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Subject: Avian Power Line Interaction Committee (APLIC) Comments on the Bureau of Land Management Greater Sage-Grouse Resource Management Plan Amendments (Department of the Interior Secretarial Order 3353)

Dear Bureau of Land Management,

Avian Power Line Interaction Committee (APLIC) appreciates the opportunity to provide comments regarding the Bureau of Land Management (BLM) Greater Sage-Grouse Resource Management Plan (RMP) Amendments (Department of the Interior Secretarial Order 3353). APLIC has submitted prior comments on the various BLM land use plans over the past several years. Many of our previous comments are reiterated in this current letter. Since the concerns associated with our prior comments were classified as “issues and comments” in the BLM’s protest resolution reports, and APLIC’s protests were denied, the protest concerns remain valid and serve as the basis of our comments to inform this scoping process.

APLIC leads the electric utility industry in protecting avian resources while ensuring reliable energy delivery. We work in partnership with utilities, resource agencies, and the public to: develop and provide educational resources; identify and fund research; develop and provide cost-effective management options; and serve as the focal point for electric utility avian interaction issues.

Since its inception in 1989, APLIC has expanded to address a variety of avian power line interactions including electrocutions, collisions, and nests. At present, APLIC membership includes nearly 80 electric utilities, the Edison Electric Institute (EEI), U.S. Fish and Wildlife Service (FWS), BLM, National Rural Electric Cooperative Association (NRECA), and Rural Utilities Service (RUS). Although members of APLIC, the FWS and BLM did not participate in the preparation of these comments.

### **APLIC Supports Sage-grouse Conservation Efforts**

Over the past decade or more, there has been a significant and coordinated effort to conserve sagebrush habitat and protect sage-grouse, in order to preclude the need for listing the species under the Endangered Species Act. This endeavor has rallied a diversity of partners – including industry, state and federal agencies, private landowners, ranchers, environmental groups, sportsmen’s groups, and others – to work together and find solutions. All of these partners have contributed a great deal of time and funds into these

efforts, have made compromises, and have come to sage-grouse conservation strategies that are largely workable for most stakeholders and beneficial to sage-grouse and their habitat. APLIC and its member utilities have been key contributors to these planning and conservation efforts. While we believe there is room for improvement in some of the details of the RMPs, we do not want to see sage-grouse conservation progress diluted or actions that would warrant a future ESA listing. The following are specific recommendations on the details of the RMPs, particularly related to electric generation, distribution and transmission. Many of these recommendations are ones that were included in prior comments on the RMPs by APLIC. We hope the BLM will consider these comments and include our recommendations in any RMP updates.

### **Coordination with State Sage-grouse Planning Efforts**

APLIC encourages the BLM RMPs to be consistent with state sage-grouse plans. As stated above, APLIC members have been engaged partners in local sage-grouse conservation efforts. Many electric utilities work across numerous states and BLM field offices, and consistency between state and federal agencies, and within different field offices of the same federal agency, is necessary. While efforts have been made to promote consistency between federal and state plans in some states (e.g., Wyoming), most others are not consistent. This can result in conflicting stipulations, regulatory uncertainty, questionable legal defensibility in agency management decisions, increased costs and time delays for project proponents, uncertainty and confusion among project proponents and agency staff, and has not demonstrated a conservation benefit to sage-grouse or their habitat.

Within the RMPs, the specification to co-locate utility corridors in existing rights-of-way (ROW) where “technically feasible” should be reconsidered. It is not always feasible to co-locate transmission line ROWs. Due to National Electric Safety Code (NESC) standards, there must be sufficient clearance between power lines, and these NESC clearance requirements are used to determine the widths of electric utility ROWs. The appropriate terminology in the RMPs should state “parallel” existing ROWs or existing disturbance to the extent practical. Recommendations on paralleling existing ROWs should also require a review of federal safety standards, industry standards, and technical feasibility (engineering, land use, physical constraints) prior to siting infrastructure in proximity to existing ROWs. The use of corridors, when feasible, should be considered a form of proactive “mitigation,” recognizing the risks and costs a company incurs by co-locating (e.g., reduced redundancy and line separation) and the conservation value of co-location.

The RMPs should apply lek buffer distances that are consistent with state sage-grouse conservation plans. The scientific basis of the 3% and 5% disturbance caps as well as sound level thresholds should be reconsidered and part of the scope of this review.

The intent of the RMPs and their implementation should be communicated from the BLM State Offices to district offices in order to provide consistent guidance.

APLIC requests that operations and maintenance activities of existing utility facilities be considered valid and existing rights that are exempt from adaptive management actions or changes in design features.

### **Best Management Practices for Electric Utilities in Sage-grouse Habitat**

Since 2012, APLIC has worked with a group of member utilities and state/federal agency representatives, including the BLM, to develop Best Management Practices (“BMPs”) for the construction, maintenance and operation of electric utilities in sage-grouse areas. This led to the publication in 2015 of the APLIC

document, *Best Management Practices for Electric Utilities in Sage-grouse Habitat* (available for free download at [www.aplic.org](http://www.aplic.org)). This is intended to be a living document that is updated and refined as new research and technology are available. Consequently, these BMPs would be easier to update than federal land use plans. APLIC-member utilities have been working with the BLM, FWS, and state wildlife agencies to develop these measures, which are practical, effective, science-based, and justifiable to customers and public service commissions.

