



United States Department of the Interior



FISH AND WILDLIFE SERVICE
110 S. Amity Road, Suite 300
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480

IN REPLY REFER TO:

FWS/R4/ES/058622

October 24, 2014

The Honorable Eddie Joe Williams
Committee on State Agencies
and Governmental Affairs
Arkansas Senate
State Capitol, Room 315
Little Rock, Arkansas 72201

Dear Chair Williams:

Thank you for your October 13, 2014, letter inviting the U.S. Fish and Wildlife Service (Service) to testify before the House and Senate Interim Committees on State Agencies and Governmental Affairs at the November 10, 2014, meeting regarding the proposed Plains & Eastern Clean Line transmission project (Project). As currently proposed, the Project includes the construction and operation of a 700-mile single high voltage direct current line from Texas County, Oklahoma to Shelby County, Tennessee. We believe it is premature to provide testimony on the Project at this time and, therefore, respectfully decline your invitation to appear at the upcoming meeting.

The Department of Energy (DOE) is the lead agency for evaluating the potential environmental effects of the Project under the National Environmental Policy Act (NEPA). In July 2013, the Service, with the Southwest Region serving as the lead region for our agency on the Project, entered into a Memorandum of Understanding (MOU) with the DOE to participate as a Cooperating Agency in the preparation of the EIS for this Project. As a Cooperating Agency, the Service has no authority to determine (or veto) which alternative DOE chooses in its NEPA analysis. Rather the Service provides technical assistance and recommends measures to avoid and minimize impacts to natural resources in accordance with the Service's authorities, while still achieving the objective(s) of the proposed project. The Service is responsible for implementing National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, the Fish and Wildlife Coordination Act and the Refuge Administration Act.

DOE is currently working with the applicant and Cooperating Agencies on a Draft EIS that will identify both a preferred and alternative route(s) for the Project. Under NEPA, the DOE will analyze a variety of routes proposed by the applicant for potential short-term environmental impacts (such as those from construction) and potential long-term environmental impacts of operating and maintaining the transmission line. The DOE will then choose a preferred route and publish this information, along with its analysis, in a Draft Environmental Impact Statement (EIS) for public review and comment. The Draft EIS is scheduled for release by the end of this calendar year. Once released, the Service, other Federal agencies and the public will have an

opportunity to comment on the Draft EIS. Following the comment period, the DOE will complete -their analysis and prepare a Final EIS.

The Service is currently providing DOE with early identification of measures to avoid or minimize Project effects to federally protected species (e.g., the endangered interior least tern and the endangered Indiana bat) and migratory birds within the Project area (e.g., waterfowl that use the Mississippi Flyway for their annual migrations). We are also providing preliminary information on potential effects to National Wildlife Refuges, such as potential impacts to habitat for waterfowl at the Cache River National Wildlife Refuge in eastern Arkansas.

Until the Service receives the specific information contained in the Draft EIS (e.g., the preferred route and possible avoidance and minimization measures), we cannot fully analyze the potential effects to natural resources or recommend specific conservation measures to avoid and minimize these effects. Therefore, the Service believes it would be premature to provide testimony to the Committee on the proposed Project. Once the Draft EIS is publicly available, and after the Service has provided comments to DOE, we would be a happy to meet with you to discuss our evaluation and recommendation(s) regarding our environmental review of the Project.

Thank you for your interest in the matter, and for your dedication to conserving and protecting Arkansas fish and wildlife resources. If you have questions or wish to discuss this further, please contact me at (501) 513-4475. An identical letter has been sent to Representative Andrea Lea.

