

June 11, 2019

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

**RE: Jordan Cove Energy and Pacific Connector Gas Pipeline Project
Draft Environmental Impact Statement**

Greetings,

Please consider the following comments from the Klamath Siskiyou Wildlands Center (KS Wild) regarding the Draft Environmental Impact Statement (DEIS) for the Jordan Cove Energy and Pacific Connector Gas Pipeline Project.

Forest Plan Amendments

All projects or activities within a National Forest must be consistent with the governing LRMP...The Forest Service has determined that the linear nature of the Pacific Connector Pipeline Project would not be consistent with certain requirements of the LRMPs of the National Forests crossed. To address these inconsistencies, the Forest Service proposes to amend the LRMPs of the respective National Forests to make provision for the Project.

-Jordan Cove DEIS page 1-9.

As acknowledged on page 1-9 of the DEIS, the proposed pipeline construction across federal public forestlands involves numerous actions that are inconsistent with the planning documents and management intent for those lands. The proposed violations of the underlying land use plans are significant, irreversible and irretrievable and may retard and prevent accomplishments of the goals and objectives of the LRMPs.

Rather than amending the controlling LRMP for the forests impacted by the pipeline project, the DEIS whittles the Plans down piece by piece without having to go through the rigor of public input and review of developing a new Forest Plan. *League of Wilderness Defenders, et al. v. Connaughton, et al.*, No. 3:12-cv-02271, *50 (D. Or. 2014). (“the ROD and final EIS do not adequately articulate a rational connection between the characteristics of the project area and the choice to adopt site-specific, rather than forest-wide, amendments.”).

NFMA imposes substantive constraints on management of forest lands, such as a requirement to insure biological diversity. *Native Ecosystems Council v. Dombeck*, 304 F.3d 886, 898 (9th Cir. 2002). The NFMA and its implementing regulations subject forest management to two stages of administrative decision making. At the first stage, the Forest Service is required to develop a Land and Resource Management Plan, also known as a Forest Plan, which sets forth a broad, long-term planning document for an entire national forest. At the second stage, the Forest Service must approve or deny individual, site-specific projects. These individual projects must be consistent with the Forest Plan. *Great Old Broads for Wilderness v. Kimbell*, 709 F.3d 836, 851 (9th Cir. 2013) (“the NFMA prohibits site-specific activities that are inconsistent with the governing Forest Plan”); *see also Neighbors of Cuddy Mtn. v. Alexander*, 303 F.3d 1059, 1062 (9th Cir.2002) (“[s]pecific projects ... must be analyzed by the Forest Service and the analysis must show that each project is consistent with the plan”). The Forest Service’s “interpretation and implementation of its own forest plan is entitled to substantial deference.” *Great Old Broads*, 709 F.3d at 850 (9th Cir. 2013) (internal quotation marks omitted).

League of Wilderness Defenders, et al. v. Connaughton, et al., No. 3:12-cv-02271, *12 (D. Or. 2014).

The agency must articulate a “rational connection between the facts found and the choice made” to enact a geographically-limited, site-specific amendment rather than a general amendment to the Forest Plan as a whole. *Lands Council v. Martin*, 529 F.3d 1219, 1228 (9th Cir. 2008). Any Forest Plan amendment that results in a “significant change” requires the agency to prepare an EIS; non-significant amendments only require the simpler notice and comment process. *Lands Council v. Martin*, 529 F.3d at 1227.

League of Wilderness Defenders, et al. v. Connaughton, et al., No. 3:12-cv-02271, *50 (D. Or. 2014) (agency improperly limiting the geographic scope of the amendments to the project area even though the purported need for the amendments is forest-wide, not site-specific.”).

“the repeated use of site-specific amendments allows the Forest Service to bypass any public consideration of the regional or forest-wide management implications of the amendments, and is inconsistent with NFMA’s requirements for integrated forest plans. *League of Wilderness Defenders, et al. v. Connaughton, et al.*, No. 3:12-cv-02271, *54 (D. Or. 2014).

“a close reading of *Lands Council v. Martin* indicates there must be at least some characteristics unique to a site to support a site-specific amendment. *Lands Council v. Martin*, 529 F.3d at 1228. . . . Simply explaining the purpose of the Project, the desired conditions for the Forest, or stating that the amendment is site-specific because it was designed for a specific site, does not satisfy the rational connection between the facts found and the choice made required by *Lands Council*.”

League of Wilderness Defenders, et al. v. Connaughton, et al., No. 3:12-cv-02271, *54-55 (D. Or. 2014).

