

AUGUST 5, 2024

District Ranger Mike Thom
Gardiner Ranger District
Custer Gallatin National Forest
P.O. Box 5
Gardiner, MT 59030

Dear Ranger Thom;

Thank you for this opportunity to comment. Please accept these

additional comments from me on behalf of the Alliance for the

Wild Rockies, Native Ecosystems Council, Center for Biological

Diversity, Yellowstone to Uintas Connection, and Council on

Fish and Wildlife on the proposed Cooke City Fuels Reduction

and Forest Health Project.

Page 3 of the “Cooke City Fuels and Forest Health Project

Comment Packet, including Preliminary Effects” states:

The primary purposes of this project are: 1) to improve public and firefighter safety by reducing fire intensity adjacent to Cooke City, reducing likelihood of wildland fire entering into the wildland urban interface (WUI)¹, increasing fire control probability and opportunities, increasing safety of ingress and egress routes to and from Cooke City and Silver Gate corridors ...

Since protecting the Wildland Urban Interface for wildfires in one of the purposes of the project, please consider moving the powerlines in the project area underground. Undergrounding involves moving powerlines below ground. This nearly eliminates

ignition risk at that location. Undergrounding makes energy transmission system safer, stronger and more affordable in the long run by preventing wildfires caused by powerlines or equipment.

Since putting powerlines underground has been found to be very effective way of preventing wildfires but is also very expensive, please consider having the Forest Service pay to put the power lines underground. Congress appropriate over \$20 billions dollars to the Forest Service between the Build Back Better Infrastructure bill and the Inflation Reduction Act. Paying for the cost of putting power lines underground is a much more effective way of protecting the public from wildfire than logging.

Please see the following article:

Why burying power lines is an effective, but very expensive way to prevent wildfires

<https://www.cnbc.com/2023/10/21/burying-power-lines-for-wildfire-prevention-is-effective-but-expensive.html>

As deadly wildfires have destroyed communities from California to Maui, the nation's largest utility, Pacific Gas and Electric, is making headway on its ambitious goal to move 10,000 miles of power lines in fire-prone areas underground, which would greatly reduce ignition risk.

"We're coming off of a historic drought and those conditions are materially different than the conditions that we saw just 10 short years ago. And so now is absolutely the right time to be taking bold, decisive action with regard to the grid safety," said Jamie Martin, PG&E's vice president of undergrounding.

Five years ago, PG&E's equipment sparked the deadly Camp Fire, which destroyed the town of Paradise, California, and killed 85 people. [The massive liabilities drove the utility into bankruptcy](#), from which it emerged in 2020. But just a year later, in the same county, PG&E's equipment [started another catastrophic fire](#), prompting the utility to [announce its extensive undergrounding plan](#). The utility has undergrounded 350 miles of power lines so far this year, and more than 600 miles since 2021.

While Martin says moving power lines underground reduces ignition risk by 98%, it comes at a steep cost. Data compiled by

the California Public Utilities Commission shows that undergrounding just one mile costs anywhere between \$1.85 million and \$6.1 million, meaning PG&E's total plan would likely be in the tens of billions. The bill would be footed by PG&E's customers, who already face some of the highest rates in the nation.

“If we keep pushing up electricity rates, the most vulnerable of us are not going to be able to pay,” says Katy Morsony, a staff attorney with The Utility Reform Network, a consumer advocacy group that supports a more limited approach to undergrounding.

Since PG&E earns a guaranteed rate of return on capital investments, the utility is inherently incentivized to undertake more expensive infrastructure projects such as undergrounding, explained Morsony and Daniel Kirschen, a professor of power and energy systems at the University of Washington. This is how the utility makes money, not by selling electricity or gas.

“Undergrounding [...] costs a lot of money. It's a large investment. So that would increase the revenue that the utilities collect,” Kirschen explains. “Now, the question is would these other solutions be as effective as those big investment projects? That's where the regulators have to step in.”

PG&E said in a statement that, “In the case of undergrounding, our investors' priorities are aligned with those of our customers and our safety regulators.”

