

Decision Record

BLM



The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

BLM/WY/RFO

DOI-BLM-WY-030-EA14-149

DECISION RECORD

Decision:2

I reviewed the environmental assessment (EA) associated with this decision, “EA Infrastructure Components: Phase I Haul Road and Facilities, West Sinclair Rail Facility, and Road Rock Quarry, for the Chokecherry and Sierra Madre (CCSM) Wind Energy Project” (EA 1) and the Finding of No New Significant Impact (FONNSI), and it is my decision to select Alternative B - proposed action as described in EA 1. I have determined the impacts of the infrastructure components have been fully analyzed.

This decision conditionally approves three site-specific plans of development (SPODs): Phase I Haul Road and Facilities (SPOD-1), the West Sinclair Rail Facility (SPOD-2), and the Road Rock Quarry (SPOD-3), for the construction, operation, maintenance, and decommissioning of the infrastructure components. The proposed action includes a waiver of the occupancy restrictions for the construction and use of the infrastructure components within the applicable buffer distances (825 feet/1,200 feet) of active raptor nests.

The three infrastructure components are part of the Phase I CCSM Wind Energy Project. If the Bureau of Land Management (BLM) issues a decision approving Phase I, BLM will at that time issue a single wind energy development right-of-way (ROW) authorizing the infrastructure components and the wind turbines for Phase I.

The BLM expects to issue a separate decision about whether and to what extent to approve the Phase I Wind Turbine Development after it completes the National Environmental Policy Act (NEPA) analysis for that element of the CCSM Project. The Notice to Proceed (NTP) for individual SPODs would be issued as permitting requirements are completed.

The infrastructure components represent the initial infrastructure that must be in place prior to constructing the wind turbine generators and associated electric collection and distribution facilities.

Plan Conformance and Consistency:

The proposed action and alternatives meet the standards and direction of the various guiding laws, regulations, and directives that apply, including the Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701).

The CCSM Project, including the infrastructure SPODs, is subject to the BLM’s 2008 Rawlins Resource Management Plan (RMP), approved on December 24, 2008, as amended by the October 9, 2012 CCSM Project Record of Decision (ROD) (BLM 2012a). As discussed in Section 3.6.3 of the CCSM Project ROD (BLM 2012a), the CCSM Project is in conformance with the 2008 Rawlins RMP, as amended.

The CCSM Project (including the infrastructure SPODs) was formulated in conformance with BLM Wyoming Instruction Memorandum (IM) No. 2012-019 regarding Greater Sage-Grouse habitat and sagebrush management and is consistent with the Preferred Alternative (Alternative E) discussed in the Wyoming Greater Sage-Grouse Draft Land Use Plan Amendment and Draft Environmental Impact Statement (BLM 2013a).

The proposed action was reviewed and found to be in conformance with the BLM Rawlins Field

Office (RFO) RMP and ROD, approved December 24, 2008. Consistent with Council on Environmental Quality and Department of the Interior regulations implementing NEPA (40 C.F.R. 1508.28 and 1502.21, and 43 C.F.R. § 46.140(c)), EA 1 tiers to, and incorporates by reference, the information and analysis contained in the CCSM Wind Energy Project Environmental Impact Statement (EIS) and ROD, approved on October 9, 2012. Though the Road Rock Quarry was not analyzed in the CCSM Project Final EIS (BLM 2012b), utilizing the quarry would decrease the number of train and truck trips disclosed in the CCSM Project Final EIS (BLM 2012b) originating from offsite quarries to supply the CCSM Project with road base aggregate. This would reduce the net adverse impacts associated with the project.

The proposed action has been reviewed based on the process set out in the CCSM Project ROD (BLM 2012) for issuing right-of-way (ROW) grant(s). The ROD states that “After the U.S. Fish and Wildlife Service (USFWS) issues letters of concurrence for the avian protection plans (APPs) and eagle conservation plans (ECPs), BLM will incorporate those measures into subsequent NEPA analyses and ROW grants.” See CCSM Project ROD at 1-2. “The BLM will not issue ROW grants for the CCSM portions of the project to PCW until the BLM determines that PCW has developed an adequate Compensatory Mitigation Plan (CMP) for cultural resources and USFWS issues letters of concurrence on ECPs and APPs” (BLM 2012). The USFWS concurrence is dependent on PCW submitting a complete application for an eagle take permit, including an ECP and APP that has all the USFWS required components and is adequate for review of the application. In addition, “To secure the concurrence of the USFWS for APPs and ECPs, which would occur before the issuance of any ROW grant, PCW must be prepared to implement compensatory mitigation measures to offset all anticipated eagle fatalities” (BLM 2012). The PCW must include compensatory mitigation in the ECP in order to secure concurrence and develop an adequate plan. Turbine construction will not be allowed before the USFWS makes its decision regarding an ETP.

The direct take of an eagle from the infrastructure components is not anticipated and as such, the USFWS is not requesting a programmatic take permit for the proposed action. The USFWS is preparing an EIS for an ETP for the first phase of turbine development.

Alternatives Considered:

In addition to the proposed action (Alternative B), the BLM analyzed one other alternative, the No Action Alternative. Under the No Action Alternative, the BLM Authorized Officer would deny approval of ROW grants for the SPODs filed by PCW for the infrastructure components. The No Action Alternative would not support the Federal goals and objectives for developing domestic renewable energy projects on public lands.

