, Friends of Mt. Hood, Mazamas, Oregon Natural Desert Association, Oregon Citizens Against the Pipeline and Sierra Club.

We expressly incorporate by reference all of our previous comments on the Palomar pipeline into these scoping comments.

We had been anticipating, based on information provided to us by Palomar, that the FERC and the Forest Service would release a Draft Environmental Impact Statement this month. We were quite surprised to find that another scoping comment period was opening up, considering the timing.

Bark's concerns have been focused on what is now being referred to as the Cascades Segment, though we have worked closely with affected landowners along the entire proposed Palomar Pipeline route and the communities along the Columbia River who have worked in opposition to the proposed liquefied natural gas (LNG) terminals. The Cascades Segment stretches 111 miles from Madras to Molalla, crossing over Mt. Hood National Forest. In June 2008, Bark led a public hike along the 47-mile segment of the proposed route through the forests and across the rivers of Mt. Hood National Forest. We continue to lead public hikes to the proposed route to further understand the threats that are posed by this development.

From this experience we became intimately aware of the lack of maps available to the public. Although we are still early in the process, keeping the public from knowing the accurate pipeline location is inexcusable. The maps prepared for this scoping comment period are insufficient. We expect that the Draft Environmental Impact Statement (DEIS) will include electronic and hard copy files with maps that actually enable the public to see where the Palomar Pipeline is in proximity to the natural and cultural features of concern to the public. Although the FERC's eLibrary provides a resource of electronic files, many people in this region still remain reliant on the hard copy mailings to follow the NEPA process.

Bark has recently started to use the free, online service Google Earth. As the percentage of the population that does have access to the Internet continues to rise into the majority, we have found this kind of service instrumental as a communication tool. We suggest that as the FERC continues to be the lead agency in the NEPA process for pipeline development, that all projects and alternatives be captured in a .KMZ file. This will enable concerned citizens to have instant view of the effected areas. We understand this may take away flexibility for the agency and the company to make adjustments to the route. However, the lack of accurate information cultivates distrust and incorrect assumptions about FERC and the project.

### **RANGE OF ALTERNATIVES AND PUBLIC PARTICIPATION**

NEPA requires the FERC to analyze a range of alternatives and disclose the results of that analysis. 42 USC § 4332, 40 C.F.R § 1508.9. This requirement has not been met,

even with the additional amendments to the original proposed route, because no alternative considers avoiding construction through Mt. Hood National Forest.

### **The timing of the Maupin and Warm Springs alternatives hampers public participation**

Our understanding of the NEPA schedule was to expect a DEIS in June 2009. However, this scoping notice has delayed the DEIS. For the energy companies focused on building this pipeline and the federal government, delays and constantly changing information may be inconvenient. For effected land owners and other concerned citizens with full-time jobs, families, and other daily challenges, this can lead to disenfranchisement. In addition, we have concerns that the environmental review and surveying that must go into compiling an EIS is not being completed thoroughly if scoping has only just been done and the FERC still intends to have a draft EIS available to the public by the end of the summer.

The Confederated Tribes of the Warm Springs (Warm Springs) proposed the option of crossing the reservation in June 2008 and included an approved resolution from the Tribal Council in their comments, dated November 13, 2007. Yet this is the first time the public has been able to weigh in on the alternative, even after two other scoping periods (the FERC's Notice of Intent in November 2007 and the Forest Service's scoping period in December 2008). In the pre-filing phase of the FERC's process, consultation with stakeholders is the focus. Assuming Palomar and the FERC met with the all the Confederated Tribes early on in the planning, why is the alternative opened up for public comment in a second comment period, only a couple of months before the release of the DEIS, instead of in the original scoping notice?

