

<p>WILLIAM SHAW 411 SOUTH 750 EAST DIETRICH, IDAHO 83324 OPERATOR NOS. 115118, 1100337, 1100077</p>	<p>BRYAN & SHAWNA MCKAY 601A E 750 N JEROME, IDAHO 83338 OPERATOR NO. 1100425</p>	<p>WILLIAM ARKOOSH (ESTATE OF WILLIAM ARKOOSH) 2005 US HWY GOODING, IDAHO 83330 OPERATOR NO. 115003</p>	<p>JAMES M. RITCHIE 1749 EAST 400 SOUTH JEROME, IDAHO 83338 OPERATOR NO. 1105100</p>
<p>ONEIDA FARMS, INC. ATTN: DAVID & BARBARA ONEIDA 372-A NORTH 400 E. JEROME, IDAHO 83338 OPERATOR NO. 1105107</p>	<p>KEVIN & ORALIA GERGEN 2884 STATE HWY. 25 HAZELTON, IDAHO 83334 OPERATOR NO. 1100199</p>	<p>J N LIVESTOCK ATTN: JUSTIN & KARMA POSEY 327 A EAST 400 NORTH JEROME, IDAHO 83338 OPERATOR NO. 1100887</p>	

September 27, 2024

Submitted via email to sbernard@caiso.com and kosborne@caiso.com

Board of Governors
California ISO
P.O. Box 639014
Folsom, California 95630

Public comment letter – General Session, October 4, 2024
Relating to SWIP-N Participating Transmission Owner Decision

Dear CAISO Board of Governors:

Thank you for the opportunity to submit comments relating to the SWIP-N Participating Transmission Owner application.

Commenter:

We are a group of individuals / entities that own and operate yearlong livestock operations within Lincoln County and Jerome County, State of Idaho, which is dependent by use upon, among others, the public lands in the Star Lake Allotment. *See Attachment Nos. 1-2.* Some of these operations can trace their existence back to over 100 years. This group is hereinafter referred to as “Permittees”. Based upon such dependency by use, the Permittees separately own “Base property” (in the form of private land) upon which Grazing Preferences and Permitted Use Animal Unit Months (“AUMs”) within the Star Lake Allotment are attached and through which the Bureau of Land Management (“BLM”) has issued Grazing Permits to the Permittees which annually authorize each of them to graze livestock upon the public lands within the Star Lake Allotment. Two

of these Permittees also hold Idaho State Grazing Leases that permit them to graze livestock upon the unfenced, intermingled Idaho State Land within the Star Lake Allotment.

Beyond the Permitted Use status of the Permittees, the Permittees also enjoy and cherish the custom & culture associated with livestock ranching upon and adjacent to the public lands within, among other allotments, the Star Lake Allotment; enjoy and cherish the solitude of such public lands within, among other allotments, the Star Lake Allotment; and enjoy and use the public lands within and adjacent to, among other allotments, the Star Lake Allotment for a multitude of other purposes like hiking, horseback riding, bird-watching, camping, and other types of recreation.

Given the foregoing, the Permittees hold interests upon and adjacent to the public lands within, among other allotments, the Star Lake Allotment which will be significantly impacted by the SWIP-N Participating Transmission Owner application, inclusive of the proposed Lava Ridge Wind Project in Idaho (BLM's Right-of-Way Serial No. IDI-39174), and the proposed Taurus Wind Project in Idaho (BLM Right-of-Way Serial No. IDI-39380).

Permittees have been intimately involved in the NEPA process associated with the Lava Ridge Wind Project, including the submission of scoping comments on May 4, 2021; comments to the Resource Advisory Council on June 15, 2021; comments to BLM on August 27, 2021; comments to BLM on April 12, 2022 (as related to a comment letter to the MVE dated March 3, 2022); further comments to the Resource Advisory Council on June 14, 2022; comments to BLM on October 4, 2022; comments on October 18, 2022 (relating to "Draft Appendix S"); comments to BLM on April 14, 2023 (as related to comments to the DEIS); supplemental comments to BLM on April 18, 2023 (as related to comments to the DEIS); comments to BLM on May 25, 2023 (as related to an application for geotechnical sampling); and comments to the *Advisory Council on Historic Preservation* ("ACHP") and to BLM dated September, 2024 (as related to the Lava Ridge Wind Project, Final Environmental Impact Statement, DOI-BLM-ID-T030-2021-0015-EIS, dated June 2024 ("FEIS"), and Lava Ridge Wind Project, Section 106 Consultation

As to the FEIS, *Magic Valley Energy, LLC* ("MVE") "is seeking authorization to use ... public lands in southern Idaho to construct, operate and maintain, and decommission the Lava Ridge Wind Project (the project). The project as proposed would consist of up to 400 wind turbines and associated infrastructure, including new and improved roads, powerlines for collection and transmission of electricity, substations, operation and maintenance facilities, and a battery storage facility. The project would have a generation capacity of 1,000 megawatts or more. The final environmental impact statement (EIS) analyzes the following six alternatives:

- Alternative A – No Action, in which the BLM would not authorize construction, operation and maintenance, and decommissioning of the project.
- Alternative B – Proposed Action, which as described by MVE would span 197,474 acres and would have a maximum of 400 wind turbines.
- Alternative C – Reduced Western Corridors, which has a project area of 146,389 acres and a maximum of 378 wind turbines.

- Alternative D – Centralized Corridors, which has a project area of 110,315 acres and a maximum of 280 wind turbines.
- Alternative E – Reduced Southern Corridors, which has a project area of 122,444 acres and a maximum of 269 wind turbines.
- Preferred Alternative – This alternative has a project area of 103,864 acres and a maximum of 241 wind turbines. The BLM identified a Preferred Alternative that combines elements of Alternatives B, C, D, and E, which the BLM examined in the draft EIS. The Preferred Alternative responds to resource impact concerns raised by cooperating agencies and the public through comments on the draft EIS.”

FEIS, “Abstract”; *see* **Attachment Nos. 3, 4** (which are Maps of the Star Lake Allotment); *see also* **Attachment #5** (which is a Map of the six (6) Alternatives considered and assessed in the FEIS relative to the Allotments in the Project Area, including as to the Star Lake Allotment).

Some of the Permittees have also been intimately involved in the NEPA process and Decision-making process with Taurus Wind Project, including a pending administrative appeal the U.S. Department of the Interior, Office of Hearings and Appeals, Board of Land Appeals, IBLA-2023-0196.

Comments:

Under information and belief, in 2021, LS Power (Magic Valley Energy, LLC) proposed the Lava Ridge Wind Project on the footprint of, among others, the Star Lake Allotment. Similarly, in 2021, Taurus Wind LLC proposed the Taurus Wind Project (relative to MET towers) on the footprint of, among others, the Antelope, Sand Butte and River Allotments. It is understood that, among others, these two (2) wind projects would support CPUC’s goals for out-of-state (“OOS”) wind energy from Idaho. Because of its unacceptable impacts, the Lava Ridge Wind Project and the Taurus Wind Project have generated significant opposition locally and nationally and a high level of legal, regulatory and political risk.

For reasons outlined below, we respectfully request the CAISO Board take a “look before you leap” approach to transmission investments by deferring any further approvals of the SWIP-N line until it conducts a comprehensive analysis of legal, regulatory and political risks associated with at least these (2) wind projects in Southern Idaho.

First, see Permittees comments to the Lava Ridge Wind Project, DEIS dated April 14, 2023, which is attached hereto as **Attachment #6**.

Second, see Permittees’ supplemental comments to the Lava Ridge Wind Project, DEIS dated April 18, 2023, which is attached hereto as **Attachment #7**.

Third, see Permittees comments to the Lava Ridge Wind Project, FEIS and Section 106 Consultation dated September 23, 2024, which is attached hereto as **Attachment #8**.

Fourth, see some of Permittees’ comments, in the form of Statement of Reasons, to the Taurus Wind Project dated October 10, 2023, which is attached hereto as **Attachment #9**.

We are hopeful that these comments are informative to you. We reserve the right and opportunity to supplement or modify our comments herein. If you have any questions, please call or write.

Very truly yours,

William Shaw Bryan & Shawna McKay William Arkoosh James M. Ritchie
By William Shaw By Bryan McKay By William Arkoosh By James M. Ritchie

Oneida Farms, Inc.
By Donald J. Louch
Attachments - #1 to #7.

Kevin & Oralia Gergen
By Kevin Gergen
Oralia GERGEN

J N Livestock
By Justin Boep

Attachment #1

Commentors

Permittee and BLM Operator Number	Active Use	Suspended Use	Permitted Use	IDL AUMs	Total AUMs	Percentage of total AUMs
William Shaw Operator No.: 115118	4616	1814	6430	0	6430	39.22%
William Shaw Authorized No.: 1100337	110	40	150	0	150	0.92%
William Shaw Authorized No.: 1100077	264	108	372	0	372	2.27%
Bryan and Shawna McKay Authorized No.: 1100425	448	312	760	0	760	4.64%
William Arkoosh Authorized No.: 115003	2844	1127	3971	0	3971	24.22%
James M. Ritchie Authorized No. 1105100	1250	450	1700	0	1700	10.37%
Oneida Farms, Inc. Authorized No. 1105107	1058	320	1378	411	1789	10.91%
Kevin & Oralie Gergen Authorized No. 1100199	365	94	459	0	459	2.80%
J N Livestock Authorized No. 1100887	330	110	440	322	762	4.65%
TOTAL	11285	4375	15660	733	16393	100%

Attachment #2

Livestock Grazing Permittees in Star Lake Allotment



United States Department of the Interior
Bureau of Land Management
AUTHORIZATION USE BY ALLOTMENT REPORT
ID80709 STAR LAKE



Administrative State ID IDAHO
Administrative Office LLIDT03000 SHOSHONE FO
Allotment Number ID80709
Allotment Name STAR LAKE
Grazing Allotment Y
Allotment Decision N/A
Plan Type AMP IMPLEMENTED
Plan Date 4/1/1973

Authorization Information

Authorization Number	Admin State	Administrative Office	Authorizing Office	Effective Date	Expiration Date	Issue Date	Actual Active AUMS	Actual Suspended AUMS
1105107	ID	LLIDT03000	SHOSHONE FO	11/30/2018	11/29/2028	12/20/2018	1058	320
1101804	ID	LLIDT03000	SHOSHONE FO	04/13/2011	04/12/2021	03/16/2011	6007	2616
1105118	ID	LLIDT03000	SHOSHONE FO	03/01/2020	02/28/2030	02/24/2020	4616	1814
1100337	ID	LLIDT03000	SHOSHONE FO	04/13/2018	04/30/2022	04/19/2018	110	40
1100425	ID	LLIDT03000	SHOSHONE FO	03/01/2014	02/28/2024	03/28/2014	448	312
1100887	ID	LLIDT03000	SHOSHONE FO	12/03/2019	12/02/2029	12/03/2019	330	110
1102934	ID	LLIDT03000	SHOSHONE FO	03/01/2019	02/28/2029	02/05/2019	30	0
1100199	ID	LLIDT03000	SHOSHONE FO	03/01/2016	02/28/2026	02/10/2016	365	94
1105003	ID	LLIDT03000	SHOSHONE FO	03/01/2020	02/28/2030	02/20/2020	2844	1127
1100077	ID	LLIDT03000	SHOSHONE FO	01/01/2020	12/31/2029	02/24/2020	264	108
1105001	ID	LLIDT03000	SHOSHONE FO	03/01/2019	02/28/2029	02/07/2019	448	179
1105100	ID	LLIDT03000	SHOSHONE FO	03/01/2020	02/28/2030	02/10/2020	1250	450
TOTAL							17,770	7,170

Authorization Schedule Information

Allotment Number	Allotment Name	Pasture Name	Auth. No	Livestock Number	Livestock Kind	Period Begin	Period End	Public Land %	Type Use	AUMS
ID80709	STAR LAKE		1100077	47	CATTLE	04/16	09/30	100	ACTIVE	260
ID80709	STAR LAKE		1100199	266	SHEEP	04/01	06/15	100	ACTIVE	133
ID80709	STAR LAKE		1100199	244	SHEEP	11/01	12/30	100	ACTIVE	96
ID80709	STAR LAKE		1100199	24	CATTLE	04/16	09/30	100	ACTIVE	133
ID80709	STAR LAKE		1100337	20	CATTLE	04/16	09/30	100	ACTIVE	110
ID80709	STAR LAKE		1100425	81	CATTLE	04/16	09/30	100	ACTIVE	447
ID80709	STAR LAKE		1100887	1077	SHEEP	04/01	06/15	51	ACTIVE	274
ID80709	STAR LAKE		1100887	20	CATTLE	04/16	09/30	51	ACTIVE	56
ID80709	STAR LAKE		1101804	1087	CATTLE	04/16	09/30	100	ACTIVE	6004
ID80709	STAR LAKE		1102934	50	CATTLE	04/16	09/30	68	CUSTODIAL	30
ID80709	STAR LAKE		1105001	534	SHEEP	04/01	06/15	100	ACTIVE	267
ID80709	STAR LAKE		1105001	451	SHEEP	11/01	12/31	100	ACTIVE	181
ID80709	STAR LAKE		1105003	515	CATTLE	04/16	09/30	100	ACTIVE	2844
ID80709	STAR LAKE		1105100	226	CATTLE	04/16	09/30	100	ACTIVE	1248
ID80709	STAR LAKE		1105107	1229	SHEEP	04/01	06/15	67	ACTIVE	411

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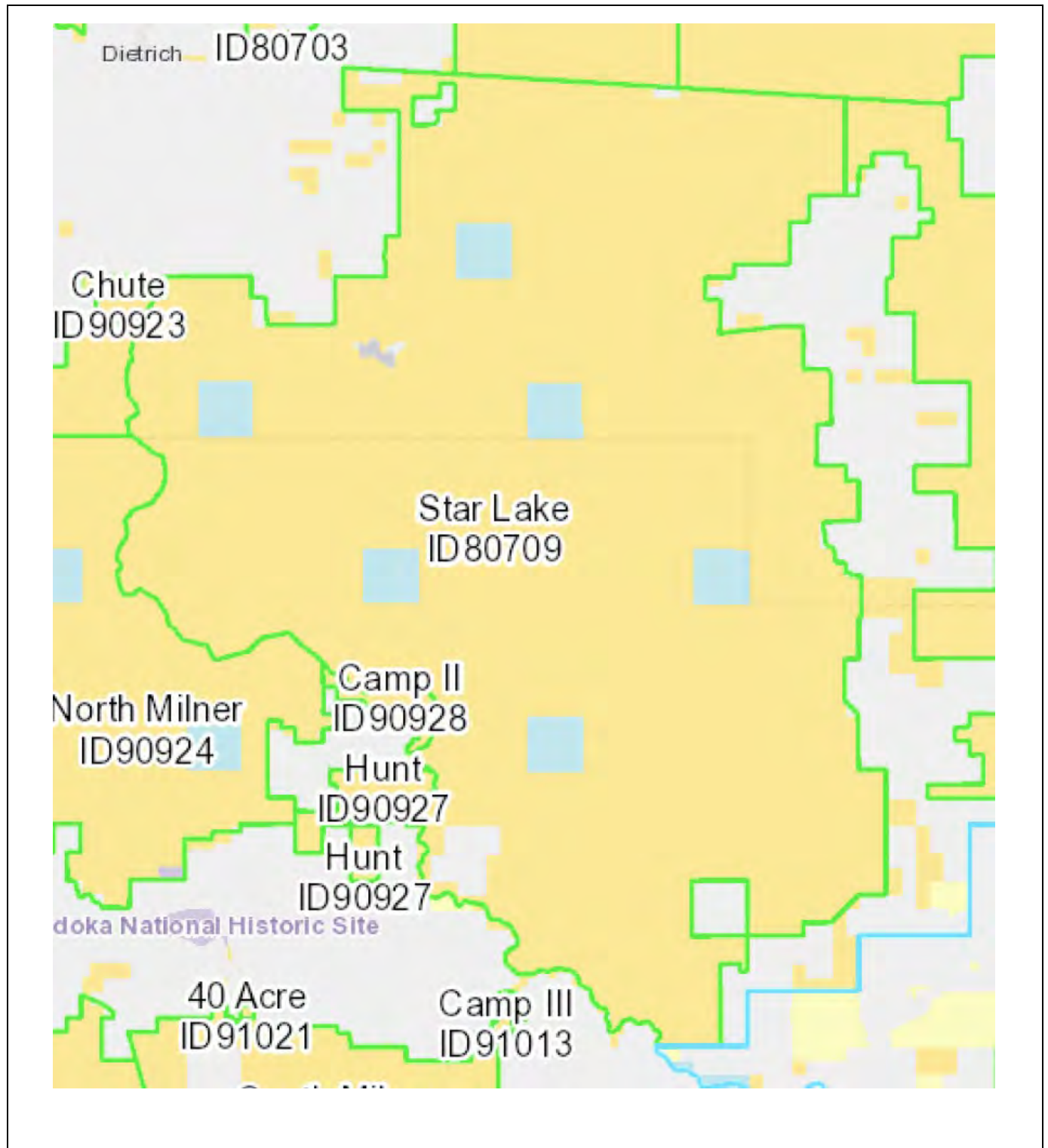
United States Department of the Interior
Bureau of Land Management
AUTHORIZATION USE BY ALLOTMENT REPORT



Allotment Number	Allotment Name	Pasture Name	Auth. No	Livestock Number	Livestock Kind	Period Begin	Period End	Public Land %	Type Use	AUMS
ID80709	STAR LAKE		1105107	139	CATTLE	04/16	09/30	67	ACTIVE	514
ID80709	STAR LAKE		1105107	485	SHEEP	11/01	12/31	67	ACTIVE	130
ID80709	STAR LAKE		1105118	835	CATTLE	04/16	09/30	100	ACTIVE	4612

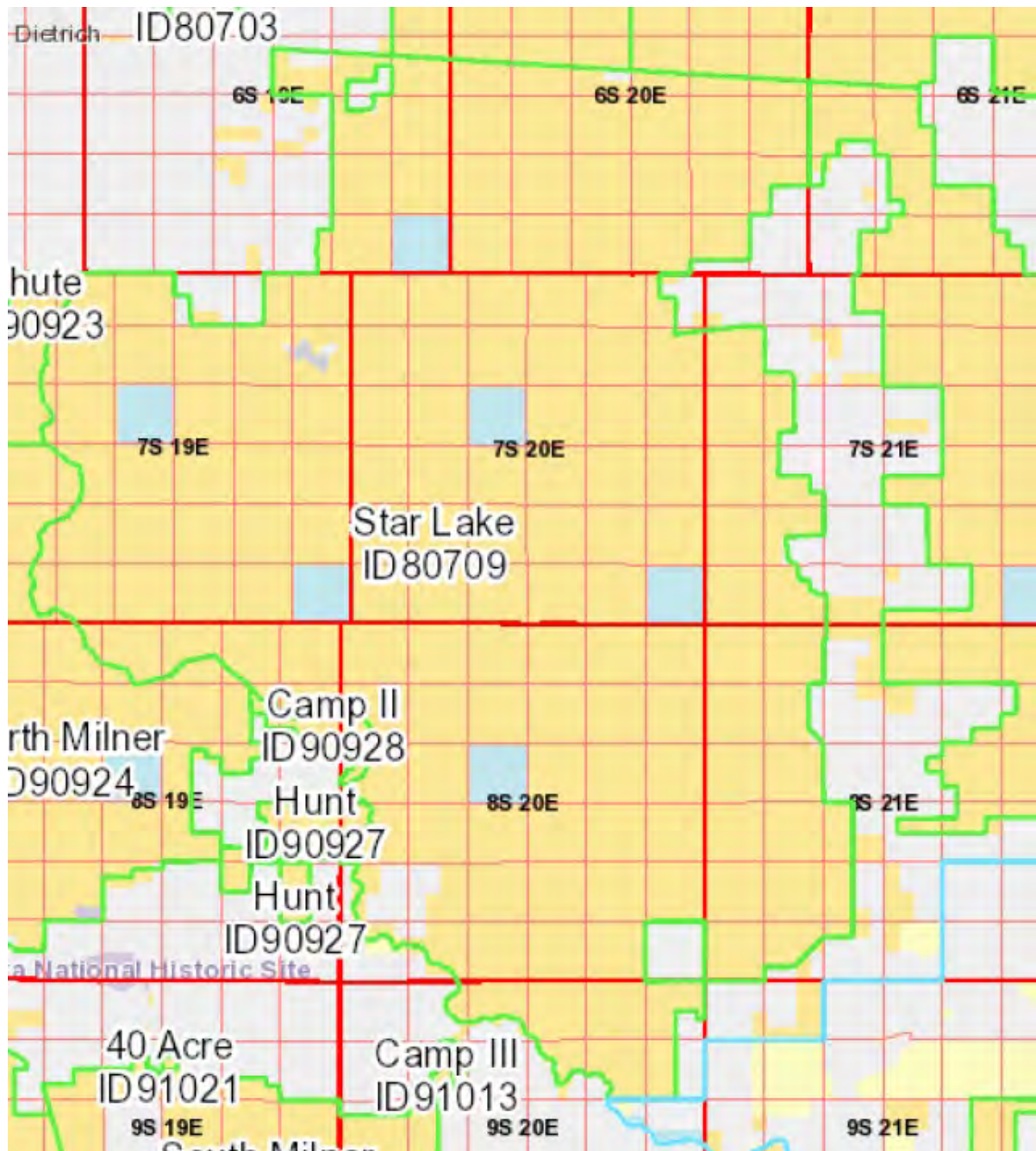
Attachment #3

Map of Star Lake Allotment, with land status



Attachment #4

Map of Star Lake Allotment, with land status and PLSS



Attachment #5

Map of Lava Ridge Wind Project overlayed upon Allotment Boundaries (including the Star Lake Allotment) by Alternative in the FEIS

Note that Lava Ridge Wind Project directly impact (in whole or in part) the Star Lake Allotment in Alternative B, Alternative C, Alternative D, Alternative E, and Preferred Alternative. Only Alternative A (aka No Action Alternative) does not directly impact the Star Lake Allotment

Lava Ridge Wind Project Final Environmental Impact Statement
Appendix 15. Issues Analyzed in Detail and Determined to Not Have Significant Impacts



App15-115

Attachment #6

Permittees' comments to Lava Ridge Wind Project, DEIS dated April 14,
2023

(62 pages)

WILLIAM SHAW 411 SOUTH 750 EAST DIETRICH, IDAHO 83324 OPERATOR NOS. 115118, 1100337, 1100077	BRYAN & SHAWNA MCKAY 601A E 750 N JEROME, IDAHO 83338 OPERATOR NO. 1100425	WILLIAM ARKOOSH 2005 US HWY GOODING, IDAHO 83330 OPERATOR NO. 115003	JAMES M. RITCHIE 1749 EAST 400 SOUTH JEROME, IDAHO 83338 OPERATOR NO. 1105100
ONEIDA FARMS, INC. ATTN: DAVID & BARBARA ONEIDA 372-A NORTH 400 E. JEROME, IDAHO 83338 OPERATOR NO. 1105107	KEVIN & ORALIA GERGEN 2884 STATE HWY. 25 HAZELTON, IDAHO 83334 OPERATOR NO. 1100199	J N LIVESTOCK ATTN: JUSTIN & KARMA POSEY 327 A EAST 400 NORTH JEROME, IDAHO 83338 OPERATOR NO. 1100887	

April 14, 2023

Submitted via BLM_ID_LavaRidge@blm.gov; and via <https://bit.ly/3EirzxD>.

Lava Ridge Wind Project EIS
Attn: Kasey Prestwich, Project Manager
BLM Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352
Telephone: 208-732-7204
Email: kprestwich@blm.gov

Re: Comments to Lava Ridge Wind Project, Draft Environmental Impact Statement, DOI-BLM-ID-T030-2021-0015-EIS, dated January 2023, specific to the Star Lake Allotment (which is within about the north half of Lincoln County, Idaho and which is within about the south half of Jerome County, Idaho).

Dear Kasey Prestwich, Project Manager:

We are in receipt of the Lava Ridge Wind Project, Draft Environmental Impact Statement, DOI-BLM-ID-T030-2021-0015-EIS, dated January 2023 (“DEIS”), relating to the proposed Lava Ridge Wind Project (Right-of-Way Serial No. IDI-39174).

We understand from the BLM’s (undated) cover letter to the DEIS that *Magic Valley Energy, LLC* (“MVE”) is the applicant and submitted an application to BLM on February 21, 2020, to request a right-of-way on the public lands, stating that the “project, as proposed would consist of up to 400 wind turbines and associated infrastructure, including new and improved roads, powerlines for collection and transmission of electricity, substations, operation and maintenance facilities, and a battery storage facility,” adding that the “project’s 500-kilovolt transmission line would interconnect at Idaho Power Company’s existing Midpoint

Substation or at a new substation within the right-of-way corridor of the northern portion of the Southwest Intertie Project.” The cover letter further adds the following:

In preparing the draft EIS, the BLM developed a range of alternatives to address resource conflicts by considering 1) issues raised through the public scoping period and consultation and coordination with participating and cooperating agencies and American Indian Tribes, 2) issues raised by agency resource specialists, and 3) applicable planning criteria. The BLM identified three alternatives to analyze in detail in addition to the Proposed Action and No Action alternatives.^[1]

The BLM identified Alternatives C and E as the agency’s preferred alternatives. In selecting preferred alternatives, the BLM aims to focus stakeholder review of the draft EIS while retaining the ability to consider project elements that balance energy production with reducing the potential for adverse impacts.

The BLM decision maker may select various components from each of the alternatives analyzed in the draft EIS that best meet the purpose and need for the project. The decision maker considers the identified impacts, public comments, and information from cooperating agencies and consulting parties to make a decision that considers resource values and provides for multiple uses.

The BLM encourages the public to review and provide comments on the draft EIS related to the adequacy of the alternatives, analysis of effects, and any new information that would help the BLM disclose potential impacts of the project in the final EIS.

BLM’s (undated) Cover Letter to DEIS.

COMMENTERS:

We are a group of individuals / entities that own and operate yearlong livestock operations within Lincoln County and Jerome County, State of Idaho, which is dependent by use upon, among others, the public lands in the Star Lake Allotment. *See Attachment #1* (list of the individuals / entities within the Star Lake Allotment); *Attachment #2* (list of the Permitted Use within Star Lake Allotment); *Attachment #3* (land status Map of Star Lake Allotment); *Attachment #4* (land status and PLSS Map of Star Lake Allotment). Some of these operations can trace their existence back to over 100 years. This group is hereinafter referred to as “Permittees”. Based upon such dependency by use, the Permittees separately own “Base property” (in the form of private land) upon which Grazing Preferences and Permitted Use Animal Unit Months (“AUMs”) within the

¹ It is separately stated that the “project would have a generation capacity of 1,000 megawatts or more,” and considered and assessed (5) alternatives: (1) Alternative A – No Action, in which the BLM would not authorize construction, operation and maintenance, and decommissioning of the project; (2) Alternative B – Proposed Action, which as described by MVE would span 197,474 acres and would have a maximum of 400 wind turbines; (3) Alternative C – Reduced Western Corridors, which has a project area of 146,389 acres and a maximum of 378 wind turbines; (4) Alternative D – Centralized Corridors, which has a project area of 110,315 acres and a maximum of 280 wind turbines; and (5) Alternative E – Reduced Southern Corridors, which has a project area of 122,444 acres and a maximum of 269 wind turbines.

Star Lake Allotment are attached and through which BLM has issued Grazing Permits to the Permittees which annually authorize each of them to graze livestock upon the public lands within the Star Lake Allotment. Two of these Permittees also hold Idaho State Grazing Leases that permit them to graze livestock upon the unfenced, intermingled Idaho State Land within the Star Lake Allotment.

Beyond the Permitted Use status of the Permittees, the Permittees also enjoy and cherish the custom & culture associated with livestock ranching upon and adjacent to the public lands within the Star Lake Allotment; enjoy and cherish the solitude of such public lands within the Star Lake Allotment; and enjoy and use the public lands within and adjacent to the Star Lake Allotment for a multitude of other purposes like hiking, horseback riding, bird-watching, camping, and other types of recreation.

Given the foregoing, the Permittees hold interests upon and adjacent to the public lands within the Star Lake Allotment which will be significantly impacted by the proposed Lava Ridge Wind Project (Right-of-Way Serial No. IDI-39174) (“Wind Project” or “Project”).

PROPOSAL RELATIVE TO STAR LAKE ALLOTMENT:

The proposed Wind Project, based upon BLM’s two (2) “preferred agency alternatives,” would span effectively all of the Star Lake Allotment under Alternative B, i.e., 197,474 acres, and would have a maximum of 400 wind turbines; and would span effectively 2/3 of the Star Lake Allotment under Alternative C, i.e., 146,389 acres and would have a maximum of 378 wind turbines. The zone of impact is illustrated by Figure 3.9-1 in the DEIS which is cut and pasted below relative to Alternative B and Alternative C.

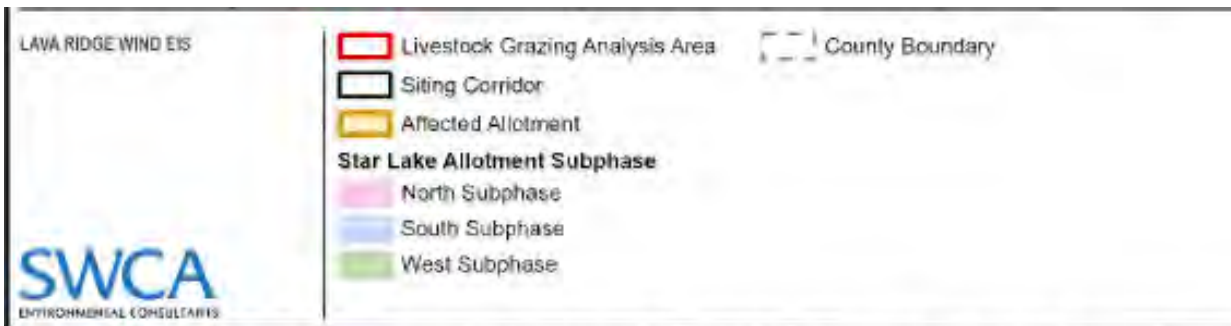


Figure 3.9-1. Livestock grazing analysis area and affected allotments per action alternative.

The DEIS identified in Table 3.9-2 the “Acreage Unavailable for Livestock Grazing during Construction and Decommissioning” under Alternative B and Alternative C (and under Alternative D and Alternative E) as relatively small, stating:

Allotment Name	Alternative B Acres Unavailable (% of allotment)	Alternative C Acres Unavailable (% of allotment)	Alternative D Acres Unavailable (% of allotment)	Alternative E Acres Unavailable (% of allotment)
Sid Butte	15,548.00 (34.9%)	15,548.00 (34.9%)	1,579.00 (3.5%)	15,548.00 (34.9%)
South Miner	18.21 (0.2%)	18.21 (0.2%)	18.21 (0.2%)	0 (0%)
Star Lake	4,915.54 (5.0%)	4,039.29 (4.1%)	4,162.77 (4.2%)	2,478.93 (2.5%)
North Subphase	1,796.47	1,796.47	1,796.47	1,767.49
South Subphase	1,559.66	1,559.66	1,683.14	341.23
West Subphase	1,559.31	683.16	683.16	341.23

However, as explained herein, this illustration is a gross understatement of the “Acreage Unavailable for Livestock Grazing” because it only accounts for the actual disturbed areas, and not true zone of impact, as illustrated in DEIS Figure 3.9-1 (copy inserted above).

COMMENTS ON PROPOSAL RELATIVE TO STAR LAKE ALLOTMENT:

These comments are prepared and submitted to ensure, among other things, that the DEIS considered and assessed the issues advanced by the Permittees’ May 4, 2021, comments (“2021 Comments”), and by the Permittees’ March 3, 2022, comments (“2022 Comments”). The 2022 Comments included specific comments and recommendations with respect to MVE’s January 2022 Draft version of Appendix S (Grazing Coordination Plan). The 2021 Comments and the 2022 Comments were previously submitted to BLM and to the record, as well as many other verbal comments individually or collectively submitted to BLM and to the record by the Permittees.

Summary:

We support Alternative A – the No Action Alternative. Assuming any authorization is granted to approve the Wind Project, we support limiting such authorization to the area and number of wind turbines analyzed by the DEIS under Alternative E – the Reduced Southern Corridors Alternative, with modification as discussed herein. We support Alternative A, and *in the alternative*, Alternative E with modifications, because, as discussed in more detail herein, the DEIS did not: (a) develop an adequate range of alternatives to address resource conflicts, particularly relative to public land livestock grazing upon the Star Lake Allotment; (b) did not consider or assess the “issues raised” through the public scoping period and consultation and coordination with the likes of the Permittees; and, (c) did not consider or assess the applicable land use planning.² These

² The DEIS also lacks transparency by failing to disclose financial incentives that motivate the applicant to advocate for the proposed Project, such as the income potential expected from the Project as well as “green energy” or similar grants, subsidies, and/or tax credits expected to be derived from the Project. The DEIS further fails to adequately disclose the relationship between the proposed Project, other planned wind power projects in the region, and SWIP (the Southwest Intertie Project), as well as the cumulative impacts associated with all these projects together.

shortcomings and failures in the DEIS influenced the consideration and assessment of each and every issue discussed herein, either individually or in combination with interrelated issues.

Permittees are particularly disturbed by the lack of consideration and assessment as to timing in the DEIS. Timing is a material, critical element because it provides the necessary sideboard for how, if at all, the Permittees can sustain their respective livestock operations relative to the actual implementation of the construction phase, rehabilitation phase, operational phase, and decommissioning phase. The lack of disclosure as to the actual timing of each phase makes it effectively impossible for BLM to adequately assess livestock impacts, and also makes it effectively impossible for the Permittees to comment to the actions / mitigations currently considered and assessed in the DEIS.

I. Lack of identified wind resource potential in the Project area. See 2021 Comments, pgs. 4-6.

Summary: The DEIS needs to be revised to verify that a commercially viable wind resource potential exists to support the proposed Project based upon empirical evidence rather than vague claims.

The 2021 Comments noted that there is an “apparent lack of wind potential within the Star Lake Allotment according to the U.S. Department of the Interior itself” and concluded that because “little or no wind potential exists, it seems the project is doomed at the outset.” 2021 Comments, pg. 4. According to a Wind study report by the USDI, “the wind potential to support a Wind Project upon the public lands within the Star Lake Allotment is non-existent in some parts and low in other parts,” 2021 Comments, pg. 5, while areas to the southeast and to the southwest of the Allotment have “Medium” and “High” wind resource potential, 2021 Comments, pg. 6.

The DEIS did not adequately address this issue.

The Project requires a viable wind resource potential to be successful. However, the wind resource potential to support a wind power generation project upon the public lands within the Star Lake Allotment was rated non-existent in some parts and low in other parts according to a 2005 Wind study report by USDI.³ In fact, the DEIS “tiers to the BLM’s *Final Programmatic Environmental Impact Statement for Wind Energy Development on BLM-Administered Lands in the Western United States* (BLM 2005a),” DEIS, pg. 1-7, indicating explicit knowledge by USDI-BLM and by MVE of such wind study report, and such lack of wind resource within the Star Lake Allotment. The 2005 Wind study report found that areas outside the boundary of the Star Lake Allotment, i.e., to the southeast and to the southwest, have “Medium” and “High” wind resource potential. See 2021 Comments, pgs. 4-6.

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³ This Wind study report is documented in the December 15, 2005 “Record of Decision” titled “Implementation of a Wind Energy Development Project and Associated Land Use Plan Amendments” (“ROD-Wind”) issued by the USDI in association with its June 2005 “Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administrated Lands in Western United States” (“PEIS-Wind”).

The DEIS and its supporting documents make some superficial claims that a viable wind resource potential exists to support the proposed Project. The Project's Plan of Development states:

The proposed Project location was selected **based on the quality of the wind resource in the area**, the power markets accessible by existing and planned transmission lines in the area, the availability of suitable land, and the absence of land use constraints such as wildlife management areas, areas of critical environmental concern ("ACECs"), designated wilderness areas, wilderness study areas ("WSAs"), roadless areas, and other restrictive land use designations.

DEIS, pg. 591 [Appendix 1, Plan of Development, pg. 3] (emphasis added). The Plan of Development for the Project also states:

MVE currently has eight (8) temporary pre-construction meteorological towers ("met towers") installed across the Project site **to record wind conditions**. MVE also deployed a LiDAR **to record wind speeds at higher elevations** and confirm other atmospheric conditions suggested by the met tower data.

DEIS, pg. 645 [Appendix 1, Plan of Development, pg. 57] (emphasis added). However, despite these claims, the DEIS fails to disclose, or even to summarize, such purported "wind resource" or data to document that a commercially viable wind resource potential exists to support the proposed Project. The DEIS even admits that:

Site-specific data for wind variability within the project area were not available to the BLM, but it is generally understood that the wind resource varies with topographic features and associated changes in elevation that are present across the project area.

DEIS, pg. 2-17 (bold and underline emphasis added). This is analogous to BLM considering and assessing a FLPMA Road Right-of-Way across the public lands that is surrounded by private land owned by others, i.e., the non-applicant. If the applicant cannot get access across the adjacent private land, then BLM considering and assessing a FLPMA Road Right-of-Way across the isolated public lands is meaningless and a waste of public resources and time. In this case, if there is not a viable wind resource to support the proposed wind Project, considering and assessing a Wind Right-of-Way is meaningless and an entire waste of public resources and time.

The admitted lack of "[s]ite-specific data for wind variability within the project area," DEIS, pg. 2-17, is a fatal flaw in the NEPA process, given that the:

Alternatives were developed using subsets of the Proposed Action siting corridors because the Proposed Action siting corridors were developed considering wind resource data and requirements needed to develop a technically feasible project.

DEIS, pg. 2-1. Given the admitted lack of "wind resource data" and given the best evidence, i.e., 2005 Wind study, has rated the Project area as having non-existent or low wind resource potential for wind power projects, it goes without saying that the proposal is damned before it even gets started. Further, vague statements as to any claimed "wind resource" currently in the POD are inadequate, particularly for NEPA purposes.

II. Land Use Plan violation: The applicable Land Use Plan (the 1986 Monument Resource Management Plan) was not amended by the 2005 ROD-Wind and does not authorize wind projects as amended. See 2021 Comments, pgs. 7-8.

Summary: The DEIS needs to be revised to explain how the proposed Project can be authorized despite the fact that the 1986 Monument RMP was not amended by the 2005 ROD-Wind and the 1986 Monument RMP, as amended, does not authorize wind projects.

The 2021 Comments stated that the applicable land use plan is the 1986 Monument RMP, as amended, by the following documents:

- the Record of Decision dated August 20, 2003, relating to Land Tenure Adjustment and Areas of Critical Environmental Concern (“2003 ROD-Land Tenure”);
- the *Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region* (including the Greater Sage-Grouse Sub-Regions of Idaho and S.W. Montana, Nevada and N.E. California, Oregon, and Utah) dated September 15, 2015 (“2015 ROD-ARMPA”);
- Attachment I to the 2015 ROD-ARMPA dated September 15, 2015, relating to the Idaho and S.W. Montana Greater Sage-Grouse Resource Management Plan Amendment (“2015 Idaho ROD-ARMPA”); and
- the *Idaho Greater Sage-Grouse Record of Decision and Approved Resource Management Plan Amendment* dated March 14, 2019 (“2019 Idaho ROD-ARMPA”), as reaffirmed by the *Idaho Record of Decision for the Greater Sage-Grouse Supplemental Environmental Impact Statement* dated December 30, 2020 (“2020 Idaho ROD-SEIS”).

See 2021 Comments, pgs. 7-8. The 2021 Comments noted that, while there is some uncertainty whether the 2019 Idaho ROD-ARMPA is currently an applicable land use plan amendment because the 2019 Idaho ROD-ARMPA was enjoined from implementation by *W. Watersheds Project v. Schneider*, 417 F. Supp. 3d 1319 (D. Idaho 2019), “such court decision was issued *before* issuance of the 2020 Idaho ROD-SEIS.” 2021 Comments, pg. 8. The 2021 Comments go on to note that even if the 2015 Idaho ROD-ARMPA and/or the 2019 Idaho ROD-ARMPA, as reaffirmed by the 2020 Idaho ROD-SEIS, are currently the applicable land use plan amendments, then the Permittees still don’t find any explicit management direction for wind energy in the 1986 Monument RMP. See 2021 Comments, pg. 8.

The 2021 Comments noted that the applicable Land Use Plan (“LUP”), i.e., the 1986 Monument Resource Management Plan, does not authorize wind projects. 2021 Comments, pg. 7. The 2021 Comments also noted that the 1986 Monument RMP was not amended by the 2005 ROD-Wind that resulted from the 2005 PEIS-Wind. 2021 Comments, pg. 8.

The DEIS did not adequately address these issues.

Under the heading “Conformance with Land Use Plans,” the DEIS states that the applicable land use plan is the 1986 Monument RMP (BLM 1986), as amended, including the 2015 Idaho and Southern Montana

Grater Sage-Grouse Approved Resource Management Plan Amendment (BLM 2015).” See DEIS, pgs. ES-v and 1-2.

The DEIS admits that the 1986 Monument RMP was not amended by the 2005 ROD-Wind at pages 1-7 and 3-7 which report that “BLM (1986),^[4] as amended, was excluded from being amended by BLM (2005b).”⁵ The DEIS attempts to excuse the fact that the 2005 ROD-Wind did not amend the 1986 Monument RMP by explaining that the exclusion of the 1986 Monument RMP from the LUPs that were amended by the 2005 ROD-Wind “could have been for a variety reasons, including that developable wind resources were not deemed present in the area managed by the SFO at that time, or that BLM (1986) was expected to be amended in the near term (and thus analysis [from the 2005 ROD-Wind] would be incorporated into BLM [1986]).” The DEIS therefore concludes that even though the 1986 Monument RMP was not amended by the 2005 ROD-Wind, its associated Best Management Practices (BMPs) and 2005 PEIS-Wind analyses are “relevant for the Lava Ridge Wind EIS.” However, such rationalization does not change the fact that the 1986 Monument RMP does not authorize wind projects and was not amended by the 2005 ROD-Wind.

Given the lack of wind resource and development in the 1986 Monument RMP, the 1986 Monument RMP must be revised as per 43 C.F.R. § 1610.5-6, or *alternatively*, a land use plan amendment must be developed as per 43 C.F.R. § 1610.5-3(c), as a condition precedent to any consideration of the proposed Wind Project.

While, as explained below in the next Section, the Permittees will acknowledge that the 2015 Idaho ROD-ARMPA and/ the 2019 Idaho ROD-ARMPA, as reaffirmed by the 2020 Idaho ROD-SEIS, considered and assessed wind development, *such consideration and assessment was limited as specifically related to sage-grouse management, not as related to the consideration and assessment of all of the public lands and public land resources, including the multiple-uses, upon the public lands*. Neither the 2015 Idaho ROD-ARMPA nor the 2019 Idaho ROD-ARMPA provide the factual or legal land use planning direction under 43 C.F.R. § 1610.5-3 to support the proposal and wind development generally upon the public lands.

III. Land Use Plan violation: The 2021 Comments requested that the Permittees be provided with the most recent sage-grouse habitat maps (at pg. 9) and lek maps (at pg. 11) and noted that “MD RE 1 in the 2015 Idaho ROD-ARMPA requires conformance to the buffers and RDFs even in General Habitat Management Areas, like those that would appear to be within the Star Lake Allotment.” See 2021 Comments, pg. 10.

Summary: The DEIS inadequately considered and assessed the GHMA within the Star Lake Allotment, inclusive of leks. The DEIS is not grounded upon any on-the-ground monitoring of sage grouse within the Star Lake Allotment. Sage grouse exist in the Allotment.

The 2021 Comments stated that, assuming the Star Lake Allotment is within a GHMA, the Permittees note several management directions associated with Wind Energy development within the 2015 Idaho ROD ARMPA which must be followed by any intended Project, as follows:

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⁴ The 1986 Monument RMP.

⁵ The 2005 ROD-Wind.

- Section 2.1.1 -- Special Status Species: Goal SSS 1, 2, 3, 4, 5; Objective SSS 1, 2, 3, 4, 5; MD SSS 27 (Anthropogenic Disturbance); and
- Section 2.2.7 –Renewable Energy (Wind and Solar): MD RE 1 (wherein it is stated that “GHMA (**Idaho**): Designate and manage GHMA as open for wind and solar testing and development and nuclear and hydropower development subject to RDFs and buffers.”)

