Responses to Comments in Letter 141 from Curt Leigh, Washington State Department of Fish and Wildlife

Note: The responses listed below are numbered to correspond to the numbers shown in the right-hand margin of the preceding comment letter.

1. The EIS provides a description of wetland impacts consistent with SEPA guidance. SEPA discourages encyclopedic collection of data and encourages information to be concise (WAC 197-11-402). One of the purposes of SEPA is to provide sufficient information to describe principal features of the environment that would be affected by the alternatives, including the proposal (WAC 197-11-440). The EIS describes wetland impacts in terms of the types of vegetation classes that would be affected, including the plant species that would be affected; the approximate area (in acres or square footage) of wetlands that would be affected; the category of the wetland using Ecology's wetland rating system; and the types of functions that would be affected by the proposed action.

   The EIS has been revised to include additional information that is now available regarding proposed mitigation and project impacts as identified in the agreements between the Washington Department of Fish and Wildlife (WDFW) and SE2 and between Ecology and SE2 (see Volume 1, Appendix G). Please also refer to General Response C for additional discussion on how the agreements are incorporated into the Final EIS.

   As disclosed in the EIS, wildlife habitat would be reduced, including loss of habitat for raptors and other notable species. Mitigation measures related to fish and wildlife are outlined in the agreement between the WDFW and SE2.

2. This information was included in the Draft EIS page 3.5-31.

3. With the elimination of the two 115 kV electrical transmission line options from the proposed action, no significant bald eagle habitat would be disturbed. No nests are present within construction and/or operational areas. Should a new bald eagle nest be found, then the applicant would be required to protect it under the Bald Eagle Protection Rules (WAC-232-12-292).

4. SE2 and the WDFW have entered into an agreement stipulating that SE2 will provide WDFW a long-term stormwater control plan (see Volume 1, Appendix G, Exhibit 3). This plan will include provisions to control the quantity and quality (including temperature) of runoff from the site to satisfy the requirements of WDFW to protect fish downstream.

5. The 115 kV transmission lines have been dropped from the proposed action. Therefore the only power transmission stream crossing would be crossing C-S1 over Sumas Creek. Coho salmon are presently a candidate for listing under the Endangered Species Act. Should they become listed, Sumas Creek and its riparian zone would be defined as critical habitat. However, at this time coho salmon are not listed as threatened or endangered and critical habitat defined under 65:32 FR 7764 does not apply.

The agreement between SE2 and WDFW mentioned above (Volume 1, Appendix G, Exhibit 3) stipulates that SE2 will consult and seek consensus with WDFW in the development of a ROW management plan. The agreement also specifies the conditions under which shrub habitat disturbed during gas pipeline or electrical transmission line construction would be replaced. The species, numbers, and diameters of trees to be removed at Sumas Creek Crossing C-S1 are listed in Table 3.5-4 of the EIS. Further details can be included in the ROW management plan if requested by the WDFW. Sumas Creek is small enough that the 25-foot-tall trees that would be allowed to grow according to the clearing specifications in the EIS could provide complete shade to the approximately 6-foot-wide channel. Only trees with the potential to reach over 25 feet tall would have to be removed at this crossing.

The Nooksack crossing is no longer part of the proposed action.

6. The two 115 kV electrical transmission line options are no longer part of the proposed action. Because of this, potential vegetation impacts at the Nooksack River, Johnson Creek, and Bone Creek crossings from the 115 kV transmission lines would not occur. As stated in the EIS, construction of the natural gas line would utilize drilling techniques to cross Sumas, Johnson, and Bone Creeks while avoiding vegetation impacts. In addition, the agreements between SE2 and the WDFW identify construction and operational mitigation measures (See Volume 1, Appendix G.) In the agreements, SE2 also agrees to specific construction procedures for pipelines and the 230 kV electrical transmission line, guidelines regarding staging and access area, creek crossing methods, restoration and revegetation guidelines, ROW maintenance activities, wetland mitigation and buffer requirements, and upland habitat mitigation requirements.

7. The Washington State Gap Analysis Project identified essentially all of western Washington as "core habitat," and the project area is not particularly suitable or important to this species as the comment suggests. Western toads most often occur in forested areas, and the project area is primarily agricultural. Still, the species is assumed to be present. Measures to protect wetlands will also protect western toads and other amphibians.

8. Please see Letter 141, Response to Comment 6 (above).

9. Please see Letter 141, Response to Comment 6 (above).

10. Please see Letter 141, Response to Comment 6 (above).