BLM plans currently reference other APLIC guidance documents in regard to avian protection, such as APLIC's electrocution prevention manual, *Suggested Practices for Avian Protection on Power Lines*. Although APLIC's sage-grouse BMP document was available, it was not referenced in the current BLM RMPs. Just as other APLIC documents are cited in BLM plans, APLIC recommends that its sage-grouse BMP document be referenced in the RMPs as the current state of the art for sage-grouse/power line guidance. Likewise, this document should be used instead of Required Design Features (RDFs) for power lines that are currently in the plans. Using the APLIC resources instead of RDFs allows for project-specific appropriate BMPs and updates as new science becomes available. In contrast, locking in RDFs can cause requirements for designs or practices that do not make sense or provide a benefit on a particular project, have unintended negative consequences, are subsequently outdated or proven ineffective, and/or can potentially negatively impact other species or resources (see below). As APLIC members, BLM and FWS have contributed to the development of this BMP document and can continue to participate in future updates.

### **Proper Use of Valid and Applicable Scientific Data**

APLIC requests that the BLM consider the applicability and validity of the literature used to identify and quantify potential impacts to sage-grouse and associated buffers. For example, the U.S. Geological Survey document on conservation buffers reported a range of distances of observed effects in the literature and then identified "interpreted" buffers based on expert opinion (Manier et al. 2014). Rather than opinion and inferences, buffer distances must be based on valid, replicable research that accounts for other confounding factors. For example, power lines are often associated with roads and serve human developments, therefore the impacts of the lines themselves may be difficult to distinguish from other anthropogenic activity.

### **Current Required Design Features for Power Lines May Cause Negative Impacts to Wildlife and Other Resources**

Electric utilities are often asked to either install power lines underground or install perch discouragers in an attempt to reduce raptor and raven perching. These stipulations have been included in the RMPs as RDFs. Data from APLIC-member utilities indicate that undergrounding power lines or installing perch discouragers can have unintended negative consequences to habitat and wildlife (See the 2015 APLIC document, *Best Management Practices for Electric Utilities in Sage-grouse Habitat* for additional discussion and citations regarding undergrounding and perch guards).

- Installing new power lines underground or converting existing lines from overhead to underground are often raised as RDFs, permit stipulations or mitigation options. However, underground power lines result in increased cost, reduced reliability, greater ground disturbance during construction and repairs, longer outage periods for customers, shorter life span of the line, and may not always be feasible from engineering and operations perspectives. The costs of installing lines underground are 7-14 times greater than overhead costs, and yet there is no quantifiable ecological benefit from undergrounding to justify this expense to utility rate payers. Underground power lines require a continuous excavation through all habitat types. In sagebrush habitat, this would result in ground

disturbance for the entire line route. This is in contrast to overhead lines, which result in a disturbance only at the structure locations. Underground lines would also require excavation for repairs or maintenance, which would result in ground disturbance occurring temporally over the life of the line, not just during initial construction. Ground disturbance during construction, repairs, and maintenance can result in large, permanent displacement of excavated soil and subsequent issues with re-establishing native vegetation and preventing the overgrowth of invasive species. In addition, depending on the line voltage it may be necessary to maintain a certain width of the ROW clear of vegetation over the buried line, resulting in permanent habitat impacts. This area of clearance can be greater for higher voltage lines. Undergrounding lines can result in adverse impacts to other resources, such as cultural, historic, or paleontological areas, and wetlands. A University of California study (Bumby et al. 2009) found that underground power lines have more environmental impacts than overhead power lines for all categories and most scenarios in southern California. For more detailed discussion of environmental and engineering constraints associated with underground power lines, see *Reducing Avian Collisions with Power Lines: The State of the Art in 2012* (APLIC 2012), pages 62-63 and *Best Management Practices for Electric Utilities in Sage-Grouse Habitat* (APLIC 2015). APLIC encourages the BLM to allow overhead power lines as an acceptable alternative within sage-grouse habitat in its RMPs and requests that requirements for placement of lines underground be removed.

