

**Statement of Art Goodtimes  
County Commissioner, San Miguel County, Colorado  
Before the  
House Natural Resources Committee  
Subcommittee on National Parks, Forests, and Public Lands and Subcommittee on  
Energy and Mineral Resources  
On The West-wide Energy Corridor Process: State and Community Impacts  
April 15, 2008**

Chairmen and Members of the Subcommittees, my name is Art Goodtimes and I am a third-term San Miguel County Commissioner. I am also a board member of the regional Public Land Partnership, and in that capacity last year won two national awards – one from the U.S. Forest Service Chief and another from the Department of Interior -- for our work on partnerships. I also am one of my state's eight board members on the National Association of Counties (NACo) Public Lands Steering Committee, where I am currently chair of the Platform Rewrite Task Force.

Thank you for the opportunity to be here today to provide a viewpoint on state, county government and local community impacts of developing West-wide Energy Corridors as directed by Section 368 of the Energy Policy Act of 2005.

A rural county in the southwest corner of Colorado with a rich gold and silver mining camp history, San Miguel County enjoys the second highest per capita assessed valuation in the state, thanks to a vibrant high-end ski and festival economy in our east end's 14,000 foot mountains and a more traditional oil, gas, uranium and ranching economy in our west end's sagebrush mesas. With Telluride as its county seat and international destination resort, the county wrestles with growth, affordable housing, transportation and environmental quality, like so many politically isolated but economically revitalized communities around the west. We are known throughout the state for our innovative solutions to traditional problems and our deep collaborative involvement with regional partnerships as well as federal and state agencies.

For the past 30 years, San Miguel County has spent considerable time and effort to identify its priorities and ensure that they are carried out. We have formalized these concerns in our Planning Code and Comprehensive Development Plan, and are intimately involved with our federal and state partners in any number of projects and initiatives. In this project, however, the Department of Energy (DOE) has not made any effort to date to consider our concerns or engage us in meaningful consultation.

I am testifying because of concerns regarding impacts to San Miguel County and other public land counties around the west, but also due to concerns with the process as a whole. Though my testimony will focus on issues pertaining specifically to San Miguel County, most of these issues are indicative of problems which need to be addressed everywhere the corridors are proposed for designation. The West-wide Energy Corridors proposed in the agencies' Draft Programmatic Environmental Impact Statement (PEIS) will impact well-established concerns of San Miguel County such as private property

rights, good land use planning, scenic values in a tourist economy, protection of open space and roadless areas, development of renewable energy, and preservation of the imperiled Gunnison Sage-grouse. Though these concerns could have been addressed with proper consultation with the County and the preparation of a comprehensive and well designed PEIS, the DOE's work to date includes many glaring omissions and has left these concerns unaddressed and unevaluated.

Designating corridors to meet our needs to transport energy across the nation is certainly part of a wise planning approach for meeting the need for energy in this nation, but it is only one part, and must be considered in conjunction with considering how we utilize alternate non-foreign energy sources, conserve energy and decrease our reliance on fossil fuels. It is vital that these corridors are located in appropriate places in collaboration with local, regional and state governments, and that their construction and use are also carefully determined with true consideration of their effects on the surrounding areas. Thoughtful planning is the best way to serve the people, build energy independence from the vagaries of foreign markets and protect the natural environment.

A critical component for successful completion of the federal government's responsibilities in designating the West-wide Energy Corridors is consultation with interested parties, which the Energy Policy Act of 2005 explicitly required. San Miguel County was not offered an opportunity for-meaningful consultation. While we received cursory and curiously incomplete notice of the project in 2006 and made a cursory statement based on the little information then provided us, we only happened to learn of the Draft PEIS for the proposed corridors a couple of days before the deadline for comments through emails from a personal friend, Julie Kay Smithson, who is a private property rights advocate in Ohio. After hurriedly submitting initial comments, we met with local U.S. Forest Service officials, whose land is identified in our county as part of the West-wide Energy Corridor project, and after conferring with them submitted late comments to augment the little we knew of the project at that time. Subsequently we brought our County's concerns directly to the Bureau of Land Management (BLM) and DOE at a briefing they made in Washington, D.C. to the NACo Western Interstate Region (WIR) Board of Directors, of which I'm a member. At that meeting and in subsequent emails, DOE and BLM have agreed to come out to meet with the County on April 23 for an initial consultation on this project. Although the upcoming consultation is a positive step, this is not how the process was described by Congress and it is not the way it should have worked.