‘Essentially eliminating the risk of ignition’

Although it’s expensive, burying power lines isn’t new. It’s common practice in city centers, where overhead lines would be obstructive, and more common in Europe overall, where cities are denser. Only [about 18% of distribution lines in the U.S. are underground](#), though for both safety and aesthetic reasons, today almost all new lines that are built are buried.

G&E currently has about 27,000 miles of power lines underground, but these are generally not in areas of high wildfire risk. So during storms, when high winds could cause a line to topple over or a tree to fall onto a line, utilities have few good options.

“So one option is to essentially just shut down the power line, because if there is no voltage and no current on the line, there is no chance of this release of energy happening and then there is no chance of an ignition,” explains Line Roald, an associate professor at the University of Wisconsin-Madison whose work includes modeling the risk of wildfire ignition and power outages in the electric grid.

Indeed, PG&E has been implementing [Public Safety Power Shutoffs](#) in California since 2019, affecting millions of people. Hawaiian Electric, the utility that could be found liable for the Maui wildfires that killed at least 98 people, has been criticized for not shutting off power in advance of high wind warnings. If the company is determined to be at fault, it doesn’t have nearly enough money to pay off residents’ damage claims.

Looked at this way, undergrounding is undoubtedly cheaper than dealing with the massive costs of deadly wildfires, and less disruptive than shutting off power completely.

“So for this one-time capital investment, we’re essentially eliminating the risk of ignition from an overhead power line by placing it underground,” Martin says.

PG&E isn’t the only utility that’s interested. [San Diego Gas & Electric](#) has a plan to underground about 1,450 miles of power lines through 2031, while [Florida Power and Light](#) is undergrounding select lines for hurricane protection. [Austin Energy](#) is also exploring undergrounding in the wake of a winter ice storm that caused weeks-long outages, and the [federal government has pledged to provide \\$95 million](#) to Maui to harden its electric grid, [work that could include undergrounding lines](#).

The price of safety

But PG&E’s proposed plan is far more ambitious, and expensive, than any other in the nation. Under this plan, which the CPUC will vote on in November, [PG&E will start by undergrounding 2,100 miles through 2026](#), at a total cost of about [\\$5.9 billion](#).



Construction workers in Arnold, California use a piece of equipment called a rock wheel to dig a trench, so that PG&E can move its power lines underground.

Katie Brigham

But the [CPUC has since released two cheaper, alternate proposals for consideration](#), which greatly cut back on undergrounding. One calls for moving just 200 miles underground and insulating 1,800 miles with covered conductors through 2026, while the other involves undergrounding 973 miles and insulating 1,027 miles.

Both proposals would save money but would ultimately put PG&E's 10,000 mile goal in jeopardy. Plus, PG&E says that insulating lines is only about 65% effective at reducing wild-fire risk, far less effective than undergrounding.

“If a tree falls on a line, the line is going to break and you’re still going to have a risk of a spark and you still have a chance of starting a wildfire, even if the line is insulated,” explains Kirschen.

The Utility Reform Network supports the plan to underground 200 miles, and estimates the cost of insulation to be about \$800,000 per mile, as compared with the \$3.3 million per mile that PG&E spent on undergrounding in 2022.

“By relying more heavily on insulated lines, we can do the work faster and we can deliver that wildfire safety more quickly to those different communities,” Morsony says.

Come November, the CPUC will decide on a path forward for PG&E, with both wildfire risk and customers’ utility bills hanging in the balance.

FAILURE TO REVIEW AND PROTECT CULTURAL AND HISTORICAL RESOURCES

Consultation with the State Historic Preservation Office (SHPO) must be completed prior to a decision being signed.

Any required protection measures provided from SHPO will be incorporated into my final decision.

Crucial to the preservation of the historical and cultural foundations of the nation, Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, 36 C.F.R. Part 800 (PDF) (revised August 5, 2004) require Federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties. Additionally, Federal agencies must provide the Advisory Council on Historic Preservation (ACHP) opportunity to comment on such projects prior to the agency's final decision.

