UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

June 12, 2008

Reply To
Attn Of: ETPA-088

Ref: 08-027-BLM

Rick Vander Voet, Manager
Bureau of Land Management
Jarbidge Field Office
2536 Kimberly R[d]
Twin Falls, ID 83301

Dear Mr. Voet:

The EPA has reviewed the Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the proposed **China Mountain Wind Project** in Twin Falls County, ID and Elko County, NV. The review was conducted in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act (CAA). Section 309 of the CAA directs EPA to review and comment in writing on environmental impacts associated with all major federal actions. Under our policies and procedures, we also evaluate the EIS document's adequacy in meeting NEPA requirements.

According to the NOI, the Bureau of Land Management (BLM) proposes to analyze the potential environmental impacts of a proposal to construct and operate a 425 megawatts (MW) wind power generating facility, associated transmission facilities, and access roads within the 30,700 acre Jarbidge Foothills area located in both Twin Falls County, ID and Elko County, NV. The project area includes federal, state, and private lands. Because construction of the proposed wind power generating facility would require use of BLM-administered lands, China Mountain Wind, LLC has submitted a Right-Of-Way (ROW) application to BLM. When complete, the wind power facility would operate year-round for at least 30 years and help to meet both current and future energy demands in Idaho and Nevada.

As proposed, the project would consist of 185 wind turbines, generating 2-3 MW each and with tower heights ranging from 200-250 ft. and rotor diameters ranging from 250-300 ft. Additional facilities would include 1 or 2 substations; interconnection infrastructure (15 miles of overhead transmissions circuit and switching station); fences; operations and maintenance buildings; temporary concrete batch plants; and 40 miles of new access roads and improvements to another 30 miles of existing roads.

If implemented as proposed, the project would likely result in permanent disturbance of nearly 180 acres of land and temporary impacts on another 360 acres. Most of these impacts would occur on BLM-administered lands. Other anticipated impacts include wildlife such as sage grouse and birds and bats; vegetation; water and air quality; and climate change.

EPA supports development of alternative and environmentally sustainable sources of energy such as wind power, as well as the collaborative efforts that will be used in the planning process for the project. Our scoping comments that follow are provided to inform BLM of issues that EPA believes should be considered as the EIS for the project is being developed.

We appreciate the opportunity to offer our comments at this stage of your planning process for this project. If you need more information or have questions about our comments, please contact me at (206) 553-6322.

Sincerely,

/s/
Theogene Mbabaliye
NEPA Review Unit

cc:
EPA Idaho Operations Office
EPA Region 9, NEPA Review Unit

EPA Detailed Scoping Comments On
China Mountain Wind Power Project

Range of Alternatives

The EIS should include a range of reasonable alternatives that meet the stated purpose and need for the project and that are responsive to the issues identified during the scoping process. This will ensure that the EIS provides the public and the decision-maker with information that sharply defines the issues and identifies a clear basis for choice as required by NEPA. The Council on Environmental Quality recommends that all reasonable alternatives should be considered, even if some of them could be outside the capability of the applicant or the jurisdiction of the agency preparing the EIS for the proposed project. EPA encourages selection of feasible alternatives that will minimize environmental degradation.

Environmental Effects

The EIS should include environmental effects and mitigation measures. This would involve delineation and description of the affected environment, indication of resources that would be impacted, the nature of the impacts, and a listing of mitigation measures for the impacts. Anticipated construction and other operational activities are likely to disturb soils and vegetation, which could result in significant impacts on water quality, wildlife, and other resources.

Water Quality

Preventing water quality degradation is one of EPA's primary concerns. Water quality may be adversely affected if construction alters the hydrology of springs and surface runoff such that erosion carries sediment to tributaries and ultimately to streams. The EIS should disclose which waterbodies may be impacted by the project, the nature of the potential impacts, and the specific pollutants likely to impact those waters. Along with the disclosure of impacts, the EIS should state appropriate Best Management Practices (BMPs) that would be used to minimize the impacts. For construction activities that would disturb more than one acre, a National Pollutant Discharge Elimination System (NPDES) stormwater permit is required. We recommend that the EIS include information about this permit.

Public drinking water supplies and/or their source areas often exist in many watersheds. It is possible that source water areas may exist within the proposed project area. Source water is water from streams, rivers, lakes, springs, and aquifers that is used as a supply of drinking water. Source water areas are delineated and mapped by the state for each federally-regulated public water system. The 1996 amendments to the Safe Drinking Water Act (SDWA) require federal agencies to protect sources of drinking water for communities. Therefore, EPA recommends that the EIS identify:

a) Source water protection areas within the project area.
b) Activities that could potentially affect source water areas.
c) Potential contaminants that may result from the proposed project.

d) Measures that would be taken to protect the source water protection areas in the project area.

