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October 4, 2023

United States Forest Service
Melvin Bolling, Caribou-Targhee National Forest Supervisor
ATTN: Robbert Mickelsen
Crow Creek Pipeline Project
1405 Hollipark Drive
Idaho Falls, ID 83401

**Subject: State of Idaho Comments for the Crow Creek Pipeline Project Draft
Supplemental Environmental Impact Statement**

Thank you for the opportunity to provide comments on the draft supplemental environmental impact statement (DSEIS) for the Crow Creek Pipeline Project (CCPP). The following comments were developed in coordination with the Governor's Office of Species Conservation (OSC), the Idaho Department of Environmental Quality (DEQ), the Idaho Department of Parks and Recreation (IDPR), and the Governor's Office of Energy and Mineral Resources (OEMR). OEMR submits these comments on behalf of the State of Idaho pursuant to its responsibility to coordinate all state comments involving energy resources in accordance with Executive Order 2020-17.

OSC Comments

OSC is dedicated to planning, coordinating, and implementing the State's actions to preserve, protect, and restore species listed as candidate, threatened, and endangered under the federal Endangered Species Act. Idaho Code § 67-818. OSC provides the following comments for consideration.

Location	Reference	Comment
1-8	"The scope of this amendment is to change the Forest Plan management prescription to 8.1(b) where a permanent right of way associated with the Project would cross other management prescriptions, as described above. This programmatic amendment would apply to any future management proposals."	The FSEIS should explain whether this new permanent right of way (ROW) opens up this area for future infrastructure development or ROW expansion.
2-9	"In order to control and prevent the spread of noxious weeds, prior to	The project should monitor and address any disturbance

	construction, LVE would prepare a noxious weed control and prevention program to be implemented during construction. This program would be approved by the USFS.”	caused by the project regarding invasive annual grasses and noxious weeds and respond accordingly, not only during construction, but post construction as well.
2-11, 3-34	“For portions of the Project located on State of Idaho endowment trust lands, required design features listed in a Project-specific letter (<u>State of Idaho 2023</u>) would be implemented while within IHMAAs (currently managed as PHMAAs).”	This underlined letter is not found in the SDEIS. Please provide this letter for review.
3-21	“The GRSg is a USFS Sensitive Species, and a state protected game bird managed in accordance with <u>the Idaho Governor’s Greater Sage-Grouse Conservation Strategy – 2017</u> and the Idaho 2021 Plan: Policy for Managing Greater Sage-Grouse in Idaho (State of Idaho 2021).”	This underlined reference should be corrected to the Idaho State Board of Land Commissioners Greater Sage-Grouse Conservation Plan – Updated October 2017.
3-37	GRSG habitat • Potential habitat (WY only) – 16,239 acres • GHMA (currently managed as PHMA) – 476 acres • IHMA (currently managed as PHMA) – 34,771 acres • PHMA – 4,195 • Number of occupied leks - 7	This information is incorrect. GHMA is not managed as PHMA with a tripped trigger. Adaptive management triggers only affect management in PHMA and IHMA.
3-50	Section 3.6 discusses conformance with applicable laws, regulations, policies and executive orders.	It is not stated here, but this list seems like federal conformance. If the list is displaying only federal conformance, it should clarify that. If not, the list should enter other laws, regulations, policies and executive orders, including the following: • Idaho Executive Order 2022-03 for the updated 2021 Idaho Sage-grouse Management Plan and Idaho Sage-Steppe Mitigation Principles document. • The list does not mention the State Board of

		Land Commissioners Greater Sage-Grouse Conservation Plan - Updated October 2017
4-2	Section 4.1.3 Federal, State, and Local Agencies.	The ID Office of Species Conservation should be added to the list based on working with the USFS on Sage-grouse information for this SDEIS document.
5-4	Citations	Since the SDEIS mentions the 2021 Idaho Plan in several places, we recommend adding the following citation: State of Idaho 2021a. Idaho 2021 Plan: Policy for Greater Sage-Grouse Management in Idaho (Attachment1_2021IdahoPlan-FINAL.pdf)

OSC Global Comments on the Greater Sage-Grouse Standards/Guidelines: The DSEIS should add discussion about these three Standards/Guidelines in the 2015 U.S. Forest Service Greater Sage-Grouse Plan that are not currently mentioned in the DSEIS.