The Comments added that “[a]ny NEPA process should assess all applicable management direction relative to the intended Project as to the Star Lake Allotment, as well as ensure any authorization documents are in conformity with such management direction as per 43 C.F.R. § 1610.5-3(a).” 2021 Comments, pg. 10; *see also* 2021 Comments, pgs. 9-13.

After submission of the 2021 Comments, Permittees were provided a copy of the recent sage-grouse habitat maps and lek map by the *Idaho Office of Species Conservation* (“OSC”). *See Attachment #5*. The map confirmed that the area within the Star Lake Allotment is currently classified as a “General Habitat Management Area” for greater sage-grouse and stated that there are no known “occupied” leks within the Allotment (although the 3.1 mile buffer around an occupied lek to the N of the Allotment boundary and another occupied lek to the E of the Allotment boundary slightly overlap into the Allotment). *See Attachment #5; see also* DEIS, pg. ES-v (wherein “because the siting corridors are in a General habitat management area (HMA) for greater sage-grouse (*Centrocercus urophasianus*), the area is designated as open to wind energy development per BLM (2015)”).

The DEIS did not adequately address these issues.

The DEIS recognizes that the 2015 Idaho ROD-ARMPA (referenced as BLM 2015 in the DEIS) “established required design features (RDFs) for certain activities in all sage-grouse habitats” including requirements “to avoid certain actions within a specified distance of occupied leks.” DEIS, pg. 3-114; *see also* DEIS, pgs. 3-107 to 3-115. DEIS, Table 3.3-13 at pg. 3-114 lists the applicable distance buffers required for occupied leks that were applied as sideboards for all action alternatives to conform with throughout the DEIS analyses. However, the lek data disclosed in the DEIS is inadequate so as to prescribe the applicable RDFs, inclusive of buffers. Specifically, the DEIS only reports a reliance upon “desktop habitat assessment (WEST 2020) and preliminary consultation with IDFG,” DEIS, pg. 3-112, as the means for conducting aerial and ground lek surveys to “check known lek locations and identify new lek locations,” DEIS, pgs. 3-112 to 3-113. In fact, as to the later, the DEIS reported that “Aerial surveys for new leks were conducted in areas considered potentially suitable sage-grouse habitat and **where known leks had recently been active.**” Emphasis added.

In other words, the surveys the DEIS relied upon only searched for new (or previously undocumented) sage grouse leks near “known lek locations” which were recently active. If new or previously undocumented sage grouse leks are present within other portions of the proposed Project area the aerial surveys that were conducted could not have discovered them because these areas were not searched. Thus, the DEIS considered and assessed the application of RDFs and other sage-grouse related management directions only to previously “know leks” that “had recently been active” not because there are no other active leks within the proposed Project area, but because the survey methodology used to search for undocumented leks failed to survey areas that are distant from the know active leks. *See Attachment Nos. 6, 7*. This eliminated any consideration or assessment of GHMA within the Star Lake Allotment for any leks, whether new, occupied, active, unoccupied, or not previously documented. This skewed the analysis in the DEIS relative to assessing sage grouse habitat use within the project area and in prescribing applicable sage-grouse management direction within (at least) the

Star Lake Allotment. This is particularly concerning given the fact that with respect to sage grouse (among many other resources) the “impacts duration is estimated to be a total of 84 years” (DEIS, pg. 3-102). The duration of the project itself warranted a broader consideration and assessment of the sage grouse habitat and lek locations, whether occupied, active, or unoccupied.

Permittees have observed and documented sage grouse occupying and using habitat within the Star Lake Allotment. **Attachment #8** contains photographs of sage grouse taken in the Star Lake Allotment in the fall of 2021 and 2022 and early winter of 2022. Additional sage grouse observations have been made by the Permittees year-round in areas just south of Star Lake and near 26 Mile Lake, including observations in the spring period. Because these observations include sightings made during the breeding season, it is reasonable to expect that undocumented lek(s) exist within the Star Lake Allotment.

In addition to sage grouse, Permittees have observed many other bird species within the Star Lake Allotment, including but not limited to cranes, geese, white swans, ducks, hawks, and eagles that would be impacted by the proposed Project and would be at risk of being killed by spinning wind turbine blades.

IV. Material zone of impact and acreage impacted by construction / decommissioning activities and operational activities of the proposed Project relative to the Star Lake Allotment. See 2021 Comments, pgs. 3-4 and 14.

Summary: The DEIS needs to be revised to accurately disclose and assess the entire “Zone of Impact” that would be affected by the proposed Project; the entire “Infrastructure Disturbance Area” that would be impacted; and, the entire “Work Area Disturbance Area” that would be impacted. To the extent that the DEIS currently underestimates the amount of area impacted within each of these disturbance zones under each action alternative, the DEIS analyses artificially downplay the potential severity of all the impacts that are evaluated therein.

The 2021 Comments asked whether the acreage that would be impacted by the proposed Project was underestimated by the Notice dated 4-5-21 which reported that the “Construction Disturbance Acres” would be only 2,833 acres and the “Routine Operational Disturbance Acres” would be only 926 acres within the Star Lake Allotment. *See* 2021 Comments, pgs. 4 & 14. The 2021 Comments contend that the actual disturbance acres, as well as the material zone of impact, will be significantly larger, potentially impacting the entire Star Lake Allotment. *See* 2021 Comments, pg. 14.

The DEIS did not adequately address these issues.

A. “Zone of Impact” Concept.

The DEIS does not directly address the “zone of impact” concept. Instead, the DEIS discloses in Table ES-1 (DEIS, pg. ES-xi) the total acreage analyzed as “Siting corridors” under each action alternative, as follows: Alt. B = 84,387 acres, Alt. C = 64,367 acres, Alt. D = 47,843 acres, and Alt. E = 49,833 acres. Thus, the material zone of impact associated with the Project is at least as large as these reported Siting Corridor acreages. Page 2-2 of the DEIS states “All action alternatives would site infrastructure in corridors approximately 0.5 mile wide.” In contrast, page 3-201 of the DEIS states “Shadow flicker was modeled ... within 2 miles of the turbine siting corridors.” *See also* DEIS Section 3.16.3, Visual Resources, Shadow Flicker, pg. 3-426. Such modeling anticipates that impacts from Shadow Flicker from the Project can be significant for

up to 2 miles from the centerline of each turbine Siting Corridor, indicating the material zone of impact regarding Shadow Flicker may be as much as 8 times greater than the acreage reported above based on the 0.5 mile Siting Corridor width. Finally, the DEIS discloses in Table ES-2 (Summary of Project Impacts) that with respect to Visual Resources, a moderate degree of visual change is expected within the foreground zone (2–10 miles from the centerline of each turbine siting corridor) with approximately 85 to 90% of visible acres affected (DEIS, pg. ES-xxii). Since essentially the entire Star Lake Allotment falls within 10 miles of a proposed turbine siting corridor, the entire Allotment is within the material zone of impact with respect to moderate visual changes anticipated to result from the Project.

The DEIS does not report the amount of “ground disturbance” or “infrastructure disturbance” or “work area disturbance” that is expected to result from the Project within the Star Lake Allotment, but only for the entire Project under each of the action alternatives analyzed. When preparing their 2022 Comments, the Permittees found that 280 of the 400 proposed wind turbines (or 70%) would be located upon the public lands in the Star Lake Allotment. This was confirmed by a handout at the July 28, 2021 meeting for the Project which disclosed that the “Star Lake Allotment contains 280 proposed turbine sites, 48 alternate turbine sites, 148 miles of access roads, 114 miles of collection lines, and 19 miles of 235 kV transmission lines.”

B. Disturbance Areas.

The DEIS reports that the Infrastructure Disturbance area for each turbine is only 0.80 acres (DEIS, pg. 593, Appendix 1, Plan of Development, pg. 5). However, Permittees contend that the actual ground footprint acreages calculated below are more accurate approximations of the Infrastructure Disturbance area for 6-MW and 3-MW wind turbines than the 0.80 acre value reported in the DEIS.

Under Alternative B of the DEIS, it is apparent that up to 280 3-MW turbines or up to 245 6-MW turbines may be constructed within the Star Lake Allotment. The DEIS reports at page ES-ix that the swept area for the largest (6-MW) wind turbines is 246,400 square feet.

The swept area for the newest GE Sierra platform 3-MW wind turbines (with 140 meter rotors) is 165,469 square feet.⁶ The swept area for a wind turbine rotor is slightly smaller⁷ than the ground footprint for a vertical projection of the rotor when spun 360 degrees around the support tower to accommodate every potential wind direction.

The swept area values reported above result in minimum ground footprints for 6-MW and 3-MW wind turbines as follows: 6-MW turbines = $246,400 \text{ sq ft} / 43,560 \text{ sq ft per ac} = 5.7 \text{ acres}$, and 3-MW turbines = $165,469 \text{ sq ft} / 43,560 \text{ sq ft per ac} = 3.8 \text{ acres}$.

(1) Infrastructure Disturbance Area (Routine Operational Disturbance).

Minimum Infrastructure Disturbance for proposed wind turbine sites: Given the ground footprint acreages calculated above, the minimum Infrastructure Disturbance area within the Star Lake Allotment associated solely with proposed wind turbine sites would be as follows:

⁶ Source ~ GE introduces new Sierra platform, next-generation 3 MW onshore wind turbine designed specifically for the North America region | GE News (last checked 4/10/2023 @ 1:20 P.M.).

⁷ The ground footprint is larger since the rotor is offset horizontally from the support tower.

3-MW Wind Turbines: 280 turbines x 3.8 ac per turbine = 1,064 acres; and,

6-MW Wind Turbines: 245 turbines x 5.7 ac per turbine = 1,397 acres.

Minimum Infrastructure Disturbance for *proposed roads*: Based on a handout from the July 28, 2021 meeting for the Project which disclosed that the “Star Lake Allotment contains ... 148 miles of access roads, 114 miles of collection lines, and 19 miles of 235 kV transmission lines,” the minimum Infrastructure Disturbance area within the Star Lake Allotment associated with Project access roads, collection lines, and transmission lines would be as follows:

Access roads = 148 miles x 5,280 ft per mile x 24 ft wide = 18,754,560 sq ft
18,754,560 sq ft / 43,560 sq ft per ac = 431 acres;

Collection lines = 114 miles x 18 structures per mile = 2,052 collection line structures,
2,052 collection line structures x 0.01 ac per structure = 21 acres; and,

235 kV transmission lines = 19 miles x 9 structures per mile = 171 trans. line structures,
171 trans. line structures x 0.06 ac per structure = 10 acres.

Subtotal = 462 acres.

Minimum Infrastructure Disturbance for *proposed project components*: Based upon the distances and widths, or the acreages per structure reported by Table 1-2 of the Plan of Development (DEIS, pg. 593, Appendix 1, Plan of Development, pg. 5), the minimum Infrastructure Disturbance area within the Star Lake Allotment associated with other Project components would be as follows:

Collector Substations = 5 substations x 10 ac per substation = 50 acres;
Transmission Substation = 1 substation x 25.5 ac per substation = 25.5 acres;

Battery Substation = 1 substation x 40 ac per substation = 40 acres;

O&M Facilities = 3 facilities x 46 ac per facility = 138 acres;

ADLS = 4 facilities x 0.25 ac per facility = 1 acre;

Permanent MET Towers = 5 towers x 1 ac per tower = 5 acres;

Groundwater Wells = 6 wells x 0.10 ac per well = 0.6 acres; and,

Trough Sites = 65 troughs x 0.02 ac per trough = 1.3 acres.

Subtotal = 261.4 ac x 0.7 (70% of Project turbines in Star Lake Allot.) = 183 acres.

Total minimum Infrastructure Disturbance for *proposed wind turbine, roads, and components*: Based upon the foregoing, the total Infrastructure Disturbance area within the Star Lake Allotment for the Project is calculated as follows:

With 3-MW wind Turbines = 1,064 ac (turbines) + 462 ac (roads, collector & transmission lines) + 183 ac (other Project components) = 1,709 acres; and,

With 6-MW wind Turbines = 1,397 ac (turbines) + 462 ac (roads, collector & transmission lines) + 183 ac (other Project components) = 2,042 acres.

A minimum Infrastructure Disturbance area for the Project within the Star Lake Allotment ranging from 1,709 acres (with 3-MW turbines) to 2,042 acres (with 6-MW turbines) greatly exceeds the 926 acres of “Routine Operational Disturbance” within the Allotment originally projected by the 4-5-21 Notice regarding the Project and greatly exceeds the 1,279 acres that Table 3.9-4 of the DEIS (at pg. 3-281) reports would be unavailable for livestock grazing during Operation and Final Reclamation of the Project under Alternative B.

To the extent that the DEIS continues to underestimate the amount of Infrastructure Disturbance area that would be impacted within the Star Lake Allotment under the action alternatives, the analysis artificially downplays the potential severity of all the impacts that are evaluated therein.

(2) Work Area Disturbance Area (Construction Disturbance Acres).

Minimum Work Area Disturbance for proposed wind turbine sites: Given the ground footprint acreages calculated above for wind turbines rated at 3-MW (3.8 acres) and 6-MW (5.7 acres), the information provided in a handout from the July 28, 2021 meeting for the Project (discussed above), and the information provided in Table 1-2 of the Plan of Development (DEIS, pg. 593, Appendix 1, Plan of Development, pg. 5), the minimum Work Area Disturbance⁸ within the Star Lake Allotment would be as follows:

3-MW Wind Turbine Sites: 280 turbines x 6.36 ac per turbine = 1,781 acres; and,

6-MW Wind Turbine Sites: 245 turbines x 6.36 ac per turbine = 1,558 acres.

Minimum Work Area Disturbance for proposed roads / lines:

Access roads = 148 miles x 5,280 ft per mile x 26 ft wide = 20,317,440 sq ft
20,317,440 sq ft / 43,560 sq ft per ac = 466 acres;

Collection lines = 114 miles x 18 structures per mile = 2,052 collection line structures,
2,052 collection line structures x 0.05 ac per structure = 105 acres; and,

235 kV transmission lines = 19 miles x 9 structures per mile = 171 trans. line structures,
171 trans. line structures x 0.46 ac per structure = 77 acres.

Subtotal = 648 acres.

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⁸ The additional area beyond the Infrastructure Disturbance area needed during construction, certain O&M activities, and decommissioning.

Minimum Work Area Disturbance for *proposed project components*

Buried Collection Lines = 56 miles x 5,280 ft per mile x 30 ft wide = 8,870,400 sq ft
8,870,400 sq ft / 43,560 sq ft per ac = 204 acres;

Crane Paths = 47 miles x 5,280 ft per mile x 50 ft wide = 12,408,000 sq ft
12,408,000 sq ft / 43,560 sq ft per ac = 285 acres;

Collector Substations = 5 substations x 3.2 ac per substation = 16 acres;

Transmission Substation = 1 substation x 5 ac per substation = 5 acres;

Battery Substation = 1 substation x 5 ac per substation = 5 acres;

O&M Facilities = 3 facilities x 12 ac per facility = 36 acres;

ADLS = 4 facilities x 2 ac per facility = 8 acres;

Permanent MET Towers = 5 towers x 1.76 ac per tower = 9 acres;

Temporary MET Towers = 7 towers x 2.6 ac per tower = 18 acres;

Groundwater Wells = 6 wells x 0.25 ac per well = 1.5 acres;

Temporary Fence = 395 miles x 5,280 ft per mile x 8 ft wide = 16,684,800 sq ft
16,684,800 sq ft / 43,560 sq ft per ac = 383 acres; and,

Trough Sites = 65 troughs x 1 ac per trough = 65 acres.

Subtotal = 1,035.5 ac x 0.7 (70% of Project turbines in Star Lake Allot.) = 725 acres.

Total minimum Work Area Disturbance for *proposed wind turbine, roads, and components*: Based upon the foregoing, the total Work Area Infrastructure Disturbance Area (Construction Disturbance Acres) within the Star Lake Allotment for the Project is calculated as follows:

With 3-MW wind Turbines = 1,709 ac (Infrastructure) + 1,781 ac (additional for turbines) + 648 ac (additional for roads, collector & transmission lines) + 725 ac (additional for other Project components) = 4,924 acres; and,

With 6-MW wind Turbines = 2,042 ac (Infrastructure) + 1,558 ac (additional for turbines) + 648 ac (additional for roads, collector & transmission lines) + 725 ac (additional for other Project components) = 5,034 acres.

A minimum Construction Disturbance Area for the Project within the Star Lake Allotment that ranges from 4,924 acres (with 3-MW turbines) to 5,034 acres (with 6-MW turbines) greatly exceeds the 2,833 “Construction Disturbance Acres” within the Star Lake Allotment originally projected by the 4-5-21 Notice

regarding the Project and nearly equals the 4,916 acres that Table 3.9-2 of the DEIS (at pg. 3-280) reports would be unavailable for livestock grazing during construction and decommissioning of the Project under Alternative B. Because the DEIS anticipates that livestock grazing would not be authorized within entire pastures when construction/decommissioning activities are occurring therein, one would expect that the acreage unavailable for livestock grazing during construction/decommissioning reported in Table 3.9-2 would be much greater than the Construction Disturbance Area calculated herein.

To the extent that the DEIS continues to underestimate the amount of Work Area Disturbance that would be impacted within the Star Lake Allotment under the action alternatives, the analysis artificially downplays the potential severity of all the impacts that are evaluated.

V. Lack of specific information as to planning and timing during the construction phase and operation & maintenance phase of the Project. See 2021 Comments, pg. 4.

Summary: The DEIS needs to be revised to disclose and analyze a “worst-case scenario” that includes site-specific impacts that would result from the proposed Project assuming the maximum of 400 3-MW wind turbines or 349 6-MW wind turbines were installed at specified “final” locations that just / barely comply with the minimum setbacks evaluated. In other words, such “worst-case scenario” analysis would project a “final” location for every wind turbine that would be installed under a 3-MW or 6-MW operational scenario to just / barely achieve compliance with the minimum setbacks established by the DEIS sideboards, and then disclose the impacts that would result from such worst-case wind turbine siting locations.

Page 4 of the 2021 Comments acknowledged receipt of the April 5, 2021 Notice (“Notice”), relating to the proposed Project (Right-of-Way Serial No. IDI-39174) impacting, among other lands, the public lands in the Star Lake Allotment. The Notice invited comments on “site-specific issues on how the proposed project may impact your grazing operations” including “on-the-ground grazing mitigation, such as grazing practices, seasonal movements, range improvements (e.g., moving fences, water distribution), rerouting access, etc.”. The 2021 Comments noted that it is a difficult challenge to provide site-specific comments regarding such grazing matters when the environmental documentation regarding the Project provides little or no site-specific information relative to the Star Lake Allotment particularly as to timing of the actual implementation of the construction phase, rehabilitation phase, operational phase, and decommissioning phase. 2021 Comments, pg.4.

The DEIS did not adequately address these issues.

The DEIS continues to preclude the formulation of substantive site-specific comments when it makes admissions like:

- “the exact location of infrastructure and activities within the siting corridors is unknown at this time” (DEIS, pgs. ES-vi and 2-2);
- the “project’s final design and engineering would be completed after the BLM has issued a record of decision” (DEIS, pgs. ES-vi and 2-2);
- the Project’s “final design would identify the specific location for all infrastructure and project activities and would be approved by the BLM Authorized Officer” (DEIS, pg. 2-2);

- because “the exact location of project components is not yet known, beyond being located within the siting corridors, the acreage of work area and infrastructure disturbances are proportionally applied to the siting corridors” (DEIS, pg. 3-8);
- the “exact location of overhead collector lines undetermined” (DEIS, pg. 3-117); and,
- “the exact location of the groundwater wells would be determined during final design” (see DEIS, pg. 3-440).

The lack of site-specific information within the DEIS regarding the exact location (and related timing) of infrastructure and activities within the siting corridors is problematic when many of the issues being analyzed (such as visual changes, the generation of noise, the potential for shadow flicker, and impacts to grazing practices) are highly dependent upon the exact location and engineering of the infrastructure and the timing of its installation and use. The request for site-specific concerns regarding potential impacts from the proposed Project is an impractical task when site-specific information is not yet available regarding the location and design of Project components and regarding the timing of their planning, construction, operation, and decommissioning. In fact, the ability for the Permittees to actually comment to the DEIS is effectively negated by such lack of location and timing specifics. This is because, absent such specifics, the Permittees cannot reasonably know the impacts upon their livestock operations during each of the four (4) different phases, i.e., construction, rehabilitation, operation, and decommissioning, and based thereon, know if it is even reasonably possible to maintain and sustain their current livestock operations during each of the phases. The lack of specifics as to location and timing unreasonably prejudices this entire process as against the Permittees and for the applicant, i.e., MVE, i.e., Wind Company.

VI. The Construction phase is likely to exceed the projected 2-year timeframe, see 2021 Comments, pgs. 4 & 16, and related Permittees’ request to divide the Construction phase into three subphases within the Star Lake Allotment. See 2022 Comments, pgs. 4-5.

Summary: Assuming and subject to the disclosure of the location and timing specifics, as addressed in the above Sections, the DEIS needs to be revised to reduce resource impacts during construction by stipulating that the Project avoids construction activities when road-bases and soils are saturated and prone to muddy conditions (resulting in excessive rutting, displacement, and compaction) and avoids periods when soils are likely frozen and would require heavier equipment to break loose and work. The DEIS should limit construction (and decommissioning) activities to the period between June 1 and October 31 each year. Construction (and decommissioning) activities within the Star Lake Allotment should be spread out over at least a 3-year construction period with one of three (3) subphases being constructed between June 1 and October 31 each year (if the Project is authorized). Any shorter construction period within the Star Lake Allotment would be incompatible with, or excessively disruptive to, ongoing grazing operations.

If the 4-year construction timeframe within the Star Lake Allotment consisting of 3 consecutive 16-month periods requested under the 2022 Comments is objectionable to MVE, the DEIS should be revised to a 3-year construction period within the Star Lake Allotment with one of the three subphases being constructed between June 1 and October 31 each year (if the Project is

authorized). We view any shorter construction period within the Star Lake Allotment as being incompatible with, or excessively disruptive to, our ongoing grazing operations.

The 2021 Comments and 2022 Comments opined that it was unrealistic to anticipate that the project construction phase could be completed within a 2-year timeframe (2021 Comments, pgs. 4 & 16 [and 2022 Comments, pg. 3, footnote 4]) during a 16-month period from June 1 in year 1 through September 30 of Year 2 (2022 Comments, pg. 4). Instead, the 2022 Comments requested that the construction phase of the Project be divided into three (3) subphases within the Star Lake Allotment, as follows:

- Subphase 1 = public lands within the southeastern portion of the Star Lake Allotment during “one” 16-month construction period (2022 Comments, pg. 4);
- Subphase 2 = public lands within the northeastern portion of the Star Lake Allotment during “another” 16-month construction period (2022 Comments, pgs. 4-5); and,
- Subphase 3 = public lands within the western portion of the Star Lake Allotment during “one” (a third) 16-month construction period (2022 Comments, pg. 5).

Thus, the Permittees requested in their 2022 Comments that the construction phase of the Project be divided into three (3) subphases within the Star Lake Allotment and anticipated that such construction subphases would spread the construction over three separate 16-month periods for an overall construction phase lasting 48 months (a 4-year period).

The DEIS did not adequately address these issues.

While the DEIS states that the construction schedule within the Star Lake Allotment would be divided “into three subphases” so that construction occurs in approximately 1/3 of the Star Lake Allotment at any given time (DEIS, pgs. 2-3, 3-233, and 3-279), the DEIS still lacks specific information regarding planning and timing relative to these three construction subphases. Similarly, the DEIS omits any consideration and assessment of the same relative to the rehabilitation phase.

Furthermore, the DEIS anticipates that the three construction subphases within the Star Lake Allotment will still be completed “during the 2-year construction phase” originally projected for the Project (DEIS, pg. 3-233). Again, the Permittees urge that the construction phase of the Project within the Star Lake Allotment, if authorized, be spread over a longer timeframe to reduce the potential for conflicts between construction activities and livestock operations and to reduce the amount of temporary infrastructure necessary during construction.

Timing is a material element because it provides the necessary sideboard for MVE to plan and implement construction and rehabilitation, and more importantly, it provides the absolutely necessary sideboard for the Permittees as to notice and planning of their respective livestock operations. Permittees cannot be reasonably asked to accommodate any construction or rehabilitation plan without significant pre-notice, i.e., at least 1-year. Also, while the Permittees request that the construction schedule within the Star Lake Allotment be divided “into three subphases” to spread construction over a timeframe longer than the anticipated 2-year period to reduce potential conflicts between construction activities and livestock operations, an excessively lengthy construction period would also be problematic. Some Permittees heard suggestions from BLM personnel that

the actual construction period for the proposed Project may end up spanning a period as long as 20 years. Any construction period that exceeds 4 years is totally unworkable for the Permittees as such long-term interruptions to their livestock operations would irreversibly destabilize them, even to a degree that they could be vulnerable to bankruptcy.

BLM has a wealth of knowledge as to grazing management and grazing systems. Allotment Management Plans and Planning are even a cornerstone element within the *Federal Land Policy and Management Act*, 43 U.S.C. § 1752(d). This would factually and legally indicate that BLM is capable of demanding from the applicant the specifics as to location and timing as to all phases from which BLM, Permittees, and Interested Publics could then comment to develop an AMP, assuming such specifics are compatible with maintaining and sustaining the Permittee's current livestock operation throughout each of the four (4) phases. Again, the lack of specifics as to location and timing unreasonably prejudices this entire process as against the Permittees and for the applicant, i.e., MVE, i.e., Wind Company.

VII. Lack of consideration and assessment of impacts to livestock grazing operations.

- A. The DEIS failed to consider and assess the authorization of the Permittees' applications to reactivate Suspended Use AUMs and approve additional AUM increases *before* processing the application for this wind power Project. See 2021 Comments, pgs. 4, 15, 19, 21; see also 2022 Comments, pgs. 9-10.**

Summary: BLM must not complete processing the application for this new Project until it processes (either first or simultaneously) the Permittees' previously pending applications to re-authorize our Suspended Use AUMs and make additional AUM increases based upon production monitoring.

The 2021 Comments requested that the BLM evaluate activation of the Permittees Suspended use AUMs. BLM committed to reward the Permittees for their previous investments in the Star Lake Allotment by activating (at least) our Suspended Use AUMs some time ago. However, BLM has not processed our 2009 applications to activate our Suspended Use AUMs and make additional AUM increases based upon production monitoring that was conducted within the Star Lake Allotment. Now, the BLM is processing the application for this Project to construct a wind power facility within, in part, the Star Lake Allotment without having taken any action on our previously pending applications. See 2021 Comments at pg. 4.

Our 2022 Comments contemplated an agreement for MVE to engage a NEPA contractor to pay for and to coordinate with BLM a permit renewal process for the Star Lake Allotment wherein one of the alternatives considered and assessed would be to re-activate our Suspended Use AUMs, and wherein another of the alternatives considered and assessed would be to increase our Permitted Use AUMs (beyond what would be authorized if our Suspended AUMs were reactivated). See 2022 Comments at pgs. 9-10.

The DEIS did not adequately address this issue.

The number of Permitted Use AUMs in the Star Lake Allotment is subject to change in accordance with 43 C.F.R. §§ 4110.3, 4110.3-3(b) (10-1-2005 Edition). On May 8, 2009, the Permittees submitted applications to reactivate their respective Suspended Use AUMs and to make additional AUM increases based upon production monitoring they conducted, all in accordance with 43 C.F.R. § 4110.3-1(b) (10-1-2005 Edition).

These applications remain pending and have not yet been processed, apparently due to other priorities by the BLM. *See* 2021 Comments at pg. 15.

To protect the public land resources in the 1960s, Star Lake Allotment permittees agreed to an AUM suspension with the understanding that the AUMs would be re-activated once the permittees implemented rotational management, and installed seedings, water developments, and fencing within the Allotment. The Permittees contend that such commitments were satisfied over 25 years ago and that the Suspended Use AUMs should be or should have already been reinstated. Permittees have also spent nearly \$100,000 in production monitoring to demonstrate the availability of additional forage on a sustained-yield basis to support, at least, activation of their Suspended AUMs. For nearly 14-years now, the BLM has failed to process our 2009 applications, and now with this intended wind power Project, all hope fair treatment and a return on our investment are lost. *See* 2021 Comments at pg. 19.

It is inappropriate and untimely for the BLM to consider this wind power Project which has the potential to interfere with our previous applications to activate (at least) our Suspended Use AUMs before the BLM has processed our previously pending applications. Authorization for a new multiple-use activity within the Star Lake Allotment is inappropriate if it reduces or precludes the ability to authorize previously submitted applications to re-authorize suspended AUMs and make additional AUM increases associated with our ongoing multiple-use activities within the Allotment. The DEIS completely fails to address the issue of evaluating our previously pending applications to re-authorize our Suspended Use AUMs and to make additional AUM increases based upon our production monitoring. Such applications were unquestionably a foreseeable element not considered or assessed.

Our 2022 Comments (at pgs. 9-10) contemplated this as a potential future action (within 1-year after completion of the last construction subphase or within 4-years after completion of the first construction subphase within the Star Lake Allotment, whichever comes first). However, the interests of equity and fairness, if not the law too, actually demand that consideration of our previously pending applications to re-authorize our Suspended Use AUMs and to make additional AUM increases based upon production monitoring occur prior to, or simultaneously with, the processing of the application for the wind power Project.

B. Need for MVE to pay for lost AUMs due to temporary displacement or permanent elimination, or to pay for alternative forage, or to offset temporary non-use AUMs via acquisition. *See* 2021 Comments, pg. 17; *see also* 2022 Comments, pg. 4.

Summary: The DEIS failed to adequately consider and assess MVE's ability and commitment to provide alternative feed sources for the loss of AUMs during all Project phases, or to pay fair market value for any temporarily displaced or permanently eliminated AUMs lost due to Project-related activities for which alternative feed sources are unable to be secured.

The 2021 Comments asked if the applicant (MVE) is going to pay for the lost AUMs (either permanently eliminated or temporarily displaced) or is going to pay for alternative forage (either via hay or via leased private pasture) for the lost AUMs associated with the proposed Project.

The DEIS purports to address these issues, as follows:

- The DEIS states at pg. 3-232 that the Grazing Coordination Plan (Draft Appendix S of MVE [2022]) discloses that “MVE has committed to providing an equivalent feed source to grazing permittees for AUMs unavailable during construction and decommissioning.” This portion of the DEIS goes on to state that equivalent feed sources “include, but are not limited to, range forage at other locations, private ground forage operations, feedlot space, or other commercial arrangements that MVE may agree to with permittees.”
- The DEIS reports at pg. 3-232 that under Alternative B, even though MVE would provide equivalent feed sources for the loss of AUMs during construction (and decommissioning as quoted above) “there is still some potential for grazing permittees to experience economic uncertainty and risk as they adapt their grazing operations to the changing conditions.” The DEIS additionally reports “the broader livestock grazing community may experience a period of economic uncertainty and other adverse social effects (e.g., increased community stress) as the availability of feed sources within the overall community becomes increasingly scarce” (DEIS, pgs. 3-232 & 3-233). The DEIS concludes that these economic uncertainties would be reduced somewhat under the other action alternatives (Alternatives C, D, and E).
- The DEIS anticipates that “the combined effect of all long-term AUM reductions may have rippling effects to the broader livestock grazing community leading to a period of economic uncertainty and other adverse social effects (e.g., increased community stress) as the availability of feed sources within the overall community becomes increasingly scarce” (DEIS, pg. 3-234). Again, the DEIS forecasts that these economic uncertainties and adverse social effects would be reduced somewhat under the other action alternatives (Alternatives C, D, and E).
- The DEIS at pg. 3-280 states that during construction “MVE would provide feed sources for the loss of AUMs; therefore, there would be no impacts to livestock AUMs from construction” with respect to any of the action alternatives.
- Table 3.9-3 of the DEIS at pg. 3-280 reports the number of Active AUMs that “could be temporarily reduced” for each action alternative “during decommissioning.”
- Supporting documents for the DEIS state “MVE is proposing a suite of measures to avoid, minimize, and mitigate the potential impacts to grazing permittees.” These documents report that, among other things, such measures will “provide alternative forage for AUMs that are unavailable during construction and post-construction reclamation periods.” See DEIS, Draft Appendix S, Grazing Coordination Plan, pg. S-1. The Grazing Coordination Plan also states that for “AUMs that are unavailable during the construction and reclamation periods, MVE is committed to providing an equivalent feed source to affected grazing permittees” which “may take the form of range forage at other locations, private ground forage operations, feedlot space, or other commercial arrangements that MVE may agree to with permittees.” See DEIS, Draft Appendix S, Grazing Coordination Plan, pg. S-3.

Here, as should be clear in reading the foregoing bullet points, the word “purports” is correctly used. The DEIS did not consider or assess the availability, or lack thereof, of an “equivalent feed source”, i.e., range forage at other locations, private ground forage operations, feedlot space, or other commercial arrangements, during all phases of the proposed Project, i.e., construction, rehabilitation, operation, and decommissioning.

Permittees contend that such an “equivalent feed source” will be non-existent at the scope that would be needed to implement all phases of the proposed Project. At a minimum, the DEIS should consider and assess the ability for MVE to fulfill its apparent promise / commitment. In fact, the DEIS correctly recognizes that the availability of feed sources within the overall community” will become “increasingly scarce” due to pressures imposed by Project-related activities. DEIS, pg. 3-234. To this end, the DEIS must consider and assess MVE’s ability to implement its commitment to provide alternative feed sources for the loss of AUMs during all Project phases and must establish a term and condition that in the alternative MVE commits to pay fair market value for any temporarily displaced or permanently eliminated AUMs lost due to Project-related activities for which alternative feed sources are unable to be secured.

While Permittees appreciate that the *Taylor Grazing Act*, 43 U.S.C. § 315b, does not “create any right, title, interest, or estate in or to the lands,” *see also Federal Land Policy and Management Act*, 43 U.S.C. § 1752(j), financial compensation related to use or lack of use of public lands AUMs is not foreign to the grazing regulations, or even the *Taylor Grazing Act*. 43 C.F.R. § 4120.3-3(c) (10-1-2005 Edition) prescribes that when a permittee cannot make use of AUMs, an applicant can apply to activate such AUMs subject to the reasonable compensation for the use and maintenance of improvement and facilities of the permittee. *See also* 43 C.F.R. § 4120.3-6(c) (10-1-2005 Edition). The *Taylor Grazing Act*, 43 U.S.C. § 315q, prescribes that when the national defense “prevents” the use of the public lands for grazing, the permittee shall be paid for the ‘fair and reasonable ... losses suffered.’

In addition, there are “distinct investment-backed expectations” associated with the use and conveyance of Grazing Preferences and Permitted Use AUMs attached to “Base property.” In fact, Idaho Code 25-901 prescribes that “a grazing preference right shall be considered an appurtenance of the base property through which the grazing preference is maintained.”. The Internal Revenue Service even taxes any income derived from the use or lease of such AUMs and also taxes any capital gain derived from the sale of such AUMs.

Given this, it is necessary for BLM to consider and assess optional mitigation to compensate for any lost AUMs for which equivalent feed sources are not secured as a product of the wind proposal during the construction phase, rehabilitation phase, operational phase, and decommissioning phase.

- C. The 2022 Comments discuss financial mitigation and related compensation values that MVE should pay to Permittees should: BLM consider, assess, and/or implement any decrease in the Permitted Use AUMs within the Star Lake Allotment during any phase of the wind project due in whole or part to the effects of the wind project; AUMs be lost or displaced during the construction phases of the proposed Project; AUMs be disrupted or eliminated during the post-construction rehabilitation and/or operation phases of the proposed Project; and, any fire event occur due to Project-related activities during the construction and/or operation phases (including the rehabilitation phase). *See* 2022 Comments, pgs. 10-11.**

The DEIS does not address financial mitigation in terms of specific compensation values related to these issues. *See also* the sub-section above.

Permittees stand by their 2022 Comments that should BLM consider, assess, and/or implement any decrease in the Permitted Use AUMs within the Star Lake Allotment during any phase of the Project due in whole or part to the effects of the Project, MVE should pay compensation to the Permittees in an amount that is 2.5 times the Full Market Value (FMV) of each decreased AUM upon implementation of any such decrease,

with the FMV determined by mutual agreement between MVE and the Permittees, or in the alternative, by binding, arbitration, not subject to appeal / challenge by any party. *See* 2022 Comments, pg. 10.

Permittees stand by their 2022 Comments that should their AUMs be temporarily lost or displaced, in whole or in part, during the construction phases of the proposed Project, MVE should pay compensation to the Permittees in an amount of \$100 per AUM annually for each AUM temporarily lost or displaced during the construction phases. Likewise, should the Permittees' AUMs be permanently disrupted or eliminated during the post-construction rehabilitation and/or operation phases of the proposed Project, MVE should pay compensation to the Permittees in an amount of \$100 per AUM annually for each AUM that is permanently disrupted or eliminated due to Project-related activities. *See* 2022 Comments, pg.10.

However, the compensation values discussed in the 2022 Comments and summarized above need to be subject to inflation adjustments for implementation in future years. U.S. inflation rates for the 10-year period from 2013 through 2022 averaged 2.63% with significantly higher inflation rates in recent years, i.e., 7% in 2021 and 6.5% in 2022 (*see* **Attachment #9**, Chart: United States Annual Inflation Rates (2013 to 2023)). Thus, the Permittees contend that it is necessary and reasonable to apply inflation adjustments to the 2022 compensation values discussed above based upon the actual annual inflation rates published at www.usinflationcalculator.com/inflation/current-inflation-rates for each year after 2022 (or in the alternative, based upon a projected average annual inflation rate of 4.5%). This inflation adjustment is particularly warranted given the timespan of this project could be 84 years, according to the DEIS at page 3-57.

Finally, the Permittees stand by their 2022 Comments that should any fire event occur due to Project-related activities, MVE should pay compensation to the Permittees for any fire related losses incurred.⁹

D. Need for MVE to pay for range improvement deterioration/damage and any associated mitigation projects. *See* 2021 Comments, pg. 17.

Summary: The DEIS failed to adequately consider and assess MVE's commitment to provide compensation for changes made in all phases of the project, not just the construction phase.

The 2021 Comments asked if the applicant (MVE) would "pay for any damage and/or repair to the existing public land range improvements" either permanently or temporarily impacted by the proposed Project. *See* 2021 Comments, pg. 17.

The DEIS purports to address these issues, as follows:

First, the DEIS describes the following commitments regarding impacts to range improvements in association with the proposed Project:

Range improvement functionality would not be degraded from the existing condition. Any project **changes to range improvements would maintain functionality** (including stock

⁹ The amount of financial mitigation relative to such Project-related fire events is unknown beforehand because it would depend upon the size and damage level for any such fire event(s), though compensation for such fire damages would be determined by mutual agreement between MVE and the Permittees, or in the alternative, by binding, arbitration, not subject to appeal/challenge by any party.

watering, fences, and cattle guards), would be coordinated beforehand with the permittees and the BLM, **and would be paid for by MVE.**

DEIS, pgs. 3-278 & 3-279 (emphasis added). Consistent therewith, Appendix 3 of the DEIS reports:

As per MVE (2022) Appendix S (Grazing Coordination Plan), range improvement functionality would not be degraded from the existing condition. Any project **changes to range improvements would maintain functionality** (including stock watering, fences, and cattle guards) and **would be coordinated with the permittees and the BLM prior to project construction activities and would be paid for by MVE.** As deemed necessary, this would include MVE paying for resource surveys (e.g., botany, wildlife, archaeology) prior to range improvement modification or construction. Therefore, impacts to range improvements would be effectively mitigated.

DEIS, Table App3-1, Issue AIB-16, pg. App3-7 (emphasis added).

Second, the Grazing Coordination Plan reports that “MVE is proposing a suite of measures to avoid, minimize, and mitigate the potential impacts to grazing permittees” which would, among other things, “maintain the function of range improvements.” DEIS, Draft Appendix S, Grazing Coordination Plan, pg. S-1. Page S-2 of the Grazing Coordination Plan states that “MVE is proposing additions and modifications to range improvements” within affected allotments and reports that the “resource surveys and installation costs associated with these range improvements will be funded by MVE.” *See also* DEIS Table App4-2f, Applicant-Committed Measures – Fencing and Range Improvements under Appendix 4 (Mitigation) of the DEIS for details regarding mitigation measures related to range improvements associated with the proposed Project.

Because of the seemingly all-inclusive nature of this disclaimer, the DEIS omitted consideration and assessment of any kind regarding any Project-related changes to range improvements during all phases of the project, i.e., construction, rehabilitation, operation, and decommissioning. The Permittees project that changes to range improvements would need to occur to some degree in all phases of the proposed Project.

E. Need for MVE to pay for alternative or supplemental fences to mitigate any impacts due to the proposed Project. *See* 2021 Comments, pg. 17; *see also* Fence Issue (2022 Comments, pgs. 7-8).

Summary: The DEIS failed to adequately consider and assess that some permanent fencing would be needed and that some existing fencing would need to be removed, particularly after coordination with Permittees and BLM before implementing any phase of the project.

The 2021 Comments asked if the applicant (MVE) would pay for alternative or supplemental fences to mitigate any impacts (either permanent or temporary) with respect to Project related activities. 2021 Comments, pg. 17. The 2022 Comments stated that the Permittees oppose construction of an extensive new permanent fence network, but do not oppose construction of some select new permanent fences (to create strategic exclusion areas) and some select temporary fences during the construction (and decommissioning) phase(s) (2022 Comments, pgs. 7-8).

The Permittees again voiced their opposition to the construction of an extensive new fence network around Project access roads or infrastructure with either permanent or temporary fences. Permittees oppose the

fencing of the roads. Instead, the Permittees believe that their recommendation to divide the Project construction phase within the Star Lake Allotment into three separate subphases will reduce the potential for conflicts between construction activities and livestock operations and will greatly reduce the need for an extensive network of new fences, either permanent or temporary, during construction. The Permittees do not oppose construction of some select temporary fences during the construction (and decommissioning) phase(s) to prevent conflicts between Project activities and livestock operations and construction of some select new permanent fences (to create strategic exclusion areas) during the post-construction and operational phases of the proposed Project. However, the Permittees urge that MVE coordinate and cooperate with them to determine the extent and site-specific locations for any new temporary or permanent fences constructed in association with the proposed Project if it is authorized.

The DEIS describes the following commitments regarding fence improvements in association with the proposed Project:

As part of the Grazing Coordination Plan, **no permanent fencing or removal of existing fencing would occur**. However, approximately 50 miles of temporary fences would be installed along primary access roads to alleviate concerns about excess traffic during construction and interim reclamation, and another 295 miles of temporary fencing would be installed surrounding work areas (with 20%–25% estimated for deployment at any given time).

DEIS, pgs. 3-278 & 3-279 (emphasis added). It is erroneous to expect that the installation of temporary fences along primary access roads can “alleviate concerns about excess traffic” since the temporary fences themselves will require additional traffic for fence installation and removal and will not reduce traffic levels associated with other Project-related activities.

Page S-2 of the Grazing Coordination Plan also reports “MVE is proposing no new permanent fencing and no removal of existing fencing in an effort to alleviate pasture fragmentation.” Instead, “to reduce the potential for livestock collisions with Project-related vehicles, collisions with general public traffic, reduce livestock stress and disturbance, improve livestock management, and reduce potential construction delays, MVE is proposing the installation of temporary fence (such as electric fence) during construction and reclamation periods” DEIS, Draft Appendix S, Grazing Coordination Plan, pg. S-2. The Plan projects that “up to approximately 295 miles of temporary fence may be deployed during construction and interim and final reclamation periods of the Project” with an expectation that approximately “20 to 25% of the temporary fence may be deployed at any given time” DEIS, Draft Appendix S, Grazing Coordination Plan, pg. S-3.¹⁰

Because of the seemingly all-inclusive nature of this disclaimer, the DEIS omitted consideration and assessment of any kind regarding construction of additional permanent fencing and removal of any existing fences during any Project phases, i.e., construction, rehabilitation, operation, and decommissioning. The

¹⁰ Page S-2 of the Grazing Coordination Plan states that “MVE is proposing additions and modifications to range improvements” within affected allotments. Page S-2 of the Grazing Coordination Plan also reports that the “resource surveys and installation costs associated with these range improvements will be funded by MVE.” DEIS, Draft Appendix S, Grazing Coordination Plan, pgs. S-2 & S-3. *See also* DEIS, Draft Appendix S, Grazing Coordination Plan, pg. S-2; DEIS Table App4-2f, Applicant-Committed Measures – Fencing and Range Improvements under Appendix 4 (Mitigation) of the DEIS for details regarding mitigation measures related to range improvements associated with the proposed Project.