**We expect the same level of quality for the environmental impact review of the alternatives as for the Proposed Action in the upcoming DEIS. Including a range of alternatives in the analysis is paramount to complying with NEPA. The FERC will not be in compliance with NEPA with a predetermined analysis or conclusion.**

Furthermore, we question the choice of alternatives. We are encouraged to see that the FERC has taken the Warm Springs recommended alternative into consideration. However, what about the thousands of Oregonians who have said they do not want a new pipeline constructed through Mt. Hood National Forest? There has been no consideration of an alternative to reflect the pre-filing stated concerns of the hundreds of effected landowners and thousands of citizens concerned about the impacts to our public lands. The Blue Bridge pipeline project, which is proposed to run mostly parallel to the existing right-of-way for Williams' Northwest Pipeline, and the Sunstone pipeline location, need to be considered as alternatives to the Palomar pipeline. The

pipelines would provide enough natural gas to serve the market if there were a supply disruption from Canada.

In addition, many residents of the town of Maupin have just now received the first notice that they may be going through eminent domain proceedings for the Palomar Pipeline and were given a very short time to respond in a meaningful way. Which stakeholders were consulted? While we appreciate that the Bureau of Land Management (BLM) made meaningful recommendations that led the FERC to consider another alternative, it seems that an option that leads directly through a populated community is a disingenuous effort to find a viable alternative to crossing a Wild and Scenic river corridor.

In December 2008, the Forest Service opened up a public comment period around changes to the Land and Resource Management Plan (LRMP) and other legal frameworks for management. The current expansion of our energy infrastructure is a significant shift for the role of our public lands. One of the Warm Springs Alternatives would go through an area of the Crooked River National Grassland that does not currently have an energy transmission corridor, forcing amendments to the LRMP. The Ochoco National Forest (which oversees management on the Crooked River National Grassland area) should have the opportunity to open up a public comment period on these changes, just as the Mt. Hood, Fremont-Winema, Rogue River-Siskiyou, and Umpqua National Forests have done.

The scoping letter for the Warm Springs alternative fails to comply with even the basic procedural guidelines for amending an LRMP. Although the Palomar Pipeline has been treated as requiring only a nonsignificant amendment at this time, the National Forest Management Act (NFMA) does require the agency to notify the public of intended changes and allow comment. The scoping letter provided for the alternatives failed to list the changes, or the land designations that could be impacted. In addition, it fails to provide a map that shows accurate representation of where the proposed route would cross in order for interested stakeholders to overlay it themselves.

The LRMP for the Crooked River National Grassland, published in 1989, is now, at best, five years overdue for a revision. The National Forest Management Act (NFMA), as well as the LRMP, provides guidelines for a revision to occur at least every ten years, but not more than every fifteen years. Management plan revisions have recently been delayed due to funding limitations. Bark cannot see how land managers are able to make sound land management decisions without undergoing the requisite planning process. Besides the vastly improved scientific understanding of ecosystems and cultural acceptance of priority services from our public lands (drinking water, recreation access, wildlife habitat, etc.), there are entirely new demands on our ecosystems that were never considered twenty years ago, such as climate change.

## **MAUPIN BRIDGE ALTERNATIVE**

The Maupin Bridge Alternative is difficult to discern. This alternative is broken down into three variations, all of which now bring the crossing of the Deschutes River south by a couple of miles, straight through the town of Maupin and along Hwy 197 for just over 17 miles. The three variations over the Maupin Bridge appear to utilize the historic 1929 bridge to cross the river. This alternative exposes thousands of new families to the threat of a gas pipeline running through their community.

We are encouraged to see the Bureau of Land Management considering the implications of the Palomar Pipeline crossing through the Deschutes River Wild and Scenic River Corridor. However, we do not support putting yet another community at risk by the Palomar Pipeline. Why was a variation not considered that would have led the pipeline south of Maupin to avoid going through the concentrated area of the community?

At the FERC open house on June 29, 2009, there was discussion about the potential for property values to be effected by the construction and presence of a natural gas pipeline. Analysis of the known effects from past project must be made available and considered, publicly. Additionally, there was concern stated about the impacts that an aerial crossing of the pipeline will have on the thriving rafting and recreational fishing that is such a large component to the economic health of the Maupin. The town of Maupin, as the proposal exists will not have access to the natural gas that is being transmitted through their streets or over their river and giving the community resources and analysis of the anticipated economic impacts is expected.