GRSG-GEN-ST-005-Standard: In priority, general, and important management areas and sagebrush focal areas, only allow new authorized land uses if, after avoiding and minimizing impacts, any remaining residual impacts to the greater sage-grouse or its habitat are fully offset by compensatory mitigation projects that provide a net conservation gain to the species, subject to valid existing rights by applying beneficial mitigation actions. Any compensatory mitigation will be durable, timely, and in addition to what would have resulted without the compensatory mitigation as addressed in the Mitigation Framework (Appendix B).

GRSG-LR-SUA-ST-013-Standard: In priority and important habitat management areas and sagebrush focal areas, restrict issuance of new lands special-use authorizations for infrastructure, such as high-voltage transmission lines, major pipelines, distribution lines, and communication tower sites. Exceptions may include co-location and must be limited (e.g., safety needs) and based on rationale (e.g., monitoring, modeling, or best available science) that explicitly demonstrates that adverse impacts to the greater sage-grouse will be avoided by the exception. If co-location of new infrastructure cannot be accomplished, locate it adjacent to existing infrastructure, roads, or already disturbed areas and limit disturbance to the smallest footprint or where it best limits impacts to the greater sage-grouse or its habitat. Existing authorized uses will continue to be recognized.

GRSG-LR-SUA-GL-019-Guideline: In priority management areas and sagebrush focal areas, outside of existing designated corridors and rights-of-way, new transmission lines and pipelines should be buried to limit disturbance to the smallest footprint unless explicit rationale is provided that the biological impacts to the greater sage-grouse and its habitat are being avoided. If new transmission lines and pipelines are not buried, locate them adjacent to existing transmission lines and pipelines.

DEQ Comments

DEQ is committed to protecting human health and the quality of Idaho’s air, land, and water in accordance with Idaho Code Title 39, Chapter 1. DEQ provides the following comments for consideration.

Location	Reference	Comment
1-5 to 1-8	Table 1.5-1	For clarity and consistency, under the column title “STATUS OF PERMIT OR APPROVAL ACTION,” it is suggested to use uniform language. For example, “Pending after ROD” or “Approved with the signing of the ROD” should each be changed to “Approval pending signing of the ROD.”
1-6	Table 1.5-1, “U.S. Environmental Protection Agency”	In Table 1.5-1 under U.S. Environmental Protection Agency, the status indicates the “permit must be obtained prior to discharge of storm water” under the NPDES program. However, in 2018 Idaho took primacy of this program, and general and individual stormwater permitting in 2021. Permit requests should be submitted to the Idaho Pollution Discharge Elimination System program through IDEQ.
1-7	Table 1.5-1, “Idaho Department of Environmental Quality”	In Table 1.5-1 under Idaho Department of Environmental Quality (IDEQ), the status column indicates the 401 Certification is pending. In 2022 IDEQ supplied a waiver for this project. If needed, IDEQ can supply this waiver letter. Permit status can be changed to reflect that listed for the U.S. Army Corps of Engineers 404 permit status.
2-4	Section 2.2.2.4, “Restoration of Construction-Related Disturbance”	The description of restoration of vegetation in the disturbed areas indicates the use of riparian plants that were stockpiled in the process of preparing for construction. Also, any restoration seed mixes used on NFS lands would be approved by the USFS. Please add language indicating the use of native plants if the stockpiled riparian vegetation does not survive. See