A Federal project that requires review under Section 106 is defined as an "undertaking." An undertaking means a project, activity or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with

Federal financial assistance; and those requiring a Federal permit, license, or approval.

Section 110 of the NHPA

Added to the NHPA in 1992, Section 110 requires Federal agencies to emphasize the preservation and enhancement of cultural resources. Section 110 directs agencies to initiate measures necessary to direct their policies, plans, and programs in such a way that federally-owned sites, structures, and objects of historical architectural or archaeological significance are preserved, restored, and maintained for the inspiration and benefit of the public. The agencies are also encouraged to institute (in consultation with the ACHP) procedures to assure Federal plans and programs contribute to the preservation and enhancement of non-Federally owned sites, structures, and objects of historical, architectural, and archaeological significance. Has the MT SHPO received this survey? The cultural surveys need to be done before the NEPA and NHPA process can be completed,

which has not occurred. The project must be approved by the SHPO and the public needs to be given a chance to comment on this.

Did the Forest Service conduct NEPA analysis (i.e. an EA or EIS) for the Fire Plan the Forest is using for this project? If you don't the project will be in violation of NEPA, NFMA, and the APA.

Which wildlife species and ecosystem processes, if any, does the fire-proofing in the proposed project benefit? Which species and processes do fire-proofing harm?

What is your definition of healthier?

What evidence do you have that this logging will make the forest healthier for fish and wildlife? What about the role of mixed severity and high severity fire – what are the benefits of those natural processes?

How have those processes (mixed and high severity fire) created the ecosystems we have today?

Over how many millennia have mixed and high severity fire have been occurring with- out human intervention?

What beneficial ecological roles do beetles play? You didn't answer this in violation of NEPA, NFMA and the APA.

Can the forest survive without beetles?

Will all WQLS streams in the project area have completed TMDLs before a decision is signed?

Will this project leave enough snags to follow the Forest Plan requirements and the requirements of sensitive old growth species such as flammulated owls and goshawks?

Will this Project exacerbate existing noxious weed infestations and start new infestations?

The Preliminary Assessment that the Forest Service wrote violates NEPA by not taking a hard look at the impacts of the project and does not demonstrate that the project complies with the Forest Plan, NFMA, the APA, the ESA, and the Clean Water Act.

The Forest Service needs to write an Environmental Impact Statement (EIS) or at a minimum an Environmental Assessment (EA) for this project.

According to the attached, National Archives' Code of Federal Regulations:

Environmental document means an environmental assessment, environmental impact statement, documented categorical exclusion determination, finding of no significant impact, record of decision, or notice of intent.

<https://www.ecfr.gov/current/title-40/chapter-V/subchapter-A/part-1508/section-1508.1>

For the Cooke City Vegetation Management project, the Forest Service chose a Preliminary Assessment which is not one of the choices listed above.

The same National Archives website defines the following:

Categorical exclusion means a category of actions that an agency has determined, in its agency NEPA procedures ([§ 1507.3 of this subchapter](#)) or pursuant to [§ 1501.4\(c\) of this subchapter](#), normally does not have a significant effect on the human environment.

Environmental assessment means a concise public document, for which a Federal agency is responsible, for an action that is not likely to have a significant effect or for which the significance of the effects is unknown ([§ 1501.5 of this subchapter](#)), that is used to support an agency's determination of whether to prepare an environmental impact statement ([part 1502 of this subchapter](#)) or a finding of no significant impact ([§ 1501.6 of this subchapter](#)).

Environmental impact statement means a detailed written statement that is required by section 102(2)(C) of NEPA.
Extraordinary circumstances means factors or circumstances that indicate a normally categorically excluded action may

have a significant effect. Examples of extraordinary circumstances include potential substantial effects on sensitive environmental resources; potential substantial disproportionate and adverse effects on communities with environmental justice concerns; potential substantial effects associated with climate change; and potential substantial effects on historic properties or cultural resources.

Major Federal action or action means an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility.