Another concern that was brought up was similar to those stated at an open house in Molalla last summer; earthquakes. We will expect to see an assessment of the earthquake frequency along all proposed routes for the Palomar pipeline.

We now understand from the open house that Palomar has proposed to build a pedestrian bridge adjacent to the Maupin Hwy 197 bridge for the pipeline to cross the river. This was not clear in the scoping letter, however an architect provided drawings of different bridge designs. Once again different information is provided at different times, marginalizing those who cannot attend the open houses and are relying on the written NEPA record. We expect these different bridge designs to be analyzed in the DEIS for the public to give comment on the scenic and cultural impacts that they may have. As well, the construction schedule along Hwy 197 will inevitably have an impact on the community with regards to tourism and use by ranchers and farmers in the area. We will expect to see an analysis of construction schedule impacts on the community.

## **WARM SPRINGS ALTERNATIVE**

Some of the site-specific concerns with the two proposed routes for the Warm Springs Alternative pertaining to the Crooked River National Grassland area, are:

**Geology and Soils** - Our concerns about the impacts to the soils from construction that have been stated in other comments remain true for this area as well. However, consideration of the scablands is specific to the impacts of this area. Scablands are nearly impossible to mitigate harm when disturbance occurs. The shallow soils of scablands have unique habitats and cannot be replicated. Identification of such a landscape feature should be included in the EIS. The proposed route should avoid these areas.

The guidelines for soil in riparian areas include maintaining "90% of the area in an acceptably productive condition". (Crooked River LRMP, 4-107).

**Vegetation and Wildlife** - The national grassland system maintains unique habitat opportunities for wildlife and important biodiversity. The Crooked River NG has specific biodiversity that can be threatened by the introduction of invasive or nonnative species. The construction of transmission corridors often lead to an increase in management challenges such as equipment vehicles carrying invasive seeds not being properly washed before entering areas and increased edge habitat leaving sensitive species exposed to new prey dominance.

In particular, areas that have had successful restoration efforts to eradicate crested wheatgrass need specific attention to mitigation plans. Crested wheatgrass is a nonnative grass planted in abundance for livestock grazing. However, it has pushed out native ungulates and other grasses. Restoration schedules and monitoring documentation should be included as part of the impact analysis.

**Threatened, Endangered and Sensitive Species** - We expect all proposed actions and alternatives to go through consultation for all federal Threatened, Endangered and Sensitive Species, as well as species with migratory protections. Such species of concern that are likely present would include but is not limited to: ferruginous hawks, Swainson's hawk, N. bald eagle, greater sandhill crane, western snowy plover, long-billed curlew, western yellow-billed cuckoo, golden eagle, peregrine falcon, preble's shrew, bristle-flowered collomia, and Henderson ricegrass.

**Safety** - We are in concurrence with the thousands of citizens who have stated concerns for the safety of the proposal to add more gas pipelines through Oregon's diverse landscapes. We expect to see site-specific responses to every landowner who comments or states their concerns at an open house, living within range of the proposed routes. Although we are all impacted by the public lands crossings those homes, farms and communities that would be traversed by the corridor must be given rigorous examination for their safety risks.

We expect to see an evaluation of how the fire management plan for the Palomar Pipeline corridor will be in compliance with the February 2009 *Guidance for Implementation of Federal Wildland Fire Management Policy*. This shift in guidance embraces a reduction in the crippling cost of fighting fires in the western United States. “Initial action on human-caused wildfire will be to suppress the fire at the lowest cost with the fewest negative consequences with respect to firefighter and public safety.” (pg. 7) “Federal agency administrators are adjusting and reorganizing programs to reduce costs and increase efficiencies. As part of this process, investments in fire management activities must be evaluated against other agency programs in order to effectively accomplish the overall mission, set short- and long-term priorities and clarify management accountability.” (pg. 9) How does the fire hazards and management for the Palomar Pipeline corridor comply with these standards?