Permittees project that changes to the existing fence layout will need to occur to some degree in all Project phases. The DEIS errs in stating that “no permanent fencing or removal of existing fencing would occur.”

Related thereto, the 2022 Comments expressed the Permittees’ understanding that intended Project rehabilitation phases within the Star Lake Allotment would be for 1-year to 2-year periods after each construction phase is completed and would likely be limited to approximately a 300-foot diameter area around each of the wind turbines (2022 Comments, pg. 5). Such rehabilitation would / should be done at MVE’s expense. Any associated temporary fences around such areas would be constructed and maintained at MVE’s expense, and any such temporary fences would be removed after the expiration of the rehabilitation periods at MVE’s expense. 2022 Comments, pg. 5. Furthermore, any seeding around such areas should use crested wheatgrass because such grass is already a dominate vegetation component in the Star Lake Allotment, because it is well-adapted to colonize disturbed arid sites, and because it has proven abilities to protect the watershed and related resources.

F. Need for MVE to pay for alternative or supplemental water developments to mitigate any impacts due to the proposed Project (2021 Comments, pg. 17) and Water Development Issue (2022 Comments, pg. 8).

The 2021 Comments asked if the applicant (MVE) would pay for alternative or supplemental water developments to mitigate any impacts (either permanent or temporary) with respect to Project related activities. 2021 Comments, pg. 17. The 2022 Comments stated that the Permittees opposed construction of the water developments initially proposed for the Project, but believe *some* new troughs and the modification of *some* existing troughs is necessary to improve livestock management during post-construction and operational phases. 2022 Comments, pg. 8.

The Permittees’ concerns with respect to this issue become increasingly serious as we study the DEIS and its supporting documents in greater detail. The proposed Project is anticipated to require a substantial amount of blasting to construct / improve access roads, crane paths, and Project infrastructure. We expect that such blasting (and crane use) will crush, collapse, or otherwise damage well casings, pipelines, and related infrastructure associated with our existing water developments, and may also damage water distribution canals.

It is unclear if MVE’s commitment expressed through the DEIS that “[r]ange improvement functionality would not be degraded from the existing condition” and that any “changes to range improvements would maintain functionality” (DEIS, pg. 3-279) extends to all Project-related activities, including blasting and crane operations. The DEIS needs to be amended to clarify that MVE will repair, replace, or pay compensation in a timely manner for *any* damage to existing infrastructure developments within or adjacent to the proposed Project siting and access corridors that results from any Project-related activities, including blasting and crane operations.

Further, it is unclear if MVE’s commitment expressed through the DEIS that “[r]ange improvement functionality would not be degraded from the existing condition” and that any “changes to range improvements would maintain functionality” (DEIS, pg. 3-279) extends to the “functionality” and “existing conditions” for the water rights associated with the Permittees water developments that would be impacted by the proposed Project. The DEIS needs to be amended to clarify that MVE will compensate the Permittees in a timely manner for any loss of value to their existing water rights that results from Project-related impacts to such water rights whether

in the form of impacts to water quality, water quantity, water availability (i.e., static water depth), or other factors.

The DEIS reports (at pgs. ES-x, 3-381, and App11-19) that “MVE would be required to have a reclamation bond” but does not disclose any other bonding requirements. The DEIS needs to be amended to establish a bonding requirement to ensure that funds are available when the Project is initiated to cover costs associated with MVE’s commitments to prevent range improvement functionality from being “degraded from the existing condition” and that any “changes to range improvements would maintain functionality” (DEIS, pg. 3-279). In other words, a cash fund should be required so neither BLM nor Permittees have to go through some bonding claim process to be reimbursed for losses, particularly routine losses that would likely be common occur, i.e., a wind project truck hitting and killing/injuring livestock.

The DEIS purports to address the water development issues, as follows:

First, the DEIS describes the following commitments regarding water developments in association with the proposed Project:

Additionally, up to 65 water troughs may be installed to facilitate livestock distribution or access to water. Pipeline disturbance for the water troughs would occur within the project work areas. Range improvement functionality would not be degraded from the existing condition. Any project **changes to range improvements would maintain functionality** (including stock watering, fences, and cattle guards), would be coordinated beforehand with the permittees and the BLM, **and would be paid for by MVE.**

DEIS, pgs. 3-278 & 3-279 (emphasis added). Again, it is unclear if these commitments extend to all Project-related activities, including blasting and crane operations.

Second, Table 2.4-1 of the DEIS anticipates that up to 65 new stockwater troughs and up to 54 new waterline miles would be constructed under Alternative B of the proposed Project, with fewer troughs and waterline miles being required under the other action alternatives. DEIS, pg. 2-6.

Third, Page S-2 of the Grazing Coordination Plan states that “MVE is proposing additions and modifications to range improvements” within affected allotments. Page S-2 of the Grazing Coordination Plan also reports that the “resource surveys and installation costs associated with these range improvements will be funded by MVE.” DEIS, Draft Appendix S, Grazing Coordination Plan, pg. S-2. *See also* DEIS Table App4-2f, Applicant-Committed Measures – Fencing and Range Improvements under Appendix 4 (Mitigation) of the DEIS for details regarding mitigation measures related to range improvements associated with the proposed Project.

Notwithstanding, the DEIS omitted consideration and assessment of any **alternative or supplemental water developments to mitigate any impacts due to the proposed Project** during all phases of the project, i.e., construction, rehabilitation, operation, and decommissioning. It is projected that changes will need to occur to some degree in all phases, though knowing the location of the turbines and other components is just one element.

As we have repeatedly stated herein, the timing of each phase and the intended grazing rotation (inclusive of the number of Permitted Use available) for each phase are inexorably intertwined elements to sustain and maintain any livestock operation. A wholly non-existent element in the DEIS is timing, i.e., timing as to advanced notice to Permittees prior to beginning any Project phase; timing as to notice to Permittees when work related to any phase would begin; and timing as to notice to Permittees when any phase would end.

G. Lack of information on impacts due to sound pollution, electromagnetic disturbances, micro-environment alterations, changes to cattle distribution and concentration patterns. See 2021 Comments, pg. 18.

The 2021 Comments expressed concerns and asked related questions with respect to the potential of the proposed Project to negatively impact the environment within the Star Lake Allotment and disrupt their grazing operations through potential physiological effects to their livestock, as follows:

Permittees are informed that each wind turbine will emit sound approximately equivalent to a running lawn mower. Spaced at quarter mile increments there will be a constant drone. How does this affect livestock distribution within the Star Lake Allotment? What effect will increased electromagnetic fields have on livestock and wildlife health and reproduction? Permittees are informed that wind farms reduce precipitation and raise ground temperatures in the immediate area of the project. Is that true? Would that be true on the Star Lake Allotment as to its micro-environment? If yes, how will that be mitigated since that will directly, adversely impact the forage growth on the allotment? It has been found that cattle often cluster around wind turbines (e.g. for shade) where wind energy projects are located in grazing allotments. 2005 FPEIS-Wind, Volume 1, at page 5-57. How will that be mitigated, including any resulting disturbed areas? Permittees are concerned that any disturbed areas would/could likely impact achievement of applicable rangeland health standards.

2021 Comments, pg. 18.

The DEIS does not adequately address these issues.

Section 3.9.2 of the DEIS addresses potential physiological effects to livestock, and reports that data reviews failed to uncover “enough data on the physiological effects of free-ranging beef cattle and sheep to identify a quantitative measure for effects analysis; therefore, the analysis presents a qualitative discussion based on the best available science.” DEIS, pg. 3-289. The DEIS claims that an “in-depth review was conducted on the effects of increased anthropogenic stress catalysts to cattle and sheep, specifically associated with shadow flicker, electromagnetism, noise, vehicle traffic, and a general increase in human presence” which failed to discover any “published literature directly addressing shadow flicker and effects to livestock.” DEIS, pg. 3-289. The DEIS states that “Helldin et al. (2012) do note that there were no documented visual impacts to terrestrial mammals” associated with wind projects, DEIS, pg. 3-289, but qualifies this statement with a finding that “there could be some cumulative effects from multiple wind projects adjacent to each other (size and number of wind projects leading to cumulative effects was not defined).” DEIS, pg. 3-290. Because the proposed Project has the potential to be the largest single wind project yet constructed within the United States, its effects may equal or exceed the cumulative effects from several adjoining smaller wind projects like those that are currently operating.

The DEIS claims that electromagnetic fields “do not have a harmful impact to livestock (Burchard et al. 1996; Renaud and Bousquet 1999; Thompson et al. 1995; Wenzel et al. 2020).” DEIS, pg. 3-290. The DEIS reports that information regarding “vehicle traffic impacts to livestock was confined to vehicle transport scenarios with no applicable data on vehicle traffic impacts to livestock adjacent to roads.” DEIS, pg. 3-290.

The DEIS failed to find any “published research on noise effects to livestock specifically from wind turbines or roads” but did locate several papers that looked at noise impacts “under either intensely managed livestock operations (primarily confined operations) or for similar types of noise disturbances” which concluded that livestock are generally able to acclimatize to noise, “particularly those at less than 100 dB (Ames and Arehart 1972; Arehart and Ames 1972; Bond 1963; Harbers et al. 1975).” DEIS, pg. 3-290. The DEIS also reports that some studies “show some effects to livestock on a short-term basis within a range of 85 to 90 dB or greater; however, these were in confined management areas or buildings (Ames 1978; Broucek 2014 [also identified that farm animals adapt to noise]). DEIS, pg. 3-290.

The DEIS reports that a wind turbines’ sound power dissipates with distance, would be approximately 73.9 dB at ground level, and “would further dissipate with distance from the turbine.” DEIS, pg. 3-290. Similarly, the DEIS reports that the Project’s transformers would have a sound power of about 74.8 dB at a distance of 50 feet. DEIS, pg. 3-290. The Permittees assume that all transformers and transformer stations would have exclusionary fencing around their perimeters that would keep livestock and other creatures at least 50 feet away.

The DEIS states that regarding the “potential for increased human presence to physiologically affect livestock, no direct research data were found” that analyzed physiological effects” and likewise failed to find research that quantifies livestock stress due to such factors in a “rangeland grazing scenario.” DEIS, pg. 3-290. The DEIS concludes that under Alternative B, “impacts from noise, including noise from project construction and operation and recreational vehicles, could occur in nine allotments” but that the “best available scientific information indicates that no other livestock physiological effects would occur; however, many of these effects have not been studied on open-area-ranging livestock.” DEIS, pg. 3-291. With respect to noise impacts to livestock, the DEIS concludes that under Alternative B, estimated “construction noise levels in grazing allotments at a distance of 50 feet or more from project activities, would be within the threshold of known information on livestock noise tolerance and adaptability.” DEIS, pg. 3-291. The DEIS reports that noise impacts would be somewhat lower under the other action alternatives because of the fewer number of wind turbines that these alternatives would authorize. Thus, the DEIS states that, while noise associated with the proposed Project would be within levels acceptable to livestock, the information to reliably model other potential physiological effects to livestock in a range environment is unavailable. The DEIS errs in claiming to have it both ways, i.e., claiming noise is within acceptable levels, yet simultaneously admitting it lacks the information to support such claim.

The 2021 Comments state that the Permittees were “informed that wind farms reduce precipitation and raise ground temperatures in the immediate area of the project” and asked if this information would be true with respect to impacts from the proposed Project to the micro-environment within the Star Lake Allotment as this would potentially alter forage growth on the Allotment. 2021 Comments, pg.18.

The DEIS did not address these concerns and questions at all. The DEIS and its associated Appendices use the word “precipitation” 14 times but never mention whether wind farm infrastructure has any impact on

precipitation levels, timing, or patterns. The DEIS and its associated Appendices never use the words/phrases “ground temperature”, “micro-environment”, “micro environment”, “micro-climate”, or “micro climate.”

The 2021 Comments state that it has been found that “cattle often cluster around wind turbines (e.g. for shade) where wind energy projects are located in grazing allotments” (see 2005 FPEIS-Wind, Volume 1, at page 5-57) and expressed concern that “resulting disturbed areas” could negatively impact achievement of applicable rangeland health standards (2021 Comments, pg.18).

The DEIS and its associated Appendices only mention the phrase “Rangeland Health Standard” once. This reference to a rangeland health standard is made within Draft Appendix U (Greater Sage-grouse Mitigation Plan) in conjunction with MVE’s “plans to purchase GRSg mitigation credits from the TerraWest Conservancy’s (TerraWest) Eastern Idaho Greater Sage Grouse Habitat Bank (Habitat Bank), known as the ‘Wilcox Ranch Conservation Bank’ (WRCB)” (DEIS, pg. 1033, Draft Appendix U, Greater Sage-grouse Mitigation Plan, pg. U-14) and the related livestock grazing and range management goal for the WRCB to “manage livestock grazing in a manner that meets the BLM’s Rangeland Health Standard while maintaining the current levels of high-quality greater sage-grouse habitat.” DEIS, pg. 1035, Draft Appendix U, Greater Sage-grouse Mitigation Plan, pg. U-16. Thus, the sole DEIS reference to a “Rangeland Health Standard” has nothing to do with the potential for cattle to cluster around wind project infrastructure and thereby impact the ability to achieve applicable rangeland health standards.

The DEIS needs to consider and assess the potential for cattle to cluster around the proposed Project’s wind turbines which could create “disturbed areas” that could in turn negatively impact achievement of applicable rangeland health standards.

Separate-and-apart from the foregoing, while reviewing information relating to previously expressed concerns about the potential physiological effects of the proposed Project to their livestock, Permittees discovered additional information that created new concerns that the proposed Project has the potential to cause physiological distress to the Permittees, their families, and their employees. Concerns regarding potential impacts of the proposed Project to human health are particularly relevant to the Permittees and their families and employees because they will be required to spend significant periods of time managing and moving their livestock within and adjacent to the proposed siting corridors within the Star Lake Allotment particularly during the construction phase and during the operational phase (30-year period) of the Project.

Wind-energy projects have been reported to create negative impacts on human health and well-being, mainly by noise, shadow flicker, and visual impacts. The health implications of visual impacts are often underestimated. The World Health Organization reported that a “bad view” out of a window can increase the risk for depression by 40%.¹¹ The same study also reported that noise disturbance when awake can increase depression by 40% while sleep disturbance from noise can increase depression risk by 100%.

Other scientific studies indicate a strong correlation between sunlight deficiency and depression, or the risk thereof. Therefore, those who are exposed to the sound and visual disturbances experienced when living close to wind turbines seem to be at an elevated risk of suffering from depression no matter what they do. If they allow the shadow flicker caused by the wind turbines to encroach through windows, the “bad view” and

¹¹ World Health Organization, Large analysis and review of European housing and health status (LARES) Preliminary overview, 2007.

disorienting flickers coupled with the sound pollution raises their risk of depression. On the other hand, if they frequently draw light-darkening curtains to keep the shadow flicker under control, they are also at higher risk for depression than they otherwise would be in normal living situations.

Wind turbines create visual burdens along with noise pollution¹² which can cause annoyance, stress, and disturbance to sleep.^{13 14 15 16 17} Thus, the visual and noise impacts of wind turbines, particularly when combined, can result in adverse human health effects. *See* Visual Health Effects and Wind Turbines at www.aboutgenerators.com/visual-health-effects-and-wind-turbines (last checked 4/11/2023 @ 9:57 A.M).

When wind turbine blades rotate, they cause an effect commonly known as shadow flicker, particularly when backlit by the sun when it is low on the horizon. Shadow flicker has been reported to be bright enough to pass through closed eyelids,¹⁸ and has the potential to induce photosensitive epileptic seizures, although this risk is low with proper planning and mitigation.¹⁹ Planning to mitigate epilepsy triggers should ensure that shadow flicker from individual turbines or from multiple adjacent turbines does not exceed a flash frequency of three per second¹⁸. *See* Visual Health Effects and Wind Turbines at www.aboutgenerators.com/visual-health-effects-and-wind-turbines (last checked 4/11/2023 @ 9:58 A.M).

Annoyance and/or stress have consistently been found to be the most common adverse human health effects correlated with shadow flicker from wind turbines.^{20 21 22} Wind turbine noise is easily heard, and turbines are visually prominent objects whose spinning motion attracts the eye. The combined auditory and visual effects and negative aesthetic response can multiply the experience of annoyance and lead to stress-related symptoms due to prolonged physiological stimulation which is resistant to psycho-physiological

¹² Energy, sustainable development and health. Background document for the Fourth Ministerial Conference on Environment and Health, 23-25 June 2004, Geneva.

¹³ W. David Colby, M.D et al., Wind Turbine Sound and Health Effects, An Expert Panel Review 2009, Prepared for American Wind Energy Association and Canadian Wind Energy Association.

¹⁴ Arlene King M.D., Ontario Ministry of Health and Long Term Care Memorandum, October 21, 2009.

¹⁵ Copes, R. and K. Rideout. Wind Turbines and Health: A Review of Evidence. Ontario Agency for Health Protection and Promotion 2009.

¹⁶ Pedersen et al., 2008, Project WINDFARM perception Visual and acoustic impact of wind turbine farms on residents.

¹⁷ Thorne et al, Noise Impact Assessment Report Waubra Wind Farm Mr & Mrs N Dean Report No 1537 – Rev 1 – July 2010.

¹⁸ Graham Harding, Wind Turbines, Flicker, And Photosensitive Epilepsy: Characterizing The Flashing That May Precipitate Seizures And Optimizing Guidelines To Prevent Them, 2008.

¹⁹ Smedley AR et al, Potential Of Wind Turbines To Elicit Seizures Under Various Meteorological Conditions., 2009.

²⁰ National Research Council (NRC). Environmental Impacts of Wind-Energy Projects, 2007 NRC, Washington, DC.

²¹ Copes et al, Wind Turbines And Environmental Assessment, National Collaborating Centre for Environmental Health, June 23, 2009.

²² Minnesota Department of Health (MDH) 2009 Public Health Impacts of Wind Turbines.

recovery.²³ See Visual Health Effects and Wind Turbines at www.aboutgenerators.com/visual-health-effects-and-wind-turbines (last checked 4/11/2023 @ 10:00 A.M.).

Shadow flicker can be an issue both indoors and outdoors, particularly when the sun is low on the horizon, and must be modeled for human exposure risks in locations other than nearby homes. Shadow flicker is also a travel safety concern because it can be a distraction while driving vehicles. In the northern hemisphere, locations East-NE or West-NW from wind turbines are most vulnerable to adverse effects from shadow flicker.²⁴ See Visual Health Effects and Wind Turbines at www.aboutgenerators.com/visual-health-effects-and-wind-turbines (last checked 4/11/2023 @ 10:03 A.M.).

The DEIS appears to have confined its shadow flicker modeling to residences and other “receptor” building sites that are located close to the proposed Project’s siting corridors.

The DEIS needs to consider and assess shadow flicker modeling in other outdoor locations, particularly along improved roads subject to moderate to high vehicle speeds which may experience Project-related shadow flicker that can distract drivers.

Recommended setbacks to avoid shadow flicker conflicts are 10 rotational diameters which would translate to approximately 4,590 feet for the 3-MW turbines and 5,600 feet for the 6-MW wind turbines analyzed for the proposed Project. Protection from excessive shadow flicker exposure to avoid adverse human health effects must be engineered into the project-design during the planning stages of any wind turbine facility. Shadow flicker modeling in the planning stage should include: calculations based on the actual location of the wind turbines; exposure calculations on the entire neighboring properties and not just “receptor” locations; calculations for both sun and moon induced flicker using conservative assumptions to ensure maximum protection against adverse human health effects and safety risks; and, protection against photosensitive epilepsy by ensuring the flash frequency of shadows cast by individual turbines or a combination of multiple turbines does not exceed three flashes per second. See Visual Health Effects and Wind Turbines at www.aboutgenerators.com/visual-health-effects-and-wind-turbines (last checked 4/11/2023 @ 10:07 A.M.).

The DEIS and its associated Appendices fail to comply with the shadow flicker modeling recommendations disclosed above because: they do not base the modeling calculations on actual wind turbine locations (which will not be determined until the plan is finalized); they appear to base the calculations primarily or exclusively on “receptor” locations which are residences or other buildings that would be located near the Project siting corridors and fail to model impacts on all neighboring properties including outdoor locations; they do not appear to include any modeling of shadow flicker induced by the moon; and, they do not even mention epilepsy whatsoever. The DEIS needs to be amended to correct these deficiencies.

A 2008 article published in *Epilepsia* (49(6), pgs. 1095-1098) titled “Wind turbines, flicker, and photosensitive epilepsy: characterizing the flashing that may precipitate seizures and optimizing guidelines to prevent them” reported that “seizure risk does not decrease significantly until the distance exceeds 100 times the hub height” and concluded that “flash frequency is therefore the critical factor and should be kept to a

²³ Pedersen Eja, Human Response To Wind Turbine Noise: Perception, Annoyance And Moderating Factors , May 23, 2007.

²⁴ Verkuijlen E, Westra CA. (1984) Shadow hindrance by wind turbines. Proceedings of the European wind Energy Conference. October 1984, Hamburg, Germany.

maximum of three per second, i.e., sixty revolutions per minute for a three-bladed turbine.” The article also concluded “the shadows cast by one turbine on another should not be viewable by the public if the cumulative flash rate exceeds three per second” and that to reduce epilepsy-related health concerns wind turbine blades “should not be reflective.”

While articles regarding potential health effects from the shadow flicker and noise (both audible and infrasound) created by wind turbines have generally concluded that annoyance, stress, and sleep disruption are the most significant health effects to humans, the trend in concern levels reported within these articles is not reassuring. Older articles tended to downplay the severity of these human health concerns more than do the most recent articles. Thus, it seems that the more we study the issue, the more the scientific community finds that there is merit behind the health concerns regarding annoyance and sleep disturbance. For example, conclusions from synthesis articles regarding scientific investigation of the issue taken in chronological order are summarized below:

March 5, 2013; *Environmental Impacts of Wind Power* by the Union of Concerned Scientists. “Public health and community – Some people living close to wind facilities have complained about sound and vibration issues, but industry and government-sponsored studies in Canada and Australia have found that these issues do not adversely impact public health.”

June 19, 2014; *Wind turbines and human health* a review article in *Frontiers in Human Health*. “The available scientific evidence suggests that EMF, shadow flicker, low-frequency noise, and infrasound from wind turbines are not likely to affect human health; some studies have found that audible noise from wind turbines can be annoying to some. Annoyance may be associated with some self-reported health effects (e.g., sleep disturbance) especially at sound pressure levels >40 dB(A). ... Based on the findings and scientific merit of the available studies, the weight of evidence suggests that when sited properly, wind turbines are not related to adverse health.”

December 4, 2014; *Health effects related to wind turbine noise exposure: a systematic review* in *PLoS One* - doi: 10.1371/journal.pone.0114183. “Exposure to wind turbines does seem to increase the risk of annoyance and self-reported sleep disturbance in a dose-response relationship. There appears, though, to be a tolerable level of around LAeq of 35 dB. Of the many other claimed health effects of wind turbine noise exposure reported in the literature, however, no conclusive evidence could be found.

January 23, 2019; *The influence of wind turbine visibility on the health of local residents: a systematic review* by Alice Freiberg, Christiane Schefter, Janice Hegewald, and Andreas Seidler. “Results: The pooled prevalence of high annoyance due to altered views and shadow flicker was 6% each. The results of other health effects were inconsistent, with some indications showing that direct wind turbine visibility increases sleep disturbance. Annoyance by direct visibility, shadow flicker, and blinking lights was significantly associated with an increased risk for sleep disorders. One study indicated reactions to visual wind turbine features may be influenced by acoustical exposures. Conclusions: Direct and indirect wind turbine visibility may affect residents' health, and reactions may differ in combination with noise.”

Note that in 2013 it was flatly concluded that “these issues do not adversely impact public health.” In mid-2014 it was reported that “scientific evidence suggests” that phenomena generated by wind turbines “are

not likely to affect human health” while “audible noise from wind turbines can be annoying to some” which can induce certain “self-reported health effects (e.g., sleep disturbance) especially at sound pressure levels >40 dB(A).” In late-2014 it was concluded that wind turbine exposure “does seem to increase the risk of annoyance and self-reported sleep disturbance in a dose-response relationship” with a toleration “level of around” 35 dB. In contrast, by 2019 it was concluded that there was a “prevalence of high annoyance due to altered views and shadow flicker” (6% each) “with some indications showing that direct wind turbine visibility increases sleep disturbance” while visual annoyance paired with “shadow flicker, and blinking lights was significantly associated with an increased risk for sleep disorders²⁵.”

As seen above, the more recent synthesis articles conclude that there are negative health effects with an increasing degree of certainty, and report that the thresholds of toleration are progressively lower. In other words, as time goes on the scientific viewpoint is increasingly recognizing the legitimacy of health concerns regarding long-term annoyance and sleep disruption impacts and is finding that what were initially considered to be tolerable impact levels may have been set too high.

The DEIS needs to consider and assess that the science regarding long-term annoyance and sleep disruption impacts associated with wind turbines is growing and that the more we study these phenomena, the more we discover regarding their prevalence and the more we understand about how they can be mitigated.

While reviewing information relating to previously expressed concerns about the potential physiological effects of the proposed Project to their livestock, the Permittees discovered additional information that created new concerns that the proposed Project has the potential to cause health and safety risks due to the danger of falling ice. Given the extremely high tip-speed of wind turbine blades, there is the potential for ice to be hurled across an impact zone which may extend far beyond the vertical footprint of the wind turbine rotor itself. The DEIS fails to disclose or analyze this potential risk whatsoever.

The DEIS needs to consider and assess the risks to health and safety that would be created by the proposed Project due to the danger of falling / hurling ice, including: associated risks to the Permittees’ livestock during their annual scheduled grazing seasons within the Star Lake Allotment (4/16 – 12/31); associated risks to wildlife (sage-grouse and other birds, big game, small game, other mammals, amphibians, and reptiles); and, humans (particularly within the wind turbine siting corridors and associated roadways).

H. Lack of information on status of existing Grazing Preferences and Permitted Use AUMs upon decommissioning if the proposed Project is authorized and results in devotion of the public lands within the Star Lake Allotment to wind energy development, in whole or in part. See 2021 Comments, pgs. 18-19.

The 2021 Comments asked if the proposed Project is authorized and results in disposition of or devoting (in whole or in part) the public lands in the Star Lake Allotment to wind energy development, would “the existing Permittees (or their successors or assigns) continue to hold the existing Grazing Preferences and Permitted Use AUMs so to be first-in-line for the allocation [or re-allocation] of the forage within the Star Lake Allotment in the future (2021 Comments, pgs. 18-19)?”

The DEIS does not adequately address this question.

²⁵ A medical disorder of an individual's sleep patterns that is more debilitating than sleep disturbance.

The DEIS and its associated Appendices never even use the phrases “grazing preference” or “permitted use AUMs.”²⁶ The DEIS does not even consider the possibility that the proposed Project could result in the public lands in the Star Lake Allotment (or other proposed Project areas) being devoted, in whole or in part, to a primary use such as wind energy development to the detriment of other multiple-use authorizations. *See* 43 C.F.R. § 4120.3-6(c) (10-1-2005 Edition). The DEIS reports that Project operation under Alternative B “would not physically preclude any other permitted uses (e.g., grazing and recreation) from the siting corridors, except where permanent infrastructure is sited (2,374 acres)” with additional work areas during operation and maintenance (6,740 acres) that “would also be unavailable for livestock grazing uses, specifically, due to lack of adequate livestock forage” for a total of 9,114 acres unavailable for livestock grazing during operation and maintenance (DEIS, pg. 3-266). The DEIS then reports in Table 3.8-2 (Construction and Operation Land Use Impacts by Action Alternative) that the acreage unavailable for livestock grazing during operation and maintenance would be somewhat lower under the other action alternatives (DEIS, pg. 3-266).

VIII. Lack of consideration and assessment of roads, including as related to livestock grazing.

A. Need for MVE to pay for the loss of livestock injured or killed by motor vehicles (2021 Comments, pg. 18) and related Road Issue to reimburse owners for Project-related livestock-vehicle injuries and fatalities. *See* 2022 Comments, pg. 7.

The 2021 Comments noted that the proposed Project initially anticipated the construction of up to 350 miles of new roads across the entire project area to improve access by the applicant (MVE) and expressed concern that these roads would result in much higher travel speeds and increased traffic volume (2021 Comments, pg. 18). The 2022 Comments stated that the Permittees understood that the planned construction “includes construction/improvement of approximately 45 miles of access roads” (2022 Comments, pg.6). Both the 2021 and 2022 Comments expresses concern that the new and improved access roads associated with the proposed Project would endanger livestock and wildlife, especially at night, and asked if the applicant (MVE) would pay for livestock injured or killed by Project-related motor vehicle traffic (2021 Comments, pg. 18; 2022 Comments, pg. 7).

The DEIS did not adequately address this issue.

Table ES-1 of the DEIS at pg. ES-xi reports that the proposed Project will require 486 miles of new access roads and improvement of 147 miles of existing access roads (including 33 miles of new construction and 14 miles of improvement to existing roads for construction crane paths) under Alternative B, with fewer miles of new and improved access roads required under the other action alternatives (commensurate with the smaller number of wind turbines these alternatives would authorize). Under its discussion of potential noise impacts to livestock, the DEIS states “Applicant-committed measure 33 and mitigation measure N required by BLM policy (see EIS Appendix 4)” which together “establish speed limits on BLM roads and require project personnel to adhere to them, would help reduce the potential for herd displacement and deaths from livestock-vehicle collisions” (DEIS, pg. 3-292).

²⁶ Note that pages 3-233 and 3-234 of the DEIS appear to incorrectly use the terms “permitted AUMs” and “active AUMs” interchangeably.

The Grazing Coordination Plan reports that grazing permittees operating within the Project area have identified potential impacts that include livestock death due to: “Project-related vehicle collisions and entrapment within active construction sites” and “general public vehicle collisions, resulting from improved access road conditions and increased vehicle speeds.” The Grazing Coordination Plan then reports “MVE is proposing a suite of measures to avoid, minimize, and mitigate the potential impacts to grazing permittees” which would, among other things, “greatly reduce the potential for vehicle-livestock collisions during Project construction, operation, and decommissioning periods...”. *See* DEIS, Draft Appendix S, Grazing Coordination Plan, pg. S-1.

The Grazing Coordination Plan states that “to reduce the potential for livestock collisions with Project-related vehicles, collisions with general public traffic, reduce livestock stress and disturbance, improve livestock management, and reduce potential construction delays, MVE is proposing the installation of temporary fence (such as electric fence) during construction and reclamation periods” (DEIS, Draft Appendix S, Grazing Coordination Plan, pg. S-2). *See also* DEIS, Appendix 11, pg. App11-16. However, actions that “reduce” potential livestock-vehicle collisions associated with the proposed Project will not eliminate such collisions.

B. Permittees requested that cattleguards be installed at all wind Project road crossings. *See* 2022 Comments, pgs. 6-7.

The 2022 Comments requested that “cattleguards be installed by the Wind Company at all road-crossing fences” (2022 Comments, pgs. 6-7).

The DEIS does not adequately address this issue.

The DEIS reports that either gates “or cattle guards will be installed where openings are needed along range fences” (DEIS, pg. 613 [Appendix 1, Plan of Development, pg. 25]).

With respect to the Star Lake Allotment specifically, the Grazing Coordination Plan states that wherever “**new project access roads** cross existing range fence, MVE will install cattle guards to reduce impacts to livestock operations” and that the road crossings “will be examined on an individual basis once the final road layout is determined to identify the final number and location of cattle guards.” DEIS, Draft Appendix S, Grazing Coordination Plan, pg. S-4 (emphasis added).

While the Permittees appreciate the commitment MVE has made to install cattleguards whenever “new project access roads cross existing range fence” within the Star Lake Allotment, this does not satisfy the request that “cattleguards be installed by the Wind Company at all road-crossing fences” because there are from 83 to 147 miles of existing roads that are forecast to be improved to provide access to the proposed Project (DEIS, Table ES-1, pg. ES-xi).

C. Permittees requested that MVE assumes the cost and obligation to construct and maintain the roads and cattleguards needed in association with the proposed Project. *See* 2022 Comments, pg. 7.

The 2022 Comments requested that the applicant (MVE) “assumes the cost and obligation to construct and maintain” Project-related roads and cattleguards if the Project is approved (2022 Comments, pg. 7).

The DEIS does not adequately address this issue.

The Grazing Coordination Plan states “MVE is proposing additions and modifications to range improvements within each of the Star Lake, Sid Butte, North Milner, Wildhorse, and Camp I allotments.” The Grazing Coordination Plan further reports that “resource surveys and installation costs associated with these range improvements will be funded by MVE.” *See* DEIS, Draft Appendix S, Grazing Coordination Plan, pg. S-2. However, the Grazing Coordination Plan fails to disclose what party will be responsible for maintenance actions and costs associated with such Project-related range improvements.

D. Permittees requested to limit Project-related access road development to “existing roads” with additional construction of “side-access roads.” *See* 2022 Comments, pg. 6.

The 2022 Comments requested that access to the proposed Project infrastructure use “existing roads” and that “side-access roads” be constructed only to the extent necessary (2022 Comments, pg. 6).

The DEIS addresses this request superficially but appears to fail to implement the request with meaningful substance.

The DEIS at pg. 3-123 reports that “MVE would maximize use of existing roads, thereby keeping new construction to a minimum (applicant-committed measure 38)” (also see similar applicant-committed measure 17). The Draft Appendix J of the DEIS (Road Design, Traffic and Transportation Plan) reports: “Maximum use will be made of existing roads, thus keeping new construction to a minimum” (DEIS, Draft Appendix J [Road Design, Traffic and Transportation Plan], pg. J-4). Similar statements are made by the DEIS Appendices at the following pages: Appendix M, pgs. 56 & 58-59; Appendix T, pg. T-30; Appendix U, pgs. U-12 & U-a-3; and Appendix 11, pg. App11-8.

Despite frequent repetition of the claim within the DEIS that the proposed Project would maximize use of existing roads to keep new construction to a minimum, the fact is that each action alternative anticipates more than twice as many miles of “new” access roads when compared to miles of “existing roads” to be “improved” for project access. This casts doubt on whether any real effort was made in the planning process to prioritize the use of existing roads for Project access over the construction of “new” roads. This is particularly true when one sees that the DEIS reports that there are “approximately 401 miles of existing roads (paved and unpaved)” in the analysis area (the proposed Project’s siting corridors) for pollinators (DEIS, pg. 3-303) and compares this value to the anticipated construction of anywhere from 272 to 486 miles of new roads to access the Project under the action alternatives (DEIS, pg. ES-xi). A proposed Project that would require from 68% to 121% as many new miles of road within the Project siting corridors as the 401 miles of road already existing therein does not prioritize the use of existing roads for Project access.

E. Permittees requested for a “25 MPH speed limit” upon wind project roads *See* 2022 Comments, pg. 6.

The 2022 Comments requested establishment of a “25 MPH speed limit” upon wind project roads during pre- and post-construction phases and during the operational phase of the proposed Project (2022 Comments, pg. 6).

The DEIS does not adequately address this issue.

The DEIS reports that “speed limits” would be implemented to reduce potential impacts to livestock grazing from project-related traffic (DEIS, pg. 3-281) but fails to specify what speed any such limits would be set to for particular Project roads or road types. The DEIS references applicant-committed measure 33 and mitigation measure N “which establish speed limits on BLM roads and require project personnel to adhere to them” (DEIS, pg. 3-292) but again fails to specify what any such speed limits would be. The DEIS states that during construction “personnel would also be instructed and required to adhere to speed limits commensurate with road types, traffic volumes, vehicle types, and site-specific conditions to ensure safe and efficient traffic flow” (DEIS, pg. 3-371) but again fails to specify what any such speed limits would be set to for any “road types, traffic volumes, vehicle types, and site-specific conditions...”.

The DEIS reports “Project personnel during all project phases would be required to drive 25 mph or less **on non-public project roads**, be alert for wildlife, and use additional caution in low-visibility conditions when driving any vehicle (applicant-committed measure 33).” DEIS, pg. 3-97 (emphasis added). *See also* DEIS, pgs. 3-123, 3-457, 3-478, J-8, M-58, T-32, T-33, U-a-8, App3-5, App3-18, App3-22, and App4-6 (applicant-committed measure 33). The DEIS further states that MVE would “enforce a 25-mph speed limit **on private project access roads** (applicant-committed measure 33).” DEIS, pg. 3-504 (emphasis added). These DEIS statements indicate that a 25-mph speed limit would only be established and enforced for non-public (private) Project roads and do not specify any speed limits that would be established for roads on BLM administered public land or other public roads.

The only statement in the DEIS that implies that a 25-mph speed limit might be established and enforced on all Project roads is in Appendix M where it is reported that all Project “personnel will obey posted speed limits (25 mph or less) on Project roads.” DEIS, Appendix M, Lava Ridge Bird and Bat Conservation Strategy, pg. M-59). However, Appendix M previously explicitly states that the 25-mph speed limit is applicable to “non-public Project roads.” DEIS, Appendix M, pg. M-58.

F. Permittees requested that MVE assumes the cost and obligation to implement weed control and garbage removal adjacent to Project-related roads. *See* 2022 Comments, pg. 7 & 9.

The 2022 Comments requested that the applicant (MVE) “assumes the cost and obligation to mitigate any weed control and garbage removal adjacent to the roads” associated with the proposed Project if it is approved (2022 Comments, pg. 7). The 2022 Comments also requested that such costs and obligations regarding weed control and garbage removal be applied to all “as constructed” Project-related facilities during each phase of the proposed Project (2022 Comments, pg. 9).

The DEIS does not adequately address this issue.

Under its analysis of avian and bat species, section 3.3 of the DEIS reports under “Alternative B with Additional Measures” that additional measures would be imposed to minimize impacts, including “Measure rr” which would make MVE “responsible for control of weed and nonnative species that result from construction, use, or maintenance authorized in their ROW grant” and would require MVE to “coordinate with the Authorized Officer and/or local authorities for acceptable weed control measures (within limits imposed in the grant stipulations) prior to implementing weed treatments” (DEIS, pg. 3-124). *See also* DEIS, pgs. 3-234, 3-254, 3-283, 3-308, and 3-482. The fact that these measures are discussed under analysis of the Alternative titled “Alternative B with Additional Measures” implies that MVE would not bear responsibility for the “control of

weed and nonnative species” and would not need to “coordinate with the Authorized Officer and/or local authorities... prior to implementing weed treatments” under Alternative B as submitted by the applicant (MVE).

Draft Appendix R (Draft Noxious Weed Management Plan) attached to the DEIS reports that the purpose of the Noxious Weed Management Plan is to: “report the results of a baseline noxious weed inventory... provide guidance for controlling noxious weeds during Project construction, operation, and reclamation, and provide an overview of Best Management Practices (BMPs) that will be implemented for the life of the Project.” DEIS, Draft Appendix R, Draft Noxious Weed Management Plan, pg. R-1. It is unclear why the DEIS chose to address potential shortcomings of the Draft Noxious Weed Management Plan by evaluating additional weed control and treatment stipulations (measures) under an Alternative titled “Alternative B with Additional Measures” rather than simply direct that the Draft Noxious Weed Management Plan be amended to remedy identified shortcomings.

The Plan of Development attached to the DEIS includes Appendix F (Health and Safety Plan) which reports that the ROW associated with the proposed Project “will be maintained in a sanitary condition at all times” with all waste materials “disposed of at an appropriate waste disposal site” and defines “waste” as “all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ash, and equipment that are a result of the Project Team’s activities.” DEIS, pg. 694, Appendix 1, Plan of Development in its Appendix F, pg. F-3. Such waste disposal commitment would appear to indicate that MVE “assumes the cost and obligation” for “garbage removal adjacent to the roads” and all “as constructed” Project-related facilities during each phase of the proposed Project (2022 Comments, pgs. 7 & 9).

The DEIS needs to clarify that MVE “assumes the cost and obligation” for “weed control” and “garbage removal adjacent to the roads” and all other Project-related facilities during each phase of the proposed Project.

IX. Need for MVE to pay for wildfire suppression and to mitigate increased wildfire risks associated with the proposed Project. See 2021 Comments, pg. 18

The 2021 Comments expressed concerns about how the proposed Project would impact future wildfire suppression efforts, particularly with respect to reduced air tanker use in the vicinity of 545 foot or taller wind turbines and opined that reduced air tanker effectiveness implicates the likelihood of larger wildfires in the future within the Star Lake Allotment due to inefficient or ineffective wildfire suppression (2021 Comments, pg. 18). The 2021 Comments asked if the applicant (MVE) is going to pay for the temporary loss of AUMs due to future wildfire impacts related to the proposed Project (2021 Comments, pg. 18).

The DEIS addressed this issue in some detail. However, after briefly discussing the potential for the proposed Project to impact the use of air tankers in future fire suppression efforts, the DEIS appears to trivialize or brush aside this concern and does not even mention the concern in its summary of Alternative B impacts related to wildfire.

The DEIS summarizes its analysis of Fire and Fuels management under Alternative B as follows:

Project infrastructure in the analysis area would result in increased fragmentation of the landscape and break up fuel continuity, potentially reducing the potential for large fire spread; however, it could also result in increased ignitions. This could lead to a higher number of small fires and could increase fire resource response regardless of the size the ignitions grow to. The

additional road development could, however, increase access for responders, reducing initial response times by fire agencies and increasing potential for fires to be contained at a smaller size. Increased anthropogenic activity that leads to ignitions sometimes occurs outside peak fire season in a geographic area. Project ground disturbance could increase the likelihood of introduction and spread of nonnative plants, which are a fuel source; however, mitigation measures would reduce this possibility.

DEIS, pg. 3-252.

The DEIS then reports in Table 3.7-1 (Summary of Impacts to Fire and Fuels Management by Action Alternative) anticipated differences regarding wildfire impacts for each action alternative by ranking the alternatives from those that would be most impacted to those that would be least impacted (DEIS, pgs. 3-252 & 3-253). Only the “Acres of changes to vegetation types, fuel types, or fuel loading” indicator reported in Table 3.7-1 quantifies the potential wildfire impacts in any way. With respect to the “Changes to navigable airspace” indicator, DEIS Table 3.7-1 merely reports that Alternative B would be “Most impacted due to the largest project footprint” and that the other action alternatives would be somewhat less impacted due to their associated smaller project footprints (DEIS, pg. 3-253).

Earlier, the DEIS admits that “navigation in the area would change for fire responders, and aerial resources could be more limited in their ability to respond due to the presence of turbines and associated infrastructure in the airspace around the siting corridors” (DEIS, pg. 3-251). The DEIS also reports that “FAA regulations do not limit the proximity of aircraft to turbines for fire suppression” and concludes that fire suppression from the air “could occur near project infrastructure at the pilot’s discretion” based upon assessment of “situation-specific risk when flying fire suppression aircraft” (DEIS, pg. 3-251). The DEIS analysis “assumes there would be some reduction in aerial suppression in the analysis area, and aerial suppression that does occur may take longer because flight paths may need to be broken up or require more turns” (DEIS, pg. 3-251). However, the assumed reduction in aerial suppression is not considered important enough to even be mentioned in the DEIS summary statement related to potential wildfire impacts from the proposed Project quoted above and is not quantified in any way in Table 3.7-1 (Summary of Impacts to Fire and Fuels Management by Action Alternative).²⁷

The DEIS admits that the proposed Project “would complicate fire resource allocation decisions because there would be new infrastructure at risk, and decision-makers would need to consider this when prioritizing active fire events which require response resources” (DEIS, pg. 3-251). However, as was the case for potential

²⁷ Relative to the FAA, Permittees are aware that the FAA issued a “Notice of Preliminary Findings” dated May 21, 2021, as part of an Aeronautical Study No. 2021-WTW-2364-OE, which stated that “Initial findings of this study indicate that the structure as described exceeds obstruction standards and/or would have an adverse physical or electromagnetic interference effect upon navigable airspace or air navigation facilities. Pending resolution of the issues described below, the structure is presumed to be a hazard to air navigation.” Such “Initial findings” would appear to condemn the pending Wind project application now before BLM for processing. We use the word “appear” because, under information and belief, another FAA process is on-going under Aeronautical Study No. 2022-WTW-4666-OE. The results of such (apparent new) on-going study are unknown as of the filing of these comments, though Permittees not only urge but require BLM stay aware of the outcome of such (new) FFA process, given it is likely, in-and-of-itself, a controlling piece of any authorization by BLM.

impacts with respect to the use of air tankers in future fire suppression efforts, the DEIS appears to trivialize or brush aside the concern regarding the potential for the proposed Project to “complicate fire resource allocation decisions” and does not even mention the concern in its summary of Alternative B impacts related to wildfire.

