



ENERGY CORRIDORS/ENDANGERED SPECIES: Groups file suit over electricity pathways, cite ESA concerns

April Reese, *Land Letter* Western reporter

Almost a dozen environmental groups filed suit today over the Department of Energy's designation of a "national interest electric transmission corridor" for the Southwest and Northeast, contending that DOE should have conducted an environmental review of the plan and that development of the corridor could harm scores of threatened and endangered species.

The 10 groups, which include the Center for Biological Diversity, Western Environmental Law Center, National Wildlife Federation, Sierra Club and several East Coast conservation groups, say the corridor could harm 95 federally protected species (Greenwire, Dec. 21, 2007.)

Amy Atwood with the Center for Biological Diversity said the Department of Energy violated the Endangered Species Act by failing to consult with the Interior and Commerce departments about the potential effects of electric transmission lines on habitat for the desert tortoise and other species. Besides the desert tortoise, some of the other species impacted by the corridors are the arroyo southwestern



The federally protected desert tortoise is among the many species environmentalists fear will be adversely affected by the electricity corridors. Photo by William Boarman. Courtesy of the U.S. Dept. of Transportation.

toad, desert pupfish, coastal cactus wren, Quino checkerspot butterfly and peninsular bighorn sheep.

Furthermore, DOE flouted the National Environmental Policy Act by not conducting an environmental analysis of the potential impacts of designating the corridors, which encompass 70,000 square miles, Atwood claimed. "That's important because then they'd have to identify a range of alternatives, and also they'd have to analyze the direct and indirect and cumulative effects," she said.

Environmental analyses would be conducted for individual projects proposed within the designated corridor. But Atwood said a broad analysis at the designation level is also needed to provide a framework for protections as projects are carried out.

Moreover, she said, corridor projects can be approved in one to two years, but challenges to the corridor designation could go on for far longer, so that even if the groups win, it may be too late to prevent harm to habitat.

“The train may have already left the station by the time the groups get any judicial review,” Atwood said.

If a state fails to act on a transmission line application within the corridor area within a year, FERC could step in and use “backstop” siting authority that it was granted in the 2005 act.

DOE on the defensive

Julie Ruggiero, a DOE spokeswoman, said the department is in full compliance with all federal laws. Simply designating the corridor has no environmental impact, she said.

The designations were made after two months of public review and comment, including 60 hours of public meetings held across the country, she added.

Western utilities say the designation of the Southwest corridor is largely unnecessary, because several projects aimed at relieving congestion are already under way (Land Letter, May 3, 2007). Several transmission projects are in the works in the region, including San Diego Gas & Electric’s Sunrise Power Link and SoCal Edison’s Devers-Palo Verde 2 line, which includes part of Arizona.

Ruggiero said there may be signs of improvement in specific areas, but overall, the country will greatly benefit from an expanded corridor system. U.S. demand is expected to increase by 40 percent by 2030, she said. “You have to look at this from a national and regional perspective,” she said. “You can’t just look at each problem in a vacuum.”

Critics have also blasted DOE for potentially violating state rights. The 2005 Energy Policy Act, which directed DOE to designate the corridors to relieve electricity-transmission congestion, gives the Federal Energy Regulatory Commission the power to site transmission lines over states’ objections. The agency can also condemn lands to build the corridors, which encompass 70,000 square miles.

Sen. Bob Casey (D-Pa.) has tried and failed to amend the 2005 law to nix the corridor provision, as have New York Democrats Reps. Maurice Hinchey and John Hall.

DOE finalized the designation of two corridors in early October. The mid-Atlantic corridor includes parts of Ohio, West Virginia, Pennsylvania, New York, Maryland and Virginia

and all of New Jersey, Delaware and the District of Columbia. The Southwest corridor includes parts of Arizona, California and Nevada.

DOE is still considering requests from critics to conduct additional hearings on the corridor designation, Ruggiero said, adding that DOE has extended the review period for those requests but has not set a date for deciding whether to grant them.

Under a separate program, also created by the 2005 energy law, DOE and the Bureau of Land Management are designating a west-wide energy corridor through public lands in 11 Western states. BLM is holding hearings on that proposal around the West this month. For the hearing schedule, [click here](#).

April Reese writes from Santa Fe, N.M.