In the DEIS, plan amendments are proposed for the Umpqua, Rogue River, and Winema National Forests for the limited purpose of construction and operation of the Jordan Cove pipeline. Site-specific amendments in three categories are submitted to accommodate the project: (1) Rare Aquatic and Terrestrial Plant and Animal Communities; (2) Soil, Water and Riparian Areas; (3) Visual Resources. These amendments do not meet the substantive requirements mandated by the 2012 Planning Rule.

Recent case law from the 4th Circuit establish the standard by which to determine if a substantive requirement from the 2012 Planning Rule applies to a Forest Plan amendment and are persuasive in the present case due to their factual similarities to the Jordan Cove pipeline. Both *Cowpasture River Pres. Ass'n v. Forest Service* and *Sierra Club, Inc. v. United States Forest Service* involve site-specific Forest Plan amendments designed to allow for the construction of natural gas pipelines, which as proposed, were inconsistent with the applicable Forest Plans.

The court held in *Cowpasture* that a substantive requirement from the 2012 Planning Rule applies to a Forest Plan amendment if that requirement is “directly related to the plan direction being added, modified, or removed by the amendment.” *Cowpasture River Pres. Ass'n v. Forest Serv.*, 911 F.3d 150, 163 (4th Cir. 2018). If the substantive requirement is directly related to the amendment, then the responsible official must “apply such requirement(s) within the scope and scale of the amendment.” *Sierra Club, Inc. v. United States Forest Serv.*, 897 F.3d 582, 601 (4th Cir 2018). *Sierra Club, Inc.* developed a two-prong test for determining whether a substantive requirement is directly related to the amendment: the agency must look to both the purpose *and* effect of the amendment, and if the substantive requirement at issue is based upon or associated with either one, it is directly related. *Sierra Club*, 897 F.3d at 602.

The DEIS misstates the appropriate test, asserting “whether a rule provision is directly related to an amendment is determined by any one of the following: the purpose for the amendment, a beneficial effect of the amendment, a substantial adverse effect of the amendment, or a lessening of plan protections by the amendment.” (DEIS, 1-9). FERC is mistaken in its contention that the agency may consider the effects *or* the purpose of the plan amendments, instead of both. This mischaracterization of the law persists throughout the DEIS, which consistently fails to analyze the purpose and effects of the plan amendments in a site-specific or cumulative manner.

Though the DEIS repeatedly concludes that because the “proposed amendment is directly related to substantive requirements, the Responsible Official must apply the requirements within the scope and scale of the proposed amendment (36 CFR 219.13 (b)(5)),” it does not adequately consider the “scope and scale” as required by 36 CFR 219.13 (b)(5) and (6). Instead, the DEIS replicates the same language throughout with very little site-specific analysis. Additionally, the DEIS misrepresents the scope and scale of the project by failing to consider the cumulative impacts, for example stating: “this plan amendment does not alter these LRMP plan requirements for managing rare plant and animal communities

across 99.99 percent of the Winema National Forest. The proposed pipeline construction corridor including the TEWAs and the UCSAs is approximately 92 acres of the 1,043,547 acre Winema National Forest.” (DEIS, 4-474). This information alone, without consideration of the “scope and scale” cumulatively, does not meet the burden required under the 2012 Planning Rule.

Need for Additional Plan Amendments

In addition to the proposed amendments, the DEIS fails to propose, analyze, and disclose actions necessary for the Jordan Cove pipeline that necessitate plan amendments to the Aquatic Conservation Strategy (ACS) and the Survey and Manage program of the Northwest Forest Plan. For instance, the Pacific Connector pipeline route would cross 19 fifth-field watersheds, and proposed access roads would cross an additional 5 watersheds. Of these, the Pacific Connector would cross NFS land in 6 fifth-field watersheds subject to ACS. (DEIS, 4-136). Additionally, the DEIS states that construction of the Project in the Upper Cow Creek watershed has high potential for impacts that could prevent attainment of ACS objectives particularly as related to sediment, water temperature and mobilization of naturally occurring mercury. (4-503). Despite these considerable impacts on areas controlled by ACS, amendments in the DEIS fail to consider or mitigate these effects. Similarly, the DEIS fails to amend survey and manage program protections and buffers that would be violated by pipeline construction through known occupied sites.

Late Successional Reserves

The NWFP ROD indicated that LSRs are to be managed to protect and enhance old-growth forest conditions.