- Perch discouragers were originally designed to reduce raptor electrocutions by moving birds from an unsafe (electrocution risk) perching location to a safer alternative, either on the same structure or an alternate structure located nearby. Recent data has documented poor effectiveness in perch discouragers and greater effectiveness of covers for preventing electrocutions (see *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* (APLIC 2006), pages 17-18). Despite their declining use by electric utilities, perch discouragers have been installed in attempts to dissuade raptors and corvids from perching or nesting on power poles in areas with sage-grouse or other sensitive prey species. Perch discourager research has shown limited effectiveness in preventing perching, potential for increased nesting on discouragers, and increased electrocution risk associated with perch discouragers. In areas where raven predation on sage-grouse nests is a concern, perch discouragers may aid in the accumulation of nest material (APLIC 2006), and could potentially increase raven predation pressure due to nest construction on discouragers in sensitive areas. The negative impacts of perch discouragers must be weighed against the limited benefits they may provide, particularly if they are contributing to mortalities of protected birds and facilitating increases in predator nesting populations. The avian predators of sage-grouse should also be considered, as different species exhibit different hunting strategies, and employ different hunting techniques for different prey species. For example, golden eagle diet is largely mammalian (80-90%, Kochert et al. 2002). Golden eagles prey on sage-grouse opportunistically, and typically hunt sage-grouse by stooping from a high soar or low, coursing ambush flight (Watson 1997, Kochert et al. 2002). Consequently, power poles may not play an important role in eagle predation of sage-grouse. Golden eagles are vulnerable to electrocution mortality (APLIC 2006) and perch discouragers have been correlated with increased eagle electrocution risk (PacifiCorp, *unpublished data*). Common ravens are known predators of sage-grouse nests, yet ravens are able to overcome perch discouragers and may experience higher nesting rates on poles with perch discouragers. Perch discouragers can also pose safety and access concerns for line workers that must climb and/or work on these structures.

Because of these concerns, APLIC requests that the BLM remove undergrounding power lines and installation of perch discouragers as RDFs in its RMPs. The APLIC 2015 document, *Best Management Practices for Electric Utilities in Sage-grouse Habitat*, offers a variety of practices that can be applied to minimize impacts of electric utility infrastructure on sage-grouse and their habitat. We recommend that

rather than including “one size fits all” RDFs, the RMPs reference that current APLIC guidance documents be reviewed by the BLM Field Office and project proponent and they jointly identify BMPs that are appropriate, feasible, and applicable to the specific project.

### **Sage-grouse Stipulations in RMPs Can Conflict with Management of Other Species**

Sage-grouse stipulations in the RMPs can cause conflicts with other resources or species, and local interpretation/implementation of the plans may not actually be beneficial for sage-grouse habitat over the long-term and on a landscape scale. Electric utilities often need to relocate raptor nests from structures in order to minimize fire and safety risks, yet these proactive efforts are increasingly difficult to permit in sage-grouse areas. APLIC recommends that rigid restrictions prohibiting raptor nest platforms are removed from the RMPs, and flexibility in nest platform installation is afforded to allow for management of raptor nests on power lines that pose an electrocution risk to raptors and/or a safety or reliability threat to the power line itself. APLIC believes that installation on nest platforms in sage-grouse habitat should be an approved management strategy for utilities operating in sage-grouse habitats because: (1) raptors naturally occur in sagebrush habitat; (2) no raptor species preys exclusively on sage-grouse nor is it likely that avian predation has a population impact on sage-grouse; (3) populations of some raptor species are listed as state or BLM sensitive and may benefit from nest platforms (e.g., ferruginous hawk, golden eagle); and (4) these actions can benefit sage-grouse and sagebrush habitat by reducing the risk of wildfires.

### **Avoidance and Minimization Measures**

Through the in-depth planning and National Environmental Policy Act (NEPA) review of new construction projects, project proponents and agencies work closely together to site and design lines in a manner that avoids as many resource conflicts as possible. This includes the implementation of numerous avoidance and minimization measures, such as paralleling with other infrastructure or linear facilities, seasonal and spatial restrictions, design modifications, routing alternations, and various other project-specific BMPs. Often, project proponents receive no mitigation “credit” for these actions, and are required to mitigate as if the project runs through undisturbed habitat with no BMPs applied. The planning, designing, and siting efforts implemented to minimize impacts to sage-grouse and other resources contribute substantial costs and time delays to projects, and have conservation benefits, therefore, these preventative actions should be considered in the calculation of compensatory mitigation requirements.

### **APLIC Supports State Management of Sage-grouse through Habitat, rather than Population Goals**

Recent discussions within the Department of Interior regarding sage-grouse management has suggested shifting from habitat goals, which are currently employed by most states, to sage-grouse population goals. APLIC supports existing efforts by states to manage the species by habitat-based goals and conservation efforts, as this is more appropriate for sage-grouse and reflective of their large-scale habitat use and cyclical populations. Using population-based goals could result in management errors due to natural fluctuations in sage-grouse population cycles, which are influenced by annual precipitation, vegetation growth, natural fire regime, unplanned wildfires, etc. Sage-grouse are different from other managed species due to their population cycles and landscape-scale habitat needs. Therefore, continuing to manage the species based on habitat goals is a sound, scientific method. Likewise, we do not support the use of sage-grouse captive propagation programs as an alternative to habitat conservation.

APLIC strongly supports the goal of the BLM Greater Sage-Grouse Resource Management Plan to prevent destruction of sage grouse habitat and the potential listing of the bird as a threatened or endangered species. We appreciate the opportunity to provide comments on how these plans can be improved to further benefit

sage-grouse, habitat, and industry stakeholders. If you have any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Kara Donohue". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Kara Donohue  
Southern California Edison  
Chair, APLIC

## Literature Cited

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