On balance, the DEIS appears to emphasize those factors for which the proposed Project would potentially improve or enhance wildfire suppression efforts and appears to trivialize or brush aside those factors for which the proposed Project would potentially hinder or reduce wildfire suppression efforts.

Table App4-2g (Applicant-Committed Measures – Fire) reports under Measure Number 50: “A fire protection and prevention plan would be implemented and would outline responsibilities, notification procedures, fire prevention measures and precautions, fire suppression equipment, initial response procedures, and post-fire rehabilitation strategies related to the Project” (DEIS, pg. App4-8). It is unclear if the responsibilities outlined by the fire protection and prevention plan include financial responsibilities associated with suppression and rehabilitation for Project-related fires. Table App4-2g reports under Measure Number 51: “The project team would be responsible for taking immediate steps to suppress a Project-related fire and would be responsible for post-fire rehabilitation” (DEIS, pg. App4-8). It is unclear if these project team responsibilities include paying for the costs associated with suppression and rehabilitation for “Project-related” fires. Furthermore, the DEIS does not appear to contain any measures to ensure that MVE is responsible for paying for the value of AUMs lost due to forage reductions from future “Project-related” fires.

The DEIS needs to clarify that MVE would be responsible for paying for the costs associated with suppression and rehabilitation for “Project-related” fires, would be responsible for paying compensation for any lost AUMs resulting from “Project-related” fires, and would be responsible for paying compensation for any livestock injured or killed due to any “Project-related” fires.

X. Need to evaluate socio-economic losses due to impacts on local ranching operations. See 2021 Comments, pg. 16.

The 2021 Comments expressed comments at pg. 16 that the proposed Project would result in socio-economic losses due to impacts on local ranching operations related to: (1) the gross annual income generated from the Permittees to support local, regional, and national economies; (2) the gross annual property taxes paid by the Permittees based upon their base properties and upon other private land; and (3) the workforce employed by the Permittees (at least 57 full-time and parttime employees annually).

The DEIS did not adequately address these issues.

A. Socio-economic Benefits Attributed to the Proposed Project

Summary: The DEIS vaguely reports the purported enhancement to the local economy and Project-related spending.

The DEIS emphasizes the economic benefits that are anticipated to arise if the Project is authorized, with approximately 12 separate references to new jobs that would be created and approximately 10 separate references to additional tax revenues that would be generated. The DEIS’ overall conclusion regarding socio-economic impacts of the proposed Project appears to have been driven by the statement in the Plan of

Development that “the Project will enhance the local economy by creating employment opportunities, tax revenues, and support of local businesses.” DEIS, pg. 591 [Appendix 1, Plan of Development, pg. 3].

The DEIS emphasizes the potential socio-economic benefits of the proposed Project by reporting large projected dollar values. For example, DEIS Table ES-2 (Summary of Project Impacts) concludes that there will be beneficial effects to the “local and regional economy due to project-related spending (\$277.80 million total economic output per year of construction [similar for decommissioning] and \$15 million per year of operation) and annual tax revenues (\$43.95 million per year of construction [similar for decommissioning] and \$4.53 million per year of operation).” DEIS, pg. ES-xix.

B. Socio-economic Damages Attributed to the Proposed Project

Summary: The DEIS downplays or ignores potential socio-economic damages to the local economy from the proposed Project

In contrast, the DEIS appears to trivialize and downplay the potential socio-economic damages that would result from the proposed Project by reporting nominally small percentage changes and by avoiding attaching any dollar values to the potential damages. For example, DEIS Table ES-2 (Summary of Project Impacts at pg. ES-xix) concludes that “AUM reductions for individual grazing allotments would range from 0% to 34.9% of the active AUMs” during construction, and “would range from 0% to 1.3% of the active AUMs” during operation. This summary goes on to conclude that since “some areas would not be reclaimed or have limited reclamation potential, an estimated 231 AUMs (0.4% of the active AUMs) would be permanently lost.” DEIS, pg. ES-xix. These claims appear to be at odds with the DEIS reports elsewhere.

The DEIS further trivializes the potential socio-economic damages with respect to the livestock grazing sector due to these AUM reductions by simply concluding:

Reduced income, profitability, and economic stability for grazing permittees in nine grazing allotments due to temporary and long term animal unit month (AUM) reductions could affect the broader livestock grazing community.

DEIS, Table ES-2, pg. ES-xix.

The DEIS reports other potential negative socio-economic impacts in even more vague terms without attaching any numeric values whatsoever. For example, with respect to potential impacts of the proposed Project to property values, the DEIS concludes:

Potential decrease in residential property value due to the proximity and visibility of wind turbines for residences in the immediate foreground (0–2 miles) and foreground (2–10 miles) of the siting corridors; however, the likelihood or degree to which this may occur cannot be predicted with any certainty.

DEIS, Table ES-2, pg. ES-xix.

Because the DEIS reports the purported socio-economic benefits of the Project in terms of the dollar values that such benefits are expected to generate, but fails to report the potential socio-economic damages in

terms of dollar values lost, it is impossible to formulate an overall conclusion regarding the net socio-economic impact of any of the action alternatives in comparison to one another, or in comparison to the no action alternative. This deficiency in the DEIS needs to be corrected.

C. Socio-economic Analysis Related to the Ranching/Farming Sector

Permittees anticipated that the proposed Project would impact the socio-economic situation of the ranching/farming sector by changing:

- the gross annual income generated from this sector to support local, regional, and national economies;
- the gross annual property taxes paid by this sector based upon their base properties and upon other private land; and
- the workforce employed by this sector. (2021 Comments, pg. 16).

In contrast, the DEIS essentially only evaluates impacts to the socio-economic situation of the ranching / farming sector based upon the potential of the proposed Project to temporarily reduce or permanently eliminate livestock AUMs and thereby alter the annual income generated from this sector. The DEIS fails to attach a dollar value to such potential AUM reductions and permanent losses. The DEIS reports extensively upon the new tax revenues that are projected to be generated by the proposed Project, but fails to address any loss of tax revenues from other sectors that may be impacted by the Project. It seems unrealistic to assume that the Project will have no impact on tax revenues generated by other sectors, including the ranching/farming sector.

Socio-economic Analysis Related to Property Values and Property Taxes

The DEIS acknowledges that the proposed Project is likely to reduce property values in the surrounding areas, but fails to put any dollar value on these reductions (due to purported uncertainty). Similarly, the DEIS fails to project how such property value reductions might impact long-term property taxes in the region. To this end, what is damning as to each of these points is that, while acknowledging the likelihood of reductions in property values, the DEIS fails to consider and assess how it will require the applicant to mitigate such reductions and related losses. The DEIS needs to provide mitigation to compensate the Permittees for any reductions to their property values that result from Project-related infrastructure and activities should the proposed Project be authorized and they sell such property thereafter. The DEIS also needs to provide mitigation that MVE will be required to compensate the Permittees upon such property sale(s) for any incremental costs for property appraisal(s) that are incurred to establish the reduction in property value attributable to authorization (and subsequent implementation) of the proposed Project compared to property values that would have been realized in the absence of the Project.

Socio-economic Analysis Related to Workforce Employment

With respect to workforce employment, the DEIS reports extensively upon new jobs that would be created during construction, operation, and decommissioning of the proposed Project, but fails to report upon jobs that would potentially be lost in other sectors due to the proposed Project. Instead, the DEIS implies that no such job losses in other sectors would occur, claiming that because the proposed Project requires “a relatively

specialized construction workforce and to provide a conservative assessment of employment and related impacts, this analysis assumed all workers would be non-local, and **unemployment in the analysis area would remain unchanged**” (DEIS, pg. 3-220, bold emphasis added). DEIS Table 3.6-5 also concludes that “unemployment in the analysis area would remain unchanged” under each of the action alternatives (DEIS, pg. 3-221).

To the extent the DEIS anticipates that there will be temporary AUM reductions and permanent AUM eliminations associated with each of the action alternatives for the proposed Project, it is reasonable to anticipate that there will be commensurate temporary reductions or permanent eliminations within the workforce employed to manage the livestock that utilize such AUMs. Thus, it is erroneous for the DEIS to conclude that “unemployment in the analysis area would remain unchanged” under the action alternatives evaluated for the Project. While such changes in workforce employment may not be extensive enough to change the regional unemployment rate, local unemployment within the analysis area would certainly change.

The DEIS needs to be consider and assess the impacts to the socio-economic situation of the ranching / farming sector based not only upon the potential of the proposed Project to change the gross annual income generated from this sector (at local, regional, and national scales) due to AUM losses, but upon the potential to change the gross annual property taxes paid by this sector and the workforce employed by this sector.

D. Social and Cultural Impacts Related to the Ranching/Farming Sector

The social implications of the proposed Project may be as serious or more serious to the socio-economic situation in the region than are the economic implications. The DEIS acknowledges that the ranching/farming sector is a vital component of the local and regional social and cultural fabric, stating:

Livestock grazing plays an important economic and social role in southern Idaho. The livestock industry represents a core sector of commerce for the region and many families and communities depend on livestock grazing for their livelihoods (Lewin et al. 2019). These families and communities have strong ties to the livestock industry and have identified with the tradition, land use, and history of grazing in the area since the late 1860s. The livestock industry not only contributes to the region’s economic stability but also the rural lifestyle for local residents and small community sense of place (Lewin et al. 2019). Moreover, the social networks of southern Idaho communities are often closely connected with grazing and agricultural life, and the economic well-being of the grazing community is of central importance to some rural southern Idaho towns. Rimbey et al. (1999) and Wulforth et. al. (2006) found that in southern Idaho communities, livestock grazing is an essential and stabilizing social and economic contributor, which allows community members to feel connected to the land, to each other, and to the ranching community.

DEIS, pg. 3-230.

While the DEIS statement quoted above recognizes that the ranching/farming community is not only a “core sector of commerce” in southern Idaho, but also plays a critical role in the region’s tradition, rural lifestyle, small community sense of place, and social networks, the DEIS immediately thereafter focuses its socio-economic analysis regarding the livestock grazing sector on the temporary and long-term or permanent AUM reductions that the proposed Project would impose on the economic conditions associated with the nine

grazing allotments which intersect the siting corridors of the proposed Project (DEIS, pg. 3-230). Once again, the DEIS conducts its subsequent socio-economic analysis in terms of magnitude (absolute number) or percentage of AUMs reduced and fails to put any dollar values on such reductions. The DEIS utterly fails to address in its subsequent analyses the social/cultural impacts to the region's tradition, rural lifestyle, small community sense of place, and social networks associated with the ranching/farming sector that were identified as "essential and stabilizing social..." contributors by the DEIS at pg. 3-230.

The DEIS needs to consider and assess the social / cultural impacts of the proposed Project to the region's tradition, rural lifestyle, small community sense of place, and social networks associated with the ranching / farming sector that were identified as "essential and stabilizing social" contributors by the DEIS at pg. 3-230.

E. Socio-economic Analysis Related to the Proposed Sheep AUM Reductions

The DEIS reports that the "Star Lake allotment would have 100% (1,492 AUMs) of their sheep AUMs made unavailable for the duration of construction and decommissioning" under Alternative B, with smaller sheep AUM reductions under Alternatives C and D (68.3%) and Alternative E (36.5%). DEIS, Table 3.6-13 and text, pg. 3-232; *see also* DEIS, Table 3.9-3, pg.3-280). Similarly, the DEIS reports that the Star Lake Allotment would have 100% (1,492 AUMs) of their sheep AUMs made unavailable for the duration of "operation and final reclamation (34 to 39 years total, depending on how long it takes to reach reclamation success criteria for grasses and forage for livestock)" under Alternative B, with smaller sheep AUM reductions under Alternatives C and D (68.3%) and Alternative E (36.5%) (DEIS, Table 3.6-14 and text, pgs. 3-233 & 3-234; also see DEIS, Table 3.9-5, pg.3-282). However, within such reports, the DEIS failed to consider and assess the conversion (or already the defacto conversation) of the sheep AUMs to cattle AUMs to mitigate these impacts to a sheep operator or sheep operation.

Similarly, again, the DEIS fails to attach any dollar values to these reductions but merely reports them in in terms of magnitude (absolute number) or percentage of sheep AUMs reduced. Furthermore, the DEIS fails to disclose why the proposed Project is so incompatible with the sheep grazing operations in the Star Lake Allotment that it would cause 100% of the sheep AUMs to be unavailable during the entire Project life under Alternative B, or the majority (68.3%) to be unavailable under Alternatives C and D, or more than 1/3 (36.5%) to be unavailable under Alternative E.

The failure of the DEIS to disclose why the proposed Project is so incompatible with the sheep grazing operations in the Star Lake Allotment that it would cause 100% of the sheep AUMs to be unavailable during the entire Project life under Alternative B (and significant portions of the sheep AUMs to be unavailable under the other action alternatives) needs to be corrected.

The DEIS utterly fails to address any of the social or cultural impacts that result from the Sheep AUM reductions associated with the proposed Project. As was documented in relation to the broader ranching / farming sector, the sheep herding sector plays a noteworthy role in the region's tradition, rural lifestyle, small community sense of place, and social networks. Evaluation of the social, cultural, and economic impacts associated with reductions to Sheep AUMs by implementation of the proposed Project is particularly important because they often alter the socio-economic climate of environmental justice communities (low-income and minority populations that immigrate to the United States as sheep herders).

The DEIS needs to be consider and assess the negative impacts, including related mitigation, to the social and cultural setting for the environmental justice communities that would result from the sheep AUM reductions under the proposed Project.

F. Socio-economic Concerns and Damages Reported by Other Commentors

Many of the concerns and potential damages associated with the proposed Project reported by other commentors are substantially socio-economic factors or are closely related thereto. For example, comments regarding concerns and potential damages associated with: air quality (as it affects visibility); plant, animal, and wildlife populations and habitats (as they affect recreation, hunting, open space and solitude, scientific interests, commodity interests etc.); climate; cultural resources; environmental justice communities; fire and fuels management (as it affects multiple-use activities by every social sector); land use and realty; paleontological resources (as they affect recreational, commodity, and scientific interests); recreation; transportation (as it affects recreation, hunting, open space and solitude, scientific interests, commodity interests etc.); and, visual resources are largely expressed because they would potentially alter social or cultural values within the Project area and/or surrounding area significantly.

Concerns and potential damages associated with the proposed Project reported by others include substantial socio-economic elements, including comments, news releases, and resolutions listed below:

- Federal Aviation Administration, S.W. Region Office, *Notice of Preliminary Findings*, dated May 21, 2021, wherein “Initial findings of this [aeronautical] study indicate that the structure as described exceeds obstruction standards and/or would have an adverse physical or electromagnetic interference effect upon navigable airspace or air navigation facilities. Pending resolution of the issues described below, the structure is presumed to be a hazard to air navigation.” Under information and belief, such findings were not resolved. *See* Footnote 27 herein.
- Coalition to Protect America’s National Parks, *Scoping Comments on Lava Ridge Wind Project, DOI-BLM-ID-T030-2021-0015-EIS* dated October 20, 2021.
- Office of Governor Brad Little, Office of Lieutenant Governor Scott Bedke, Office of U.S. Senator Mike Crapo, Office of U.S. Senator Jim Risch, Office of Congressman Mike Simpson, *Joint Letter to Idaho State Director Karen Kelleher* dated February 6, 2023.
- Capital Press, *Idaho Leaders raise concerns about Lava Ridge wind project* by Brad Carlson, dated February 10, 2023.
- Idaho Statesman, *Groups fighting ‘invasive’ wind farm project near Idaho incarceration camp site* by Shaun Goodwin, dated February 20, 2023; and,
- Idaho Statesman, *Lava Ridge Wind Project doesn’t uphold multiple-use values* Opinion by John Arkoosh, dated February 27, 2023.

- Idaho Transportation Department, Division of Aeronautics, dated March 23, 2023, wherein “The Division of Aeronautics has determined the windmills to be an aviation hazard contrary to public interest.”
- *House Concurrent Resolution 4* regarding “LAVA RIDGE – States findings of the Legislature, expresses concern over the proposed Lava Ridge Project, and supports a no-build option”, adopted by the House of Representatives, Legislature of the State of Idaho, on March 28, 2023, and Delivered to the Secretary of State on March 30, 2023.

The DEIS needs to be consider and assess these negative impacts to the social and cultural setting and other potential impacts that would result from the proposed Project brought forth by other comments and news releases identified herein.

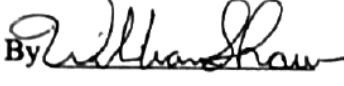
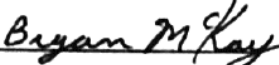
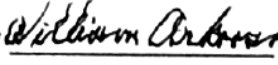
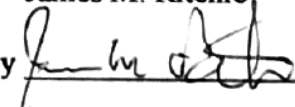
XI. Lack of information on decommissioning the wind project after its expected life has elapsed. See 2021 Comments, pg. 18.

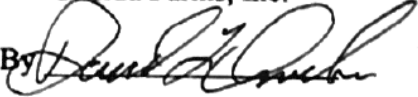

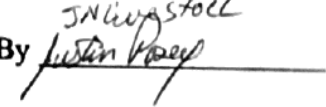
The 2021 Comments asked if the proposed Project is authorized, “what will happen when the useful life of the project ends or the economics result in the need to abandon the project” and “what is the plan for decommissioning?”

The DEIS devotes significant space to discussing the decommissioning or final reclamation phase of the proposed Project and analyzing related impacts. However, the DEIS information regarding the decommissioning phase generally contains the same deficiencies that are discussed in detail above with respect to the construction phase.

We are hopeful that these comments are informative to you. We reserve the right and opportunity to supplement or modify our comments herein. If you have any questions, please call or write.

Very truly yours,

William Shaw Bryan & Shawna McKay William Arkoosh James M. Ritchie
 By  By  By  By 

Oneida Farms, Inc. Kevin & Oralia Gergen J N Livestock
 By  By  By 
 Attachments - #1 to #7. Oralia GERGEN

Attachment #1

Permittee and BLM Operator Number	Active Use	Suspended Use	Permitted Use	IDL AUMs	Total AUMs	Percentage of total AUMs
William Shaw Operator No.: 115118	4616	1814	6430	0	6430	39.22%
William Shaw Authorized No.: 1100337	110	40	150	0	150	0.92%
William Shaw Authorized No.: 1100077	264	108	372	0	372	2.27%
Bryan and Shawna McKay Authorized No.: 1100425	448	312	760	0	760	4.64%
William Arkoosh Authorized No.: 115003	2844	1127	3971	0	3971	24.22%
James M. Ritchie Authorized No. 1105100	1250	450	1700	0	1700	10.37%
Oneida Farms, Inc. Authorized No. 1105107	1058	320	1378	411	1789	10.91%
Kevin & Oralia Gergen Authorized No. 1100199	365	94	459	0	459	2.80%
J N Livestock Authorized No. 1100887	330	110	440	322	762	4.65%
TOTAL	11285	4375	15660	733	16393	100%

Attachment #2



**United States Department of the Interior
Bureau of Land Management
AUTHORIZATION USE BY ALLOTMENT REPORT
ID80709 STAR LAKE**



Administrative State	ID IDAHO
Administrative Office	LLIDT03000 SHOSHONE FO
Allotment Number	ID80709
Allotment Name	STAR LAKE
Grazing Allotment	Y
Allotment Decision	N/A
Plan Type	AMP IMPLEMENTED
Plan Date	4/1/1973

Authorization Information

Authorization Number	Admin State	Administrative Office	Authorizing Office	Effective Date	Expiration Date	Issue Date	Actual Active AUMS	Actual Suspended AUMS
1105107	ID	LLIDT03000	SHOSHONE FO	11/30/2018	11/29/2028	12/20/2018	1058	320
1101804	ID	LLIDT03000	SHOSHONE FO	04/13/2011	04/12/2021	03/16/2011	6007	2616
1105118	ID	LLIDT03000	SHOSHONE FO	03/01/2020	02/28/2030	02/24/2020	4616	1814
1100337	ID	LLIDT03000	SHOSHONE FO	04/13/2018	04/30/2022	04/19/2018	110	40
1100425	ID	LLIDT03000	SHOSHONE FO	03/01/2014	02/28/2024	03/28/2014	448	312
1100887	ID	LLIDT03000	SHOSHONE FO	12/03/2019	12/02/2029	12/03/2019	330	110
1102934	ID	LLIDT03000	SHOSHONE FO	03/01/2019	02/28/2029	02/05/2019	30	0
1100199	ID	LLIDT03000	SHOSHONE FO	03/01/2016	02/28/2026	02/10/2016	365	94
1105003	ID	LLIDT03000	SHOSHONE FO	03/01/2020	02/28/2030	02/20/2020	2844	1127
1100077	ID	LLIDT03000	SHOSHONE FO	01/01/2020	12/31/2029	02/24/2020	264	108
1105001	ID	LLIDT03000	SHOSHONE FO	03/01/2019	02/28/2029	02/07/2019	448	179
1105100	ID	LLIDT03000	SHOSHONE FO	03/01/2020	02/28/2030	02/10/2020	1250	450
TOTAL							17,770	7,170

Authorization Schedule Information

Allotment Number	Allotment Name	Pasture Name	Auth. No	Livestock Number	Livestock Kind	Period Begin	Period End	Public Land %	Type Use	AUMS
ID80709	STAR LAKE		1100077	47	CATTLE	04/16	09/30	100	ACTIVE	260
ID80709	STAR LAKE		1100199	266	SHEEP	04/01	06/15	100	ACTIVE	133
ID80709	STAR LAKE		1100199	244	SHEEP	11/01	12/30	100	ACTIVE	96
ID80709	STAR LAKE		1100199	24	CATTLE	04/16	09/30	100	ACTIVE	133
ID80709	STAR LAKE		1100337	20	CATTLE	04/16	09/30	100	ACTIVE	110
ID80709	STAR LAKE		1100425	81	CATTLE	04/16	09/30	100	ACTIVE	447
ID80709	STAR LAKE		1100887	1077	SHEEP	04/01	06/15	51	ACTIVE	274
ID80709	STAR LAKE		1100887	20	CATTLE	04/16	09/30	51	ACTIVE	56
ID80709	STAR LAKE		1101804	1087	CATTLE	04/16	09/30	100	ACTIVE	6004
ID80709	STAR LAKE		1102934	50	CATTLE	04/16	09/30	68	CUSTODIAL	30
ID80709	STAR LAKE		1105001	534	SHEEP	04/01	06/15	100	ACTIVE	267
ID80709	STAR LAKE		1105001	451	SHEEP	11/01	12/31	100	ACTIVE	181
ID80709	STAR LAKE		1105003	515	CATTLE	04/16	09/30	100	ACTIVE	2844
ID80709	STAR LAKE		1105100	226	CATTLE	04/16	09/30	100	ACTIVE	1248
ID80709	STAR LAKE		1105107	1229	SHEEP	04/01	06/15	67	ACTIVE	411

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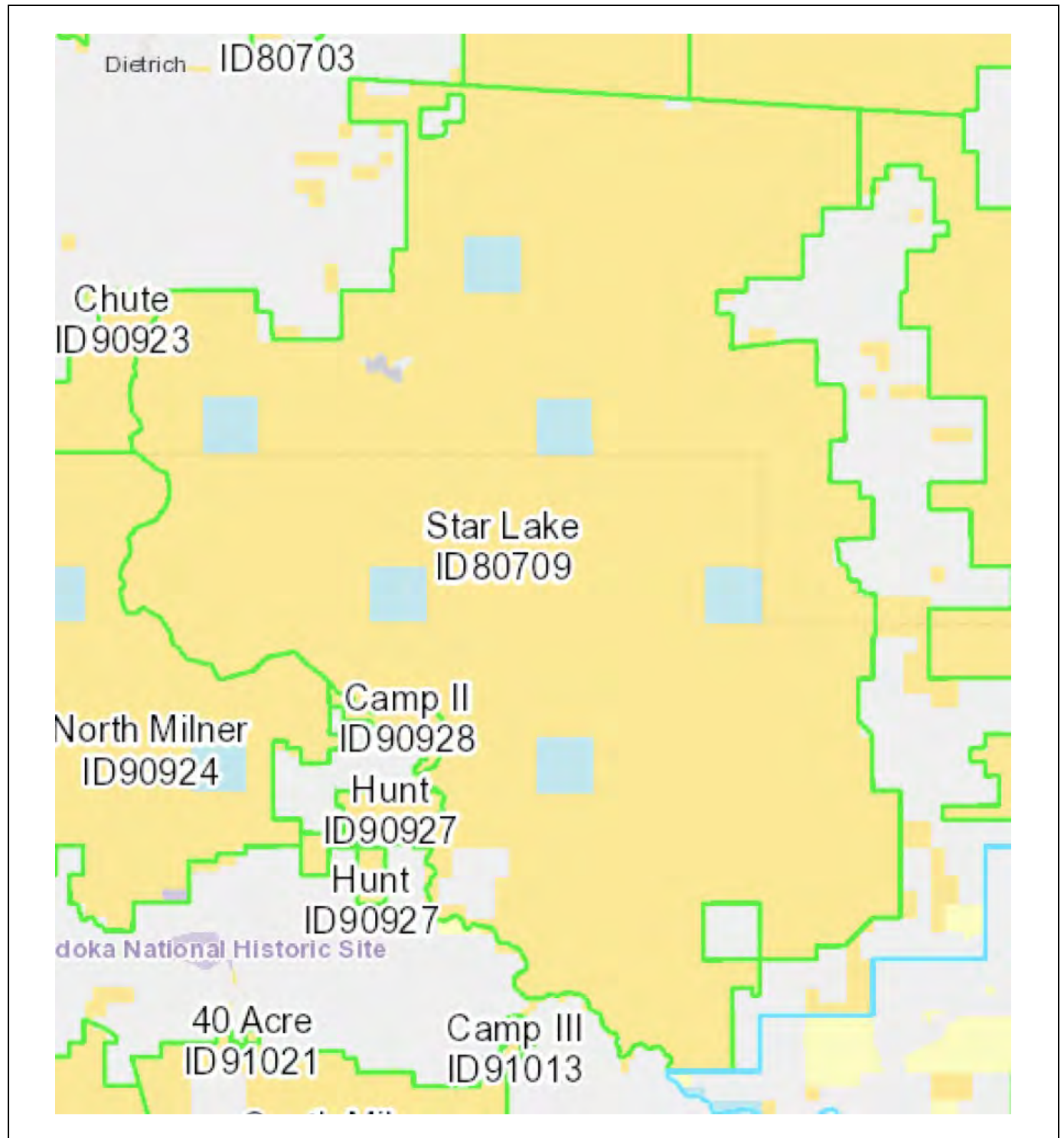


**United States Department of the Interior
Bureau of Land Management
AUTHORIZATION USE BY ALLOTMENT REPORT**

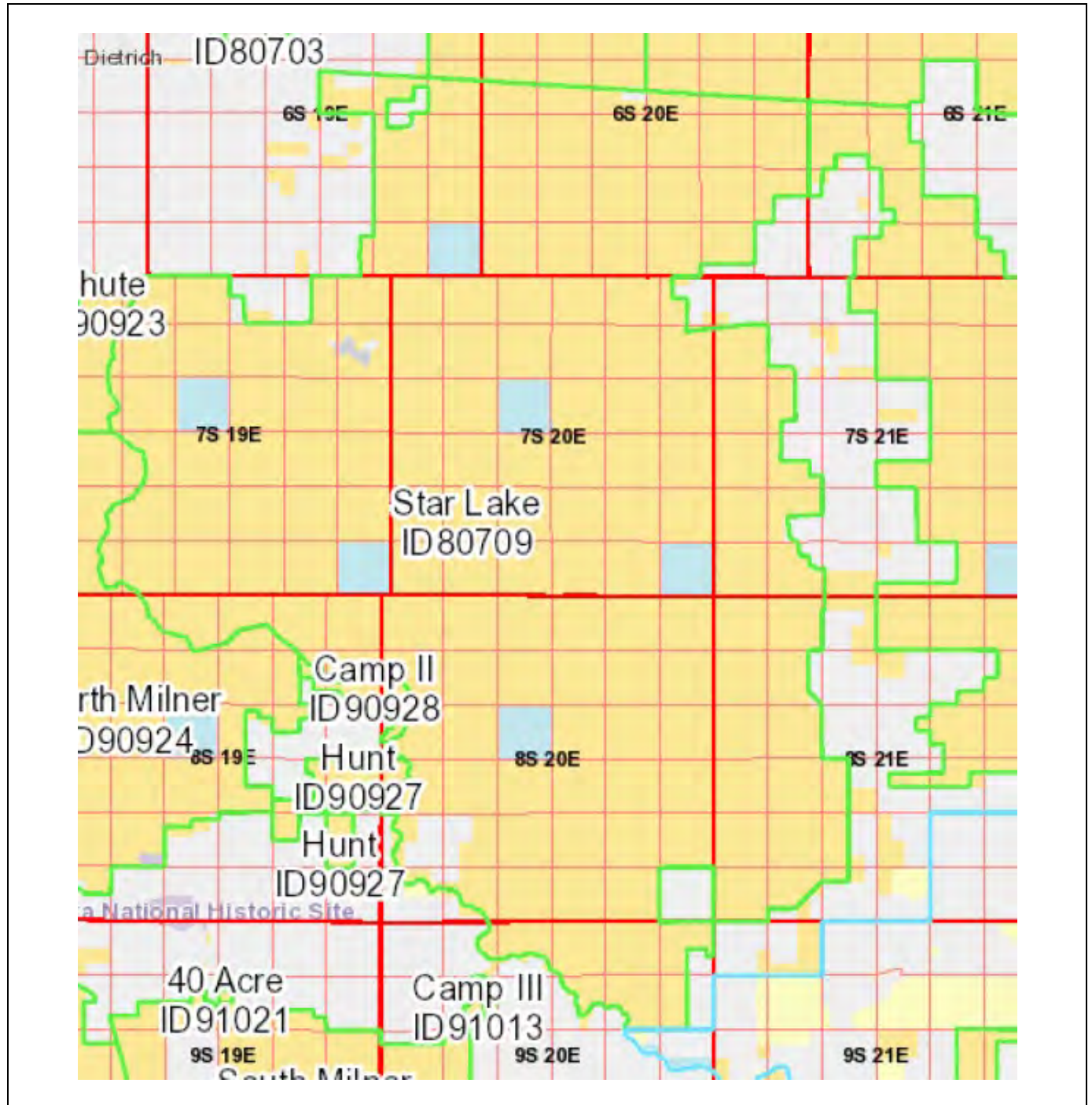


Allotment Number	Allotment Name	Pasture Name	Auth. No	Livestock Number	Livestock Kind	Period Begin	Period End	Public Land %	Type Use	AUMS
ID80709	STAR LAKE		1105107	139	CATTLE	04/16	09/30	67	ACTIVE	514
ID80709	STAR LAKE		1105107	485	SHEEP	11/01	12/31	67	ACTIVE	130
ID80709	STAR LAKE		1105118	835	CATTLE	04/16	09/30	100	ACTIVE	4612

Attachment #3

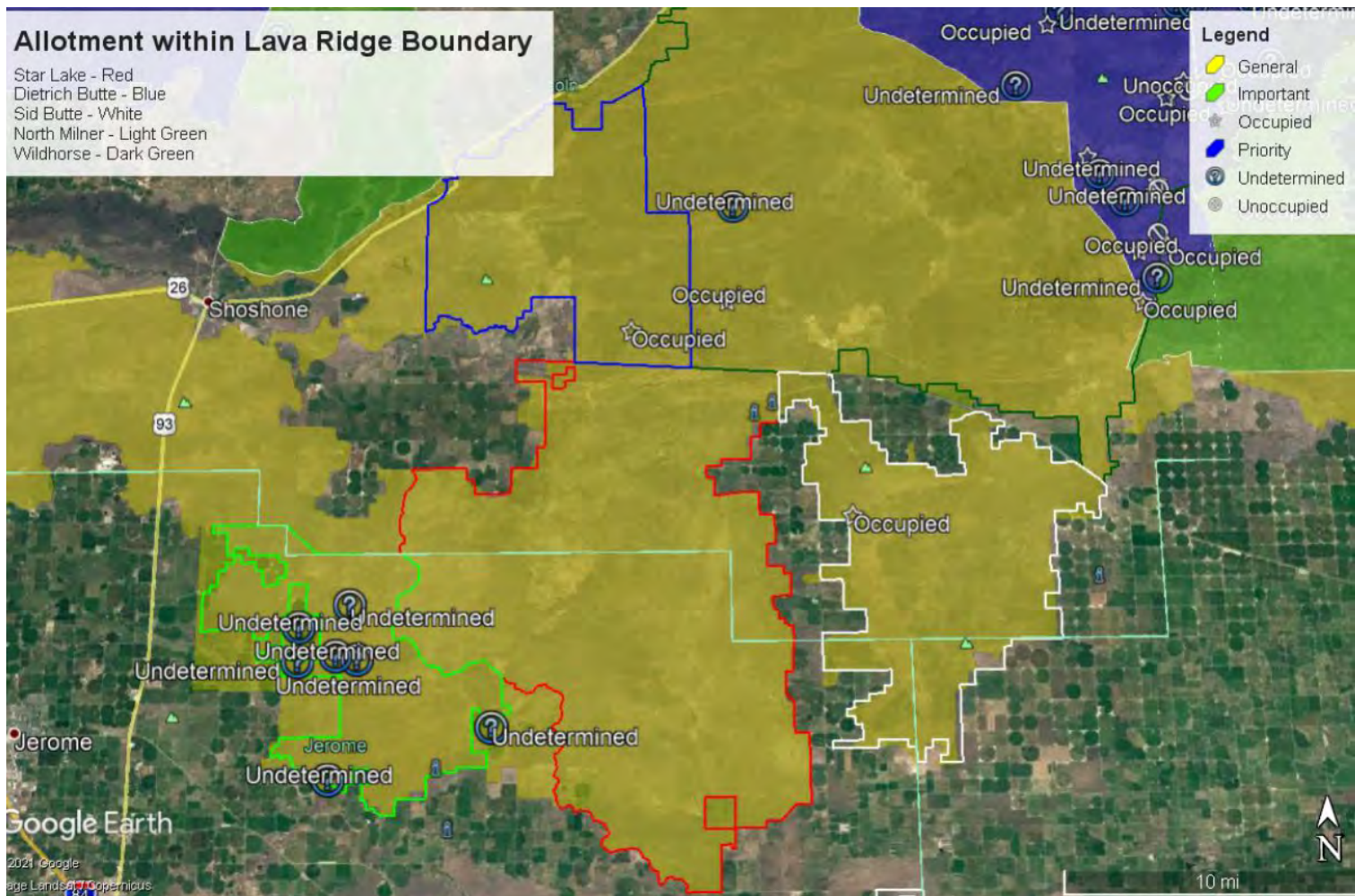


Attachment #4



Attachment #5

Sage Grouse Map received from Office of Species Conservation, State of Idaho, on June 30, 2021



Attachment #6

2015 Idaho ROD-ARMPA, Appendix B, relating to “Buffers”

(3 pages)

B. Buffers

Applying Lek Buffer-Distances When Approving Actions

- *Buffer Distances and Evaluation of Impacts to Leks*

Evaluate impacts to leks from actions requiring NEPA analysis. In addition to any other relevant information determined to be appropriate (e.g. State wildlife agency plans), the BLM will assess and address impacts from the following activities using the lek buffer-distances as identified in the USGS Report *Conservation Buffer Distance Estimates for Greater Sage-Grouse – A Review* ([Open File Report 2014-1239](#)). The BLM will apply the lek buffer-distances specified as the lower end of the interpreted range in the report unless justifiable departures are determined to be appropriate (see below). The lower end of the interpreted range of the lek buffer-distances is as follows:

- linear features (roads) within 3.1 miles of leks
- infrastructure related to energy development within 3.1 miles of leks.
- tall structures (e.g., communication or transmission towers, transmission lines) within 2 miles of leks.
- low structures (e.g., fences, rangeland structures) within 1.2 miles of leks.
- surface disturbance (continuing human activities that alter or remove the natural vegetation) within 3.1 miles of leks.
- noise and related disruptive activities including those that do not result in habitat loss (e.g., motorized recreational events) at least 0.25 miles from leks.

Justifiable departures to decrease or increase from these distances, based on local data, best available science, landscape features, and other existing protections (e.g., land use allocations, state regulations) may be appropriate for determining activity impacts. The USGS report recognized “that because of variation in populations, habitats, development patterns, social context, and other factors, for a particular disturbance type, there is no single distance that is an appropriate buffer for all populations and habitats across the sage-grouse range”. The USGS report also states that “various protection measures have been developed and implemented... [which have] the ability (alone or in concert with others) to protect important habitats, sustain populations, and support multiple-use demands for public lands”. All variations in lek buffer-distances will require appropriate analysis and disclosure as part of activity authorization.

In determining lek locations, the BLM will use the most recent active or occupied lek data available from the state wildlife agency.

- *For Actions in GHMA*

The BLM will apply the lek buffer-distances identified above as required conservation measures to fully address the impacts to leks as identified in the NEPA analysis. Impacts should first be avoided by locating the action outside of the applicable lek buffer – distance(s) identified above.

The BLM may approve actions in GHMA that are within the applicable lek buffer distance identified above only if:

- Impacts should first be avoided by locating the action outside of the applicable lek buffer-distance(s) identified above.
- If it is not possible to relocate the project outside of the applicable lek buffer-distance(s) identified above, the BLM may approve the project only if:
 - Based on best available science, landscape features, and other existing protections, (e.g., land use allocations, state regulations), the BLM determines that a lek buffer-distance other than the applicable distance identified above offers the same or a greater level of protection to GRSG and its habitat, including conservation of seasonal habitat outside of the analyzed buffer area; or
 - The BLM determines that impacts to GRSG and its habitat are minimized such that the project will cause minor or no new disturbance (ex. co-location with existing authorizations); and
 - Any residual impacts within the lek buffer-distances are addressed through compensatory mitigation measures sufficient to ensure a net conservation gain, as outlined in the Mitigation Strategy (Appendix X).

- *For Actions in PHMA & IHMA*

The BLM will apply the lek buffer-distances identified above as required conservation measures to fully address the impacts to leks as identified in the NEPA analysis. Impacts should be avoided by locating the action outside of the applicable lek buffer-distance(s) identified above.

The BLM may approve actions in PHMA and IMHA that are within the applicable lek buffer distance identified above only if:

- The BLM, with input from the state fish and wildlife agency, determines, based on best available science, landscape features, and other existing protections, that a buffer distance other than the distance identified above offers the same or greater level of protection to GRSG and its

habitat, including conservation of seasonal habitat outside of the analyzed buffer area.

- Range improvements which do not impact GRSG, or, range improvements which provide a conservation benefit to GRSG such as fences for protecting important seasonal habitats, meet the lek buffer requirement.
- The BLM will explain its justification for determining the approved buffer distances meet these conditions in its project decision.

Attachment #7

Potential Impacts of Wind Energy Development and Analysis of Mitigation Measures

(5 pages)

5.1	Geologic Resources	
5.1.1	Site Monitoring and Testing	
5.1.2	Site Construction.....	
5.1.2.1	Use of Geologic Resources	
5.1.2.2	Potential Geological Hazards	
5.1.2.3	Soil Erosion	
5.1.3	Site Operation	
5.1.4	Site Decommissioning	
5.1.5	Mitigation Measures	
5.2	Paleontological Resources	
5.2.1	Site Monitoring and Testing	
5.2.2	Site Construction.....	
5.2.3	Site Operation	
5.2.4	Site Decommissioning	
5.2.5	Mitigation Measures	
5.3	Water Resources	
5.3.1	Site Monitoring and Testing	

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5.3.2	Site Construction.....
5.3.2.1	Use of Water Resources
5.3.2.2	Water Quality
5.3.2.3	Alteration of Water Flow Systems
5.3.2.4	Alteration of Surface Water/Groundwater Interaction
5.3.3	Site Operation
5.3.4	Site Decommissioning
5.3.5	Mitigation Measures
5.4	Air Quality
5.4.1	Site Monitoring and Testing
5.4.2	Site Construction.....
5.4.2.1	Site Access, Clearing, and Grade Alterations
5.4.2.2	Foundation Excavations and Installations
5.4.2.3	Wind Turbine Erection
5.4.2.4	Miscellaneous Ancillary Construction
5.4.3	Site Operation
5.4.4	Site Decommissioning
5.4.5	Mitigation Measures
5.5	Noise Impacts.....
5.5.1	Site Monitoring and Testing
5.5.2	Site Construction.....
5.5.2.1	Heavy Equipment
5.5.2.2	On-Road Vehicular Traffic
5.5.2.3	Blasting.....
5.5.3	Site Operation
5.5.3.1	Wind Turbine Noise
5.5.3.2	Substation Noise.....
5.5.3.3	Transmission Line Noise.....
5.5.3.4	Noise Related to Maintenance Activities
5.5.4	Site Decommissioning
5.5.5	Mitigation Measures
5.6	Transportation Impacts
5.6.1	Site Monitoring and Testing
5.6.2	Site Construction.....
5.6.3	Site Operation
5.6.4	Site Decommissioning
5.6.5	Mitigation Measures
5.7	Hazardous Materials and Waste Management Impacts
5.8	Health and Safety Impacts
5.8.1	Occupational Safety
5.8.2	Public Safety
5.9	Ecological Resources
5.9.1	Site Monitoring and Testing

5.9.2	Site Construction.....
5.9.2.1	Construction Effects on Vegetation
5.9.2.1.1	Direct Injury or Loss during Clearing, Grading, and Facility Construction
5.9.2.1.2	Fugitive Dust.....
5.9.2.1.3	Exposure to Contaminants
5.9.2.1.4	Introduction of Invasive Vegetation.....
5.9.2.2	Construction Effects on Wildlife.....
5.9.2.2.1	Habitat Disturbance.....
5.9.2.2.2	Introduction of Invasive Vegetation.....
5.9.2.2.3	Injury or Mortality.....
5.9.2.2.4	Erosion and Runoff
5.9.2.2.5	Fugitive Dust.....
5.9.2.2.6	Noise
5.9.2.2.7	Exposure to Contaminants
5.9.2.2.8	Interference with Behavioral Activities
5.9.2.3	Construction Effects on Wetland and Aquatic Biota
5.9.2.3.1	Habitat Disturbance.....
5.9.2.3.2	Injury or Mortality.....
5.9.2.3.3	Erosion and Runoff
5.9.2.3.4	Exposure to Contaminants
5.9.2.4	Construction Effects on Threatened and Endangered Species
5.9.3	Site Operation
5.9.3.1	Operational Effects on Vegetation
5.9.3.1.1	Site Maintenance.....
5.9.3.1.2	Exposure to Contaminants
5.9.3.1.3	Direct Injury to Vegetation
5.9.3.1.4	Legal and Illegal Take of Plants.....
5.9.3.1.5	Introduction of Invasive Vegetation.....
5.9.3.1.6	Fire
5.9.3.2	Operational Effects on Wildlife
5.9.3.2.1	Electrocution
5.9.3.2.2	Noise
5.9.3.2.3	Collisions with Turbines, Meteorological Towers, and Transmission Lines.....
5.9.3.2.4	Site Maintenance
5.9.3.2.5	Exposure to Contaminants
5.9.3.2.6	Disturbance of Wildlife.....
5.9.3.2.7	Interference with Migratory Behavior
5.9.3.2.8	Fire
5.9.3.3	Operational Effects on Wetlands and Aquatic Resources

	5.9.3.4	Operational Effects on Threatened and Endangered Species
5.9.4		Site Decommissioning
5.9.5		Mitigation Measures
	5.9.5.1	Mitigation during Site Monitoring and Testing
	5.9.5.2	Mitigation during Plan of Development Preparation and Project Design
		5.9.5.2.1 Mitigating Habitat Impacts
		5.9.5.2.2 Mitigating Site/Wildlife Interactions
	5.9.5.3	Mitigation during Construction
		5.9.5.3.1 Mitigating Habitat Disturbance.....
		5.9.5.3.2 Mitigating Disturbance and Injury of Vegetation and Wildlife
		5.9.5.3.3 Mitigating Erosion and Fugitive Dust Generation
		5.9.5.3.4 Mitigating Fuel Spills.....
		5.9.5.3.5 Mitigating Establishment of Invasive Vegetation.....
	5.9.5.4	Mitigation during Operation.....
		5.9.5.4.1 Mitigating Fuel Spills and Exposure to Site-Related Chemicals
		5.9.5.4.2 Mitigating Establishment of Invasive Vegetation.....
		5.9.5.4.3 Mitigating Site/Wildlife Interactions
	5.9.5.5	Mitigation during Decommissioning.....
	5.9.5.6	Mitigation for Threatened, Endangered, and Sensitive Species
5.10		Land Use
	5.10.1	Potential Impacts to BLM-Administered Lands
	5.10.2	Potential Impacts to Aviation
	5.10.3	Potential Impacts to Military Operations.....
	5.10.4	Potential Impacts to Recreational Areas
	5.10.5	Mitigation Measures
5.11		Visual Resources
	5.11.1	Site Monitoring and Testing
	5.11.2	Site Construction.....
	5.11.3	Site Operation
	5.11.4	Site Decommissioning
	5.11.5	Synergistic Effects
	5.11.6	Mitigation Measures
5.12		Cultural Resources
	5.12.1	Site Monitoring and Testing
	5.12.2	Site Construction.....