As you can see, San Miguel County is actively involved in public lands management and yet we were only vaguely aware of this large-scale effort. In my discussion with other counties at NACo and WIR, I learned that many western counties were not aware of this effort, nor had their officials been involved in meaningful consultation on this project. There are undoubtedly other counties, Native American tribes, and interested parties that have not been specifically nor fully apprised of the proposed corridor designations. The corridor segments on federal lands will have to be connected through and, unavoidably impact, state, private, and tribal lands. In response to questions from the press, DOE has indicated that it is addressing local concerns by working with BLM and Forest Service

contacts in certain areas, but that cannot take the place of actual consultation with other affected parties, who have knowledge and concerns that are likely not known to regional federal contacts. And, I can assure you that even those regional contacts never took place in my area. DOE must engage in thorough consultation with all interested parties to avoid and minimize impacts to all lands affected by the proposed corridors.

DOE's failure to depict or consider the inevitable connections of the corridor segments designated on federal lands is another major problem with the Draft PEIS. Obviously, lands between the segments on DOE's maps will have to become part of the corridors. By not showing the likely paths of these corridors, the agencies are preventing affected people as well as local counties and municipalities from understanding the nature or magnitude of these effects and, at the same time, prevented us the meaningful consultation that would have allowed us to avoid the most damaging effects of new utility corridors through our boundaries. San Miguel County has attempted to connect the segments in our county as best we could with this map, prepared by our county GIS department, which we are submitting for the record. And, I must say, the impacts shown on this map are disturbing, to say the least. I have attached the map we created showing what appears to us, with the limited information supplied by the DOE, as the likely path of Corridor Segment 130-274.

Since first hearing of the proposed corridors, we have talked with several local realtors who handle high-end properties and they are very concerned about impacts to property values from designating the corridor through our county, without consultation, as well as the real possibility of losing these properties altogether through later condemnation. The corridor through San Miguel County is proposed as two-thirds of a mile wide and for all uses. Such a wide corridor with hydrogen pipelines, electric transmission lines, and/or oil and gas pipelines could have highly damaging impacts to private property rights, land values, scenic qualities, clean air and water, and recreation opportunities. These are the types of impacts that the agencies should be consulting with interested parties to minimize and should be considering in the analysis they have committed to doing and which is required by the National Environmental Policy Act (NEPA) when making the sweeping changes to the landscapes contemplated in the Draft PEIS.

Further, the placement of the corridors needs to take into account the diverse values of the lands and make every possible effort to avoid sensitive resources such as Gunnison Sage-grouse habitat and proposed wilderness – which are also priorities for many of the people and municipalities in which the agencies are proposing to designate corridors. As stated in the San Miguel County Land Use Code, Article 2, Section 2-16:

It is the policy of the County to identify and protect wildlife habitats for the preservation of wildlife, to encourage land use patterns that avoid disruptions to such habitat, and to prohibit dogs in and adjacent to wildlife habitat areas. It is the policy of the County to protect, enhance, and preserve Gunnison Sage-grouse populations and their habitats. To this end, the County will consider, and, to the extent possible, implement the rangewide and local conservation strategies set forth in the Gunnison Sage-grouse Rangewide Conservation Plan, dated April

2005, and all amendments to the Plan (Colorado Division of Wildlife) when considering land use activities and development that is located within Gunnison Sage-grouse habitat as mapped by the Colorado Division of Wildlife.

The corridor proposed for San Miguel County bisects Gunnison Sage-grouse habitat, as mapped by the Colorado Division of Wildlife. The Gunnison Sage-grouse and its habitat are acutely threatened in our region of the West and, not surprisingly, have become the focus of major conservation efforts by local communities, the State of Colorado and federal agencies. There is significant collaboration underway for study and protection of sagebrush habitat, yet the proposed corridor does not seek to avoid the area, to minimize the impacts to this important habitat, or even to analyze the likely damage that will occur from designating a large corridor that would permit wide-ranging destruction of vegetation.