Rationale for Decision:

The decision to approve the proposed action was based upon the following: (1) consistency with the BLM Rawlins RMP; (2) national policy; (3) agency statutory requirements; (4) relevant resource and economic issues; (5) applying measures to avoid or minimize environmental impacts; (6) meeting the purposes and need for the project; and (7) applying resource protection mitigation (i.e., ROW terms and conditions). The proposed action was chosen as being the most environmentally sound alternative that meets the purpose and need of the project.

1. This decision is in conformance with the BLM Rawlins RMP.
2. It is the policy of the BLM, as derived from various laws, including FLPMA, to make public land available for renewable energy development and support President Obama’s June 2013 Climate Action Plan.

3. The decision is consistent with all Federal, state, and county authorizing actions required for implementing the proposed action.
4. Economic benefits derived from implementing the proposed action have been considered and analyzed in the EA.
5. Standard terms and conditions, as well as special stipulations would apply, as detailed in Appendix C of the EA.
6. The decision meets the stated purpose and need in the EA without creating adverse impacts to present resources, while protecting resource values in accordance with guiding laws, regulations, and the BLM Rawlins RMP by applying terms and conditions as detailed in Appendix C of the EA.

This decision is a step toward implementing the decision “to accept and evaluate future ROW applications for wind energy development and associated facilities on public lands” as described in the selected alternative of the CCSM Project ROD.

Compliance and Monitoring:

These are fully described in the tiered EA and CCSM Project EIS and are incorporated by reference into the Decision Record (DR).

Scoping and Public Involvement:

Internal Scoping: An interdisciplinary team (ID Team) meeting was held on October 24 and 25, 2013. The ID Team reviewed the infrastructure SPODs, determined issues of concern for multiple resources, assessed the adequacy of the initial assessment in the CCSM Project Final EIS (BLM 2012b), and determined which resources required additional site-specific assessment in the EA. The results of the internal scoping are summarized in Appendix B, and the resources for which additional analysis was determined to be necessary are addressed in the EA.

External Scoping and Public Comments on the EA: Scoping for the infrastructure component EA 1 began on September 9, 2013, when the BLM prepared and issued a press release initiating the public scoping period. On September 23 and 24, 2013, the BLM conducted public scoping meetings to describe the Phase I Haul Road and Facilities, West Sinclair Rail Facility, and Road Rock Quarry infrastructure components, and to receive public comments. The scoping period was originally scheduled to end on October 9, 2013. Due to the Federal Government shutdown, which began on October 1, 2013 and ended on October 16, 2013, the scoping period was extended to November 4, 2013. The BLM published the Scoping Summary Report in January 2014. Issues identified by public comments, as well as by the ID Team, are summarized in Appendix B and addressed in the EA.

The BLM also published an initial copy of the EA for Infrastructure Components for public review and comment. Following that review period (August 11, 2014 to September 10, 2014), the BLM received eight comment documents from agencies and the public. Within those eight comment documents, the BLM identified 33 individual comments, including non-substantive statements, concerns, or recommendations. Appendix F includes a table identifying the individual comments and the BLM responses to those comments. The non-substantive comments, which did not require any changes to the EA, generally expressed support for the project, summarized elements of the proposed project, or identified that the analysis was adequate for assessing potential impacts. Several substantive comments requested changes or

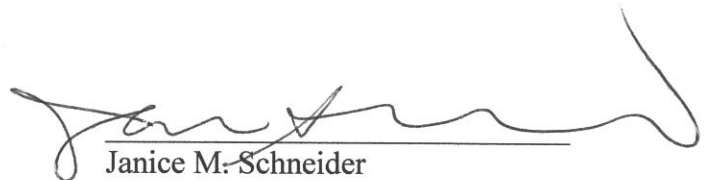
additions to the Decision Record and that additional information from the SPODs be included in the EA. The BLM updated the Decision Record as needed, and the EA incorporates or references the SPODs, which are included as an appendix to the EA.

The BLM received several comments with concerns related to dust generation, impacts to National Scenic Trails and National Historic Trails, and impacts to socioeconomic factors. Impacts to these resources are detailed in the EA text and tiered to the analysis in the CCSM Final EIS (BLM 2012b). Some comments expressed concerns surrounding impacts to wildlife, including the protection of migratory birds and raptors, Greater Sage-Grouse, and big game. The EA text and appendices address these concerns and related measures, reference the CCSM Final EIS (BLM 2012b) that fully analyzes these topics, and incorporate all necessary RMP requirements. The comments also expressed concerns related to aquatic resources. The BLM updated the EA to include information and measures on aquatic resources and water depletions, as identified by the USFWS in the Biological Opinion for the CCSM Project.

Appeal Information:

I hereby approve these decisions. My approval of these decisions constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to appeal under Departmental regulations at 43 CFR Part 4. Any challenge to these decisions, including the BLM Authorized Office issuance of the ROW grant as approved by this decision, must be brought in the Federal District Court.

DATE: 12/23/14



Janice M. Schneider
Assistant Secretary
Land and Minerals Management