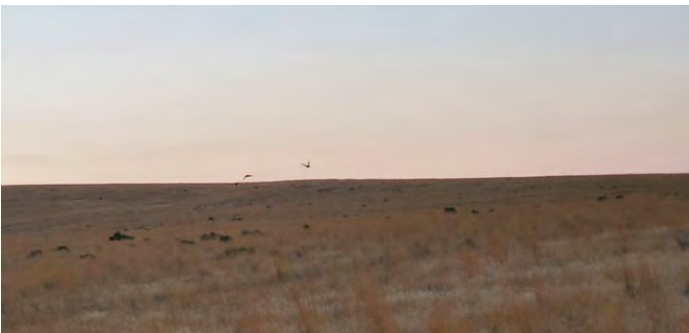
5.12.3	Site Operation
5.12.4	Site Decommissioning
5.12.5	Mitigation Measures
5.13	Economics.....
5.13.1	Summary of Economic Impacts.....
5.13.2	Property Value Impacts
5.14	Environmental Justice.....
5.14.1	Site Monitoring and Testing
5.14.2	Site Construction.....
5.14.3	Site Operation
5.14.4	Site Decommissioning
5.15	Evaluation and Identification of Programmatic BMPs

Attachment #8

Photos: Sage Grouse Documented within the Star Lake Allotment (2021 and 2022)

(2 pages)

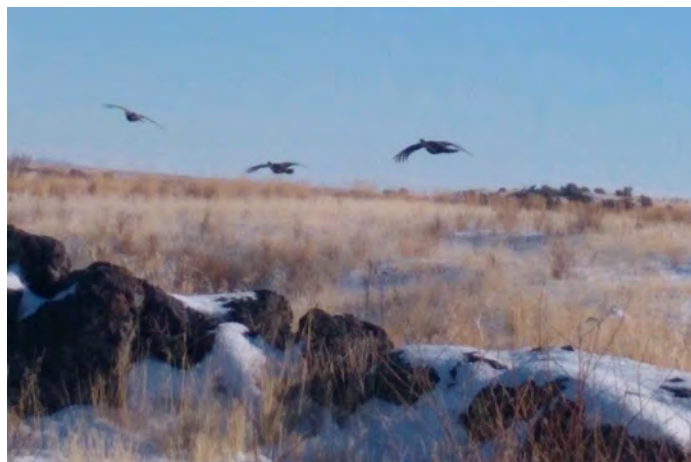
Group of sage grouse near Cinder Butte: Coordinates, GPS 42.75763, -114.10099.
First 5 Photos taken in October 2022, sage grouse observed in the area for several months prior.
Sage Grouse also observed several times the previous fall in the same general area (last photo).



Sage grouse observed December 2022: Approximate Coordinates, 42°48'15"N, 114°10'37"W.



Sage grouse observed December 2022: Approximate Coordinates, 42°46'00"N, 114°10'14"W.
A total of seven (7) sage grouse were observed, but only three (3) were photographed when they flew.



Attachment #9

Chart: United States Annual Inflation Rates (2013 to 2023)



*The latest inflation data (12-month based) is always displayed in the chart's final column.

Source: www.usinflationcalculator.com/inflation/current-inflation-rates accessed on 4-12-23.

Attachment #7

Permittees' supplemental comments to the Lava Ridge Wind Project, DEIS
dated April 18, 2023

(2 pages)

WILLIAM SHAW 411 SOUTH 750 EAST DIETRICH, IDAHO 83324 OPERATOR NOS. 115118, 1100337, 1100077	BRYAN & SHAWNA MCKAY 601A E 750 N JEROME, IDAHO 83338 OPERATOR NO. 1100425	WILLIAM ARKOOSH 2005 US HWY GOODING, IDAHO 83330 OPERATOR NO. 115003	JAMES M. RITCHIE 1749 EAST 400 SOUTH JEROME, IDAHO 83338 OPERATOR NO. 1105100
ONEIDA FARMS, INC. ATTN: DAVID & BARBARA ONEIDA 372-A NORTH 400 E. JEROME, IDAHO 83338 OPERATOR NO. 1105107	KEVIN & ORALIA GERGEN 2884 STATE HWY. 25 HAZELTON, IDAHO 83334 OPERATOR NO. 1100199	J N LIVESTOCK ATTN: JUSTIN & KARMA POSEY 327 A EAST 400 NORTH JEROME, IDAHO 83338 OPERATOR NO. 1100887	

April 18, 2023

Submitted via BLM_ID_LavaRidge@blm.gov; and via <https://bit.ly/3EirzxD>.

Lava Ridge Wind Project EIS
Attn: Kasey Prestwich, Project Manager
BLM Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352
Telephone: 208-732-7204
Email: kprestwich@blm.gov

Re: *Supplemental* Comments to Lava Ridge Wind Project, Draft Environmental Impact Statement, DOI-BLM-ID-T030-2021-0015-EIS, dated January 2023, specific to the Star Lake Allotment (which is within about the north half of Lincoln County, Idaho and which is within about the south half of Jerome County, Idaho).

Dear Kasey Prestwich, Project Manager:

We write to *supplement* our comments submitted to you on April 14, 2023.

We received comments from our friends and neighbors as to our comments dated April 14, 2023, as specifically related to our “Summary” at pages 4-5. Some have read / interpreted our comments dated April 14, 2023, as supportive of “Alternative E.” We write to reiterate and to clarify that we only support Alternative A for all of the reasons we expressed to you in our comments dated April 14, 2023, as well as other verbal comments we have submitted to your office. We acknowledge our “alternative” reference to Alternative E but, as we stated in our comments, such reference remains subject to the “modifications ... as discussed in more detail” in our comments dated April 14, 2023. We wish to be clear that the “modifications ... as discussed in

more detail” in our comments dated April 14, 2023, implicate a significantly smaller footprint than that stated in Alternative E, and likely outside of the Star Lake Allotment.

We are hopeful that these *supplemental* comments are informative to you. We reserve the right and opportunity to further supplement or modify our comments herein. If you have any questions, please call or write.

Very truly yours,

William Shaw Bryan & Shawna McKay William Arkoosh James M. Ritchie
By William Shaw By Bryan McKay By William Arkoosh By James M. Ritchie

Oneida Farms, Inc. Kevin & Oralia Gergen J N Livestock
By David Gergen By Kevin Gergen By Justin Paez
Oralia GERGEN

Attachment #8

Permittees comments to the Lava Ridge Wind Project, FEIS and
Section 106 Consultation
dated September 23, 2024

(68 pages)

WILLIAM SHAW 411 SOUTH 750 EAST DIETRICH, IDAHO 83324 OPERATOR NOS. 115118, 1100337, 1100077	BRYAN & SHAWNA MCKAY 601A E 750 N JEROME, IDAHO 83338 OPERATOR NO. 1100425	WILLIAM ARKOOSH (ESTATE OF WILLIAM ARKOOSH) 2005 US HWY GOODING, IDAHO 83330 OPERATOR NO. 115003	JAMES M. RITCHIE 1749 EAST 400 SOUTH JEROME, IDAHO 83338 OPERATOR NO. 1105100
ONEIDA FARMS, INC. ATTN: DAVID & BARBARA ONEIDA 372-A NORTH 400 E. JEROME, IDAHO 83338 OPERATOR NO. 1105107	KEVIN & ORALIA GERGEN 2884 STATE HWY. 25 HAZELTON, IDAHO 83334 OPERATOR NO. 1100199	J N LIVESTOCK ATTN: JUSTIN & KARMA POSEY 327 A EAST 400 NORTH JEROME, IDAHO 83338 OPERATOR NO. 1100887	

September 23, 2023

Submitted via email to rparker@achp.gov; via email to BLM_ID_LavaRidge@blm.gov; via email to kprestwich@blm.gov; via email to pditton@blm.gov; via email to BLM_ID_ShoshoneOffice@blm.gov

Reid J. Nelson, Executive Director <i>Advisory Council on Historic Preservation</i> 401 F Street NW, Suite 308 Washington, DC 20001-2637	Peter J. Ditton, Acting State Director <i>Idaho State Office, USDI-BLM</i> 1387 South Vinnell Way Boise, Idaho 83709	Code Martin, Field Manager c/o Kasey Prestwich <i>Shoshone Field Office, USDI-BLM</i> 400 West F Street Shoshone, Idaho 83352
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Re: *Lava Ridge Wind Project*: (1) Final Environmental Impact Statement, DOI-BLM-ID-T030-2021-0015-EIS, dated June 2024; and (2) ACHP Project Number: 016353. ACHP's Letter to Peter J. Ditton dated September 6, 2024

Dear Mr. Parker, Mr. Ditton, and Mr. Martin:

We are in receipt of two (2) items relating to the *Lava Ridge Wind Project*. First, we are in receipt of the Final Environmental Impact Statement, DOI-BLM-ID-T030-2021-0015-EIS, dated June 2024 ("FEIS"), relating to the proposed Lava Ridge Wind Project (Right-of-Way Serial No. IDI-39174). Second, we are in receipt of the Letter from the *Advisory Council on Historic Preservation* ("ACHP") to Peter J. Ditton dated September 6, 2024 ("ACHP's September 6th Letter"), relating to Section 106 Consultation as relating to the same Project.

As to the FEIS, we understand from the FEIS that *Magic Valley Energy, LLC* ("MVE") "is seeking authorization to use ... public lands in southern Idaho to construct, operate and maintain, and decommission the Lava Ridge Wind Project (the project). The project as proposed would consist of up to 400 wind turbines and associated infrastructure, including new and improved roads, powerlines for collection and transmission of

electricity, substations, operation and maintenance facilities, and a battery storage facility. The project would have a generation capacity of 1,000 megawatts or more. The final environmental impact statement (EIS) analyzes the following six alternatives:

- Alternative A – No Action, in which the BLM would not authorize construction, operation and maintenance, and decommissioning of the project.
- Alternative B – Proposed Action, which as described by MVE would span 197,474 acres and would have a maximum of 400 wind turbines.
- Alternative C – Reduced Western Corridors, which has a project area of 146,389 acres and a maximum of 378 wind turbines.
- Alternative D – Centralized Corridors, which has a project area of 110,315 acres and a maximum of 280 wind turbines.
- Alternative E – Reduced Southern Corridors, which has a project area of 122,444 acres and a maximum of 269 wind turbines.
- Preferred Alternative – This alternative has a project area of 103,864 acres and a maximum of 241 wind turbines. The BLM identified a Preferred Alternative that combines elements of Alternatives B, C, D, and E, which the BLM examined in the draft EIS. The Preferred Alternative responds to resource impact concerns raised by cooperating agencies and the public through comments on the draft EIS.”

FEIS, “Abstract”; *see* **Attachment Nos. 3, 4** (which are Maps of the Star Lake Allotment); *see also* **Attachment #5** (which is a Map of the six (6) Alternatives considered and assessed in the FEIS relative to the Allotments in the Project Area, including as to the Star Lake Allotment).

COMMENTERS:

We are a group of individuals / entities that own and operate yearlong livestock operations within Lincoln County and Jerome County, State of Idaho, which is dependent by use upon, among others, the public lands in the Star Lake Allotment. *See* **Attachment Nos. 1-2**. Some of these operations can trace their existence back to over 100 years. This group is hereinafter referred to as “Permittees”. Based upon such dependency by use, the Permittees separately own “Base property” (in the form of private land) upon which Grazing Preferences and Permitted Use Animal Unit Months (“AUMs”) within the Star Lake Allotment are attached and through which BLM has issued Grazing Permits to the Permittees which annually authorize each of them to graze livestock upon the public lands within the Star Lake Allotment. Two of these Permittees also hold Idaho State Grazing Leases that permit them to graze livestock upon the unfenced, intermingled Idaho State Land within the Star Lake Allotment.

Beyond the Permitted Use status of the Permittees, the Permittees also enjoy and cherish the custom & culture associated with livestock ranching upon and adjacent to the public lands within the Star Lake Allotment; enjoy and cherish the solitude of such public lands within the Star Lake Allotment; and enjoy and use the public

lands within and adjacent to the Star Lake Allotment for a multitude of other purposes like hiking, horseback riding, bird-watching, camping, and other types of recreation.

Given the foregoing, the Permittees hold interests upon and adjacent to the public lands within the Star Lake Allotment which will be significantly impacted by the proposed Lava Ridge Wind Project (Right-of-Way Serial No. IDI-39174) (“Wind Project” or “Project”).

Permittees have been intimately involved in the NEPA process associated with the FEIS, including the submission of scoping comments on May 4, 2021; comments to the Resource Advisory Council on June 15, 2021; comments to BLM on August 27, 2021; comments to BLM on April 12, 2022 (as related to a comment letter to the MVE dated March 3, 2022); further comments to the Resource Advisory Council on June 14, 2022; comments to BLM on October 4, 2022; comments on October 18, 2022 (relating to “Draft Appendix S”); comments to BLM on April 14, 2023 (as related to comments to the DEIS); supplemental comments to BLM on April 18, 2023 (as related to comments to the DEIS); and comments to BLM on May 25, 2023 (as related to an application for geotechnical sampling). All these comments are incorporated herein as additional support for Permittees’ demands / request made herein.

SUMMARY:

We find that the FEIS backfills and changes its rationalization as to the significant impacts upon livestock grazing as related to (at least) Electromagnetic Fields (“EMF”) and Stray Voltage (“SV”) that warrants further comment by us and the Publics to the FEIS *before* any Record of Decision is issued pursuant to 40 C.F.R. § 1503.1(b) and/or that warrants supplementation by BLM of the FEIS *before* any Record of Decision is issued pursuant to 40 C.F.R. §§ 1502.9(a), 1502.9(d). Based upon the FEIS, we have found reason to further comment.

As to the ACHP’s September 6th Letter, we understand from ACHP’s September 6th Letter that ACHP terminated Section 106 Consultation with BLM as to the Lava Ridge Wind Project pursuant to 36 C.F.R. § 800.7(a)(4). We find that the Letter goes on to request that “all consulting parties provide any additional views on this undertaking and the proposed resolution of adverse effects by September 23, 2024” pursuant to 36 C.F.R. §§ 800.7(c)(1), 800.7(c)(2), 800.8(c)(3). Based thereon, we find reason to further comment.

We join in this comment letter our further comments on the above-noted two (2) items because they are inexorably intertwined.

DEMANDs / REQUESTs:

Permittees make two (2) demands / requests.

First, as to the FEIS item, Permittees demand / request that BLM reopen the comment period on the FEIS *before* any Record of Decision is issued pursuant to 40 C.F.R. § 1503.1(b) and/or Permittees demand / request BLM supplement the FEIS *before* any Record of Decision is issued pursuant to 40 C.F.R. §§ 1502.9(a), 1502.9(d).

Second, as to the ACHP’s September 6th item, Permittees demand / request that ACHP consider the further comments herein 36 C.F.R. § 800.7(c)(1), and then urges the ACHP to rely upon such comments,

including comments by other “consulting parties,” to prepare its comments pursuant to 36 C.F.R. § 800.7(c)(1), and to then submit such ACHP’s comments to BLM pursuant to 36 C.F.R. §§ 800.7(c)(2), 800.7(c)(3). Please transmit a copy of ACHP’s comments to us pursuant to 36 C.F.R. § 800.7(c)(3). Permittees then demand / request that BLM “take into account the Council’s comments in reaching a final decision” pursuant to 36 C.F.R. § 800.7(c)(4), as well as document its final decision pursuant to 36 C.F.R. § 800.7(c)(4)(i), and provide a copy and record thereto to Permittees pursuant to 36 C.F.R. §§ 800.7(c)(4)(ii), 800.7(c)(4)(iii). Permittees contend that when BLM considers the Council’s comments, Alternative A should be selected by any Record of Decision due to the cultural significance of the project area which will be irreparably damaged by implementation of any of the *other* Alternatives, as has been and continues to be demonstrated by the Section 106 Consultation.

These demands / requests are based upon the following reasons.

DISCUSSION:

The FEIS makes the “Significant Determination” that livestock grazing would not be significantly impacted by the Lava Ridge Wind Project, stating:

Under all action alternatives, there would not be a significant loss of forage availability during construction, operation, or decommissioning leading to a reduction in permitted grazing. Each action alternative would result in disturbance to vegetation and would reduce the total amount of forage available within grazing allotments. However, the total reduction in forage availability is small relative to the total forage available within each allotment, and information from historical actual use and utilization within the affected allotments indicates the available forage would continue to support the level of grazing as currently authorized. Through the implementation of MVE’s Grazing Coordination Plan (Appendix S in MVE [2023]), the phased construction and agreements would allow for voluntary non-use of AUMs during the construction and reclamation phases.

There would not be significant changes to how grazing is conducted in the allotments. Under Alternatives C-E and the Preferred Alternative, the construction schedule, the smaller project footprint, and MVE’s agreements with permittees would result in more flexibility to rest or use different pastures while vegetation is re-established. Under Alternative B, changes to grazing operations would occur during construction and up to 2 years after interim reclamation is completed (Appendix S in MVE [2023]). Grazing operations would return to preconstruction methods once vegetation is re-established.

FEIS, Appendix 15, at page 15-132; *see also* FEIS, Appendix 15, at page App15-50.¹ However, for the limited purpose of these further comments, the “Significance Determination” focuses on the Permitted Use Animal Unit Months (“AUMs”) itself, as opposed to *the cultural impacts upon the Permittees* and *the livestock impacts upon the Permittees’ livestock*. Each of these omissions are discussed below.

¹ FEIS, Appendix 15, Section 3.6.3.3, “Significant Determination”, stating that “Under all action alternatives, potential adverse effects to the local and regional economy would not be significant. The project would have beneficial effects on the local and regional economy through increased economic output and annual tax revenues over the life of the project. Other types of economic effects, some of which would be adverse, but also not significant, are discussed in Sections 3.6.4 (Residential Property Values) and 3.9.1 (Grazing Allotments and Range Socioeconomics).

I. Electromagnetic Fields and Stray Voltage – Comments.

On May 4, 2021, Permittees submitted scoping comments. These scoping comments speak for themselves, but the comments expressed concerns and asked related questions, among others, with respect to the potential that the Lava Ridge Wind Project would have a negative impact upon the environment within the Star Lake Allotment, specifically as related to the disruption of the Permittees' grazing operations through potential physiological effects to their livestock. The specific scoping comment stated:

Permittees are informed that each wind turbine will emit sound approximately equivalent to a running lawn mower. Spaced at quarter mile increments there will be a constant drone. How does this affect livestock distribution within the Star Lake Allotment? What effect will increased electromagnetic fields have on livestock and wildlife health and reproduction? Permittees are informed that wind farms reduce precipitation and raise ground temperatures in the immediate area of the project. Is that true? Would that be true on the Star Lake Allotment as to its micro-environment? If yes, how will that be mitigated since that will directly, adversely impact the forage growth on the allotment? It has been found that cattle often cluster around wind turbines (e.g. for shade) where wind energy projects are located in grazing allotments. 2005 FPEIS-Wind, Volume 1, at page 5-57. How will that be mitigated, including any resulting disturbed areas? Permittees are concerned that any disturbed areas would/could likely impact achievement of applicable rangeland health standards.

Permittees' Scoping Comments dated 5-4-2021 at page 18.

In response, on January 18, 2023, BLM issued its Draft Environmental Impact Statement, DOI-BLM-ID-T030-2021-0015-EIS, dated January 2023 ("DEIS"). *As to Electromagnetic Fields*, the DEIS only summarily stated that "Electric and magnetic fields do not have a harmful impact to livestock," citing Burchard et al. 1996; Renaud and Bousquet 1999; Thompson et al. 1995; Wenzel et al. 2020. DEIS, page 3-290;² *see also*

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² DEIS, Appendix 10, pages App10-41 to App10-42, wherein the full citations are noted for Burchard et al. 1996, Renaud and Bousquet 1999, Thompson et al. 1995, and Wenzel et al. 2020, as follows:

- (1) Burchard, J.F., D.H. Nguyen, L. Richard, and E. Block. 1996. *Biological Effects of Electric and Magnetic Fields on Productivity of Dairy Cows*. Journal of Dairy Science 79:1549-1554;
- (2) Renaud, F., and R. Bousquet. 1999. *Effects of Electric and magnetic fields on livestock health and productivity*. Hydro-Quebec.;
- (3) Thompson, J.M., F. Stormshak, J.M. Lee, Jr., D.L. Hess, and L. Painter. 1995. *Cortisol secretion and growth in ewe lambs chronically exposed to electric and magnetic fields of a 60 hertz 500 kv AC transmission line*. Journal of Animal Science 73(11):3274–3280; and
- (4) Wenzel, J., M. Ward. C. Gifford, and S. Cox. 2020. *Electromagnetic Fields and Livestock Production*. Guide B-129. Las Cruces, New Mexico: New Mexico State Cooperative Extension Service.

DEIS, Appendix 3, page App3-6 (“electric and magnetic fields have not been shown to have harmful impacts to livestock”). *As to Stray Voltage*, the DEIS stated nothing.

In reply, on April 14, 2023, Permittees commented to the DEIS, noting that the DEIS did not adequately address, among others, Electromagnetic Fields and Stray Voltage. *See* Permittees’ Comments dated 4-14-2023, at pages 27-33.

In further response, on June 6, 2024, BLM issued its FEIS. The FEIS purported to address “Physiological effects to livestock,” as summarized by Alternative at FEIS, at ES-21. However, **such “effects” analysis as to Electromagnetic Fields or EMF and as to Stray Voltage raised issues not addressed in the DEIS.** This is demonstrated in two (2) principle respects.

First, the FEIS did not carry forward from the DEIS its previous reliance upon Burchard et al. 1996, Renaud and Bousquet 1999, Thompson et al. 1995, NS Wenzel et al. 2020, which were cited and relied upon in a summary manner in the DEIS, as noted above. The FEIS does not explain this omission and seemingly abandons its reliance upon such studies without explanation or rationalization.³

Second, the FEIS advances a new, mixed position as to the “effects” analysis as to Electromagnetic Fields or EMF and as to Stray Voltage raised issues not addressed in the DEIS. This is demonstrated in the following quote in the FEIS, Appendix 15, Section 3.9.2, relating to “Physiological Effects to Livestock,” stating:

An in-depth review was conducted on the effects of increased anthropogenic stress catalysts to cattle and sheep, specifically associated with shadow flicker, electromagnetism, noise, vehicle traffic, and a general increase in human presence. ...

A review of published literature on EMF includes a variety of findings based on specific research. Several studies (Appleman and Gustafson 1985; Broucek et al. 2003; Burchard et al. 1998, 1999; Burda et al. 2009; Reinemann et al. 2005) found behavioral and physiological effects to livestock after exposure to EMF. Effects included avoidance behavior in the first days after exposure; chemical responses in blood plasma and cerebrospinal fluid; changes in milk lactation following exposure; slight reduction in feed intake, water intake, and milk production in the first days after exposure at the highest tested level; and general alignment on earth during EMF exposure. The scope and methods for these studies show that possible measurable effects may not be directly applicable to the Lava Ridge Wind Project infrastructure and potential EMF exposure. Additional literature indicates that there is no measurable effect of EMF exposure to livestock (Algers and Huntgren 1987; Amstutz and Miller 1980; Angell et al. 1990; Burchard et al. 1998; Burchard et al. 2007). Three studies specifically researched livestock grazing under high voltage transmission lines and concluded that the animals experienced no health problems associated with exposure over long periods (Amstutz and Miller 1980; Algers and Huntgren 1987; Angell et al. 1990). Additional studies, which exposed pregnant livestock to stray voltage and electromagnetic fields in control groups, observed slight behavioral stress responses but not

³ An exception may be in the FEIS, Appendix A, “Substantive Comments and Responses”, at page A-240, wherein BLM did not rely upon such studies in support of the FEIS, but instead relied upon such studies in response to comments, reiterating the same summary statement in the DEIS, as quoted above as related to the DEIS.

of a magnitude that would be attributed to a health hazard. One study focused on the effects to livestock from stray voltage applied to the water trough and found that the exposure could be a mild stressor immediately after exposure, but no impairment or impact on production was found (Rigalma et al. 2010).

FEIS, Appendix 15, at pages App15-135 to App15-136 (Subsection 3.9.2.2). In other words, the FEIS (now) cites and relies upon six (6) *other* studies, i.e., Appleman and Gustafson 1985; Broucek et al. 2003; Burchard et al. 1998;⁴ Burchard et al. 1999⁵; Burda et al. 2009; Reinemann et al. 2005,⁶ which, according to the FEIS itself, don't support the summary statement in the DEIS. Instead, **the FEIS reports that these six (6) other studies have “found behavioral and physiological effects to livestock after exposure to EMF.”** FEIS, Appendix 15, at pages App15-135 to App15-136 (Subsection 3.9.2.2) (emphasis added).

⁴ FEIS Appendix 15, at pages App15-135 to App15-136 (Subsection 3.9.2.2), provides no clear citation as to which “Burchard et al. 1998” that it is citing. Is it Burchard, J.F., D.H. Nguyen, and E. Block. 1998. *Effects of electric and magnetic fields on nocturnal melatonin concentrations in dairy cows*. Journal of Dairy Science 81, or is it Burchard, J.F., D.H. Nguyen, L. Richard, S.N. Young, M.P. Heyes, and E. Block 1998. *Effects of electromagnetic fields on the levels of biogenic amine metabolites, quinolinic acid, and β -endorphin in the cerebrospinal fluid of dairy cows*. Neurochemical Research 23:1527–1531? The FEIS is unclear.

⁵ FEIS provides no citation as to “Burchard et al. 1999”. It either does not exist or is a typographical mistake.

⁶ FEIS, Appendix 10, pages App10-49 to App10-51, wherein the full citations are noted for Appleman and Gustafson 1985; Broucek et al. 2003; Burchard et al. 1998, 1999 (sic.); Burda et al. 2009; Reinemann et al. 2005, as follows:

(1) Appleman, R.D., and R.J. Gustafson. 1985. *Source of stray voltage and effect on cow health and performance*. Journal of Dairy Science 68(6):1554-1567;

(2) Broucek, J.J., C.W. Arave, M. Uhrincat, A. Sandor, S. Mihina, A. Hanus, and P. Kisac. 2003. *Effects of magnetic field during gestation on dairy cows and their calves*. In Fifth International Dairy Housing Proceedings of the 29-21 January 2023 Conference (Forth Worth, Texas, USA), pp. 325-332. American Society of Agricultural and Biological Engineers;

(3)(A) Burchard, J.F., D.H. Nguyen, and E. Block. 1998. *Effects of electric and magnetic fields on nocturnal melatonin concentrations in dairy cows*. Journal of Dairy Science 81;

(3)(B) Burchard, J.F., D.H. Nguyen, L. Richard, S.N. Young, M.P. Heyes, and E. Block 1998. *Effects of electromagnetic fields on the levels of biogenic amine metabolites, quinolinic acid, and β -endorphin in the cerebrospinal fluid of dairy cows*. Neurochemical Research 23:1527-1531;

(4) Reinemann, D.J., L.E. Stetson, N.E. Laughlin, and S.D. LeMire. 2005. *Water, feed, and milk production response of dairy cattle exposed to transient currents*. American Society of Agricultural Engineers 48(1);

(5) Burda, H., S. Begall, J. Cerveny, J. Neef, and P. Nemec. 2009. *Extremely low-frequency electromagnetic fields disrupt magnetic alignment of ruminants*. National Academy of Sciences 106; and

(6) Reinemann, D.J., L.E. Stetson, N.E. Laughlin, and S.D. LeMire. 2005. *Water, feed, and milk production response of dairy cattle exposed to transient currents*. American Society of Agricultural Engineers 48(1).

Notwithstanding, the FEIS purports to disclaim the foregoing six (6) studies in three (3) respects. First, the FEIS argues that the “scope and methods for these [six (6) other] studies ... may not be directly applicable to the Lava Ridge Wind Project infrastructure and potential EMF exposure.” FEIS, Appendix 15, at pages App15-135 to App15-136 (Subsection 3.9.2.2). However, the FEIS provided no explanation or rationalization as to how the “scope” and “methods” of such studies were not relevant to livestock grazing upon the Star Lake Allotment relative to Alternative B, Alternative C, Alternative D, Alternative E, and Preferred Alternative as considered and assessed in the FEIS.

Second, the FEIS argues, citing five (5) *other* new and different studies, i.e., Algers and Huntgren 1987; Amstutz and Miller 1980; Angell et al. 1990; Burchard et al. 1998; Burchard et al. 2007,⁷ that “[a]dditional literature indicates that there is no measurable effect of EMF exposure to livestock.” However, the FEIS provided no explanation or rationalization for its citation to these *other* new and different studies; and provided no explanation or rationalization that these *other* studies were relevant to livestock grazing upon the Star Lake Allotment relative to Alternative B, Alternative C, Alternative D, Alternative E, and Preferred Alternative as considered and assessed in the FEIS.

Third, the FEIS argues, citing only one (1) *other* new and different study, i.e., Rigalma et al. 2010,⁸ that “focused on the effects to livestock from stray voltage applied to the water trough and found that the exposure could be a mild stressor immediately after exposure, but no impairment or impact on production was found.” However, again, the FEIS provided no explanation or rationalization for its citation to this *other* new and different study; and provided no explanation or rationalization that this *other* study was relevant to livestock grazing upon the Star Lake Allotment relative to Alternative B, Alternative C, Alternative D, Alternative E, and Preferred Alternative as considered and assessed in the FEIS.

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⁷ FEIS, Appendix 10, pages App10-49 to App10-51, wherein the full citations are noted for Algers and Huntgren 1987; Amstutz and Miller 1980; Angell et al. 1990; Burchard et al. 1998; Burchard et al. 2007, as follows:

- (1) Appleman, R.D., and R.J. Gustafson. 1985. *Source of stray voltage and effect on cow health and performance*. Journal of Dairy Science 68(6):1554–1567;
- (2) Amstutz, H.E., and D. Miller. 1980. *A study of farm animals near 765kv Transmission lines*. The Bovine Practitioner 15;
- (3) Angell, R.F., M.R. Schott, R.J. Raleigh, and T.D. Bracken. 1990. *Effects of a High-Voltage Direct-Current Transmission Line on Beef Cattle Production*. U.S. Department of Agriculture, Agriculture Research Service;
- (4) Burchard, J.F., D.H. Nguyen, L. Richard, S.N. Young, M.P. Heyes, and E. Block 1998. *Effects of electromagnetic fields on the levels of biogenic amine metabolites, quinolinic acid, and β -endorphin in the cerebrospinal fluid of dairy cows*. Neurochemical Research 23:1527–1531;
- (5) Burchard, J.F., D.H. Nguyen, and H.G. Monardes. 2007. *Exposure of Pregnant Dairy Heifer to Magnetic Fields at 60Hz and 30 uT*. Bioelectromagnetics 28.

⁸ FEIS, Appendix 10, page App10-51, wherein the full citation is noted for Rigalma et al. 2010, as Rigalma, K., C. Duvauz-Pointer, A. Barrier, C. Charlies, A.A. Ponter, F. Deschamps, and S. Roussel. 2019. *Medium-term effects of repeated exposure to stray voltage on activity stress physiology and milk production and composition in dairy cows*. Journal of Dairy Science 93(8).

Given the foregoing, the Permittees and the Publics were not afforded any opportunity to comment upon the new and different studies cited in the FEIS as per 40 C.F.R. § 1503.1(b),⁹ i.e., Appleman and Gustafson 1985, Broucek et al. 2003, Burchard et al. 1998, Burchard et al. 1999, Burda et al. 2009, Reinemann et al. 2005, Algers and Huntgren 1987, Amstutz and Miller 1980, Angell et al. 1990, Burchard et al. 1998, Burchard et al. 2007, and Rigalma et al. 2010. Further comment would have allowed the Permittees and the Publics the opportunity to speak to each of these new and different studies and to speak to these new and different studies in the context of livestock grazing upon the public lands within the Star Lake Allotment. BLM should provide such opportunity to comment per (at least) 40 C.F.R. § 1503.1(b),

Similarly, BLM did not supplement the FEIS due to the incompleteness of the FEIS arising from the new and different studies cited in the FEIS as per 40 C.F.R. §§ 1502.9(a),¹⁰ 1502.9(d)¹¹ The FEIS changed its position and/or the FEIS failed to explain its change/mix position, demonstrating a substantial new circumstance or information as to the environmental concern relative to livestock grazing on the Star Lake Allotment. A supplement to the FEIS would have allowed such consideration and analysis per (at least) 40 C.F.R. §§ 1502.9(a), 1502.9(d).

See also 42 U.S.C. § 4331(b), stating “In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may— ... (2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings; (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;”.

See also 42 U.S.C. § 4332, stating that “The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this chapter, and (2) all agencies of the Federal Government shall—

⁹ 40 C.F.R. § 1503.1(b) states that “An agency may request comments on a final environmental impact statement before the final decision and set a deadline for providing such comments. Other agencies or persons may make comments consistent with the time periods under § 1506.10 of this subchapter.”

¹⁰ 40 C.F.R. § 1502.9(a) states that “Except for proposals for legislation as provided in § 1506.8 of this subchapter, agencies shall prepare environmental impact statements in two stages and, where necessary, supplement them as provided in paragraph (d)(1) of this section.”

¹¹ 40 C.F.R. § 1502.9(d) states that “Agencies: (1) Shall prepare supplements to either draft or final environmental impact statements if a major Federal action is incomplete or ongoing, and: (i) The agency makes substantial changes to the proposed action that are relevant to environmental concerns; or (ii) There are substantial new circumstances or information about the significance of adverse effects that bear on the analysis. (2) May also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so. (3) Shall prepare, publish, and file a supplement to an environmental impact statement (exclusive of scoping (§ 1502.4 of this subchapter)) as a draft and final environmental impact statement, as is appropriate to the stage of the environmental impact statement involved, unless the Council approves alternative arrangements (§ 1506.11 of this subchapter).” *See also* 40 C.F.R. § 1502.9(e) (“An agency may reevaluate an environmental impact statement to determine that the agency does need to prepare a supplement under paragraph (d) of this section. The agency should document its finding consistent with its agency NEPA procedures (§ 1507.3 of this subchapter), or, if necessary, prepare a supplemental environmental assessment and finding of no significant impact.”)

... (D) ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document; (E) make use of reliable data and resources in carrying out this chapter”.

II. Section 106 Consultation – Comments.

The FEIS did not consider or assess, particularly as part of the Section 106 Consultation process, the significant impacts upon the historical, cultural, and custom impacts upon the Permittees, as well as other livestock permittees, upon the Allotments directly impacted by the Lava Ridge Wind Project. Permittees noted in their previous comments that each own and operate yearlong livestock operations within Lincoln County and Jerome County, State of Idaho, which are dependent by use upon, among others, the public lands in the Star Lake Allotment *to which some of these operations can trace their existence back to over 100 years.*

Livestock grazing has historically been and continues to be a significant presence and impact upon the history, culture and custom of the people in Lincoln County and Jerome County – even according to BLM.¹² This is all noted in literature and newspapers articles before enactment of the *Taylor Grazing Act* in 1934, 43 U.S.C. §§ 315, et seq.. **See Attachment #12** (An excerpt of some Newspaper articles between 1910 and 1917, some of which speak to “Star Lake” from which the Star Lake Allotment gets its name). Specifically, the enactment of the *Taylor Grazing Act* brought upon the establishment of what is now called the Twin Falls Grazing District. This District allowed owners of property to obtain a statutory entitlement to graze livestock upon the public lands. The current Permittees are successors to such owners of property and to this day enjoy the rights and obligations arising from such entitlement – which is authorized in the form of Grazing Permits.

Associated with such entitlement is the custom and culture of this historical, cultural use of the public lands in, among others, the Star Lake Allotment, to experience, enjoy, advance the visual and auditory solitude of the public lands in, among others, the Star Lake Allotment by the Permittees and their families, as well as the community at large. The DEIS and FEIS did not consider or assess this in the context of the Permittees, though it is a significant impact to the Permittees and their families. The visual and auditory impacts of the Lava Ridge Wind Project are noted in the FEIS are known. **See Attachment Nos. 6-10.** In fact, the FEIS acknowledges that the “[v]isual and auditory ... impacts to ... cultural resources from turbines and 500-kV transmission lines would occur,” adding that such impacts cannot be “avoided or minimized to avoid adverse effects.” **Attachment #9A.** *See also Attachment #11* (as to Tribal impacts).

¹² The Shoshone Field Office of the Twin Falls District, Idaho, Bureau of Land Management “is located in south-central Idaho and manages approximately 1.7 million acres of public lands. It is home to the largest known density of caves within BLM, and manages nearly 40% of the Bald Mountain Ski Area in Sun Valley. In this region, BLM co-manages the Craters of the Moon National Monument and Preserve with the National Park Service, which features some of the best examples of recent basaltic volcanic flows on the mainland. Another unique feature to the Shoshone Field Office is Black Magic Canyon, where the Big Wood River has carved a narrow path of exquisite, swirling rock sculptures into the surrounding black basalt. The four-mile section of complex carvings and potholes is one of the best and most beautiful examples of eroded river bedrock in the United States. While recreation opportunities attract thousands of visitors to the rivers, streams, trails and ski areas each year, **livestock grazing is also part of the historic fabric in this area with 215 allotments and 172 permittees. The Shoshone Field Office has the most livestock crossing permits in Idaho – trailing occurs across 87 allotments for a total of 366 trailing events; permittees often use historic trail routes that date back decades!**” *See* Shoshone Field Office | Bureau of Land Management (blm.gov) (emphasis added) (hotlink last checked 9-23-2024).

The historical, custom and cultural use of the public lands for livestock grazing is not trivial to the Permittees or their families. The turbines and kV lines will clearly obstruct and skew views and landscape views of interest to the Permittees and their families which historically, culturally, and customarily have not been obstructed or skewed. Similarly, the turbines and kV lines will clearly diminish / negate the sounds of livestock, the sounds of wildlife (including songbirds), and the sounds of grass waving in the wind, all of interest to the Permittees and their families which historically, culturally, and customarily have not been diminished.

All of this – independent of the Permitted Use AUM issue – is of significance to the Permittees and their families and was not considered and assessed by the FEIS. ACHP should consider such significance in its intended comments to BLM as per 36 C.F.R. § 800.7(c)(1). Permittees contend that when BLM considers the Council's comments, Alternative A should be selected by any Record of Decision due to the cultural significance of the project area which will be irreparably damaged by implementation of any of the *other* Alternatives, as has been and continues to be demonstrated by the Section 106 Consultation.

We are hopeful that these comments are informative to you. We reserve the right and opportunity to supplement or modify our comments herein. If you have any questions, please call or write.

Very truly yours,

William Shaw Bryan & Shawna McKay William Arkoosh James M. Ritchie
By William Shaw By Bryan McKay By William Arkoosh By James M. Ritchie

Oneida Farms, Inc.
By David J. Lachar
Attachments - #1 to #7.