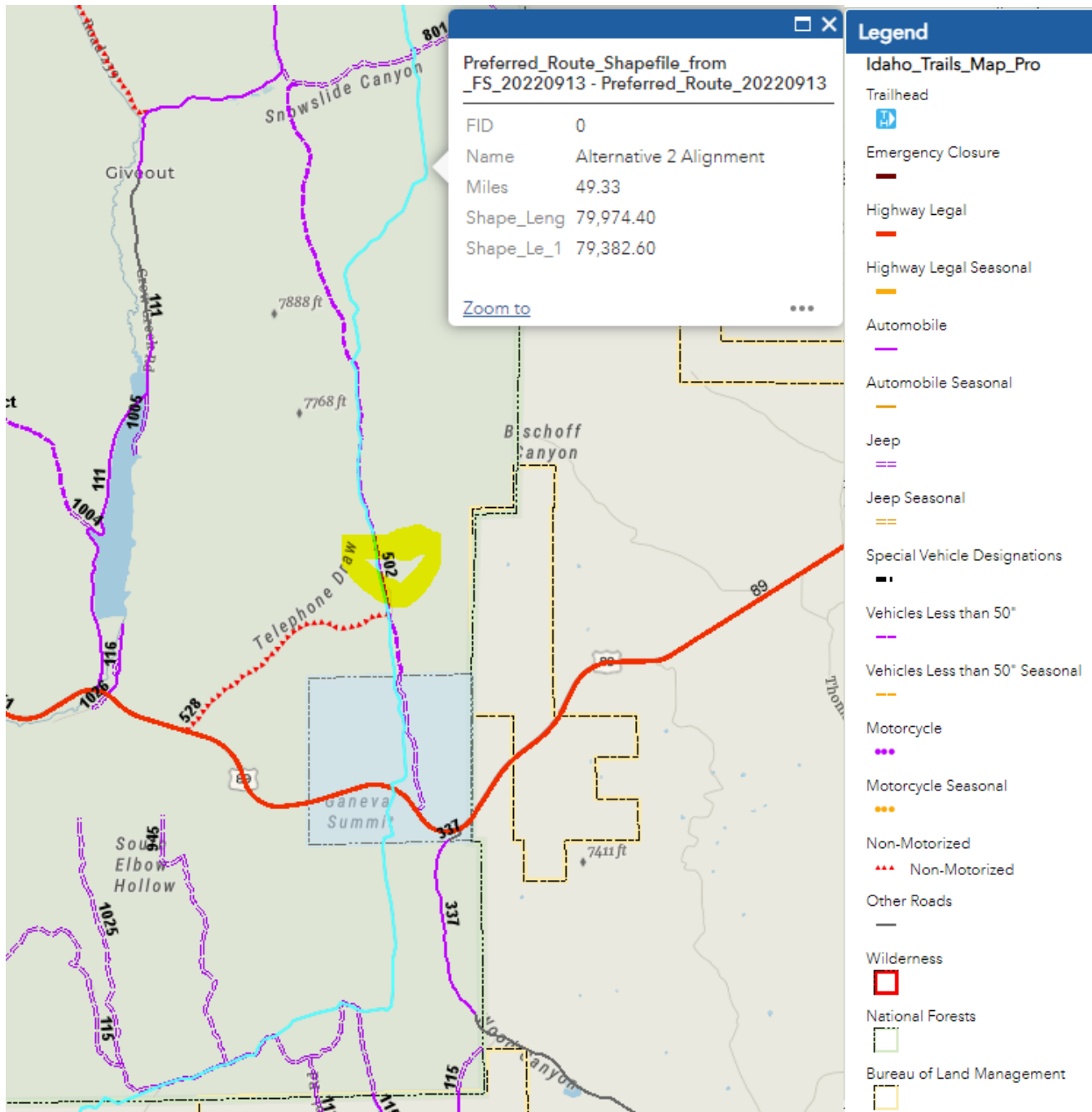
		recommended language below. While this comment is only a suggestion, we would like to see some indication that native plants would be used. <i>Suggested language:</i> “During restoration, riparian vegetation which would be stockpiled prior to construction and may include shrubs and wetland plants would be used to revegetate riparian or wetland areas. Native plants would be supplemented if the stockpiled vegetation does not survive.”
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IDPR Comments