Developments of new facilities that may adversely affect Late-Successional Reserves should not be permitted. New development proposals that address public needs or provide significant public benefits, such as powerlines, pipelines, reservoirs, recreation sites, or other public works projects would be reviewed on a case-by-case basis and may be approved when adverse impacts can be minimized and mitigated.

-Jordan Cove DEIS page 4-517

The Northwest Forest Plan has required the same standards for management of LSRs since 1994. Despite this, the 2019 DEIS presents a different standard than provided in the November 7, 2014 Draft Environmental Impact Statement for the Jordan Cove Liquefaction and Pacific Connector Pipeline Projects, which stated on page 3-63: “*The ROD stipulates that non-silvicultural activities in LSR, such as the installation of a pipeline or other utilities, would only be allowed where those activities could be demonstrated to be neutral, or may have benefits for the creation and maintenance of late-successional habitat.*” The 2019 DEIS provides no acknowledgement of or rationale for why the “neutral or beneficial” standard, which is identified as the “general guideline” in the NWFP ROD (at C-16), was omitted from the 2019 “LSR Standard and Guideline”

section. The agency has not provided an explanation for why the standard by which they evaluate the pipeline has changed from the 2014 to the 2019 DEIS, despite the endurance of the NWFP as the controlling document.

It is critical to note that the NWFP ROD anticipated pipeline construction and specifically addresses it at C-17. Hence if pipeline construction was intended to be exempt from LMPs the ROD would have indicated that. The NWFP ROD does not provide for plan amendments that exempt pipeline construction from standards and guidelines pertaining to riparian reserves, survey and manage, soil protections or LSRs. Rather, the ROD anticipated pipeline construction and indicated that it should not be permitted unless the impacts could be mitigated and would achieve a neutral or beneficial result for LSR management. Yet the Jordan Cove DEIS calls for amending forest protection LMP standards that conflict with the financial desires of the project applicant.

Here the pipeline project has not been planned so as “to have the least possible adverse impacts on LSRs.” As will be discussed later in these comments, the Rogue River-Siskiyou National Forest proposed a “Roads Route” action alternative that would have significantly reduced impacts to LSR 227 (managed by the Forest Service) but it was not carried forward for analysis in the DEIS. Instead the proposed action in the DEIS calls for actions that will remove forests and increase habitat fragmentation in the LSR. Hence the project has not been designed to have the least possible adverse impacts to LSRs and the decision maker and the public cannot know the tradeoffs associated with implementing the project in the manner suggested by the Forest Service as having the least possible adverse impacts on LSRs.

The construction, operation, and maintenance of the proposed pipeline project would affect LSRs on Forest Service lands in several ways. It would remove and fragment LSOG forest habitat that some vertebrate and invertebrate species depend on. It would directly affect individuals of species listed as threatened under the ESA through removal of suitable nesting, roosting, and foraging habitat for the NSO.

-Jordan Cove DEIS page 4-520

The habitat removal and modification associated with project implementation would retard the creation and maintenance of late-successional habitat in the LSRs. Mitigation would not result in the project having a neutral or beneficial outcome for LSRs.

Page 4-520 of the DEIS indicates that through forest clearing (clearcutting) and increased forest fragmentation (edge effects) the pipeline project will adversely affect 1,135 acres located on Forest Service LSRs that are intended to be managed to retain and promote late-successional forest habitat. Despite the pipeline’s path through federal lands managed by both the Forest Service and the BLM, LSRs affected are only disclosed for National Forest lands. This is a change from the 2014 DEIS, which provided qualitative data regarding the affects to LSR on both Forest Service and BLM land. Without this data, FERC cannot analyze relevant changes since the last application. The DEIS fails to

provide a reason why the LSR data for BLM land was not included, and without more, the omission is arbitrary and capricious.

Additionally, the LSR mitigation measures that are described in the DEIS establish that the negative impacts of project activities on LSRs significantly outweigh the alleged benefits of the proposed mitigation as disclosed in the DEIS.

In our comments on the 2014 Plan Amendment DEIS we raised a number of issues concerning LSR management and function on BLM lands impacted by the project. We include those comments as italicized below. Please note that the 2019 DEIS fails to contain even the cursory information regarding cumulative BLM and Forest Service LSR function that was at issue in the 2014 DEIS.