Kevin & Oralia Gergen
By Kevin Gergen
Oralia GERGEN

J N Livestock
JN Livestock
By Justin Paep

Attachment #1

Commentors

Permittee and BLM Operator Number	Active Use	Suspended Use	Permitted Use	IDL AUMs	Total AUMs	Percentage of total AUMs
William Shaw Operator No.: 115118	4616	1814	6430	0	6430	39.22%
William Shaw Authorized No.: 1100337	110	40	150	0	150	0.92%
William Shaw Authorized No.: 1100077	264	108	372	0	372	2.27%
Bryan and Shawna McKay Authorized No.: 1100425	448	312	760	0	760	4.64%
William Arkoosh Authorized No.: 115003	2844	1127	3971	0	3971	24.22%
James M. Ritchie Authorized No. 1105100	1250	450	1700	0	1700	10.37%
Oneida Farms, Inc. Authorized No. 1105107	1058	320	1378	411	1789	10.91%
Kevin & Oralia Gergen Authorized No. 1100199	365	94	459	0	459	2.80%
J N Livestock Authorized No. 1100887	330	110	440	322	762	4.65%
TOTAL	11285	4375	15660	733	16393	100%

Attachment #2

Livestock Grazing Permittees in Star Lake Allotment

United States Department of the Interior
Bureau of Land Management
AUTHORIZATION USE BY ALLOTMENT REPORT
ID80709 STAR LAKE

Administrative State ID IDAHO
Administrative Office LLIDT03000 SHOSHONE FO
Allotment Number ID80709
Allotment Name STAR LAKE
Grazing Allotment Y
Allotment Decision N/A
Plan Type AMP IMPLEMENTED
Plan Date 4/1/1973



Authorization Information

Authorization Number	Admin State	Administrative Office	Authorizing Office	Effective Date	Expiration Date	Issue Date	Actual Active AUMS	Actual Suspended AUMS
1105107	ID	LLIDT03000	SHOSHONE FO	11/30/2018	11/29/2028	12/20/2018	1058	320
1101804	ID	LLIDT03000	SHOSHONE FO	04/13/2011	04/12/2021	03/16/2011	6007	2616
1105118	ID	LLIDT03000	SHOSHONE FO	03/01/2020	02/28/2030	02/24/2020	4616	1814
1100337	ID	LLIDT03000	SHOSHONE FO	04/13/2018	04/30/2022	04/19/2018	110	40
1100425	ID	LLIDT03000	SHOSHONE FO	03/01/2014	02/28/2024	03/28/2014	448	312
1100887	ID	LLIDT03000	SHOSHONE FO	12/03/2019	12/02/2029	12/03/2019	330	110
1102934	ID	LLIDT03000	SHOSHONE FO	03/01/2019	02/28/2029	02/05/2019	30	0
1100199	ID	LLIDT03000	SHOSHONE FO	03/01/2016	02/28/2026	02/10/2016	365	94
1105003	ID	LLIDT03000	SHOSHONE FO	03/01/2020	02/28/2030	02/20/2020	2844	1127
1100077	ID	LLIDT03000	SHOSHONE FO	01/01/2020	12/31/2029	02/24/2020	264	108
1105001	ID	LLIDT03000	SHOSHONE FO	03/01/2019	02/28/2029	02/07/2019	448	179
1105100	ID	LLIDT03000	SHOSHONE FO	03/01/2020	02/28/2030	02/10/2020	1250	450
TOTAL							17,770	7,170

Authorization Schedule Information

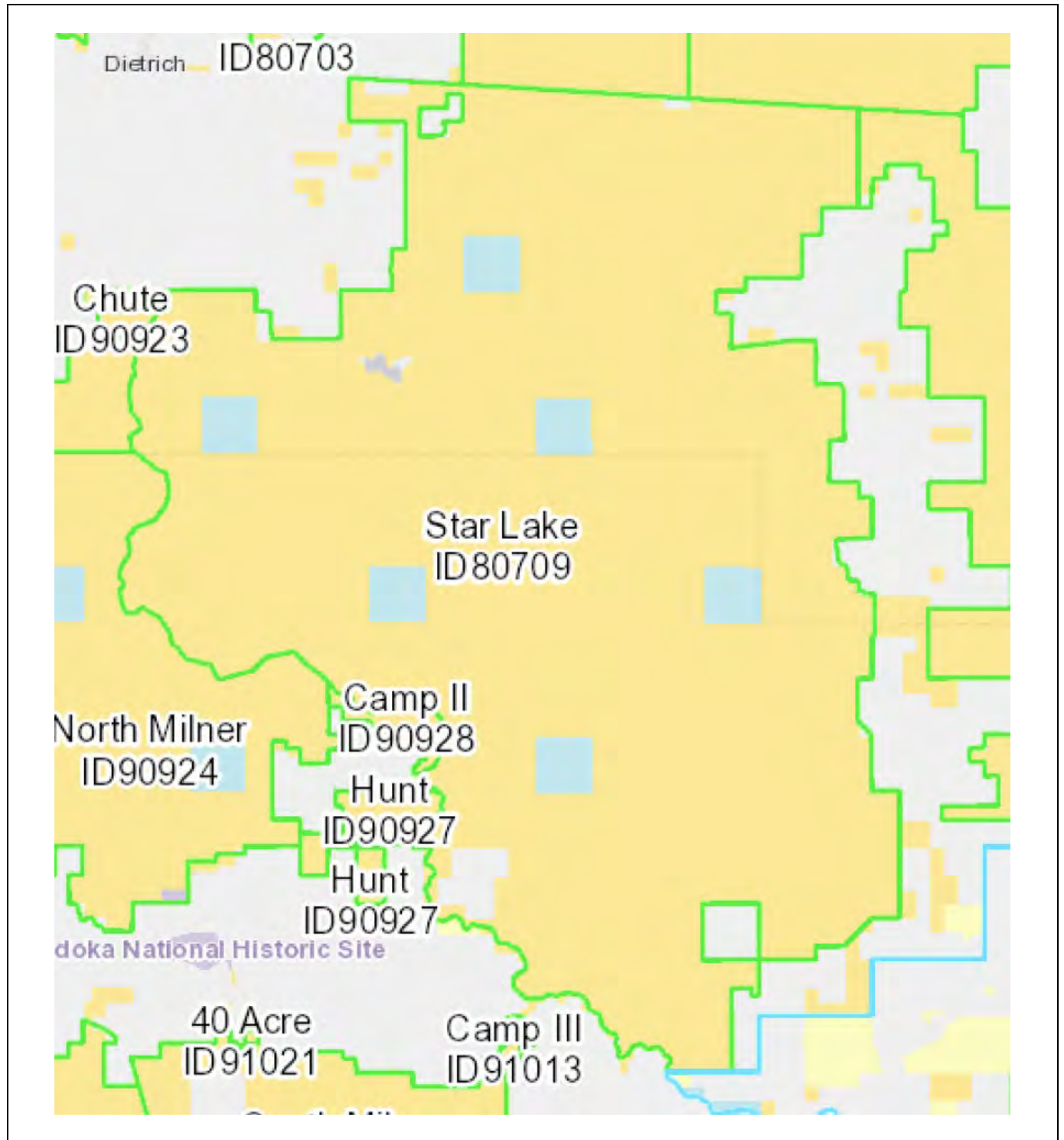
Allotment Number	Allotment Name	Pasture Name	Auth. No	Livestock Number	Livestock Kind	Period Begin	Period End	Public Land %	Type Use	AUMS
ID80709	STAR LAKE		1100077	47	CATTLE	04/16	09/30	100	ACTIVE	260
ID80709	STAR LAKE		1100199	266	SHEEP	04/01	06/15	100	ACTIVE	133
ID80709	STAR LAKE		1100199	244	SHEEP	11/01	12/30	100	ACTIVE	96
ID80709	STAR LAKE		1100199	24	CATTLE	04/16	09/30	100	ACTIVE	133
ID80709	STAR LAKE		1100337	20	CATTLE	04/16	09/30	100	ACTIVE	110
ID80709	STAR LAKE		1100425	81	CATTLE	04/16	09/30	100	ACTIVE	447
ID80709	STAR LAKE		1100887	1077	SHEEP	04/01	06/15	51	ACTIVE	274
ID80709	STAR LAKE		1100887	20	CATTLE	04/16	09/30	51	ACTIVE	56
ID80709	STAR LAKE		1101804	1087	CATTLE	04/16	09/30	100	ACTIVE	6004
ID80709	STAR LAKE		1102934	50	CATTLE	04/16	09/30	68	CUSTODIAL	30
ID80709	STAR LAKE		1105001	534	SHEEP	04/01	06/15	100	ACTIVE	267
ID80709	STAR LAKE		1105001	451	SHEEP	11/01	12/31	100	ACTIVE	181
ID80709	STAR LAKE		1105003	515	CATTLE	04/16	09/30	100	ACTIVE	2844
ID80709	STAR LAKE		1105100	226	CATTLE	04/16	09/30	100	ACTIVE	1248
ID80709	STAR LAKE		1105107	1229	SHEEP	04/01	06/15	67	ACTIVE	411

+++

		<p style="text-align: center;">United States Department of the Interior Bureau of Land Management AUTHORIZATION USE BY ALLOTMENT REPORT</p>								
Allotment Number	Allotment Name	Pasture Name	Auth. No	Livestock Number	Livestock Kind	Period Begin	Period End	Public Land %	Type Use	AUMS
ID80709	STAR LAKE		1105107	139	CATTLE	04/16	09/30	67	ACTIVE	514
ID80709	STAR LAKE		1105107	485	SHEEP	11/01	12/31	67	ACTIVE	130
ID80709	STAR LAKE		1105118	835	CATTLE	04/16	09/30	100	ACTIVE	4612

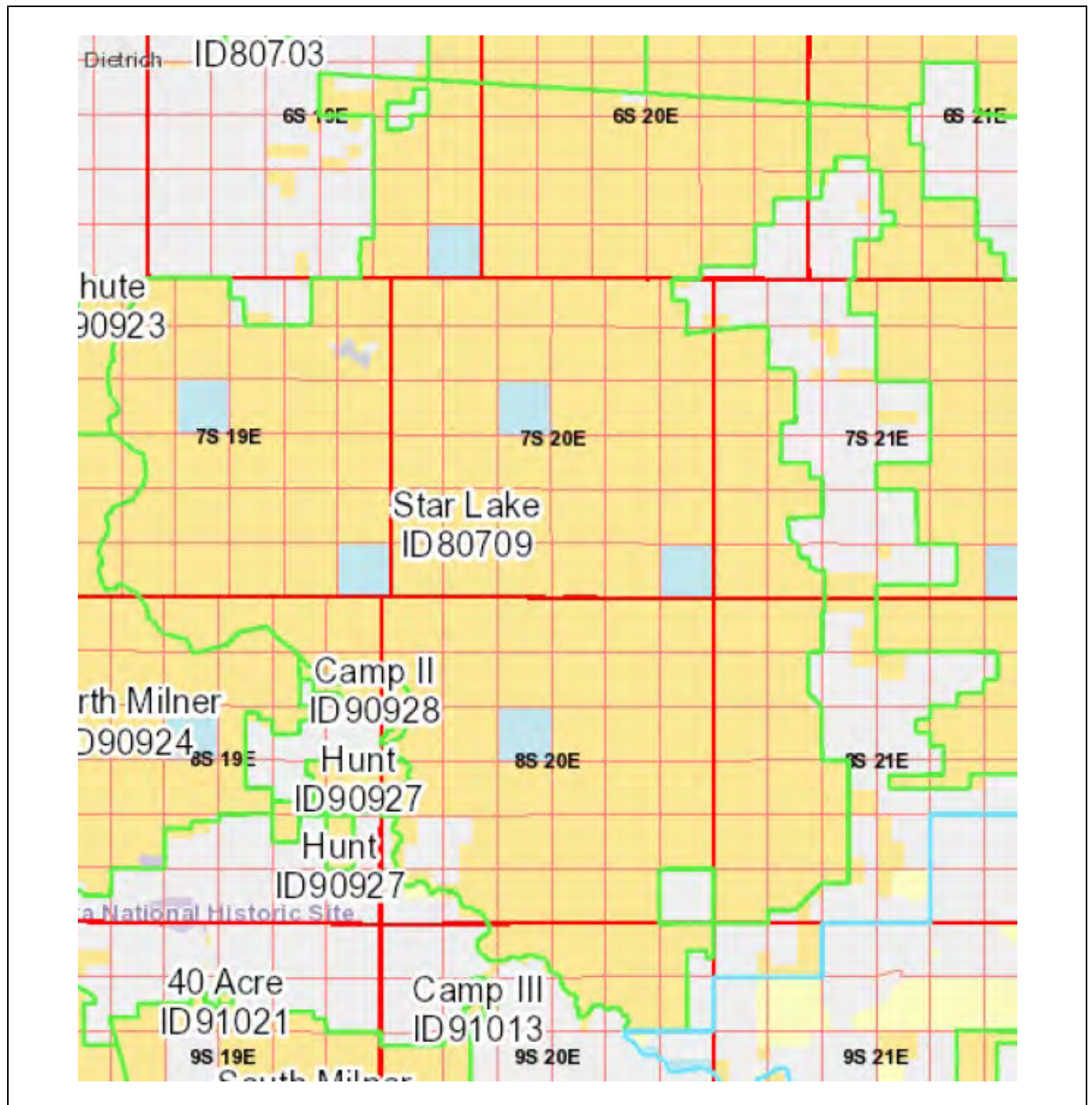
Attachment #3

Map of Star Lake Allotment, with land status



Attachment #4

Map of Star Lake Allotment, with land status and PLSS

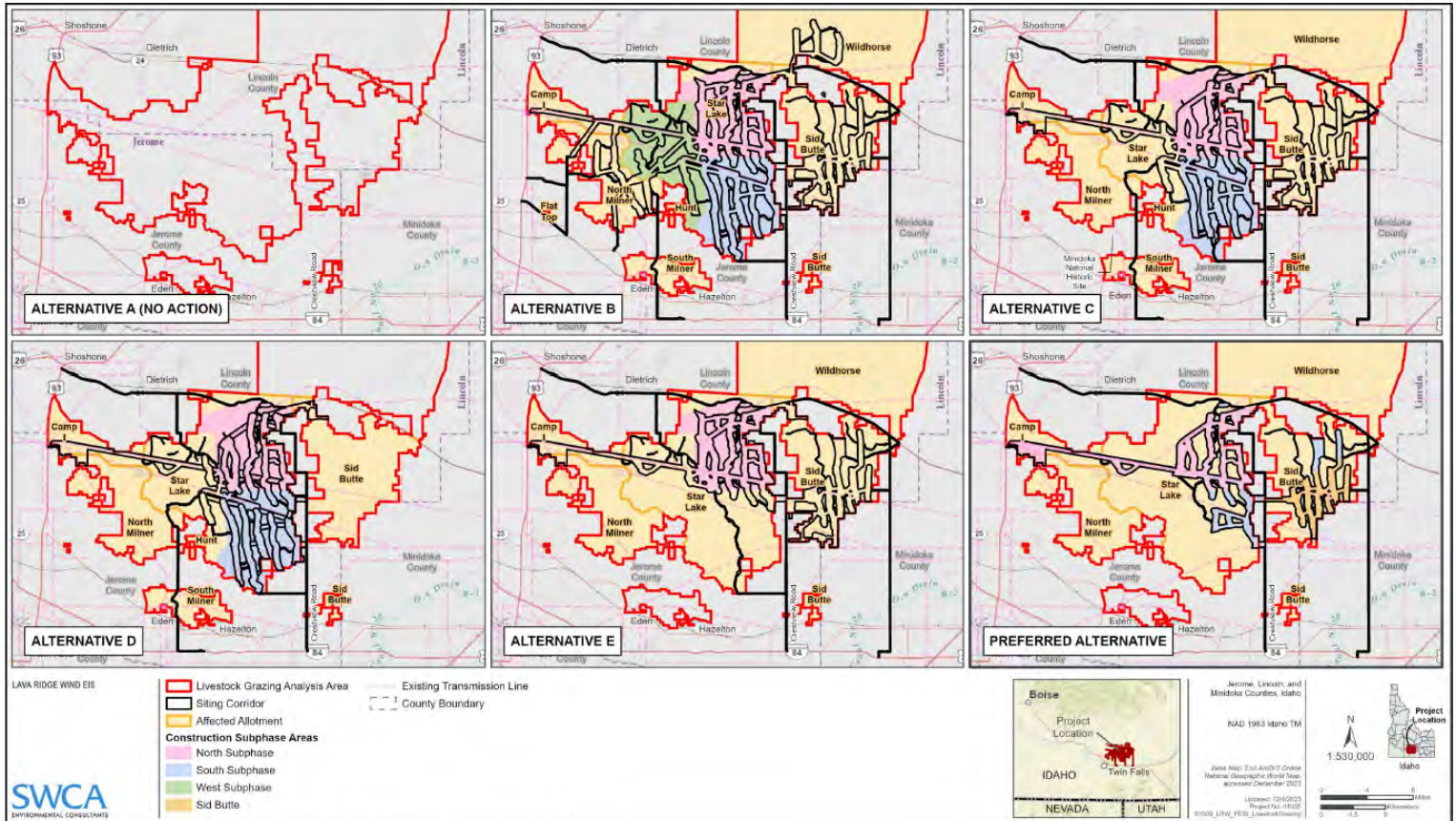


Attachment #5

Map of Lava Ridge Wind Project overlayed upon Allotment Boundaries (including the Star Lake Allotment) by Alternative in the FEIS

Note that Lava Ridge Wind Project directly impact (in whole or in part) the Star Lake Allotment in Alternative B, Alternative C, Alternative D, Alternative E, and Preferred Alternative. Only Alternative A (aka No Action Alternative) does not directly impact the Star Lake Allotment

Lava Ridge Wind Project Final Environmental Impact Statement
Appendix 15. Issues Analyzed in Detail and Determined to Not Have Significant Impacts



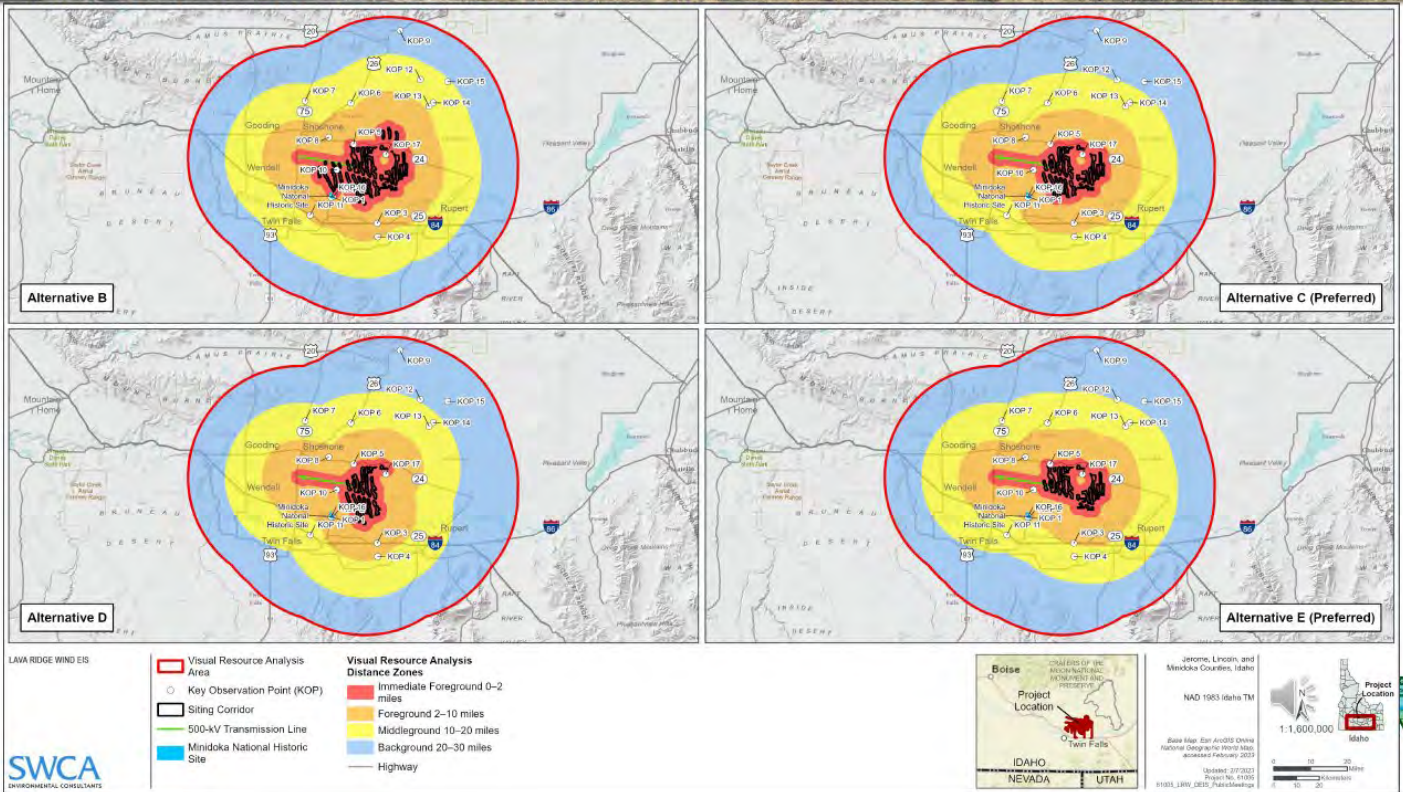
App15-115

Attachment #6

Map of Lava Ridge Wind Project overlayed upon Project Area relative to Key Observations Points and Distance Zones by Alternatives B, C, D, E in the FEIS

Note that Lava Ridge Wind Project directly impact (in whole or in part) the Star Lake Allotment in each of these Alternatives, i.e., Alternatives B, C, D, E in the FEIS

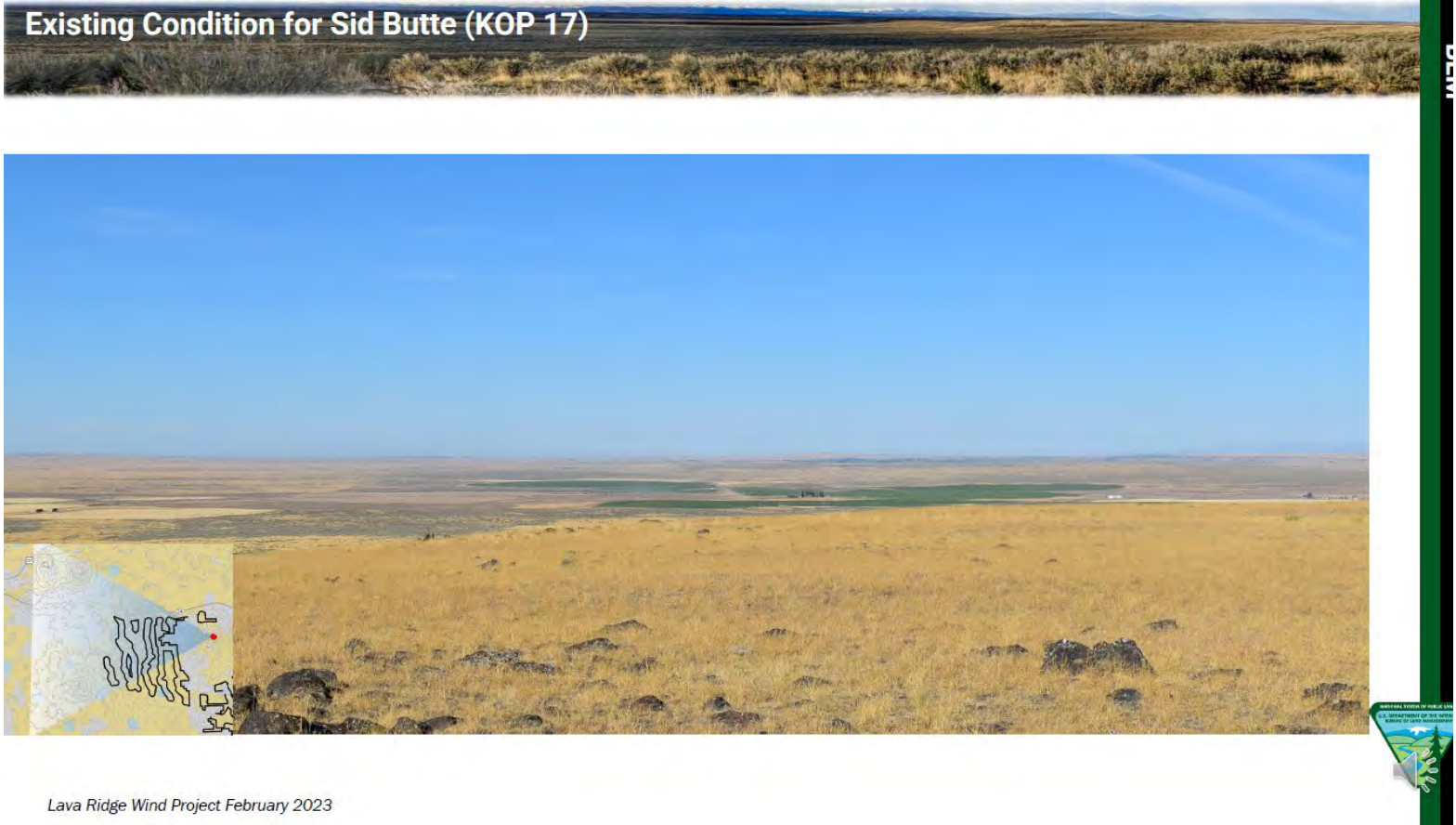
Key Observation Points (KOPs) and Distance Zones



Attachment #7

Map of Lava Ridge Wind Project overlayed upon Project Area relative to Key Observation Point 17 Existing Condition from Sid Butte to the West towards Star Lake Allotment

Existing Condition for Sid Butte (KOP 17)



Lava Ridge Wind Project February 2023

Attachment #8

Map of Lava Ridge Wind Project overlayed upon Project Area relative to Key Observation Point 17 Alternative E (in FEIS) from Sid Butte to the West towards Star Lake Allotment

Visual Simulation for Sid Butte (KOP 17)
Alternative E with 6-MW Turbines



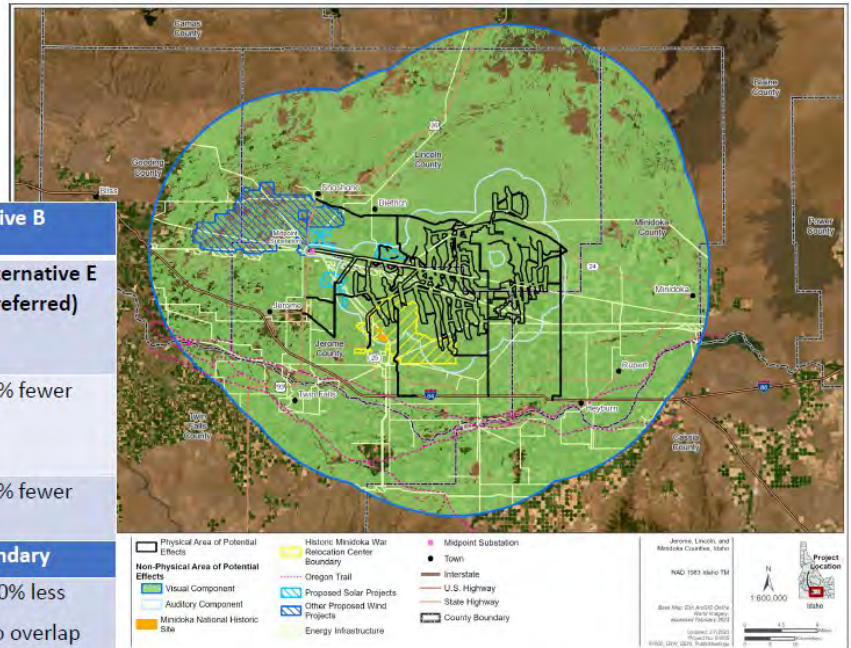
Lava Ridge Wind Project February 2023

Map of Lava Ridge Wind Project overlayed upon Project Area relative to Visual and Auditory Impacts to Cultural Resources.

Visual or Auditory Impacts to Cultural Resources

Visual or auditory (non-physical) impacts to potentially susceptible cultural resources from turbines and 500-kV transmission lines would occur. Not all visual or auditory impacts can be avoided or minimized to avoid adverse effects. These impacts could affect setting, feeling, and association that may also result in disturbance of the resources' existing solitude and surroundings.

		Percent Difference from Alternative B		
	Alternative B	Alternative C (Preferred)	Alternative D	Alternative E (Preferred)
Visual Component	12,748 estimated resources	14% fewer	23% fewer	19% fewer
Auditory Component	361 estimated resources	29% fewer	47% fewer	40% fewer
Auditory Component Overlap of the Historic Minidoka WRC Boundary				
	41 square miles (also fully overlaps Minidoka NHS)	65% less (no overlap with NHS)	57% less (no overlap with NHS)	100% less (no overlap with NHS)



The majority of known cultural resources susceptible to visual impacts (approximately 80%) occur 10-20 miles from the project.

Attachment #9B

Map of Lava Ridge Wind Project overlayed upon Project Area relative to Visual and Auditory Impacts to Cultural Resources per FEIS at page 3-130 (Figure 3.5-2).

Lava Ridge Wind Project Final Environmental Impact Statement
3.5 Cultural Resources

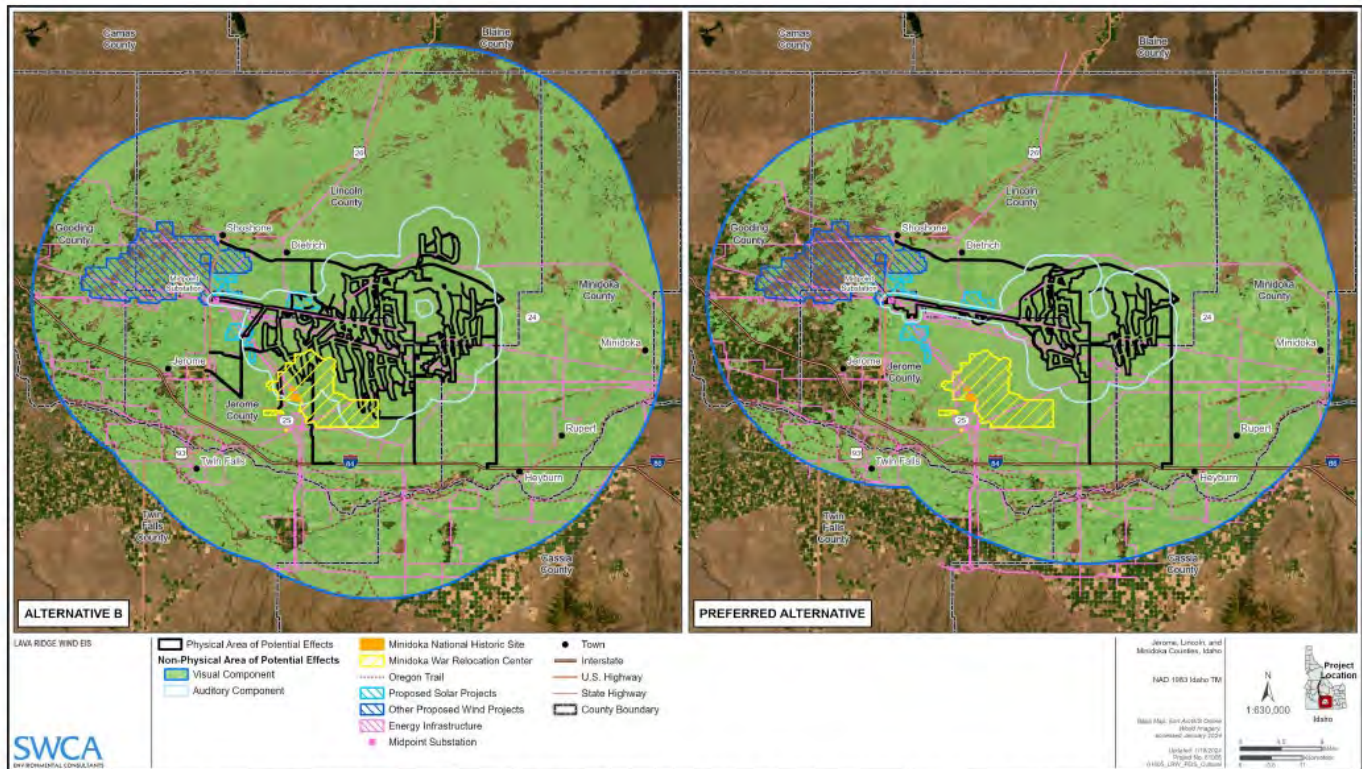


Figure 3.5-2. Cultural resources non-physical area of potential effects for Alternative B; showing the Preferred Alternative non-physical area of potential effects in comparison.

Attachment #10

Map of Lava Ridge Wind Project overlayed upon Project Area relative to Physical Impacts to Cultural Resources

Physical Impacts to Cultural Resources

Ground disturbance has the potential to physically impact cultural resources in the project's physical area of potential effects (APE), including within the historic Minidoka War Relocation Center (WRC) boundary.

Alternative B

- 43 estimated resources in 14 square miles of ground disturbance
- 8 square miles of siting corridor overlap with Minidoka WRC

Alternative C

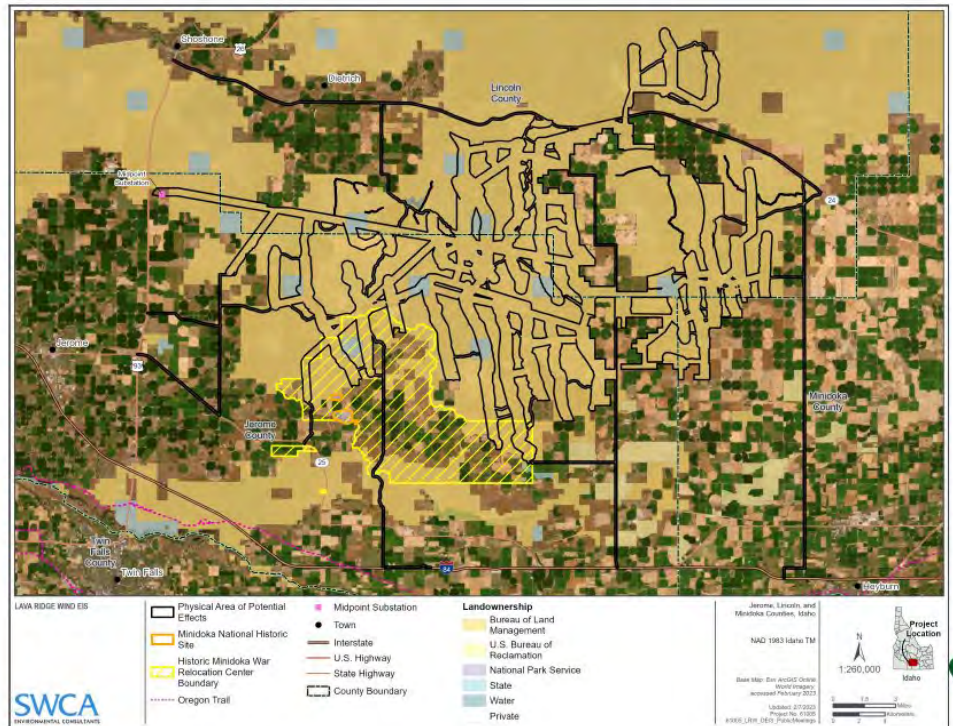
- 24% fewer estimated resources
- 86% less overlap with Minidoka WRC

Alternative D

- 47% fewer estimated resources
- 63% less overlap with Minidoka WRC

Alternative E

- 44% fewer estimated resources
- 97% less overlap with Minidoka WRC



Lava Ridge Wind Project February 2023

Attachment #11

Map of Lava Ridge Wind Project overlayed upon Project Area relative to Physical Impacts to Cultural Resources

Cultural Resource Concerns of Native American Tribes

Concerns include potential impacts to the following:

- a resource's setting, feeling, or association from a Tribal perspective;
- the views from Wilson Butte Cave (a nationally significant historic site) and other buttes and landforms;
- traditional resources for practices such as hunting and gathering;
- dark skies that support Tribal practices;
- vegetation and wildlife that Tribes hold spiritually and culturally significant, including wildlife habitats and corridors and migratory birds;
- Tribal treaty rights in the area;
- broader areas to which Tribes ascribe cultural significance.

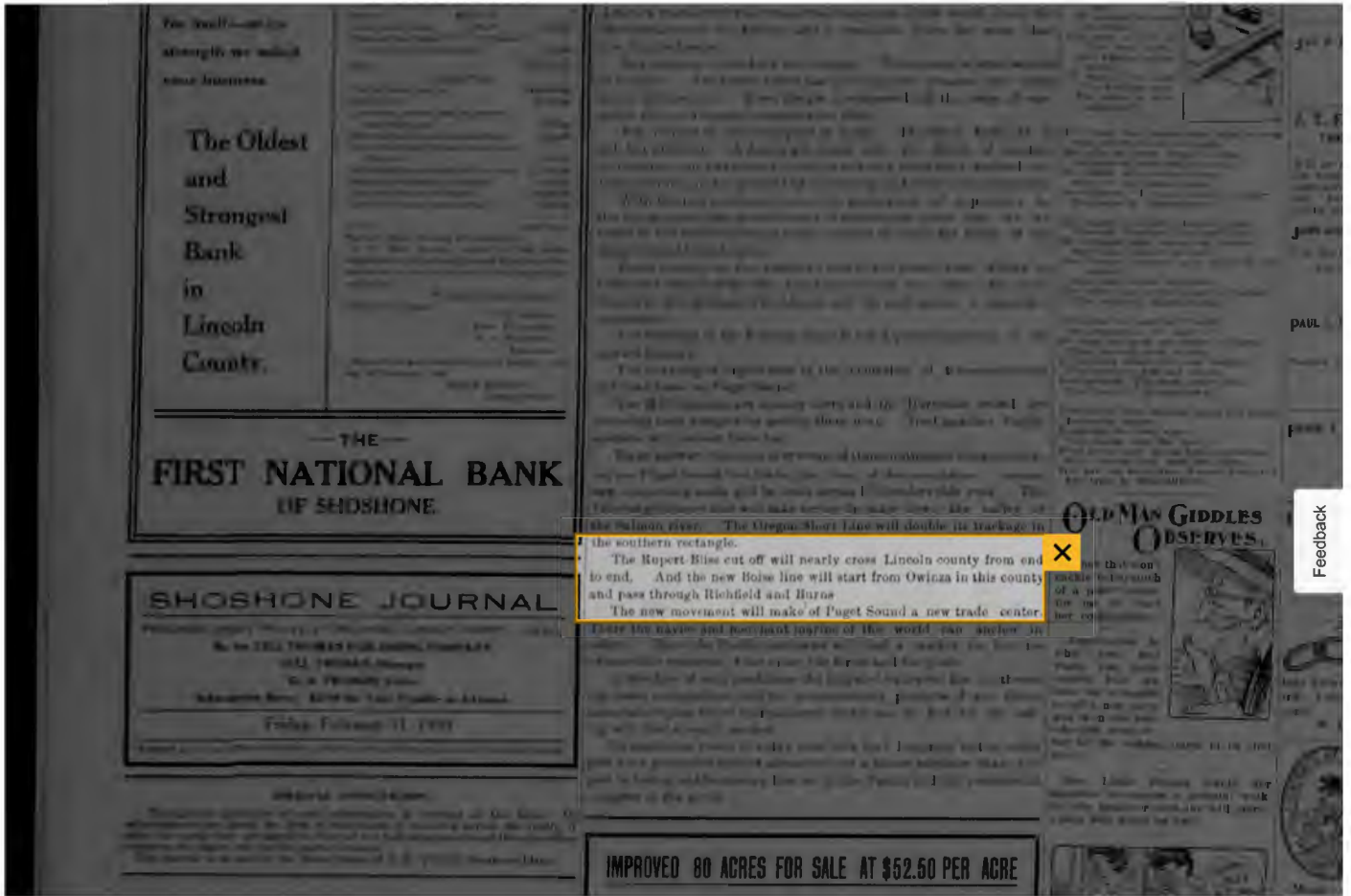
Conclusion: Tribes would consider the presence of the project on the landscape to be culturally and spiritually impactful.



Lava Ridge Wind Project February 2023

Attachment #12

**Excerpts of Newspaper Articles in the Shoshone Journal
between February 11, 1910 and August 31, 1917**



[Shoshone Journal](#)

Shoshone, Idaho · Friday, February 11, 1910

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["The Rupert-Bliss..."](#)

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[Shoshone Journal](#)

Shoshone, Idaho · Friday, April 22, 1910

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["Kill Coyotes..."](#)

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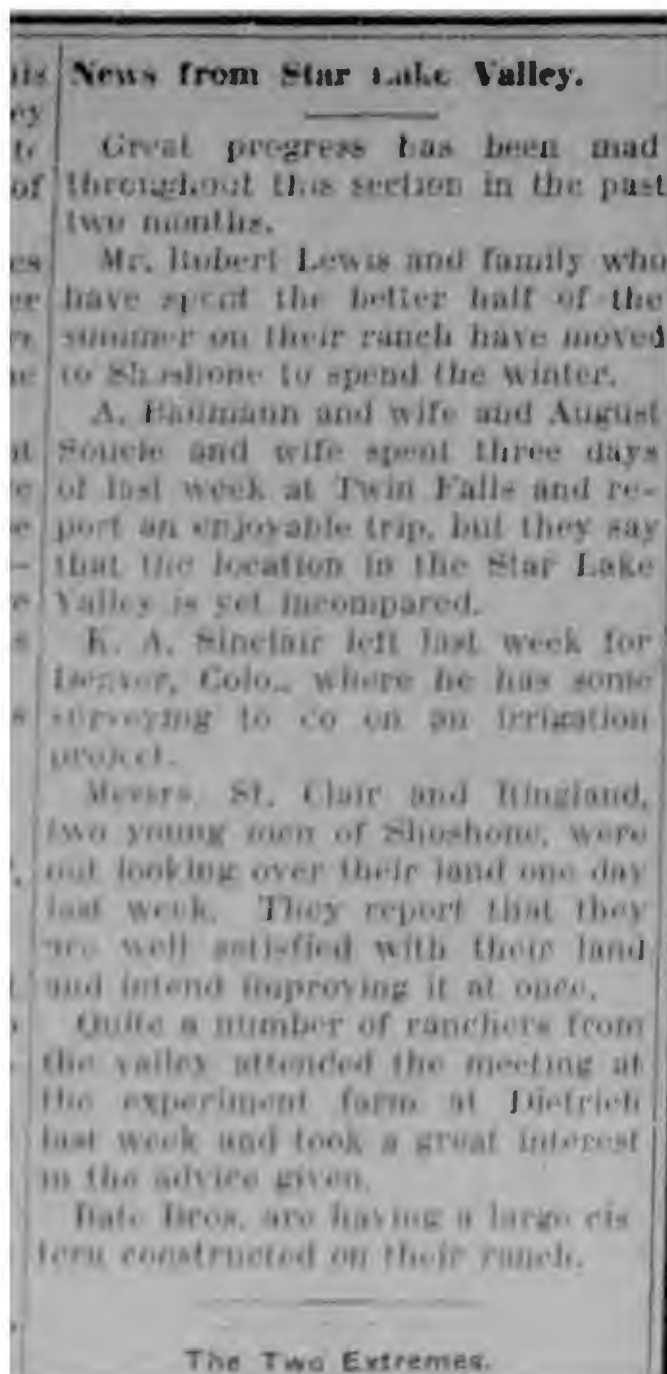
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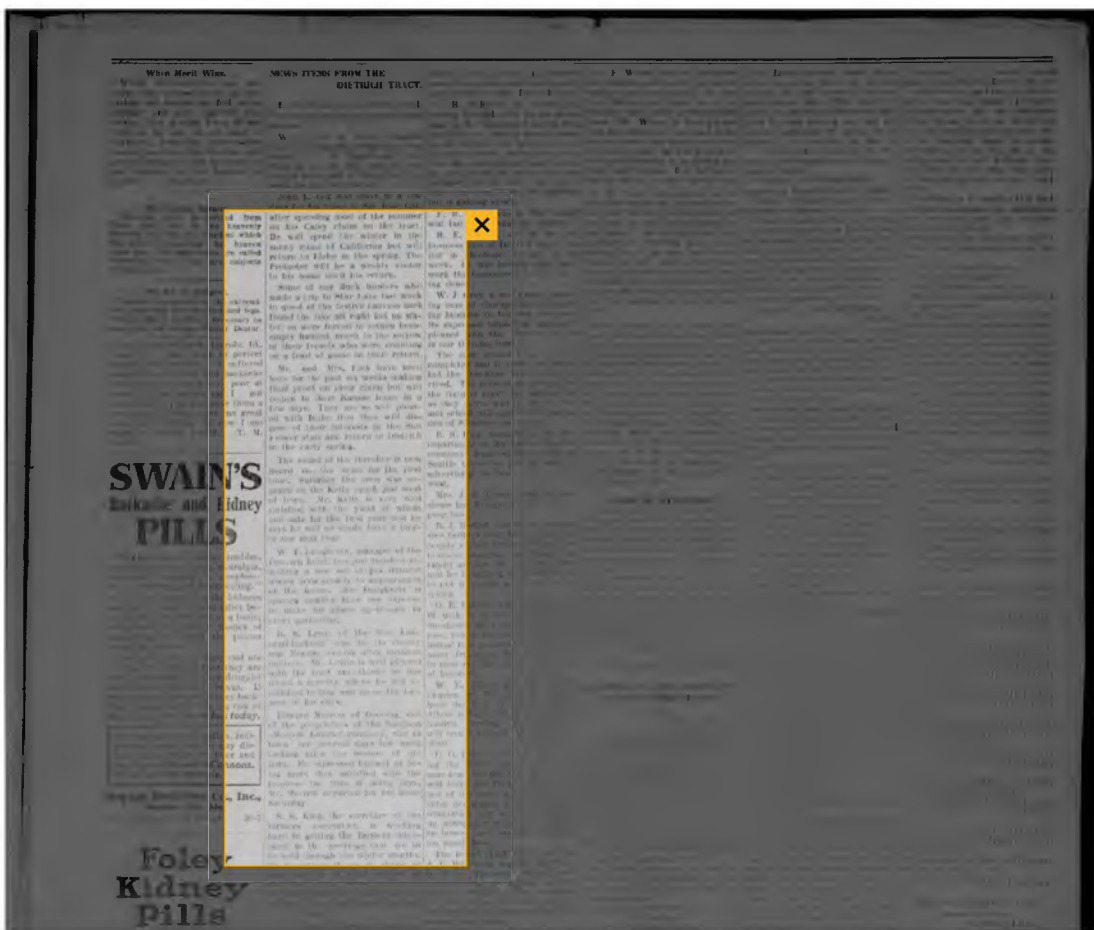
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Shoshone Journal

Shoshone, Idaho • Fri, Aug 12, 1910

Page 8





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[Shoshone Journal](#)

Shoshone, Idaho · Friday, September 16, 1910

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["News Items from the Dietrich Tract"](#)

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[Shoshone Journal](#)

Shoshone, Idaho · Friday, September 16, 1910

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["Boosting the Dietrich Tract"](#)

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Shoshone Journal

Shoshone, Idaho • Fri, Sep 16, 1910

Page 3

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coln, Ill., perfect sufficed backache poor at I got them a great I am T. M.

N'S
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sal are they are dring. I es back e risk of e today.

an indy ay do- er and nno's.

Inc.,
28-7

after spending most of the summer on his Carey claim on the tract. He will spend the winter in the sunny clime of California but will return to Idaho in the spring. The Promoter will be a weekly visitor to his home until his return.

