



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Office of Environmental Policy and Compliance  
Denver Federal Center, Building 56, Room 1003  
Post Office Box 25007 (D-108)  
Denver, Colorado 80225-0007



October 30, 2009

9043.1  
ER 09/1026

Ms. Kristin Kerwin  
USDOE, Golden Field Office  
161 Cole Boulevard  
Golden, CO 80401

Dear Ms. Kerwin:

The U.S. Department of Interior, (USFWS) has reviewed the DEIS for the Abengoa Biorefinery Project, DOE-EIS-407D, Stevens County, Kansas and provides the following comments.

## General Comments

The U.S. Fish and Wildlife Service (USFWS) previously commented on this project in February 2008, December 2008, and June 2009. The project has evolved from an integrated grain-to-ethanol facility to a biomass-to-ethanol and energy facility. For the most part, their concerns have been adequately addressed by the DEIS.

However, their letter dated June 17, 2009, recommended that the proposed transmission line be designed to protect migratory birds and resident and migrant raptors. This recommendation has not been incorporated into the DEIS. They again recommend insertion of the following:

Electrical lines also have been shown to pose the threat of electrocution to large birds of prey which use the poles, cross arms, and wires as perching sites. The design of new lines will use guidelines contained in the 2006 Avian Power Line Interaction Committee's publication, "Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006", to protect raptors and other migratory birds.

Thank you for the opportunity to review the subject document. If you have questions regarding these comments, please contact Michele McNulty of the Kansas Ecological Services Office, at 785 539-3474 extension106.

Sincerely,

A handwritten signature in black ink that reads "Robert F. Stewart". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Robert F. Stewart  
Regional Environmental Officer