*Page 4-188 of the DEIS indicates that the pipeline project will adversely impact 198 acres of **LSR 223** managed by the Roseburg District BLM. Page 4-189 then concludes:*

There are no proposed amendments to reallocate Matrix lands to LSR 223 in the BLM Roseburg District. This is due primarily to the lack of suitable LSOG forest habitat in the Matrix near the LSR and the pipeline. There is, however, a proposed amendment to reallocate Matrix lands to LSR 223 in the Umpqua National Forest, which borders the east side of the BLM Roseburg District.

In other words, the DEIS indicates that the pipeline project will directly harm LSR function on Roseburg BLM lands in a portion of the landscape that has been so heavily fragmented by past federal and private logging that no LSOG habitat of value exists near the planning area that can mitigate for the additional loss of LSR habitat. Converting unlogged LSOG habitat in the Umpqua National Forest to the LSR land use allocation will not mitigate or resolve the severe fragmentation and habitat loss problems associated with BLM management of the “checkerboard” land use pattern in LSR 223. Please also note that the DEIS fails to disclose whether or not the matrix land that will be converted to LSR on the Umpqua National Forest was likely to be logged. Given survey and manage requirements and wildlife, recreation and ACS objectives, it is highly likely that the Umpqua National Forest would continue to manage the matrix LSOG as LSOG for the foreseeable future. As the DEIS repeatedly states, very little LSOG has been converted to fiber plantations since the inception of the Forest Plan. Are survey and manage species present in the matrix lands at issue? It may be that the pipeline proposal calls for logging BLM LSR habitat in a highly fragmented landscape (in which such habitat is disproportionately valuable to LSOG associated species) in return for reallocating matrix lands that would not have been logged anyway and which are located significantly away from the impacts associated with the pipeline clearcut logging on BLM lands.

Page 4-530 of the DEIS indicates that (in direct contradiction to the Forest Service proposal contained in the “Roads Route” alternative suggested in their scoping

comments) the pipeline will bisect and fragment habitat across the entirety of **LSR 227** managed by the Rogue River-Siskiyou National Forest while only adding an isolated stand of matrix forest to the LSR. It appears that interior forest habitat essential to the function of LSR 227 will be removed while an isolated parcel well to the north of the bulk of the LSR habitat will be reallocated from matrix to LSR. Page 4-165 of the DEIS acknowledges that constructing the pipeline would result in forest fragmentation:

Fragmentation results in new forest “edges” which play a crucial role in ecosystem interactions and landscape function, including the distribution of plants and animals, fire spread, vegetation structure, and wildlife habitat. New forest edges would affect microclimate factors such as wind, humidity, and light, and can lead to a change in species composition within the adjacent forest or increase invasion by invasive species.

Though the DEIS acknowledges the negative impacts new forest edges cause to wildlife, unlike the 2014 DEIS, which has a section titled “Comparison of Total Direct and Indirect Impacts of the Pacific Connector Pipeline Project and the Beneficial Impacts of Off-site Mitigation Actions on Edge Effect,” the 2019 DEIS does not include any detailed or qualitative analysis regarding edge effects on wildlife, nor does it include any specific mitigation efforts. Rather, the 2019 DEIS speaks of edge effects broadly and recycles the same language, verbatim, into each Forest’s mitigation section, stating “the mitigation measures incorporated into amendments for Survey and Manage species are designed to minimize, maintain or restore the potential for habitat fragmentation, edge effects, and loss of long-term habitats associated with effected species” (DEIS 4-447, 4-458, 4-474). The failure to provide site-specific and cumulative impacts analysis of edge effects represents an arbitrary and capricious omission. Attached to these comments is an article entitled Effects of Habitat Fragmentation on Biodiversity that we hereby submit to the record for this project. The paper discusses and illustrates issues that must be addressed in the NEPA process.

Page 4-520 of the DEIS indicates that a total of 810 acres in LSR 227 will be negatively impacted in the Rogue River NF by the pipeline project. Yet only 522 acres of matrix is proposed for reallocation to the LSR land use allocation. Similarly, 426 acres of LSOG in the LSR will be negatively impacted but only 237 acres of LSOG located in the matrix is proposed for protection as mitigation. Not only does the quantity of LSOG in the reallocation fail to mitigate for the negative impacts to LSOG from the pipeline, but the 237 acres represents a 30 percent decrease in the total amount of LSOG included in the reallocation compared to the 2014 DEIS. These figures make clear that the impacts of the project (including the proposed mitigation) are negative (and not neutral or beneficial) to the achievement of LSR goals and objectives and violate the NWFP.