Some of our duck hunters who made a trip to Star Lake last week in quest of the elusive canvas back found the lake all right but no water, so were forced to return home empty handed, much to the sorrow of their friends who were counting on a feast of game on their return.

Mr. and Mrs. Fink have been here for the past six weeks making final proof on their claim but will return to their Kansas home in a few days. They are so well pleased with Idaho that they will dispose of their interests in the Sunflower state and return to Lincoln in the early spring.

The sound in the thrasher is now heard on the tract for the first time. Saturday the crew was engaged on the Kelly ranch just west of town. Mr. Kelly is very well satisfied with the yield of wheat and corn for the first year and he says he will no doubt have a large crop next year.

W. I. Boundary, manager of the Lincoln hotel, was out and about visiting to new set of his trousers when this genre of reporters of the house. Mr. Boundary is spending another fine day at home to make the good open-air in early potatoes.

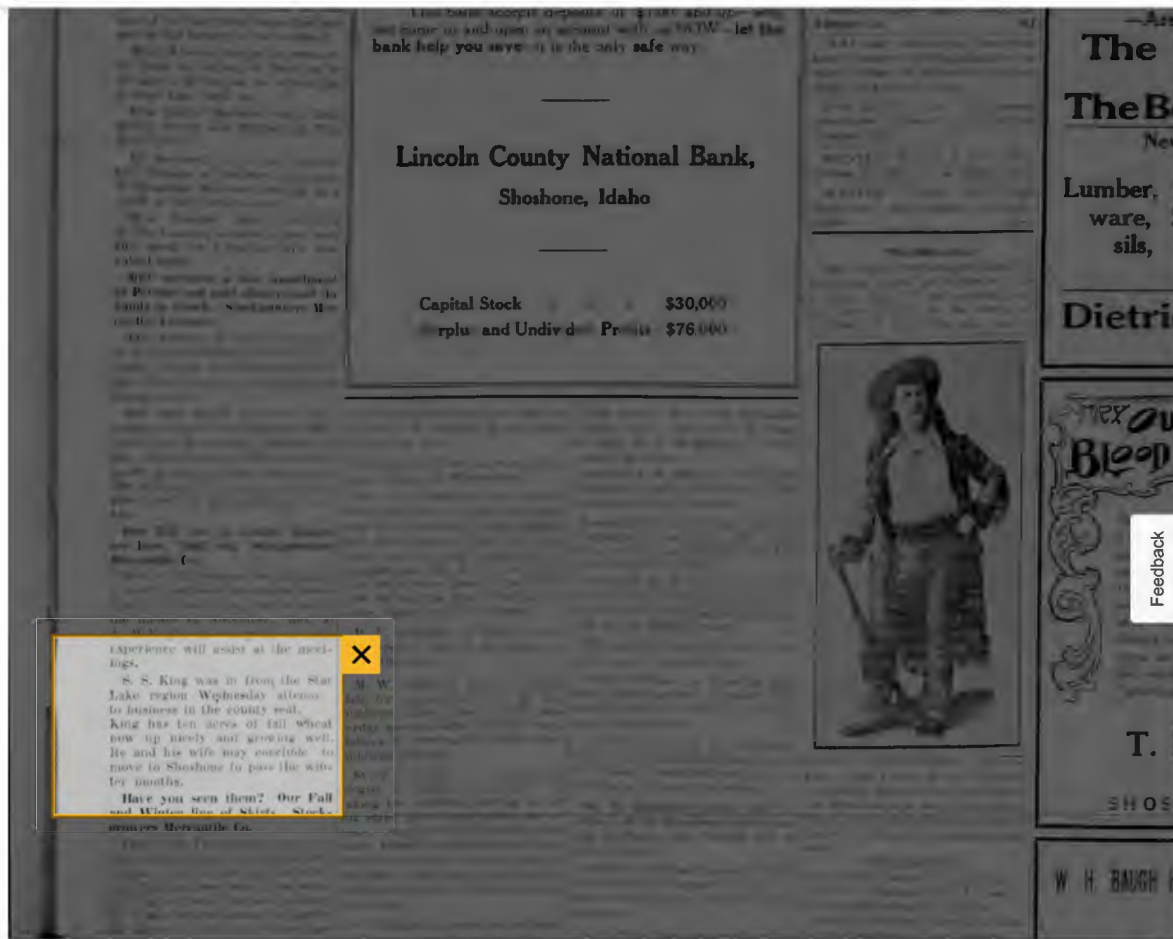
Dr. W. Brown of the Star Hotel, Lincoln, was in the city and spent some time with the reporters. Mr. Brown is well pleased with the crop and thinks he has found a variety which is well adapted to the soil and the climate of the state.

James Brown of Cassia and of the proprietors of the Shoshone-Mercury Mining company, was in town two or three days and was looking over the business of the mine. He expressed himself as being more than satisfied with the progress the firm is making and Mr. Brown reported for his home Saturday.

W. E. King, the secretary of the Shoshone-Mercury Mining company, was in town to get the famous mine, which is the subject of the meeting that are to be held through the winter months. He is doing things in shape to

F. H. seat last H. E. business. itor in f week. E work the ing done. W. J. C ing man ing busin He expleased v in our th The ne completed but the rived. Th the fixtur as they a and a kind of sh R. H. K in partne company. Sattle w excitement west. Mrs. J. about his ing four E. J. H the fact about a family and he is to not in success. O. F. H of with Shoshone and has much to say about the mine. W. E. Clarks here the mine is in a fine condition and will soon be ready to start. C. F. P ing. How many have get here last of the winter and the company is in a fine condition and will soon be ready to start. The mine is in a fine condition and will soon be ready to start.





[Shoshone Journal](#)

Shoshone, Idaho · Friday, September 30, 1910

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["S.S. King was....."](#)

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Shoshone Journal

Shoshone, Idaho · Friday, November 11, 1910

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Dietrich News

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[Shoshone Journal](#)

Shoshone, Idaho · Friday, December 23, 1910

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["S.S. King..."](#)

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Shoshone Journal

Shoshone, Idaho • Fri, Jan 13, 1911

Page 4

So far this winter the sage brush range has afforded abundance of feed for sheep. With half of the winter gone and the reserve feed supply scarcely touched there is bound to be a larger margin of profit for the woolgrower of southern Idaho than there was recorded last year. The sheep industry is a big commercial asset for Idaho and the prosperity of the woolgrowers redounds to the benefit of all other interests in the state.

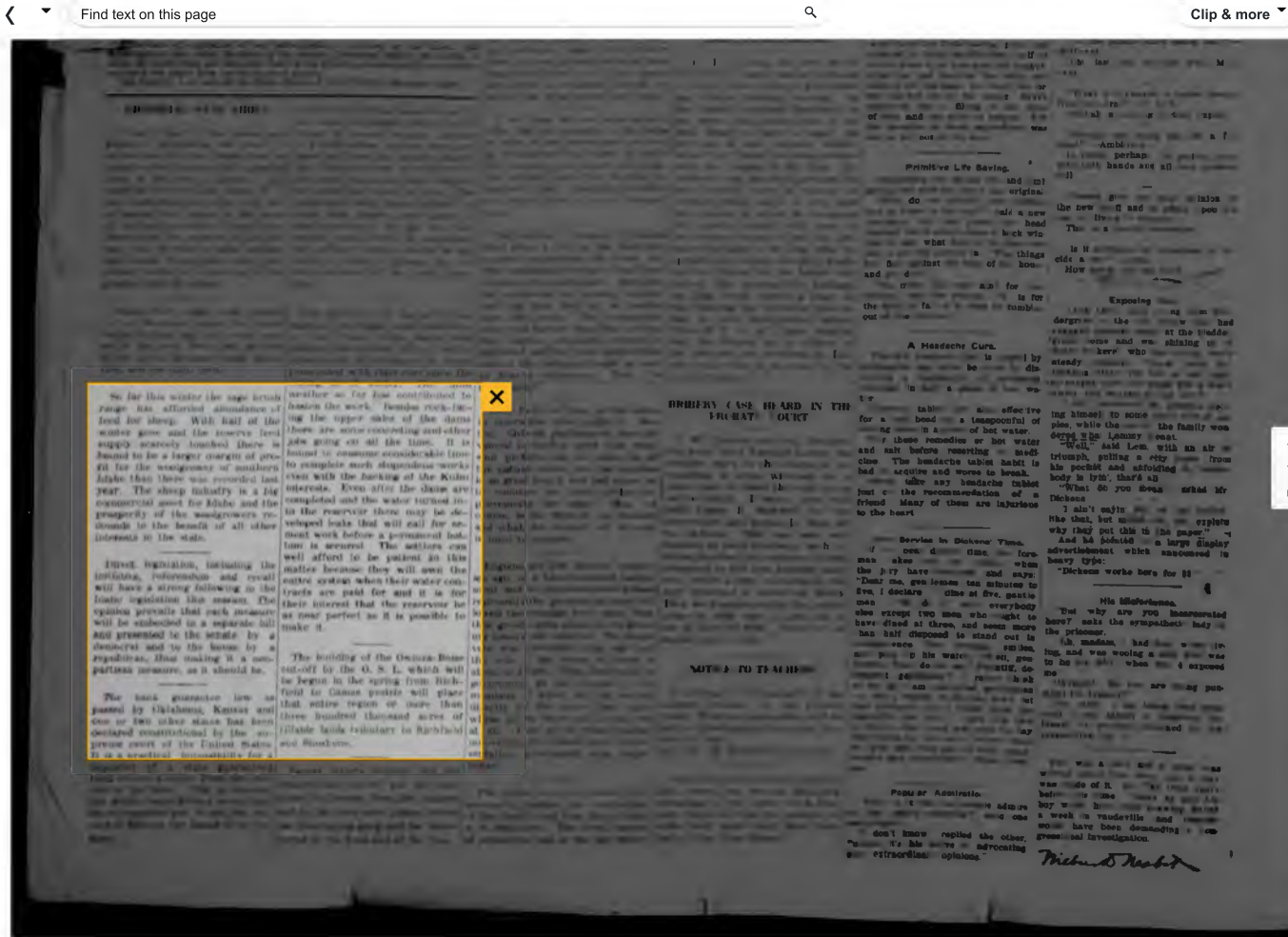
Direct legislation, including the initiative, referendum and recall will have a strong following in the Idaho legislation this session. The opinion prevails that each measure will be embodied in a separate bill and presented to the senate by a democrat and to the house by a republican, thus making it a non-partisan measure, as it should be.

The bank guarantee law as passed by Oklahoma, Kansas and one or two other states has been declared constitutional by the supreme court of the United States. It is a practical impossibility for a

severe winter. The winter weather so far has contributed to hasten the work. Besides rock-facing the upper sides of the dams there are some concreting and other jobs going on all the time. It is bound to consume considerable time to complete such stupendous works even with the backing of the Kuhn interests. Even after the dams are completed and the water turned in to the reservoir there may be developed leaks that will call for cement work before a permanent bottom is secured. The settlers can well afford to be patient in this matter because they will own the entire system when their water contracts are paid for and it is for their interest that the reservoir be as near perfect as it is possible to make it.

The building of the Ownza-Boise cut-off by the O. S. L. which will be begun in the spring from Richfield to Camas prairie will place that entire region or more than three hundred thousand acres of tillable lands tributary to Richfield and Shoshone.





Shoshone Journal

Shoshone, Idaho · Friday, January 13, 1911

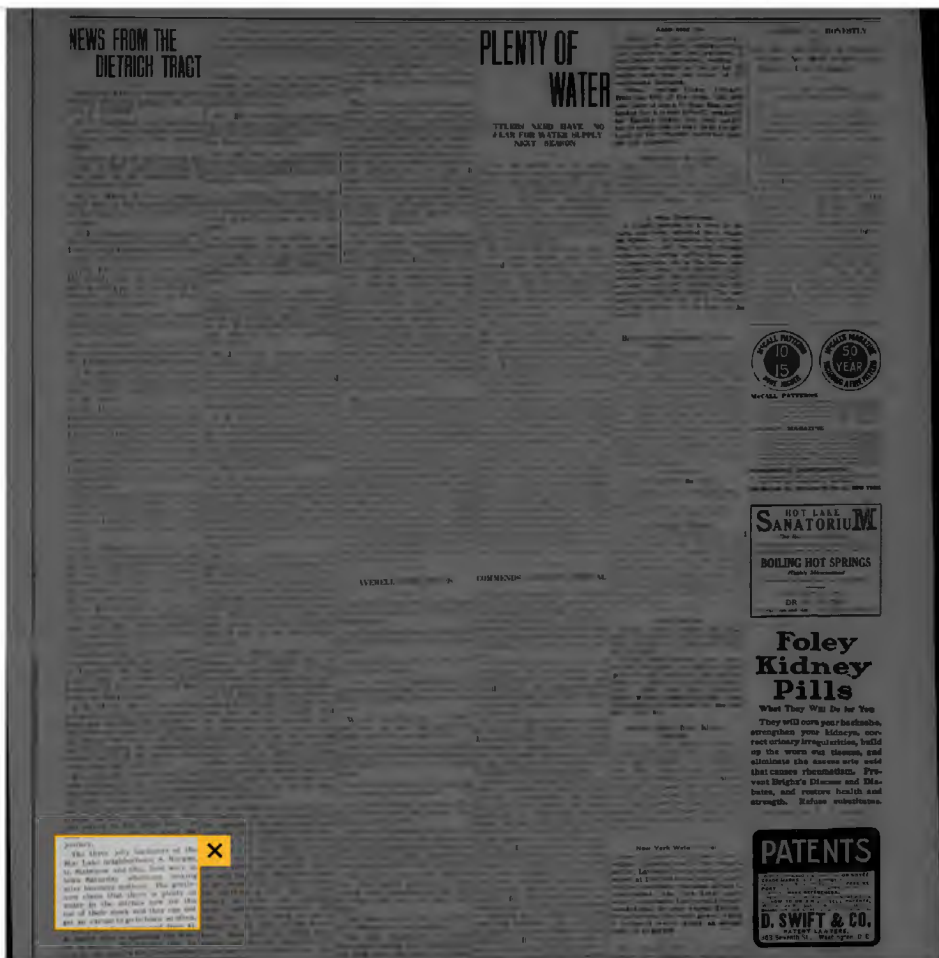
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"So far this winter..." and "The building of the Owinza..."

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Shoshone, Idaho · Friday, February 03, 1911

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"The three jolly..."

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Shoshone, Idaho · Friday, February 24, 1911

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["It is understood..."](#)

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Shoshone, Idaho · Friday, March 03, 1911

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["Items from the Star Valley"](#)

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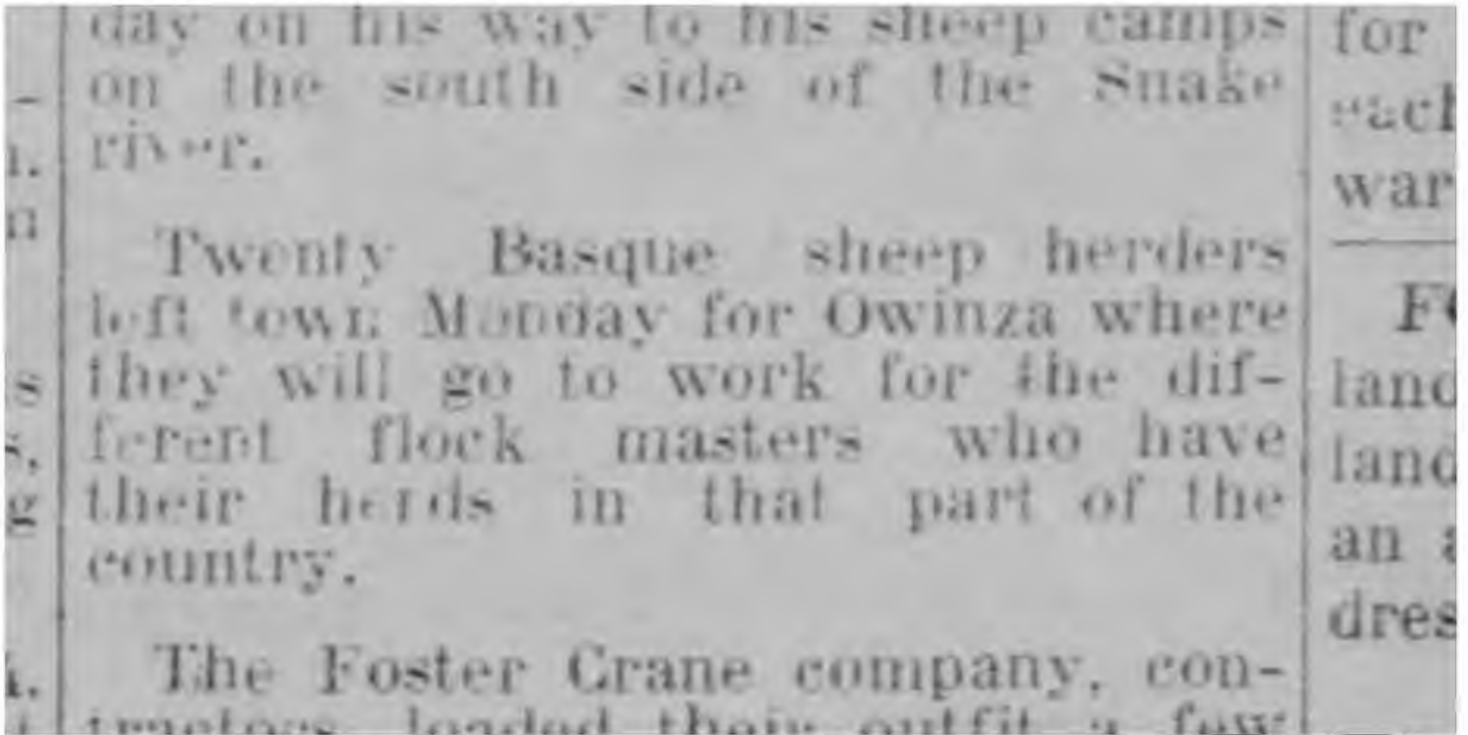
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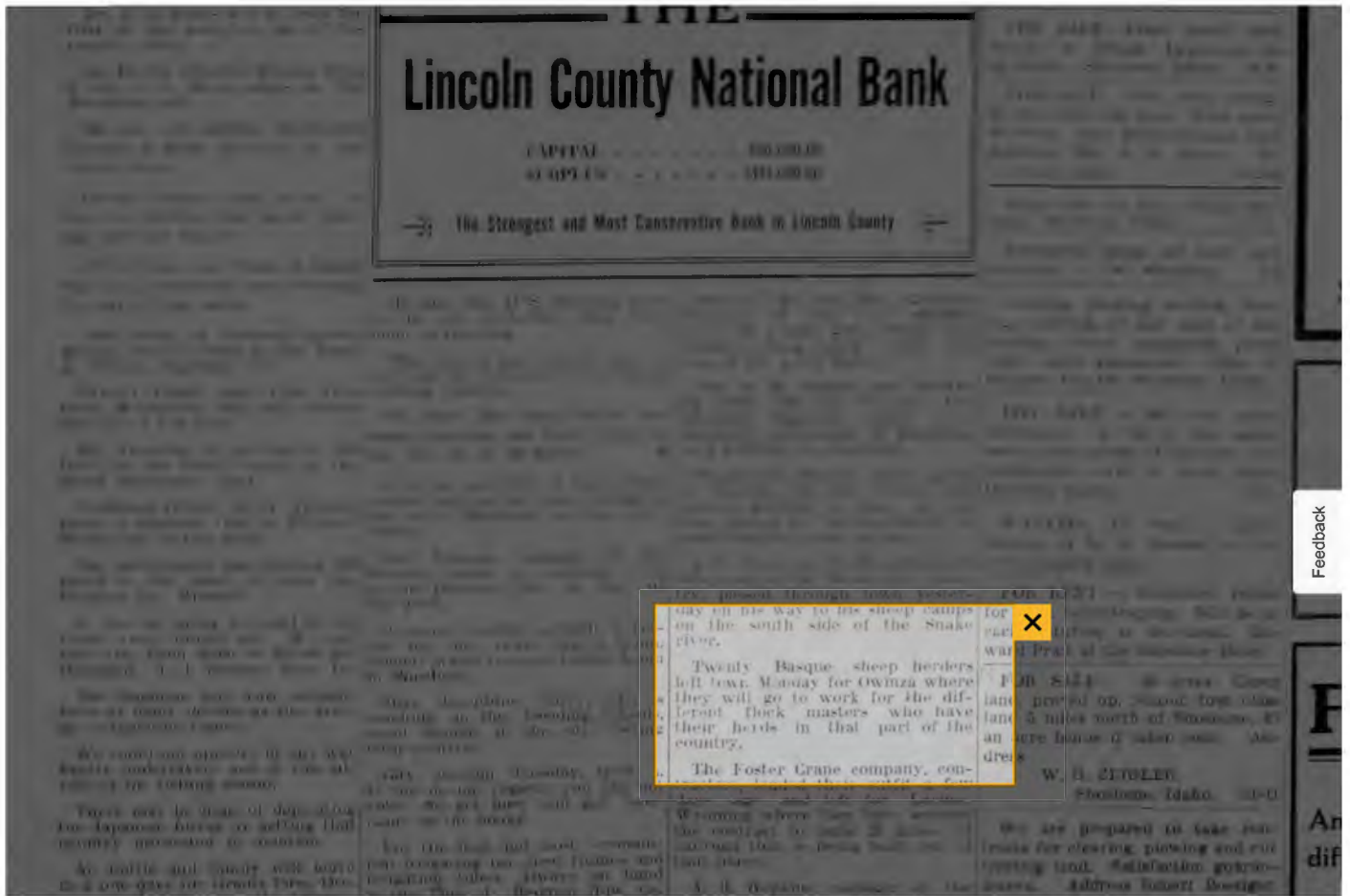
Shoshone Journal

Shoshone, Idaho • Fri, Mar 31, 1911

Page 5



"Twenty Basque..."



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Shoshone, Idaho · Friday, March 31, 1911

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["Twenty Basque..."](#)

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Shoshone, Idaho · Friday, May 05, 1911

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Shoshone, Idaho • Fri, May 5, 1911

Page 3

providing said road is built with-
out expense to county.
The petition of S. S. King and
others for changing the old Star
Lake road in section 34 T. 6 S. R.
19 E., together with quitclaim deeds
granting a right of way for new
road to-wit; beginning at the SE
corner of NE $\frac{1}{4}$ SW $\frac{1}{4}$ running
north 80 rods to center of section,
thence west one half mile on the
center line to the west quarter
corner of said section, is hereby
granted.
The petition to appoint A. B.
Hartley as Overseer Road District

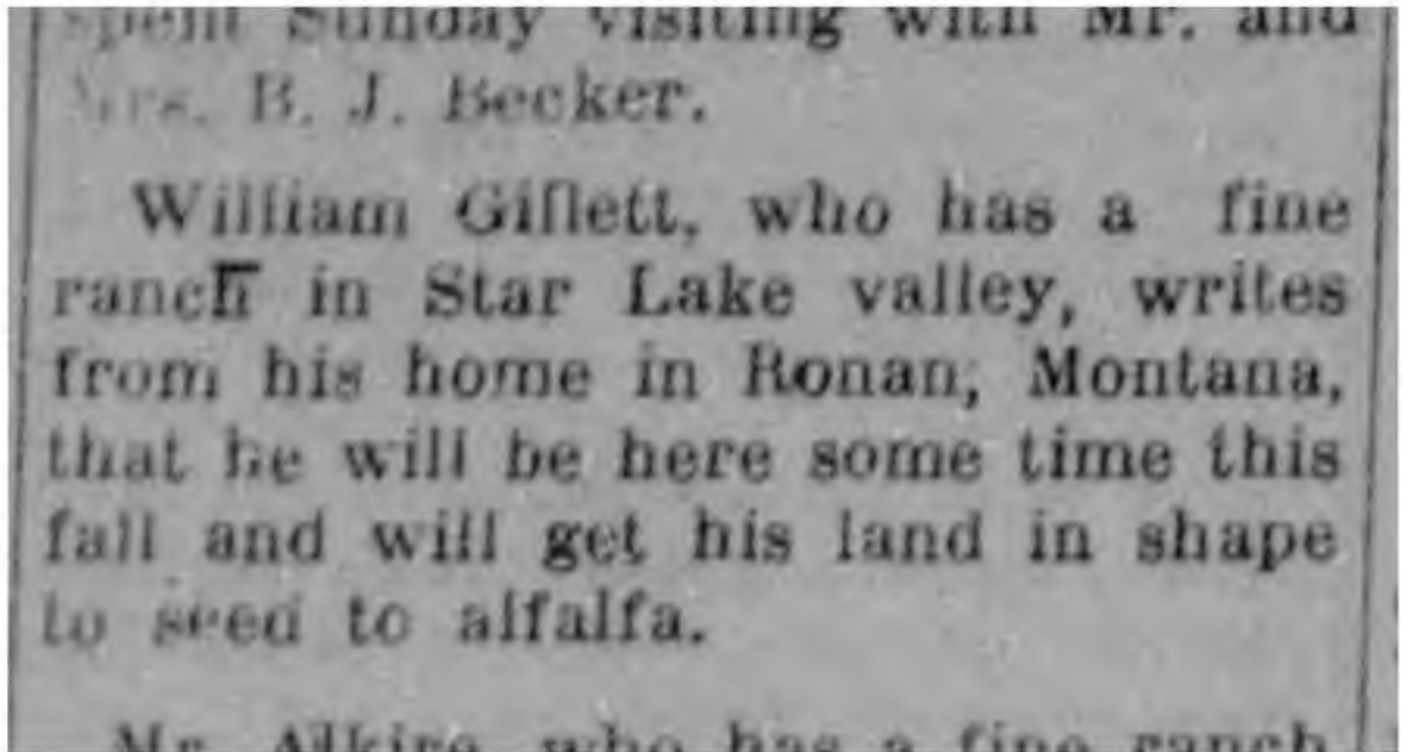


"The petition..."

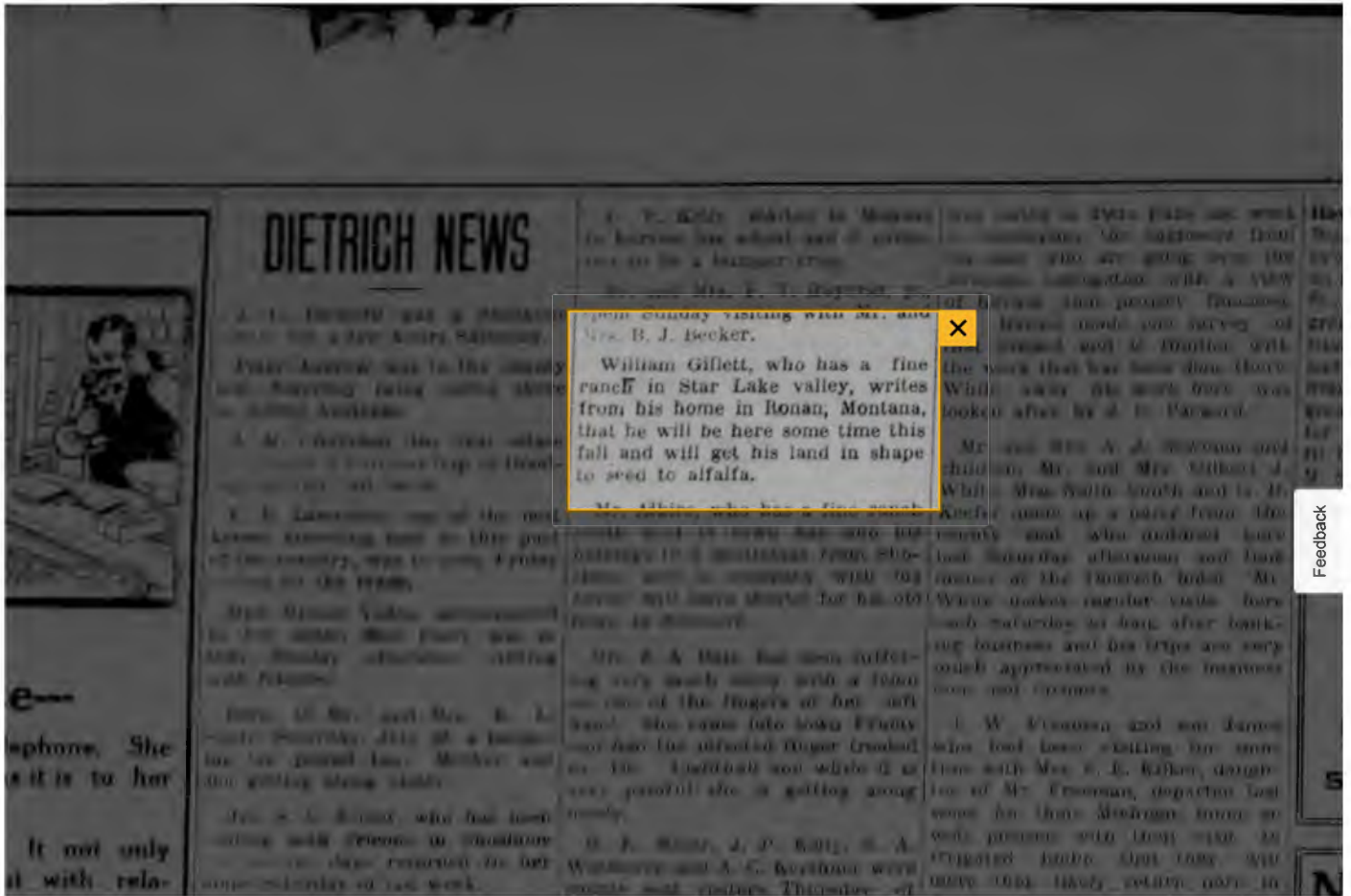
Shoshone Journal

Shoshone, Idaho • Fri, Jul 28, 1911

Page 4



"William Gillett...:



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Shoshone, Idaho · Friday, July 28, 1911

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["William Gillett..."](#)

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Shoshone Journal

Shoshone, Idaho • Fri, Nov 24, 1911

Page 1

fitable meeting Saturday afternoon.

J. W. Patterson, living in the Star Lake section on the southeast part of the Dietrich tract, made a fine record this year for potatoes on new land. From eight acres of the tubers he has sold \$600. worth and has reserved 200 sacks for seed making a yield of \$100. per acre or a little more. Part of his land, however, had been plowed the year before.

Many farmers on the Dietrich tract are taking advantage of the



"JW Patterson..."



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[Shoshone Journal](#)

Shoshone, Idaho · Friday, November 24, 1911

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"JW Patterson..."

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Shoshone Journal

Shoshone, Idaho · Friday, September 27, 1912

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"Eighty ducks..."

Seems like overkill, Alan! Duck hunting at Star Lake seemed to be a popular activity! The water...

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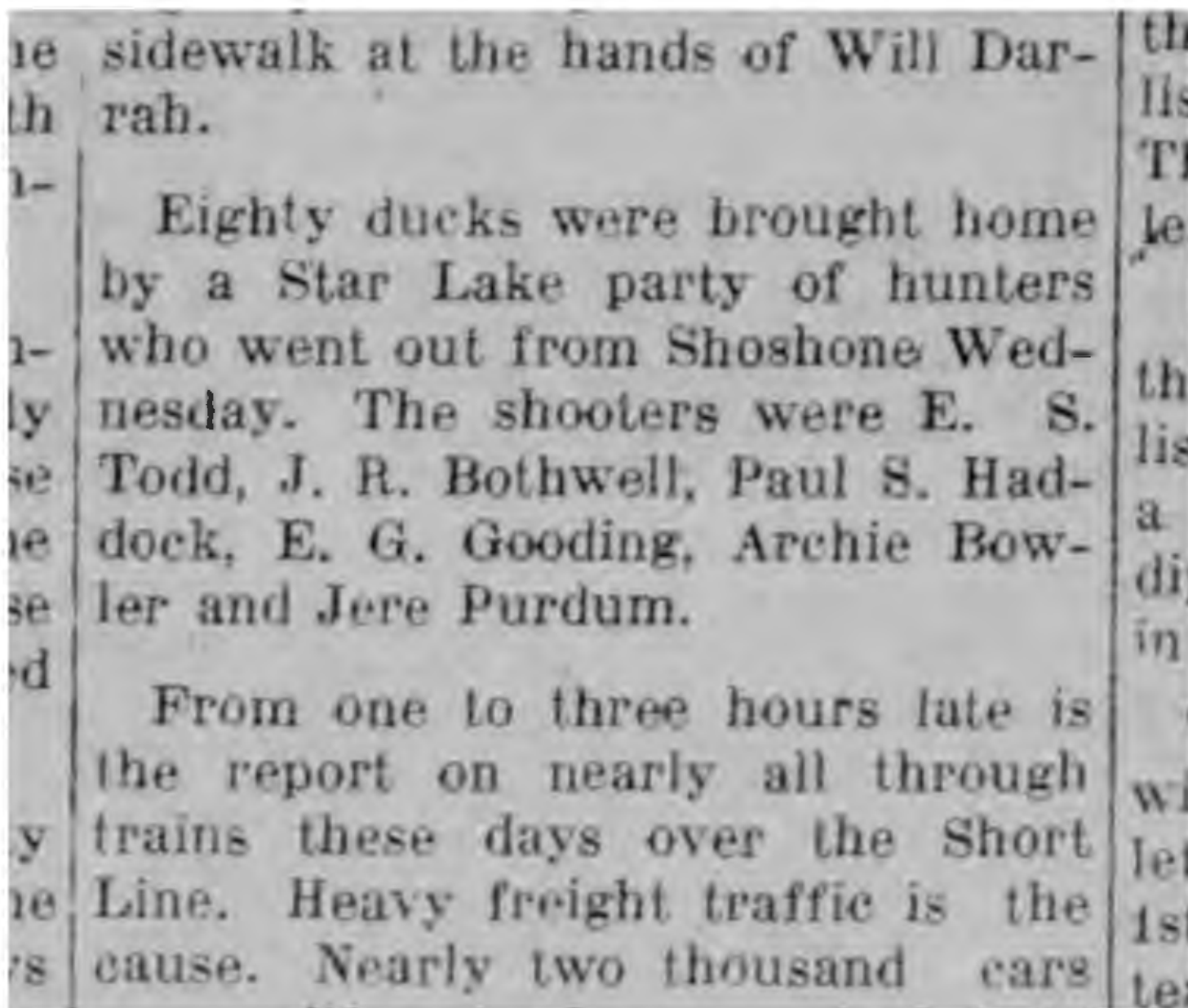
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Shoshone Journal

Shoshone, Idaho • Fri, Sep 27, 1912

Page 5



"Eighty ducks..."



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Shoshone, Idaho · Friday, July 04, 1913

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"The Dietrich ..."

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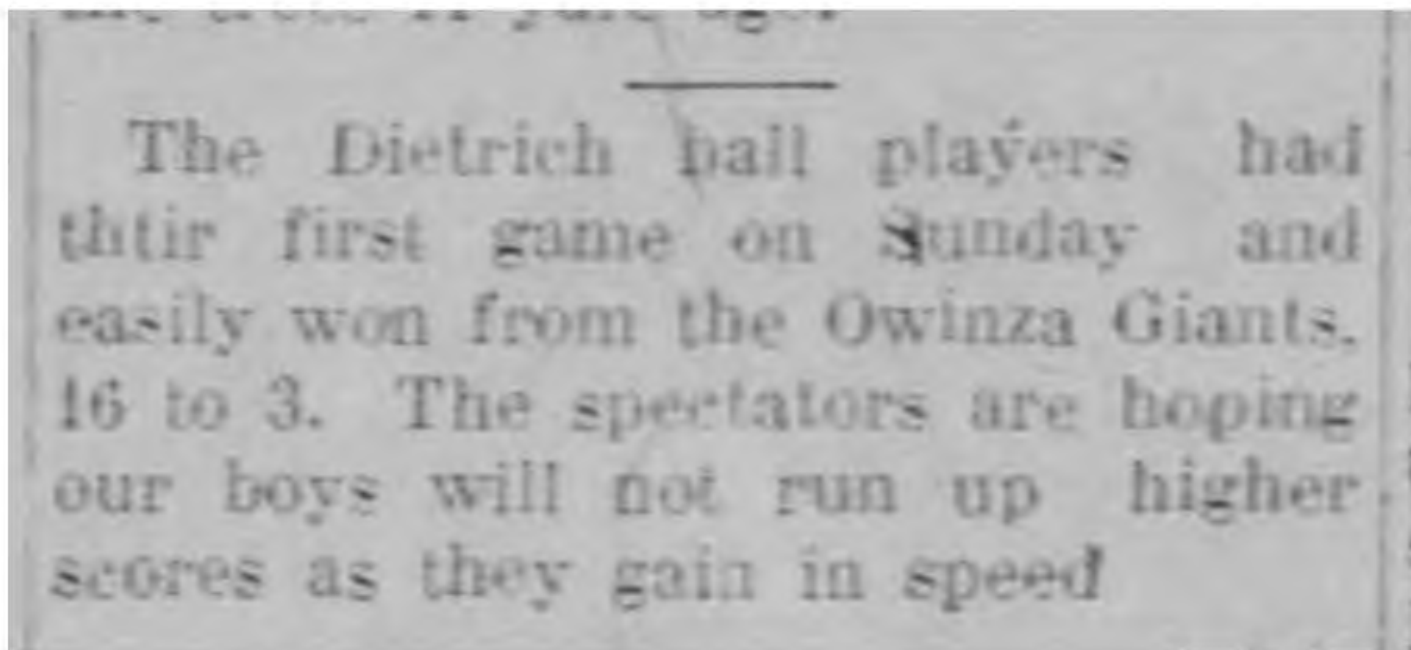
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Shoshone, Idaho • Fri, Jul 4, 1913

Page 1

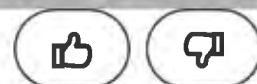
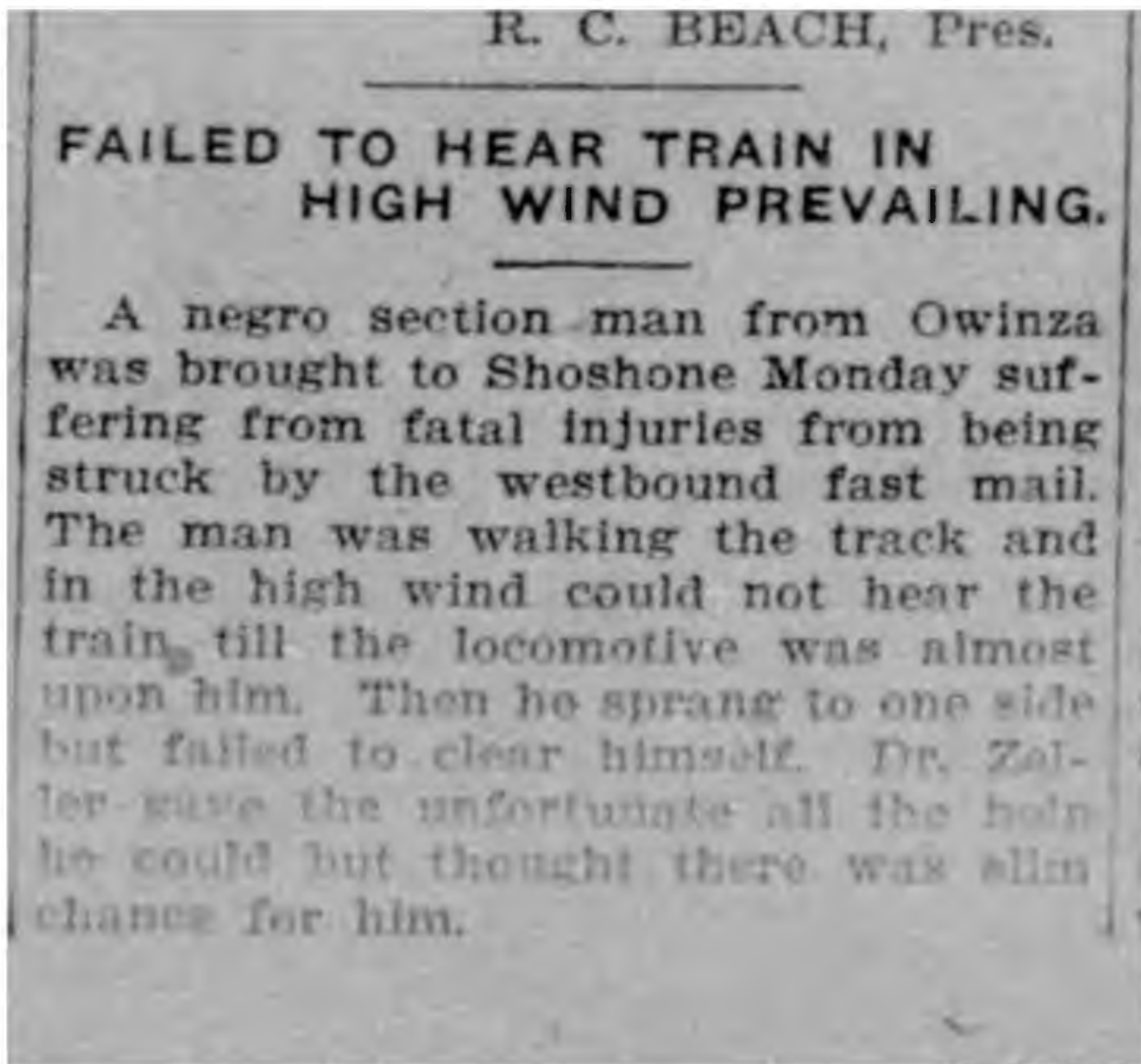


"The Dietrich ..."

Shoshone Journal

Shoshone, Idaho • Fri, Oct 31, 1913

Page 1



"Failed to Hear.."



[Shoshone Journal](#)

Shoshone, Idaho · Friday, October 31, 1913

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["Failed to Hear.."](#)

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Shoshone, Idaho • Fri, Jan 9, 1914

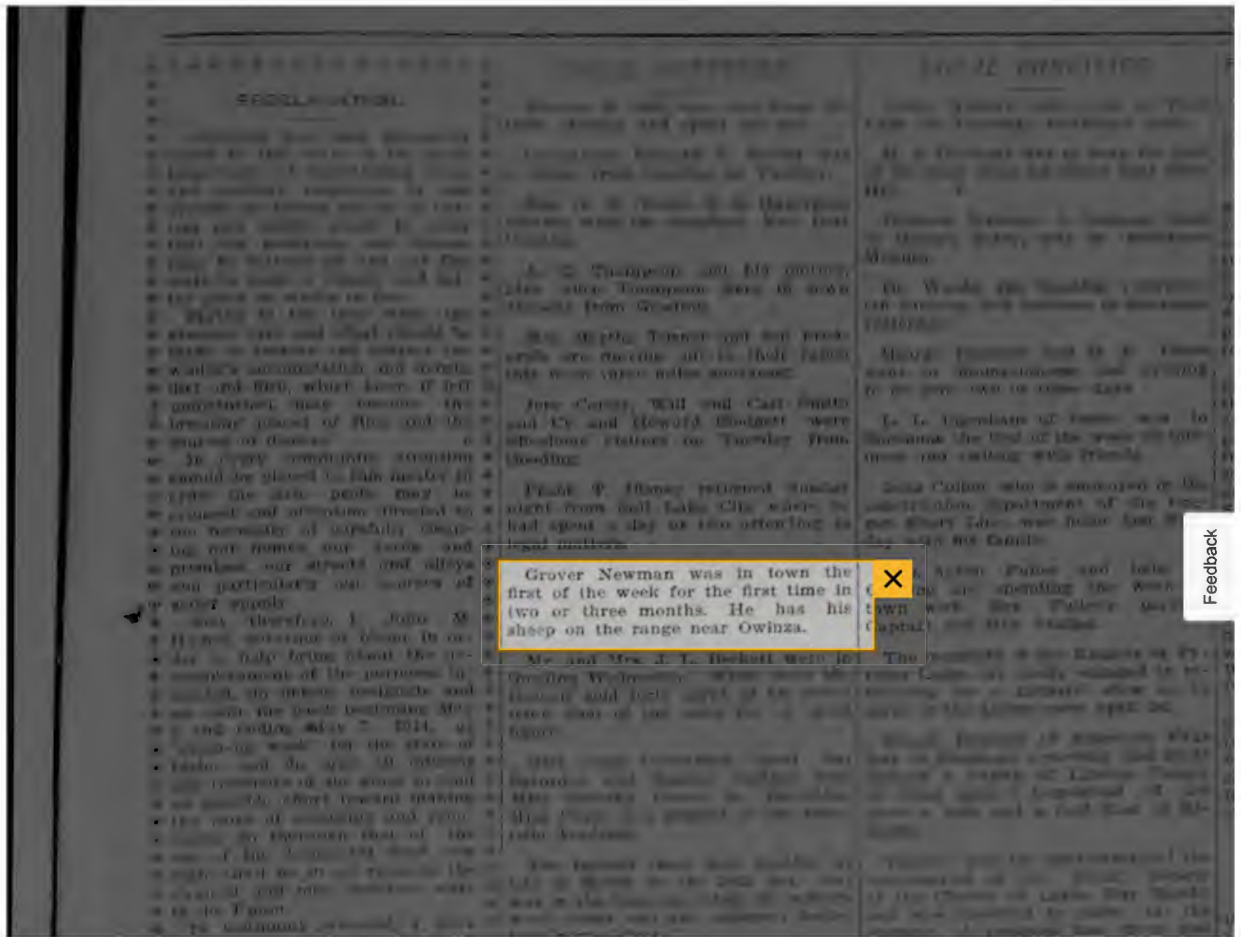
Page 3

nas had charge of Miss Kraemer's room.