(1) Examples of major Federal actions generally include:

(i) Granting authorizations, including permits, licenses, rights-of-way, or other authorizations.

(ii) Adoption of official policy, such as rules, regulations, and interpretations adopted under the Administrative Procedure Act, [5 U.S.C. 551](#) et seq., or other statutes; implementation of treaties and international conventions or agreements, including those implemented pursuant to statute or regulation; formal documents establishing an agency's policies that will result in or substantially alter agency programs.

(iii) Adoption of formal plans, such as official documents prepared or approved by Federal agencies, which prescribe alternative uses of Federal resources, upon which future agency actions will be based.

(iv) Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic

and related agency decisions allocating agency resources to implement a specific statutory program or executive directive.

(v) Approval of or carrying out specific agency projects, such as construction or management activities.

(vi) Providing more than a minimal amount of financial assistance, including through grants, cooperative agreements, loans, loan guarantees, or other forms of financial assistance, where the agency has the authority to deny in whole or in part the assistance due to environmental effects, has authority to impose conditions on the receipt of the financial assistance to address environmental effects, or otherwise has sufficient control and responsibility over the subsequent use of the financial assistance or the effects of the activity for which the agency is providing the financial assistance.

(2) Major Federal actions do not include the following:

(i) Non-Federal actions:

(A) With no or minimal Federal funding; or

(B) With no or minimal Federal involvement where the Federal agency cannot control the outcome of the project;

(ii) Funding assistance solely in the form of general revenue sharing funds that do not provide Federal agency compliance or enforcement responsibility over the subsequent use of such funds;

(iii) Loans, loan guarantees, or other forms of financial assistance where a Federal agency does not exercise sufficient control and responsibility over the subsequent use of such financial assistance or the effects of the action;

(iv) Business loan guarantees provided by the Small Business Administration pursuant to section 7(a) or (b) and of the Small Business Act ([15 U.S.C. 636\(a\)](#) and [\(b\)](#)), or title V of the Small Business Investment Act of 1958 ([15 U.S.C. 695](#) through [697g](#));

(v) Judicial or administrative civil or criminal enforcement actions;

(vi) Extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the jurisdiction of the United States;

(vii) Activities or decisions that are non-discretionary and made in accordance with the agency's statutory authority; and

(viii) Activities or decisions for projects approved by a Tribal Nation that occur on or involve land held in trust or restricted status by the United States for the benefit of that Tribal Nation or by the Tribal Nation when such activities or decisions involve no or minimal Federal funding or other Federal involvement.

The Forest Service wrote a Preliminary Assessment for the Cooke City Vegetation Management project which is not one of the choices listed above. A Preliminary Assessment is apparently something that the CGNF made up and is not legal since it is not one of the options listed above.

The Forest Service could have chosen to write a CE, an EA, or an EIS but not a Preliminary Assessment. The project is clearly a major federal action so choosing a CE is not an option.

An Environmental Assessment (EA) is prepared to determine if a federal action will have significant impacts and to address unresolved environmental issues. The EA may provide the rationale for a decision on a proposed action. Any action that is not categorically excluded and does not require an Environmental Impact Statement (EIS), has impacts that are uncertain, or has unresolved environmental issues, requires preparation of an EA. In addition, an EA may be prepared to assist planning or decision-making, simplify permit approval or help obtain other necessary legal clearances.

An EIS is used by federal agencies, in conjunction with other relevant information, to plan actions and make decisions. The primary purpose of an EIS is to ensure that a full and fair discussion of all significant environmental impacts occurs and to inform decision-makers and the public of reasonable alterna-

tives that would avoid or minimize adverse impacts or enhance the quality of the human environment.

The Forest Service's failure to provide NEPA analysis in the form of an Environmental Assessment or Environmental Impact Statement violates NEPA and the APA.

The Forest Service's refusal to prepare a full EIS or even an EA for the Cooke City Vegetation Management project violates NEPA and the APA.

Thank you for your attention to these concerns.

Sincerely yours,

Mike Garrity

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And on behalf of:

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and for

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