Please further note that page 4-531 of the DEIS indicates that additional undisclosed LSR acres will be logged and additional forest fragmentation will occur in order to widen existing logging roads in the LSR to facilitate the use of oversized trucks and loads associated with the pipeline project. The impacts, location, and acreage of this proposed additional logging are not analyzed or disclosed in the DEIS.

Please note that page 4-426 of the DEIS indicates that:

Although the Pacific Connector project has been routed to avoid LSOG habitat as much as possible, the project would cause habitat fragmentation within LSR 227. Road decommissioning reduces the edge effects over time by revegetating road surfaces and eliminating road corridors.

In other words the project would result in immediate, significant, additional fragmentation and harm to LSR habitat objectives in return for speculative, future road decommissioning activities that likely would have occurred anyway. Similarly, the project will result in immediate, significant and additional loss of forest habitat located in LSRs in return for the “protection” of some matrix forest stands in which logging might never have occurred anyway due to wildlife, social and watershed objectives.

Page 4-160 of the DEIS indicates that:

Clearing of forested and shrubland areas would be considered a long-term impact because affected areas would not resemble adjacent undisturbed areas for many years to many decades; and, as stated above, clearing of mature forests (e.g., LSOG forest) would be considered a permanent impact.

This statement directly acknowledges that the project will have negative (rather than neutral or beneficial) impacts to LSOG located in LSRs in violation of the NW Forest Plan.

The Project May Increase Fire Hazard in LSRs

Page 4-172 of the DEIS acknowledges that:

Certain activities associated with construction and operation of the Pacific Connector project (such as prescribed burning of slash, mowing, welding, refueling with flammable liquids, and parking vehicles with hot mufflers or tailpipes on tall dry grass) could increase the risk of wildland fires, especially if these activities occur within the fire season.

In a region already prone to wildfire, the Pacific Connector project is not in the public interest. Not only do activities during the construction of the pipeline increase wildland fire risk, but by converting mature forest stands to into a continuous corridor of early seral plant communities, the project increases fire hazard and decreases options for fire management in the LSRs well into the future. The 2014 DEIS acknowledged the increased risk of fire associated with removing mature stands, stating (at 2-59) “the pipeline would create fire suppression complexity by creation of a continuous corridor of early seral plant communities.” Despite the 2014 recognition of increased risk, the 2019

DEIS is devoid of any discussion of this issue. In addition to being inconsistent with the public interest, this is a direct and significant negative impact (as opposed to neutral or beneficial) on the ability of the LSR land use allocation to achieve its management objectives.

Rather than avoid or address the impacts of increasing fire hazard in the LSRs, the DEIS proposes “mitigation” measures that attempt to facilitate fire suppression and fire exclusion. As described in Appendix K: Fire Prevention and Suppression Plan (at 11), the Applicant will “take immediate action to suppress fires using all available manpower and equipment.” Additionally, Appendix R: Prescribed Burning Plan, applies only to the burning of slash created during the project, and does not present any mitigation measures that attempt to offset the increased fire risk created by the pipeline.

It is widely recognized that fire exclusion and fire suppression in fire dependent forests (such as those in southwest Oregon) increases fire hazard and fire severity over time due to changes in forest species and seral composition. Attached to these comments is an article entitled Ecology and Management of Fire-prone Forests of the Western United States that we hereby submit to the record for this project. Despite this generally accepted scientific data, the 2019 DEIS fails to discuss or analyze these issues.

By creating a continuous corridor of early seral vegetation and by facilitating additional fire exclusion and fire suppression through LSRs the pipeline project will increase fire hazard and may contribute to high severity wildfire effects that inhibit the retention of late-successional habitat characteristics.

The Umpqua National Forest is the only land management area that presents mitigation measures that would lower the risk of loss of developing and existing mature stands and other valuable habitats to high-intensity fire, proposing (at 4-450) 228 acres of pre-commercial thinning, 288 acres of commercial thinning and 300 acres of off-site pine removal. However, this represents a drastic decrease in fire risk mitigation on BLM and Forest Service land from the 2014 DEIS (at 2-61), which proposed integrated stand density and fuels reduction on 6,563 acres, pre-commercial thinning on 1,039 acres, and under-burning on 2,035 acres.