**Travel Planning** - We expect the EIS to include an analysis of any conflict that this proposed route will have with the Ochoco National Forest and Crooked River National Grassland Travel Management Planning process. This national mandate to evaluate, implement and monitor the growing impacts of off-highway vehicle and motorized recreation use of federal public lands has become a massive undertaking by the land managers and their agency staff. New clear cut corridors and temporarily constructed roads are in direct conflict with the effort to create enforceable solutions for off-highway vehicle (OHV) management.

**Climate Change** - We also expect to see an evaluation of the impacts that this project will have on climate change. Although there is new information emerging everyday about our impacts on the climate and carbon level in our atmosphere, the agencies must make an effort to begin connecting the cumulative impacts of each project to the overall effects on our climate. In addition, there is indisputable evidence pointing towards the detrimental results of losing forested lands and the carbon storage and sequestration service that they offer.

In addition, Palomar is in a binding contract with the Bradwood Landing and Oregon LNG Terminals to transmit natural gas to the GTN mainline through central Oregon. Despite the companies' claims this pipeline is not part of LNG development, this contract ensures that the bi-directional capability of the proposed Palomar Pipeline will carry natural gas originating from these LNG facilities. The liquefying, transportation and regasifying of natural gas from foreign sources has three times the carbon footprint to domestic gas. We expect to see this analysis included in the DEIS with regards to Climate Change.

## **WESTWIDE ENERGY CORRIDORS**

We understand the Warm Springs Alternative is not following routes that have been identified through the Westwide Energy Corridors planning process. This planning process was mandated under the 2005 Energy Policy Act and has recently published a Record of Decision. The routes are being challenged both individually and as a whole proposal; however, the need for a thoughtful planning process to determine the best energy transmission system in the western states is absolutely necessary, and any corridors outside of this planning process should not be considered. New corridors should only be considered for the transmission of energy sources that will get us closer to energy independence from foreign sources and end our use of fossil fuels.

In addition, Bark does not support the amendment of LRMPs for energy projects until management plans are updated and have gone through the revision process mandated under the National Forest Management Act. During the revision process, amending LRMP standards and guidelines could consider energy development.

Pertaining to the desired condition of Utility Corridors, the Crooked River Land and Resource Management Plan currently states:

*"This system would accommodate growth in energy transmission facilities in a planned way, minimizing adverse environmental impacts while allowing logical and efficient development of energy transmission systems... **All development is in existing corridors.** Exclusion and avoidance areas are identified. Design and management has made optimum use of lands allocated to power facilities." emphasis added (Crooked River LRMP, 4-41)*

In addition the desired future condition of land use also specifically states, "There will be no new energy corridors." (Crooked River LRMP, 4-10) We expect the EIS to clearly articulate how these routes meet this standard.

Thank you for your consideration of our concerns. Please do not hesitate to call with questions or need for clarification.

Sincerely,

Amy Harwood  
Bark

Amy Atwood  
Center for Biological Diversity  
[www.biologicaldiversity.org](http://www.biologicaldiversity.org)



Raelene Gold  
Federation of Western Outdoor Clubs  
[www.federationofwesternoutdoorclubs.org](http://www.federationofwesternoutdoorclubs.org)

Barbara Wilson  
Friends of Mt. Hood  
[www.friendsofmthood.org](http://www.friendsofmthood.org)

Peggie Schwarz  
Mazamas  
[www.mazamas.org](http://www.mazamas.org)

Brent Fenty  
Oregon Natural Desert Association  
[www.onda.org](http://www.onda.org)

Oregon Citizens Against the Pipeline  
[www.oregonfirst.net/OCAP/](http://www.oregonfirst.net/OCAP/)

Brian Pasko  
Sierra Club – Oregon Chapter  
[www.oregon.sierraclub.org](http://www.oregon.sierraclub.org)

**cc:**

Senator Ron Wyden  
Senator Jeff Merkley  
Congressman David Wu  
Congressman Kurt Schrader  
Congressman Earl Blumenauer  
Congressman Peter DeFazio  
Congressman Greg Walden

Governor Ted Kulongoski  
Secretary of State Kate Brown  
State Treasurer Ben Westlund  
Clackamas County Board of County  
Commissioners  
Forest Supervisor Gary Larsen  
Forest Service Chief Gail Kimball