

Northwood Alliance  
6063 Baker Lake Road  
Conover, WI.

To: Secretary of the  
Federal Energy Regulatory Commission  
888 First Street, NE, Room 1-A  
Washington, DC 20426

Re: Comments on the Environmental Assessment dated June 11, 2008 for Au Train  
Hydroelectric Project No 10856-061—MI

Dear Secretary Bose,

**Mission**

The Federal Energy Regulatory Commission regulates and oversees energy industries in the economic and environmental interest of the American public.

Where is the Social Justice in this EA? The equitable access to resources and the benefits from them, a system that recognizes the inalienable rights, adheres to what is fair, honest and moral? A full EIS is required in order to oversee the *full* environmental interest of the public.

1. The National Environmental Policy Act of 1970 requires an Environmental Impact Statement (EIS) analysis of the effects of any major program a federal agency plans to undertake. From an environmental standpoint allowing any change in the SMP of the UPPCO lands has significant impact no matter how one looks at it. **A full study EIS is required for all of the projects proposed by UPPCO.** The 1973 Endangered Species act prohibits construction where an endangered species exists; an EIS is another check to prevent any perceptions that this could be a factor.

We recently have witnessed the State Of Wisconsin DOT propose a highway 12 bypass, in southern Wisconsin. The first notice which came out on the proposed bypass included a draft of scoping which included two public meetings held at the local middle school (after explanation public comments were allowed and were recorded) and an additional meeting to inform a citizens group and the public but not opened to public comment. The meetings were preceded by an open to public viewing of all proposed alternatives on large maps/ boards, with DOT reps answering questions as citizens viewed them. The project manager was in attendance and gave opening remarks. There were two long periods for written comment as well.

2. Any SCOPING DAFT (depends on how one defines components of scoping) for Au Train is wholly inadequate or completely missing. There is nothing in the FERC notice of 12/28/07 that mentions an NEPA process is about to begin/ and or that scoping comments are being sought. FERC should conduct public scoping meetings as a part of this NEPA

process. Restricting public comment to a 30 day written comment period is not adhering to what is fair, honest and moral.

**Omissions and focus:**

The EA seems to drift out of focus in places when FERC makes assumptions that are not a necessary component of an EA. It is not FERC's job to make judgment pro or con on the proposed development but to evaluate the effects that such development may have on the environmental interests of the American Public.

3a. FERC seems to imply in stating that "orderly development" of the project lands that such development is inevitable and would be desired. Is not FERC's main role to here to determine whether proposed activities are?

- \* Consistent with the FERC license.
- \* there any significant environmental impacts from such action.
- \* in the best interest of the American people.

3b. as to the American public, FERC fails to make mention of any protest comments or an environmental concern raised, but does make a comment which is out of the realm of the EA of a socioeconomic nature most likely sourced from developers. The economic nature of the FERC mission is relative to electric rates, not land developers wishes. Were none of the environmental comments from the public of any concern to FERC? This omission of public written concerns is contrary to FERC's mission.

NEPA requires that agencies also consider the effects on project lands from nearby non project lands. This is very relevant as the licensee is planning a major real-estate development on adjacent non project lands. This is not a question of Jurisdiction; environmentally every thing is connected in some way.

Incorrect statement /or needs clarifying:

4a. FERC incorrectly states in the EA that the SMP protects 78.4% of the shoreline by either protecting all activities, or allowing "minimal activity". As many have pointed out in previous comments on these SMPs, the "minimal activities" proposed by the licensee do not constitute protection. These "minimal activities" include things such as trail construction, cutting of enhanced view areas, creations of paths, placement of docks, and even construction of new formal recreation areas. Clearly, many of these things could easily have negative effects on some project resources and values. There are in fact no portions of shoreline where all activity is prohibited, which is needed for protection of sensitive wildlife and their habitats.

4.b We also have a concern on the 600 foot buffer moved to a 200 ft buffer.

A study by H.L. Jones in 1976 on birds shows that fragmentation to smaller islands or parcels of land cause species to have a smaller population. In turn they are then more prone to extinction or extirpation. Loss of habitat is the number one cause of species decline. Many species have a minimal population size and below this level the population

will decline and not recover. (Source: Environmental Science a Global Concern published by McGraw Hill.)

4c. FERC states in the EA that “over the long term, it is anticipated that the dominant wildlife species would be those more accustomed to living in proximity to humans”. You have to be kidding; this has to be a typo. Sure and meanwhile what happens to the species there now? That statement demonstrates a lack of understanding of, and appreciation for, the current undeveloped and remote character of project lands, waters and the ecosystems flora and fauna. That statement raises a major concern and shows FERC’s lack of knowledge of the basic principles of Ecology. How can FERC oversee the environmental interest of the American public when it makes a statement like that? **Further; there are very specific requirements in the license regarding protection of habitat for sensitive wildlife species such as loons and bald eagles.** To simply dismiss these requirements and conclude that these species may be displaced over time by other species that are more tolerant of humans, is outrageous, and also represents a violation of the license.

4d. Many of us have commented many times previously to both FERC and UPPCO that the very brief surveys conducted by an UPPCO consultant (E-Pro) were completely inadequate, and not of sufficient quality upon which to base the SMPs. FERC appears to simply ignore this comment in the EA, and in fact basically accepts and endorses the data supplied by E-Pro, which the SMPs are based on. This is unacceptable, particularly when many of these surveys were as brief as ONE DAY on some projects, and when they also violated protocols recommended by the resource agencies in several aspects.

Our group has individuals in our membership who are students in or work in or teach/taught in the Environmental Science/Ecology/Earth Science and Biology fields. We have more than basic knowledge of proper techniques of sample.

#### **Conclusion:**

5. The main purpose of an EA is to analyze the environmental effects of a proposed action, to determine if any of the effects are, or may be, significant. This EA fails to provide any analysis to support FERC’s conclusion that there are no significant effects. In fact, FERC admits in several sections that it is not possible to adequately assess the significance of effects, as they do not have any information about the proposed development from the licensee. That being the case, they must either obtain that information, or conclude that effects are uncertain, and may be significant. This would lead to the preparation of an EIS, which is the next appropriate step in the NEPA process, when environmental effects are uncertain. This project has a large footprint and needs to be given the due scientific studies required.

With respect,

Steve Hovel, Ecology Consultant  
The Northwood Alliance  
(filed electronically)



Document Content(s)

NWAAUTRAIN.DOC.....1-4