A Reasonable Action Alternative for LSR Management Should Have Been Developed

Project proponents and project planners have refused to develop and consider a reasonable range of alternatives that would be consistent with the respective LMPs in the project area. NEPA requires federal agencies to “study, develop, and describe appropriate alternatives to recommend courses of action.” 42 U.S.C. § 4332(2)(E). With an EIS, an agency is required to rigorously explore and objectively evaluate all reasonable alternatives. *See* 40 C.F.R. § 1502.14(a). Please note that page 3-37 of the DEIS indicates that representatives of the Rogue River-Siskiyou National Forest proposed a “Roads Route Alternative” to project planners in which pipeline construction would have

paralleled existing roads and would have avoiding logging, clearing and construction activities within the Late Successional Reserve 227. FERC and the public cannot contrast this reasonable action alternative with the proposed action because project proponents and project planners refused to develop the alternative for consideration in the DEIS. Hence, the tradeoffs, benefits and challenges of implementing the Forest Service proposed alternative on Forest Service managed lands cannot be known. Please further note that the Forest Service is entitled to substantial legal deference in questions of professional judgment concerning management of Forest Service lands and resources. The preferences of project proponents to construct the pipeline directly through Federal LSRs do not relieve FERC of its duty to develop, consider and contrast reasonable alternatives to the proposed action as suggested by the Forest Service during project scoping.

Survey and Manage Forest Plan Amendments Are Significant

The contention on page 4-447 of the DEIS that proposed survey and manage plan amendments are not significant is in error. The proposal to directly impact habitat at 188 known survey and manage sites involving 38 rare species (Appendix F.5) is a major change in management direction and will directly impact a significant number of high value species.

Soil Forest Plan Amendments Are Significant

The DEIS proposes to violate/amend soil standards to facilitate pipeline construction. As acknowledged on page 4-70 the negative effects to soils from project activities that violate the existing forest plans are both significant and “long term.” Many of these negative impacts to soils will occur in previously protected land use allocations such as LSRs, riparian reserves and Key Watersheds. Additional (but unanalyzed and undisclosed) soil compaction will be associated with road widening throughout the project area and yarding activities to facilitate forest clearing. The cumulative impacts of violating existing soil protection standards through clearcutting, pipeline construction, road widening and yarding activities are significant, irreversible and long term.

The Project Will Violate the Aquatic Conservation Strategy

The Pacific Connector proposal would not be compliant with underlying and more restrictive standards and guidelines in the Umpqua, Rogue River and Winema National Forests’ LRMPs that apply to riparian areas. Instead of coming into compliance with these standards and guidelines, NWFP site-specific plan amendments are proposed.

Page 4-77 of the DEIS indicates that the project will remove (clearcut) 30 acres of vegetation located in riparian reserves including 7 acres of mid-seral forest and 8 acres of

LSOG forest stands. The impacts of associated edge effects and yarding activities on riparian reserve management objectives is not disclosed or analyzed.

At 4-238 and 4-239 the DEIS indicates that the project will mitigate harm to ACS and riparian forest resources through road decommissioning, road resurfacing, instream LWD placement and culvert replacement. All of these activities are already occurring on Federal lands within the project area, especially in Key Watersheds and LSRs. The Rogue River-Siskiyou, Umpqua and Winema National Forests have robust track records and foreseeable proposals for all four of these restoration/mitigation strategies. The Medford, Roseburg and Coos Bay BLM Districts also regularly propose and implement these activities. Road decommissioning, road resurfacing, instream LWD placement and culvert replacement would all occur regardless of the Pacific Connector project.

Implementation of the action proposed in the DEIS will violate the LRMPs regarding riparian management and directly harm ACS management objectives while relying on mitigation measures that are common and ongoing regardless of whether the pipeline is constructed or not.

Cumulative and Site-Specific Impacts on BLM lands not considered

The DEIS is devoid of sufficient information and analysis regarding site-specific impacts of the pipeline on BLM lands. This omission not only precludes meaningful analysis of the pipeline's effects on BLM lands, but also renders any cumulative impact assessment impossible. Though the Forest Service provides some analysis of the pipeline on a broader scale, the FS and BLM manage lands within the same watersheds, use the same access roads, and have overlapping land designations. Therefore, without more information regarding the pipeline's impact on BLM land, cumulative impacts addressed by the FS are insufficient and the DEIS fails to meet its burden under NEPA.

The DEIS, rather than providing detailed analysis of the environmental impacts of the proposed pipeline, including both site-specific and cumulative consideration, attempts to reverse the process mandated by NEPA and analyze the project before a sufficiently definite proposal is presented. This is not the procedural role of the DEIS under NEPA and represents an arbitrary and capricious agency action.

Please ensure that we are provided a timely hard copy of the forthcoming BLM and Forest Service RODs.

Thank you for considering these comments and concerns.



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