Habitat, Vegetation, and Wildlife

During construction of the proposed project, vegetation would be cleared and soils moved during construction of roads, establishment of wind turbine foundations, and building of substation and other facilities. The EIS should describe the current quality and capacity of habitat, its use by wildlife in the proposed project area, especially bats and avian populations. Wind energy generation projects have the potential to disrupt important wildlife species habitat, resulting in mortality of migratory species such as birds and bats due to collisions with rotors.

The EIS should describe the critical habitat for the species; identify any impacts the proposed project will have on the species and their critical habitats; and how the proposed project will meet all requirements under the Endangered Species Act (ESA), including consultation with the U.S. Fish and Wildlife Service (FWS), National Oceanographic Atmospheric Administration (NOAA), and the States of Idaho and Nevada departments of fish and wildlife resources. BLM actions should promote the recovery of declining populations of species.

If any pesticides and herbicides will be used for vegetation treatment during the proposed project operations, the EIS should address any potential toxic hazards related to the application of the chemicals, and describe what actions will be taken to assure that impacts by toxic substances released to the environment will be minimized. If vegetation would be burnt, then the EIS should include a smoke management program that would be followed to reduce public health impacts and potential ambient air quality exceedances.

Because the project may have impacts on native and rare plants, the EIS should include general locations of rare plants, and how these sites will be managed to minimize impacts on the plants.

Cumulative effects

EPA has issued guidance on how we are to provide comments on the assessment of cumulative impacts, *Consideration of Cumulative Impacts in EPA Review of NEPA Documents*, which can be found on EPA's Web site at: http://www.epa.gov/compliance/resources/nepa.html. The guidance states that in order to assess the adequacy of the cumulative impacts assessment, five key areas should be considered. EPA tries to assess whether the cumulative effects' analysis:

a) Identifies resources, if any, that are being cumulatively impacted.
b) Determines the appropriate geographic (within natural ecological boundaries) area and the time period over which the effects have occurred and will occur.
c) Looks at all past, present, and reasonably foreseeable future actions that have affected, are affecting, or would affect resources of concern.
d) Describes a benchmark or baseline.
e) Includes scientifically defensible threshold levels.

The EIS document should clearly identify the resources that may be cumulatively impacted, the time over which impacts are going to occur, and the geographic area that will be impacted by the proposed project.

Climate change effects

Currently, there is concern that continued increases in greenhouse gas emissions resulting from human activities contribute to climate change. Effects of climate change may include changes in hydrology, sea level, weather patterns, precipitation rates, and chemical reaction rates. The EIS document should therefore consider how resources affected by climate change could potentially influence the project and vice versa, especially within sensitive areas. Also, the EIS should quantify and disclose greenhouse gas emissions from the project activities and discuss mitigation measures to reduce emissions.

Coordination with Tribal Governments

The EIS should discuss whether or not the proposed project may affect historical or traditional cultural places of importance to the area's Native American communities. The document needs to identify historic resources, and assure that treaty rights and privileges are addressed appropriately. If the proposed project will have impacts on Native Americans, the development of the EIS document should be conducted in consultation with all affected tribal governments, consistent with Executive Order (EO) 13175 (*Consultation and Coordination with Indian Tribal Governments).*

Environmental Justice and Public Participation

The EIS should include an evaluation of environmental justice populations within the geographic scope of the project. If such populations exist, the EIS should address the potential for disproportionate adverse impacts to minority and low-income populations, and the approaches used to foster public participation by these populations. Assessment of the project's impact on minority and low-income populations should reflect coordination with those affected populations.

The EIS should demonstrate that communities bearing disproportionately high and adverse effects have had meaningful input into the decisions being made about the project. The EIS needs to include information describing what was done to inform the communities about the project and the potential impacts it will have on their communities (notices, mailings, fact sheets, briefings, presentations, exhibits, tours, news releases, translations, newsletters, reports, community interviews, surveys, canvassing, telephone hotlines, question and answer sessions, stakeholder meetings, and on-scene information), what input was received from the communities, and how that input was utilized in the decisions that were made regarding the project. One tool available to locate Environmental Justice populations is the Environmental Justice Geographic Assessment tool available online at: http://www.epa.gov/enviro/ejl.

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (February 11, 1994), directs federal agencies to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations, allowing those populations a meaningful opportunity to participate in the decision-making process.

Monitoring

EPA supports project strategies that include monitoring, which is a necessary and crucial element in identifying and understanding the consequences of actions. The proposed project could be designed to include an effective feedback element, including implementation and effectiveness monitoring. Since wind power technology and configuration of wind turbines in this area are relatively new, effective adaptive management would also be important to minimize and mitigate impacts.