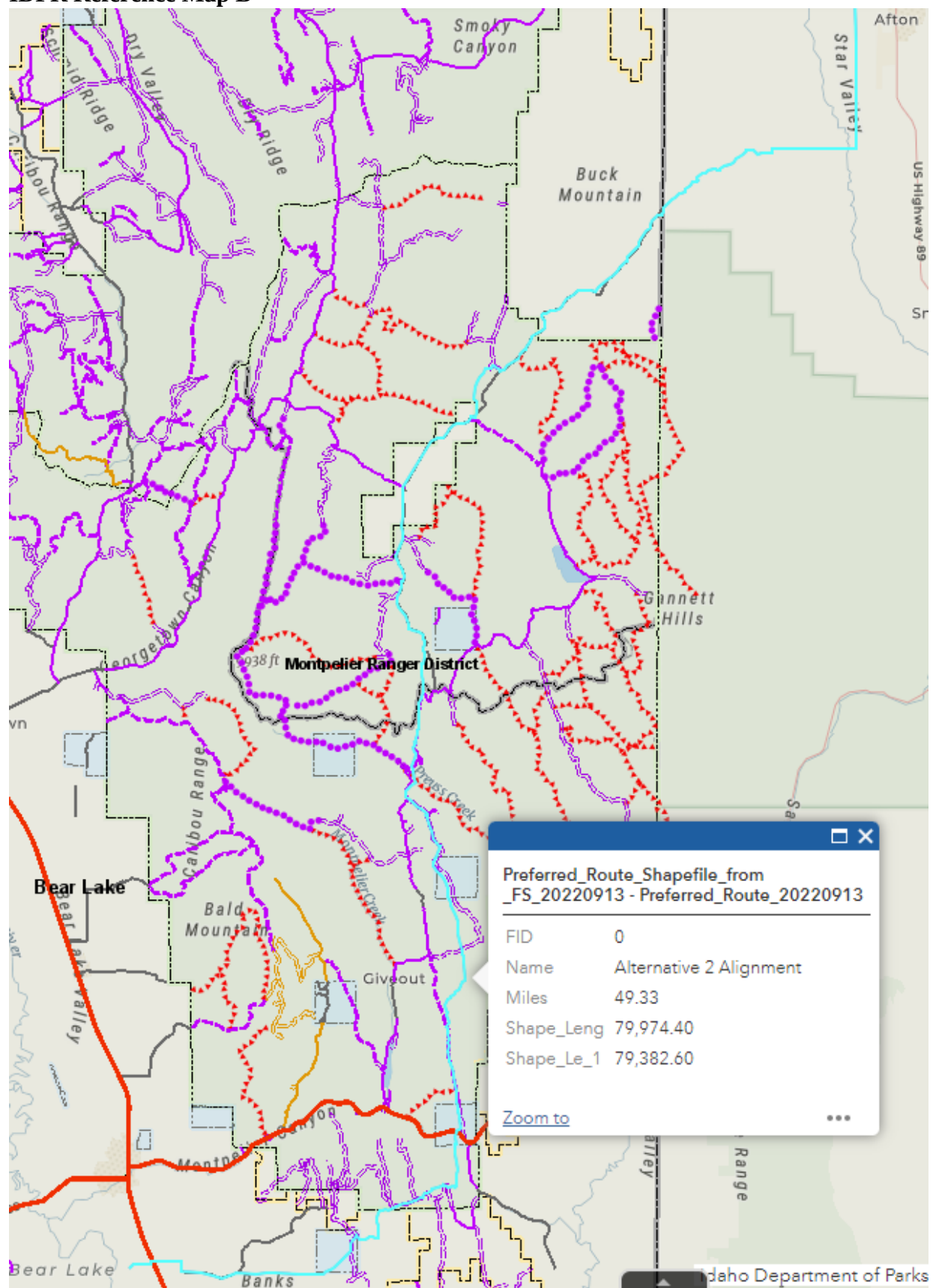
IDPR’s mission is to improve the quality of life in Idaho through outdoor recreation and resource stewardship in accordance with Idaho Code Title 67, Chapter 42. IDPR provides the following comments for consideration.

Location	Reference	Comment
Global	Global	The proposed revised pipeline route was analyzed with consideration for recreational use stakeholders' perspective. Of greatest concern is the concurrence of the pipeline route with a portion of a NFS Trail managed as TC3 motorized <50", Geneva Summit Trail 502. Please reference attached maps A and B for illustrations that include the pipeline route layer applied to a trail map. The remainder of the pipeline route features no other trail-based linear concurrence. However, there may be trailhead access intersections to consider along roadways. While long-term impacts to recreational access do not appear to be at issue, IDPR requests collaborative communication if on-the-ground conditions change during implementation, including information about recreational access restrictions during the project construction and operation. Similarly, Forest Service Recreation Specialists should be kept informed. IDPR welcomes the opportunity to advise and assist, through the East Region office of the Trail Program, in the process of restoration of trailhead access or trail tread if not satisfactorily restored by pipeline contractors as part of project scope.

IDPR Reference Map A and Maps Legend



IDPR Reference Map B



The State of Idaho appreciates the opportunity to submit these comments. Please feel free to contact me directly should you have any questions or need clarification.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Stover". The signature is fluid and cursive, with the first name "Richard" and last name "Stover" clearly distinguishable.

Richard Stover
Administrator
Idaho Governor's Office of Energy and Mineral Resources