The proposed corridor also crosses through the Naturita Canyon roadless area, which was actively considered for wilderness designation by Congressman John Salazar and is now being considered for special Forest Service protective status from mining and mineral extraction. The agencies should make every effort to avoid impacting special places such as this. The Draft PEIS should also ensure that projects permitted to be built will use best available technologies and practices to minimize damage, including strict requirements for restoration of disturbed lands using site-specific native species and including noxious weed control plans.

Because of the importance of the County's natural beauty to our economy and quality of life, the San Miguel County Land Use Code, Article 2, Section 2-12, Scenic Quality, sets out the formal County policy to: "preserve the scenic quality of lands within the County for the benefit of its residents and the continued viability of a resort economy that is dependent upon the quality of its rural and natural setting." With respect to uses such as those contemplated in the Draft PEIS, the Code provides (at Subsection 2-1206) that we will "[a]chieve visual quality within areas of existing and future development by...controlling the design and alignment of electricity and phone lines and similar facilities; and, where feasible, requiring such lines to be underground." The Draft PEIS does not identify this inconsistency with the County Code and did not consider burying lines or any other design or alignment requirements to protect the scenic values of San Miguel County. These failures could be addressed in San Miguel County and elsewhere through consultation.

Another critical issue to be addressed is the lack of alternatives in the Draft PEIS. The Draft did not offer any alternative corridor locations or limitations on uses, in spite of San Miguel County's original comment of July 10, 2006, asking that any corridor not cross the Wright's Mesa area in the middle of the county and be routed through the Slickrock area in the sparsely settled West End of our county. Instead, the Draft PEIS proposes to create a wholly new, 3500-foot wide, multi-use corridor, but did not consider an alternative in the West End area, narrowing the corridors, or burying the lines in the Gunnison Sage-grouse habitat. Nor did the agency step back and consider if the new

lines are even needed, or if they could be minimized through increased efficiency or distributed generation.

Additionally, the development of these corridors is an opportunity to provide access to renewable energy, which would be a better reason to have a new line, but there is no indication that renewables transmission is being considered or prioritized. As stated in the San Miguel County Land Use Code, Article 2, Section 2-30:

It is the policy of the County to encourage features in any development that will conserve energy resources and minimize the consumption of energy. Encourage the utilization and incorporation of energy conservation measures, Green Building Standards (pursuant to Board of Commissioner Resolution 2005-44 regarding Prescriptive Energy Code and Green Building Standards), and alternative energy sources, including but not limited to passive solar design, wind generation, geothermal, photovoltaic, hydrogen fuel cells, etc., for all construction in the County.

San Miguel County also has a Comprehensive Development Plan, which states in Section 6.2D, Transportation, Communication, and Utilities, that to “retain the relatively undeveloped character of backcountry areas and maintain the rough and present condition of existing mountain passes and roads to protect their historic character and recreational functions,” the County will “require alternatives to the extension of utility lines, including but not limited to solar, wind or hydropower and fuel cells.” The citizens of Colorado passed an initiative to require use of renewable energy years ago and the State has recently increased that commitment to require twenty percent of our power to come from renewable energy sources by the year 2020. The Draft PEIS needs to evaluate how to support commitments like those made by San Miguel County and the State of Colorado through these corridors. The West will also be a contributor to development of sustainable renewable energy resources. The PEIS must include alternatives that prioritize designation of corridors to support development and transmission of renewable energy, while avoiding damage to other values and resources.

The designation of energy corridors across the West simply cannot be permitted to proceed unless and until these serious concerns are addressed. The agencies need to generate a new proposal and engage in another round of NEPA, which actually fulfills their obligations, by conducting real and meaningful consultation with county governments, which are specifically entrusted with land use decisions under Colorado law, as well as all interested parties, fully disclosing what the corridors will do to all the affected lands, and including alternatives which avoid or minimize impacts to sensitive resources and prioritize improved efficiency, distributed generation, and renewables. Such an approach would ensure that this can be a meaningful and ultimately useful process. The agencies are working from some good principles, but they need to go back and start over with a new Draft PEIS.

I appreciate the interest of two congressional subcommittees in this matter, which indicates the broad scale of issues involved in designating energy corridors and the many

ways that these designations can affect our lands. I hope that the agencies will give due consideration to the legitimate public concerns raised today and throughout this process, especially in light of the attention that you have all focused on it by conducting this hearing. Thank you.