Sincerely,

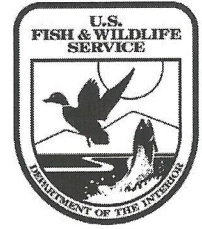


Jim Boggs
Field Supervisor

cc: The Honorable Mark Pryor, United States Senator
The Honorable John K. Hutchison, Arkansas State Representative
Jane Summerson, NEPA Compliance Officer, Department of Energy



United States Department of the Interior



FISH AND WILDLIFE SERVICE
110 S. Amity Road, Suite 300
Conway, Arkansas 72032
Tel.: 501/513-4470 Fax: 501/513-4480

IN REPLY REFER TO:

FWS/R4/ES/058622

October 24, 2014

The Honorable Andrea Lea
Committee on State Agencies
and Governmental Affairs
Arkansas General Assembly
State Capitol, Room 315
Little Rock, Arkansas 72201

Dear Chair Lea:

Thank you for your October 13, 2014, letter inviting the U.S. Fish and Wildlife Service (Service) to testify before the House and Senate Interim Committees on State Agencies and Governmental Affairs at the November 10, 2014, meeting regarding the proposed Plains & Eastern Clean Line transmission project (Project). As currently proposed, the Project includes the construction and operation of a 700-mile single high voltage direct current line from Texas County, Oklahoma to Shelby County, Tennessee. We believe it is premature to provide testimony on the Project at this time and, therefore, respectfully decline your invitation to appear at the upcoming meeting.

The Department of Energy (DOE) is the lead agency for evaluating the potential environmental effects of the Project under the National Environmental Policy Act (NEPA). In July 2013, the Service, with the Southwest Region serving as the lead region for our agency on the Project, entered into a Memorandum of Understanding (MOU) with the DOE to participate as a Cooperating Agency in the preparation of the EIS for this Project. As a Cooperating Agency, the Service has no authority to determine (or veto) which alternative DOE chooses in its NEPA analysis. Rather the Service provides technical assistance and recommends measures to avoid and minimize impacts to natural resources in accordance with the Service's authorities, while still achieving the objective(s) of the proposed project. The Service is responsible for implementing National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, the Fish and Wildlife Coordination Act and the Refuge Administration Act.

DOE is currently working with the applicant and Cooperating Agencies on a Draft EIS that will identify both a preferred and alternative route(s) for the Project. Under NEPA, the DOE will analyze a variety of routes proposed by the applicant for potential short-term environmental impacts (such as those from construction) and potential long-term environmental impacts of operating and maintaining the transmission line. The DOE will then choose a preferred route and publish this information, along with its analysis, in a Draft Environmental Impact Statement (EIS) for public review and comment. The Draft EIS is scheduled for release by the end of this calendar year. Once released, the Service, other Federal agencies and the public will have an

opportunity to comment on the Draft EIS. Following the comment period, the DOE will complete their analysis and prepare a Final EIS.

The Service is currently providing DOE with early identification of measures to avoid or minimize Project effects to federally protected species (e.g., the endangered interior least tern and the endangered Indiana bat) and migratory birds within the Project area (e.g., waterfowl that use the Mississippi Flyway for their annual migrations). We are also providing preliminary information on potential effects to National Wildlife Refuges, such as potential impacts to habitat for waterfowl at the Cache River National Wildlife Refuge in eastern Arkansas.

Until the Service receives the specific information contained in the Draft EIS (e.g., the preferred route and possible avoidance and minimization measures), we cannot fully analyze the potential effects to natural resources or recommend specific conservation measures to avoid and minimize these effects. Therefore, the Service believes it would be premature to provide testimony to the Committee on the proposed Project. Once the Draft EIS is publicly available, and after the Service has provided comments to DOE, we would be happy to meet with you to discuss our evaluation and recommendation(s) regarding our environmental review of the Project.

Thank you for your interest in the matter, and for your dedication to conserving and protecting Arkansas fish and wildlife resources. If you have questions or wish to discuss this further, please contact me at (501) 513-4475. An identical letter has been sent to Senator Eddie Joe Williams.

Sincerely,



Jim Boggs
Field Supervisor

cc: The Honorable Mark Pryor, United States Senator
The Honorable John K. Hutchison, Arkansas State Representative
Jane Summerson, NEPA Compliance Officer, Department of Energy