David Klauser and Henry Martin, dry Farmers who reside a short distance from Owinza, were in Shoshone Monday and purchased a car load of lumber and other supplies which they had forwarded to Owinza. The trade of these people is beginning to be of considerable benefit to Shoshone and will greatly increase within the next few months.



"David Klauser..."



Feedback

[Shoshone Journal](#)

Shoshone, Idaho · Friday, March 20, 1914

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["Grover Newman..."](#)

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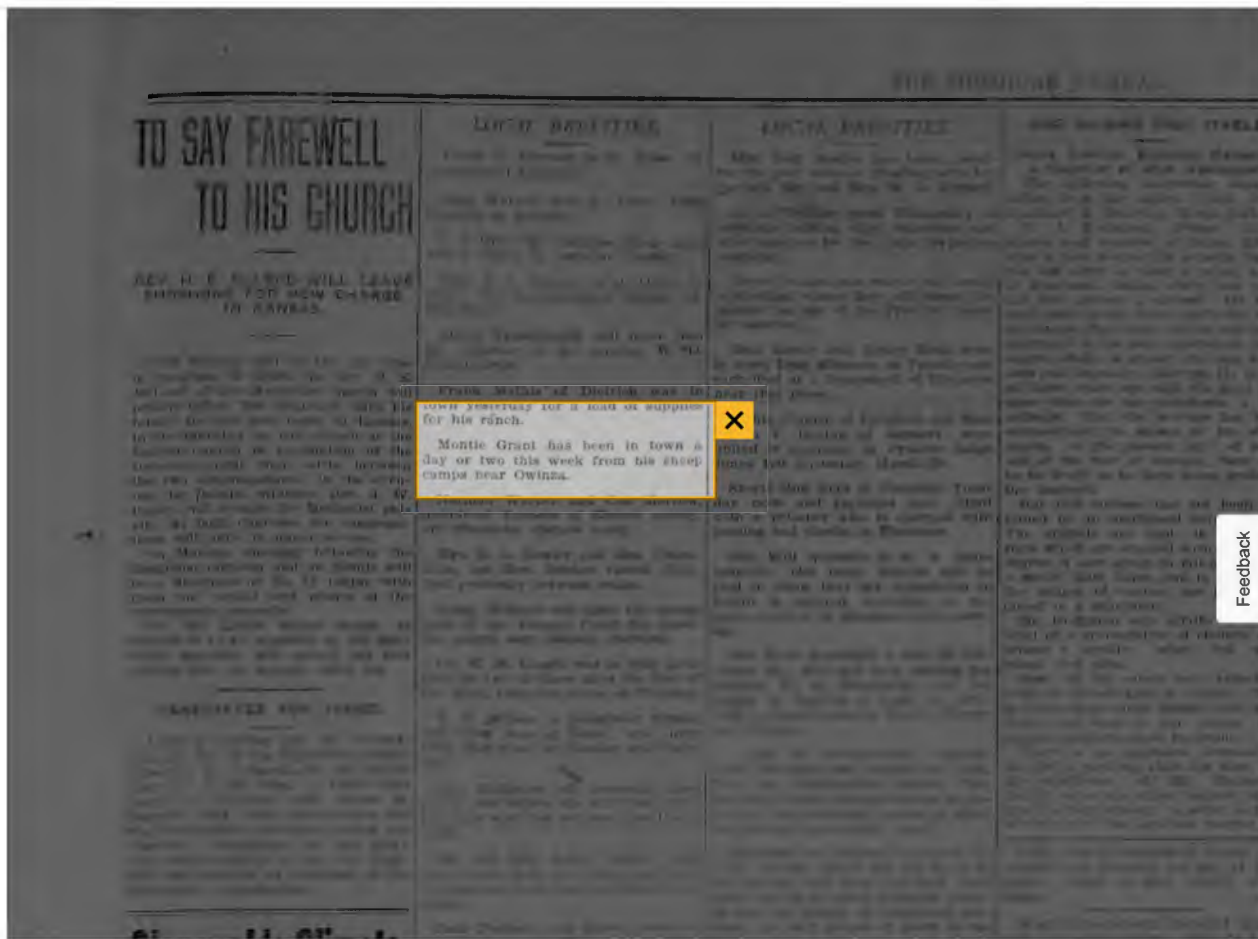
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Shoshone, Idaho · Friday, March 27, 1914

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["Montie Grant..."](#)

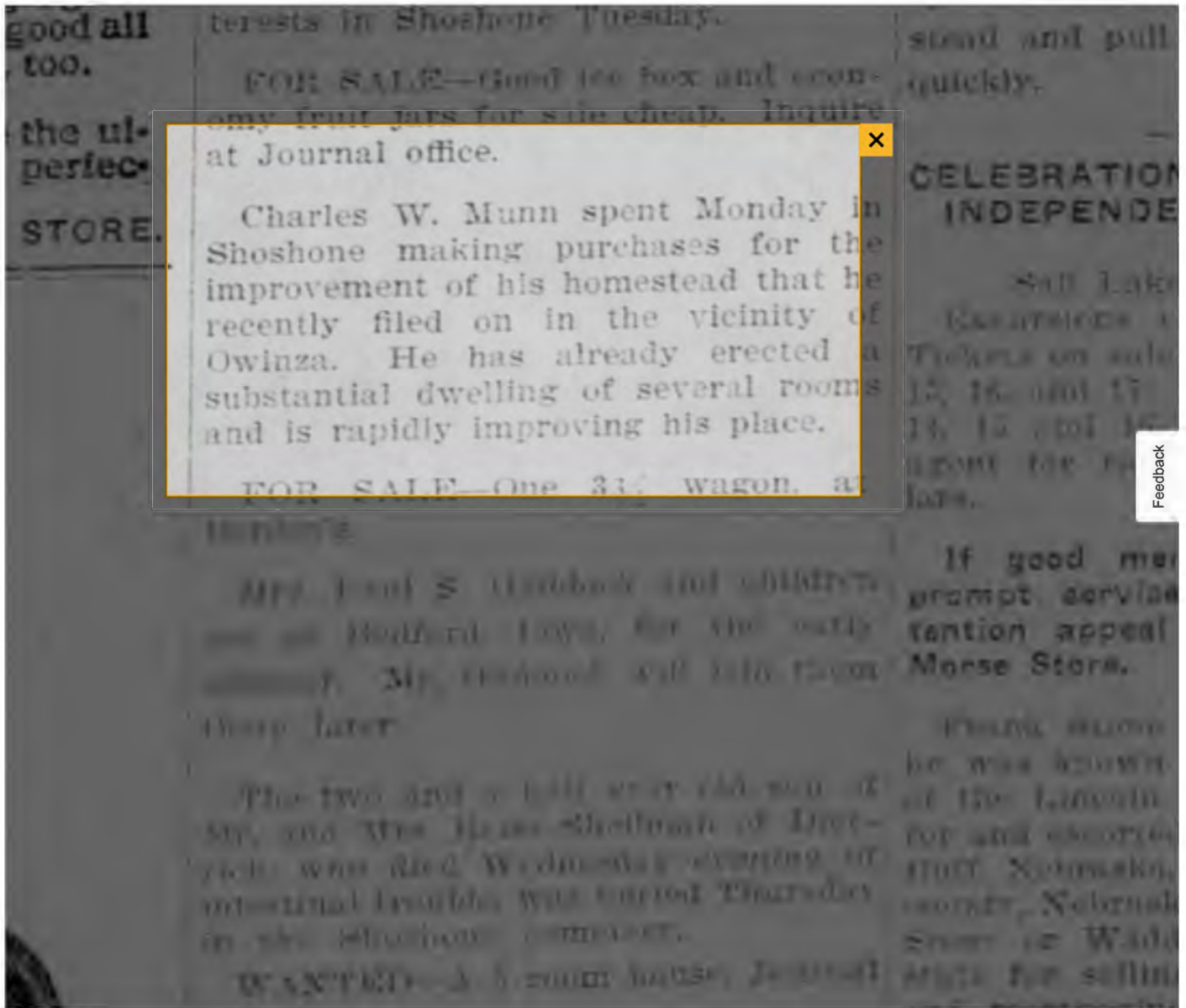
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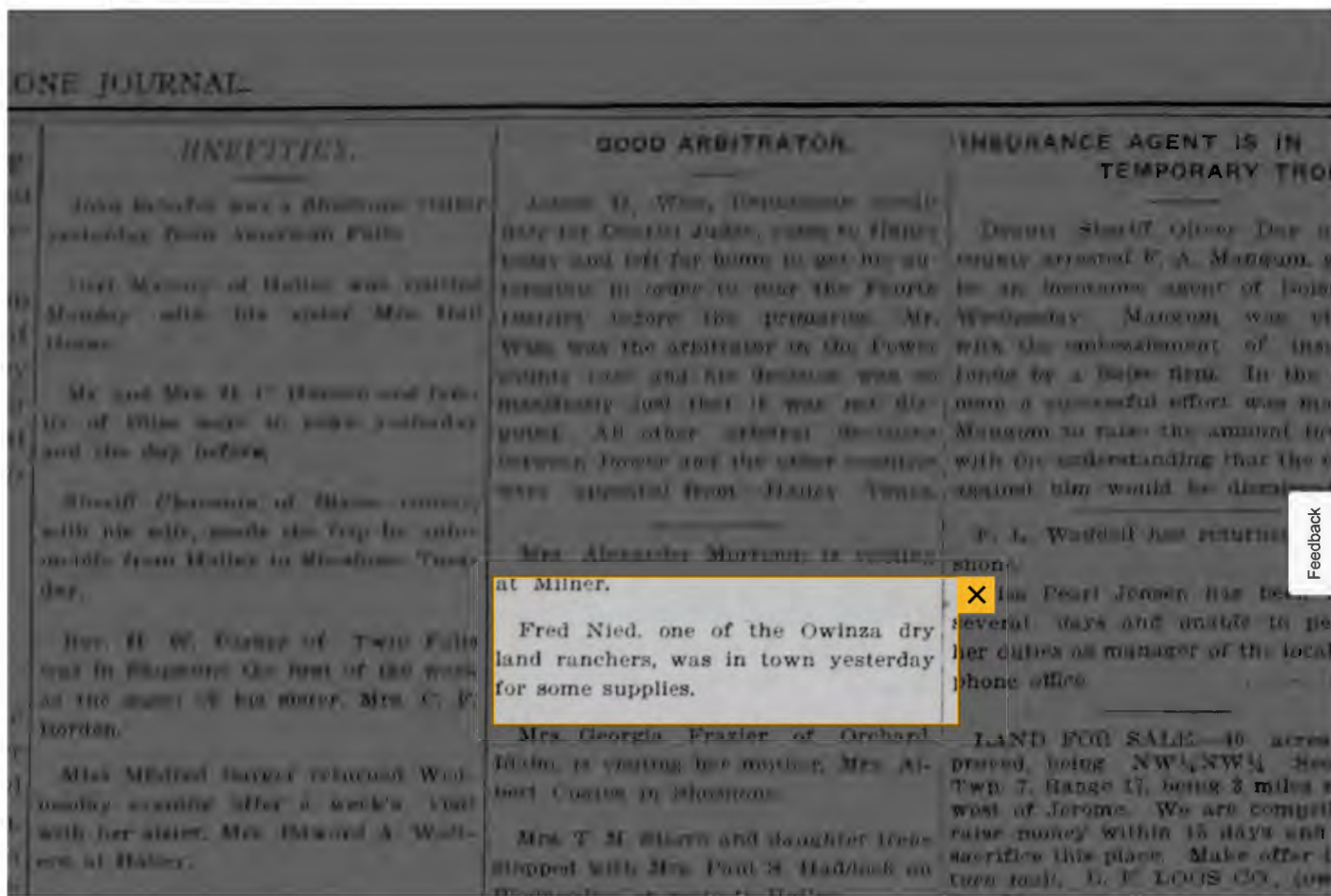
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Shoshone, Idaho · Friday, August 14, 1914

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["Fred Nied..."](#)

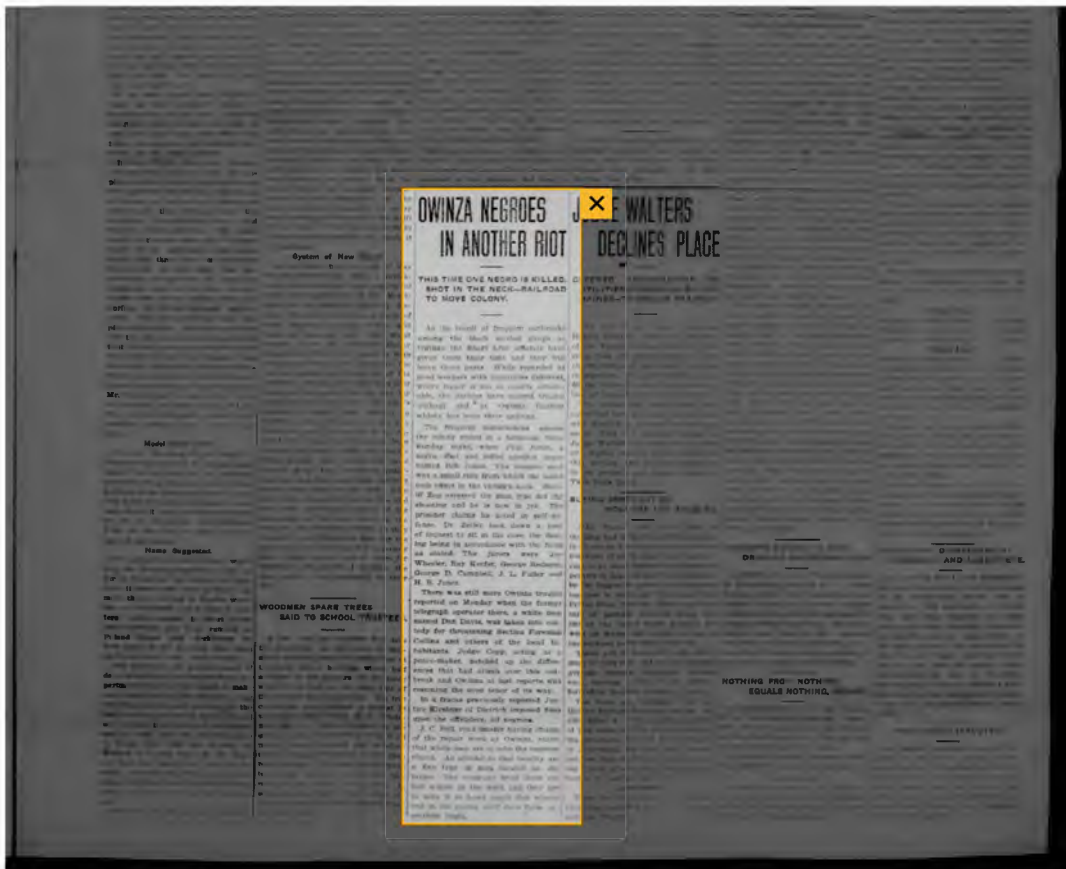
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"Owinza Negroes.."

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["School for Owinza..."](#)

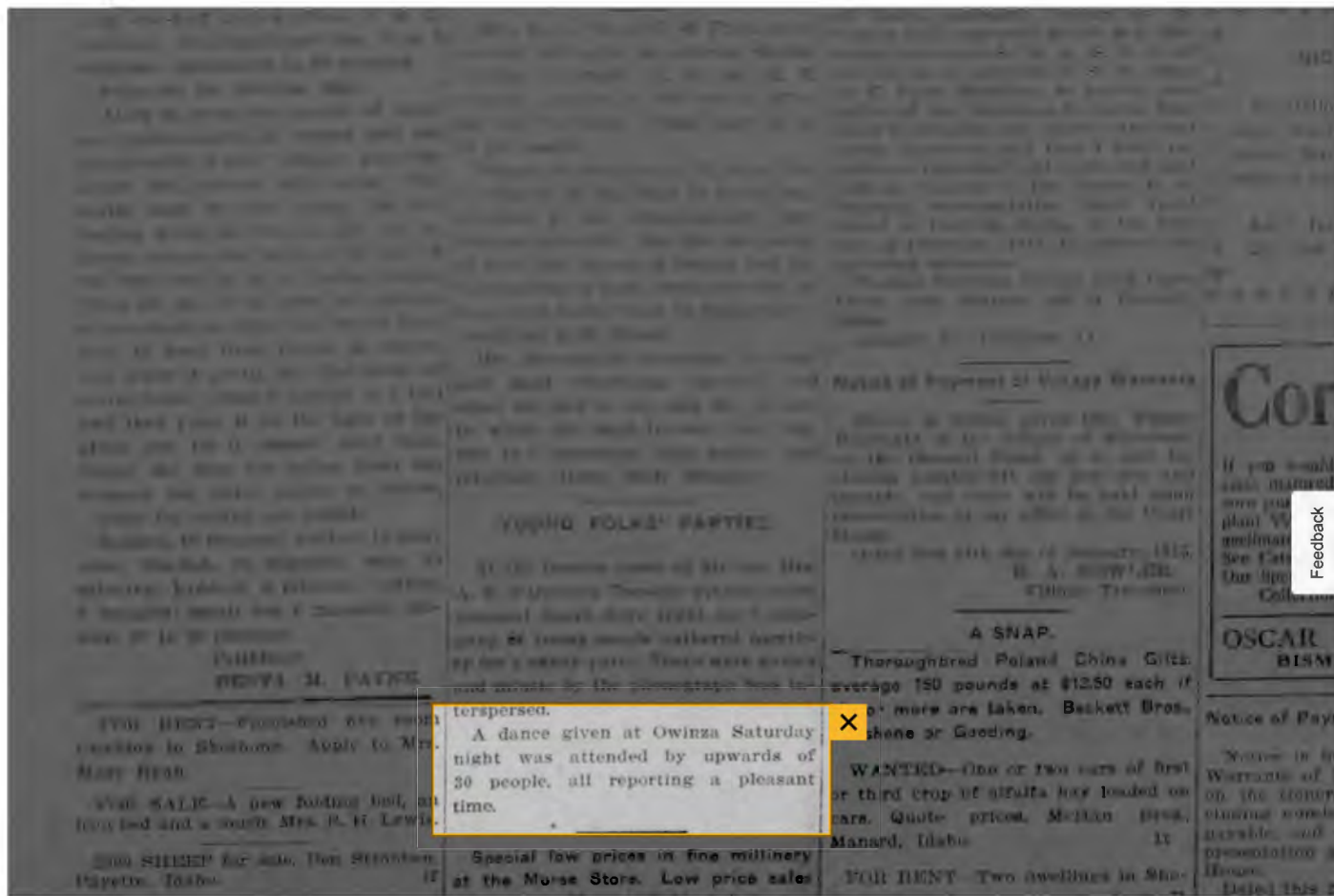
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["A dance..."](#)

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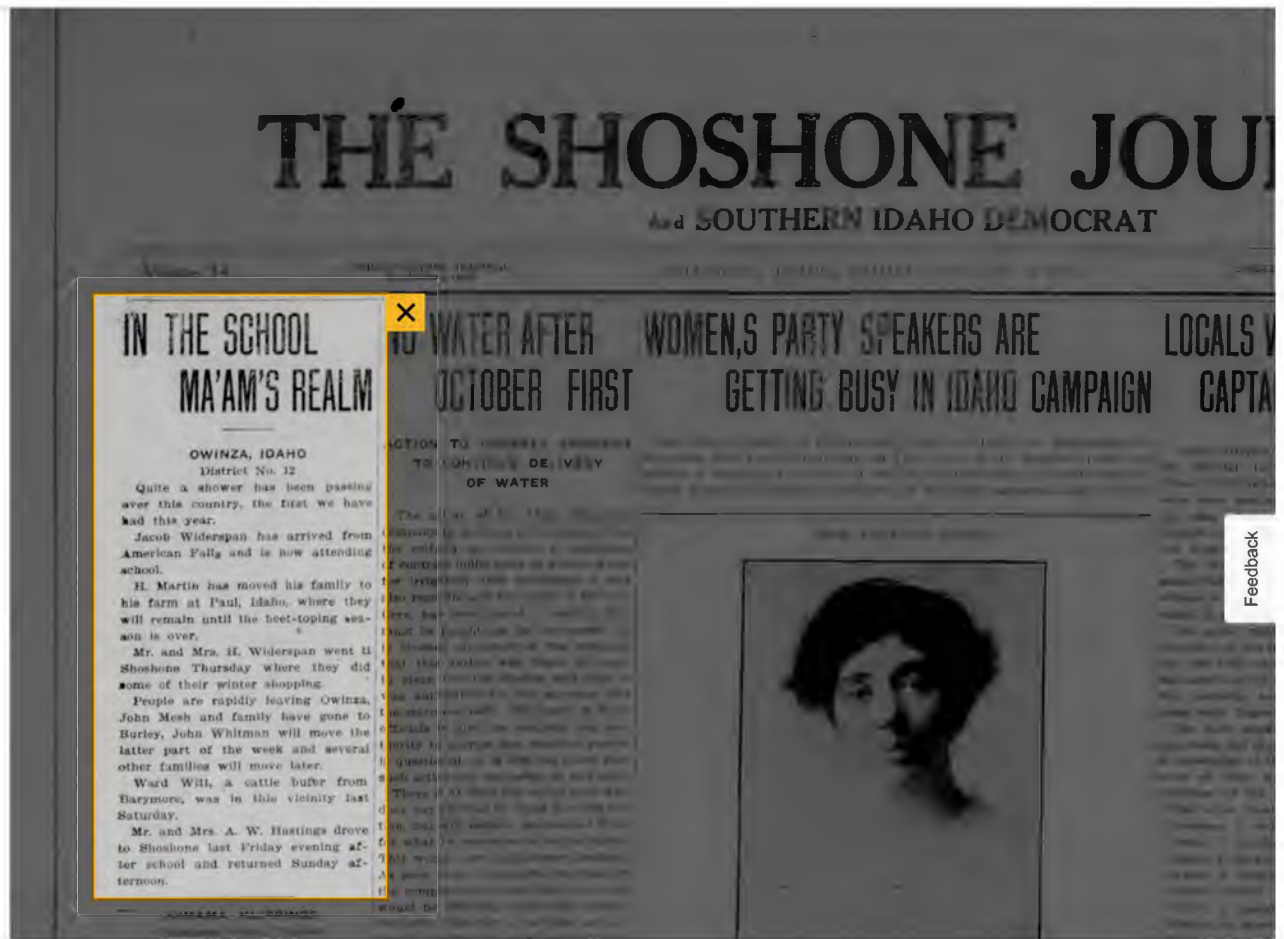
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["In the School Ma'am's..."](#)

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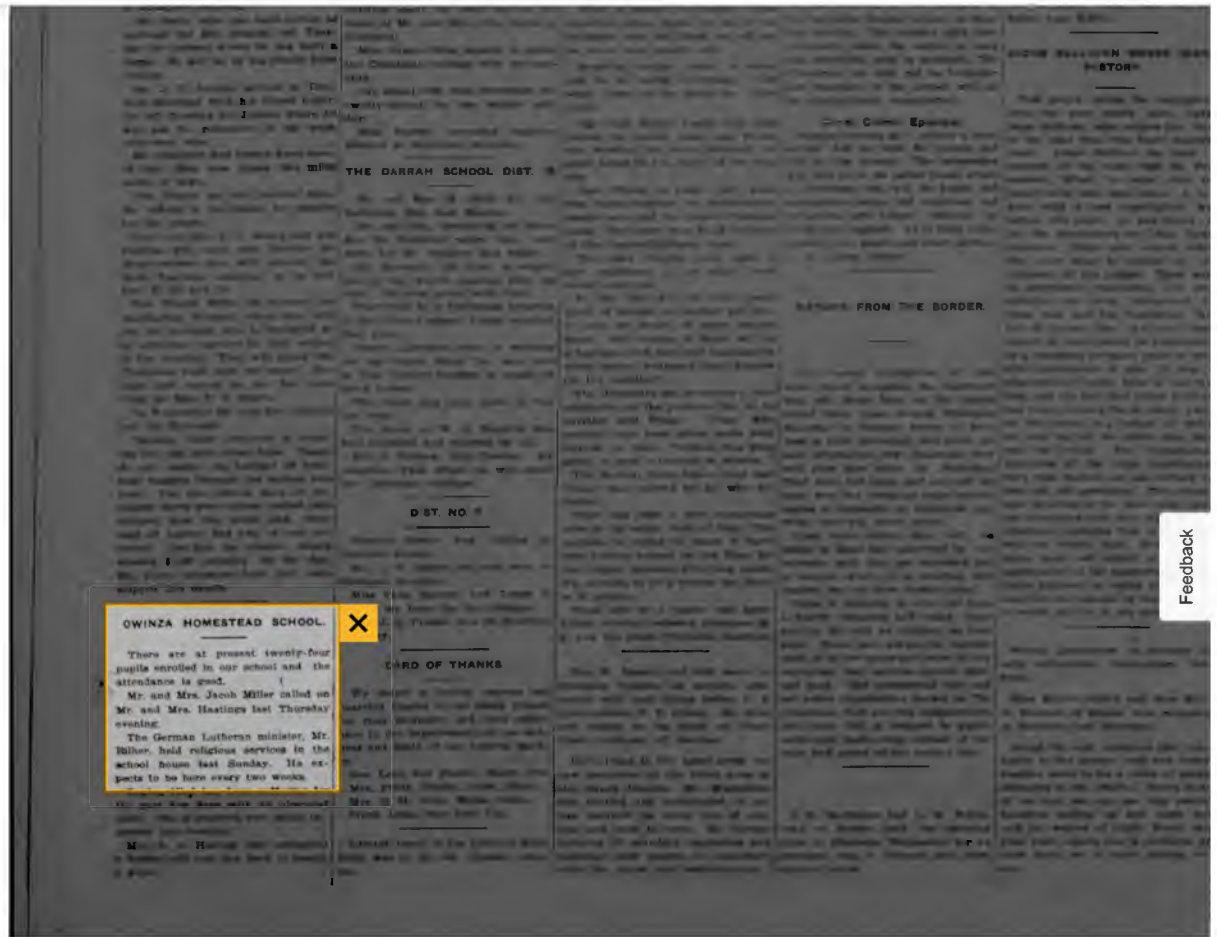
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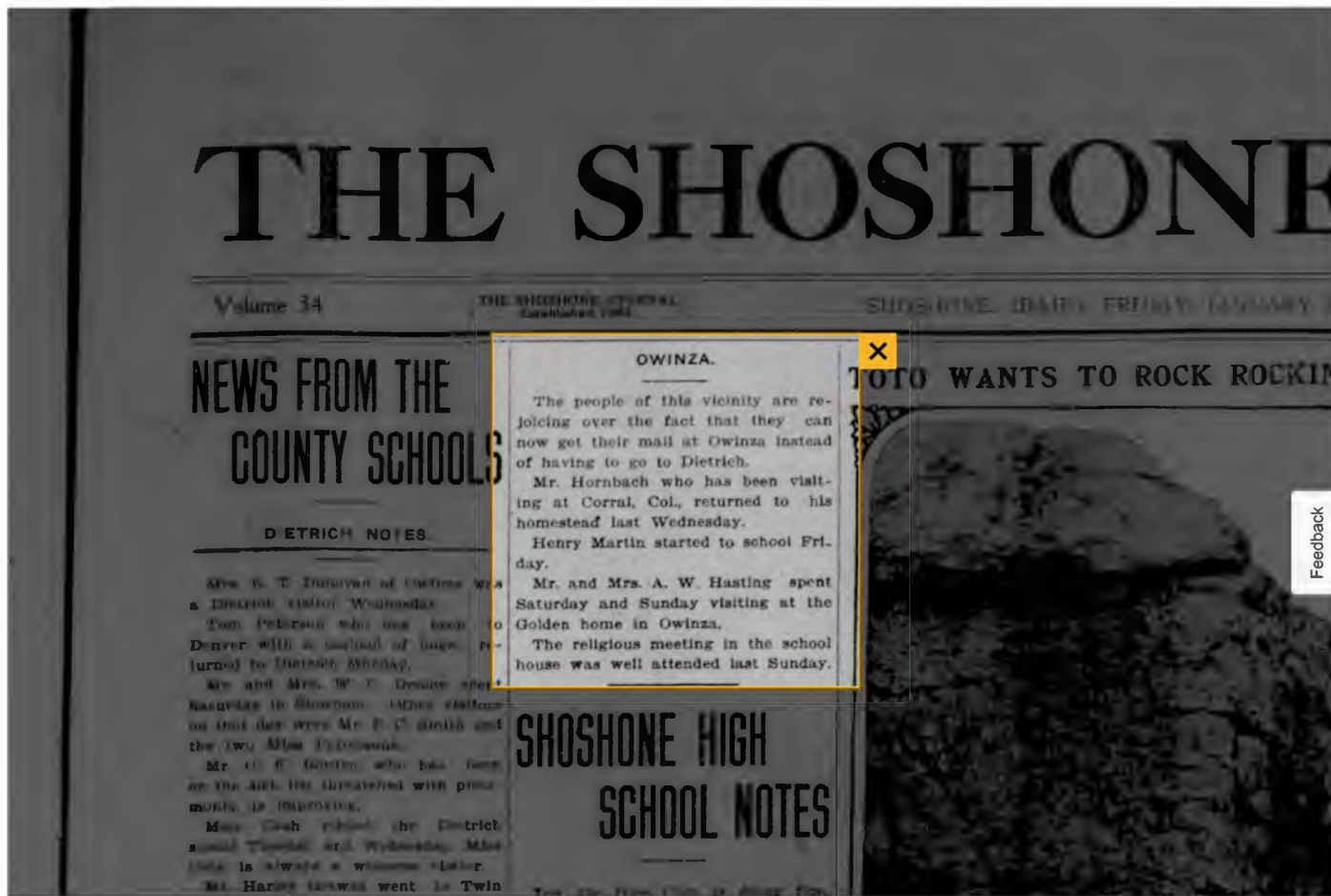
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DIETRICH NOTES.

Mr. and Mrs. Fred Most from Vale, Oregon, are now domiciled on the farm of the late owned by S. S. King out in the Star Lake country. A car load of stock, machinery and goods arrived yesterday, and our new citizens are now prepared to make good on a good bet. Having spent six years of our useful young life on the ranch, the writer of these notes has a tender regard for the place and rejoices to see it pass into hands able to make an ideal farm home of it.

Earn Steinbrenner, the owner of the ranch which Harry Nelson operates in partnership with him, is making necessary improvements for making the growing and handling of hogs a specialty, and your correspondent's guess is success for them.

E. E. Fletcher, of Vale, Oregon, has bought the former Gillett ranch out at Star Lakeward, has already shipped to some of his goods, and will shortly bring his family here to occupy and improve the place.

L. P. Mustard who is agent for the manufacturers of the Mitchell Wagon at Pocatello on business for the Company last Saturday.



Attachment #9

Permittees' comments, in the form of Statement of Reasons, to the
Taurus Wind Project dated October 10, 2023

(360 pages)

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the lawyer for *Sheephook Cattle Grazing Association, LLC*, *Tunupa Grazing Association, LLC*,
and *William Arkoosh / Estate of William Arkoosh*, the Appellants

UNITED STATES DEPARTMENT OF THE INTERIOR

OFFICE OF HEARINGS AND APPEALS

BOARD OF LAND APPEALS

SHEEPHOOK CATTLE GRAZING	)	IBLA 2023-0196
ASSOCIATION, LLC; TUNUPA)	
GRAZING ASSOCIATION, LLC; and	)	Appeal from a Decision dated July 6, 2023,
WILLIAM ARKOOSH / ESTATE OF	)	relating to Right-of-Way IDI-39380, issued by
WILLIAM ARKOOSH,	)	the Field Manager for the Shoshone Field
	)	Office, Twin Falls District, Idaho, Bureau of
Appellants,	)	Land Management, including the associated
vs.	)	Categorical Exclusion, NEPA No. DOI-BLM-
	)	ID-T030-2022-0001-CX, dated September 22,
BUREAU OF LAND MANAGEMENT,	)	2022.
)	
Respondent.	)	RE: RIGHT-OF-WAY DECISION
)	
TAURUS WIND LLC,)	
)	
Intervenor.)	
)	

STATEMENT OF REASONS
FILED BY SHEEPHOOK CATTLE GRAZING ASSOCIATION,
LLC, TUNUPA GRAZING ASSOCIATION, LLC, and WILLIAM
ARKOOSH / ESTATE OF WILLIAM ARKOOSH

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Statement of Reasons

Sheephook Cattle Grazing Association, LLC, Tunupa Grazing Association, LLC, and *William Arkoosh / Estate of William Arkoosh* (hereinafter referred to as “Appellants”) submit their Statement of Reasons in support of their Notice of Appeal dated August 4, 2023, regarding the Decision dated July 6, 2023 (“2023 Decision”), AR-1, issued by the Field Manager for the Shoshone Field Office, Twin Falls District, Idaho, *Bureau of Land Management* (“Shoshone F.O.” or “BLM”), including the associated: (1) Right-of-Way Grant, IDI-39380, signed July 3, 2023 (“2023 ROW Grant”), AR-120; and (2) Categorical Exclusion, NEPA No. DOI-BLM-ID-T030-2022-0001-CX, dated September 22, 2022 (“2022 CX”), AR-139. All collectively hereinafter referred to as “2023 BLM Decision”.

This Statement of Reasons is supported by this filing, as well as the following:

- (1) Appellants’ Notice of Appeal dated August 4, 2023 (“Appellants’ NOA”).
- (2) The Administrative Record submitted by BLM on August 31, 2023, via a Flash Drive. These documents will be herein referred to as “AR-___”.
- (3) Appendices Numbers 1 to 11. *See* Index of Appendices. These Appendices are documents referenced in the 2023 BLM Decision which appear to have been inadvertently omitted in the AR, except as to Appendices Numbers 9 - 11, which are documents within the records of BLM.

This Statement of Reasons is filed in accordance with 43 C.F.R. § 4.412(a) and with the IBLA Order dated September 5, 2023, and IBLA Order dated September 28, 2023.

Introduction

This is a dispute over the 2023 Decision, the 2023 ROW Grant, and the 2022 CX to authorize the construction and operation of three (3) meteorological towers or “METs,” the construction and operation of Remote Sensing Devices or “LIDARs” or “SODARs,” and the use of associated access roads to test the wind resource upon a project area encompassing 58,390

acres of public lands within the Shoshone F.O. *See* AR-1, AR-3, AR-139. The Application for such METs, AR-43, for such LIDARs, AR-43, and for such roads, AR-38, was applied for by *Taurus Wind LLC* via an “Application” dated September 16, 2021. AR-43 (Application), AR-34 (Map), AR-35 (Exhibit A), AR-51 (Plan of Development). The “Application” was filed, and the 2023 Decision and 2023 Row Grant issued as per 43 C.F.R. § 2801.9(a)(4) (10-1-2022 Edition). Section 2801.9(a)(4) prescribes that an applicant “must have a grant under this part [i.e., Part 2800] when you plan to use public lands for ... wind energy development facilities and associated short-term actions, such as site and geotechnical testing for ... wind energy projects.”

The fatal flaw in the 2023 Decision, the 2023 ROW Grant, and the 2022 CX is either one of two (2) reasons. First, the 2023 BLM Decision does not conform to the applicable land use plan, as amended, violating the *Federal Land Policy and Management Act* (“FLPMA”), 43 U.S.C. §§ 1712(a), 1732(a), including the underlying planning regulations, 43 C.F.R. § 1610.5-3(a) (10-1-2022 Edition). *See also* 43 C.F.R. §§ 2801.2(c), 2802.10(a)(3) (10-1-2022 Edition). Specifically, as discussed below, the 2023 BLM Decision erred in its reliance upon the 1985 Monument Resource Management Plan, *see* **Appendix Nos. 1 and 2**,¹ as amended by the 2009 BLM Energy Corridors ROD-FEIS, *see* **Appendix #3**,² and as amended by the 2015 Idaho BLM ARMPA, *see* **Appendix #4**,³ since the action at issue:

- was not authorized in the 1985 Monument RMP due to the fact that the 1985 Monument RMP was entirely silent on wind testing and development;

///

¹ 1985 Monument RMP (inclusive of related Map) referenced at AR-140.

² 2009 BLM Energy Corridors ROD-FEIS referenced at AR-140.

³ 2015 Idaho BLM ARMPA referenced at AR-140 to 141. *See also* **Appendix #5** (Map of General Habitat Management Area received from the *State of Idaho, Office of Species Conservation*, as to the Area in Question). Note that the 2015 Idaho BLM ARMPA confirms such GHMA for the Area in Question within a Map in **Appendix #5** at page 1-3.

- was not authorized in the 2009 Energy Corridors ROD-FEIS due to the fact that the 2009 Energy Corridors ROD-FEIS was specific to energy transmission, not wind testing or development; and
- was not authorized in the 2015 Idaho BLM ARMPA due to the fact that the 2015 Idaho BLM ARMPA only considered, assessed, and authorized wind testing and development relative to the public land resource associated *with sage-grouse*, not generally speaking across all public land resources.

And, assuming the 2015 Idaho BLM ARMPA itself is sufficient, BLM failed to conform to Management Direction MD RE 1, as well as MD LR 2, in the 2015 Idaho BLM ARMPA by failing to “manage GHMA as open for wind ... testing and development ... **subject to RDFs [i.e., Required Design Features] and buffers.**” **Appendix #4** at page 2-38 (emphasis added); *see also Appendix #4* at page 2-31. Neither the 2023 Decision nor the 2023 ROW Grant authorized the action at issue “subject to RDFs and buffers” as to sage grouse. As such, BLM violated FLPMA and the underlying planning regulations, given that the action at issue does not conform to the land use plan, as amended.

Second, the 2023 BLM Decision relies upon a Categorical Exclusion or CX, violating the *National Environmental Policy Act* (“NEPA”), 43 U.S.C. § 4332(2)(C), including the associated NEPA regulations, i.e., 40 C.F.R. § 1501.4(a) (7-1-2022 Edition) and 43 C.F.R. §§ 46.205, 46.210, 46.215 (10-1-2022 Edition). Specifically, as discussed below, the 2023 BLM Decision erred in its reliance upon the 2022 CX to consider the action at issue since such action:

- was not one of the actions listed within any of the categorical exclusions set forth in 43 C.F.R. §§ 46.205(b), 46.210 (10-1-2022 Edition); and
- was not one of the actions listed within the categorical exclusions in the USDI, Departmental Manual, 516 DM 11.9, E.(19), as per 43 C.F.R. § 46.205(a) (10-1-2022 Edition), even though BLM claimed it was, AR 141. *See Appendix #6* at page 16 of 27 (USDI, Department Manual, 516 DM 11.9, E.(19), dated December 10, 2020).⁴ The construction and operation of METs, AR-43, and LIDARs, AR-43, and the use of related access roads, AR-38,

⁴ 516 DM 11 referenced at AR-141.

were outside the scope of “storage sites, apiary sites, and construction sites” contemplated in 516 DM 11.9, E.(19).

And, assuming such action was within 516 DM 11.9, E.(19), BLM determined that the action:

- “require[d] further analysis,” AR-60, which was not done in any other or different NEPA document, including an Environmental Assessment (“EA”) or Environmental Impact Statement (“EIS”); and/or
- implicated “Extraordinary circumstances” as per USDI, Departmental Manual, 516 DM 2, AR-141, **Appendix #7** at PDF pages 3-4,⁵ and 43 C.F.R. §§ 46.205(a), 46.205(c), 46.215 (10-1-2022 Edition), requiring another or different type of NEPA document, including an EA or EIS.

As such, BLM erred in its reliance upon the 2022 CX to consider the action at issue, and another or different type of NEPA document was required to conform to NEPA to consider and assess the action in the 2023 Decision and 2023 ROW Grant.

Accordingly, the Board should set aside the 2023 BLM Decision and remanded to BLM.

Statement of Facts

- (1) Taurus Wind LLC: *Taurus Wind LLC* (“Taurus Wind”) is a limited liability company established in accordance with the laws of the State of Delaware. Taurus Wind registered to do business in the State of Idaho as a “Foreign Limited Liability Company” via an initial filing dated July 16, 2021, according to the official website of the Idaho Secretary of State, State of Idaho.
- (2) Application dated July 27, 2021: Eleven (11) days after its initial filing with the Idaho Secretary of State, on July 27, 2021, Taurus Wind filed an application with BLM to construct and operate fourteen (14) temporary meteorological towers or “METs” (*see* AR-28, for illustration of a MET) along with sensing devices or “LIDAR” or “SODAR” (*see* AR-28, for illustration of a LIDAR), for a “potential future wind farm” upon a portion of public lands within the Shoshone F.O.. AR-20. The related “Plan of Development” dated July 2021, forecasted the use of an

⁵ 516 DM 2 referenced at AR-141.

“existing road network” to access the METs and LIDARs. AR-26. The “Plan of Development” identified the project area as inclusive of 54,139 acres of public lands within Gooding and Lincoln Counties, States of Idaho, AR-26, as illustrated in a “Map of Proposed Meteorological Tower Stations,” AR-27. This project area encompassed Allotments permitted for, among other uses, livestock grazing per 43 C.F.R. Part 4100 (10-1-2005 Edition), *see* AR-151, inclusive of the Allotments permitted for livestock grazing to the Appellants, *see* Appellants’ NOA. *See also* AR-49 (BLM’s list of “Impacted Grazing Allotment(s)”, inclusive of the Appellants’ Allotments, i.e., Antelope, Sand Butte, and River Allotments).

- (3) Tribal Consultation in August 2021: In August 2021, BLM consulted with the Shoshone-Paiute Tribe as to Taurus Wind’s Application. AR-271. The summary of the consultation stated:

On July 27, 2021, Taurus Wind LLC submitted an application and plan of development for a project-area wind testing authorization on approximately 54,139 acres of public land. The testing permit would be for up to 14 testing sites, which would have meteorological towers (typically 60 meters in height, supported by guy wires, 2-acre footprint) and additional remote sensing devices housed in mobile containers (~12ft by 6ft) would be installed at two to four of the tower locations. The testing project would be for a three-year timeframe, after which the proponent anticipates applying for a wind development project for a 1,500 MW/ac wind energy generation facility with a 500 MW/ac battery energy storage facility.

AR-271.

- (4) (Amended) Application dated September 16, 2021: On September 16, 2021, Taurus Wind filed another application with BLM. AR-43. It is assumed this Application amended the previous Application dated July 27, 2021, because this Application generally mirrored the Application dated July 27, 2021, *compare* AR-20 and AR-43, but enlarged the project area from 54,139 acres to 58,390 acres of public lands, AR-52. *See also* AR-35 (Exhibit A to Application); AR-34

(Revised Map to Application).⁶ The related (amended) “Plan of Development” dated October 2021, forecasted the use of an “existing road network” to access the METs and LIDARs. AR-52. The (amended) “Plan of Development” identified the project area as inclusive of 58,390 acres of public lands within Gooding, Jerome, and Lincoln Counties, States of Idaho, AR-26, as illustrated in a “Map of Proposed Meteorological Tower Stations,” AR-53. *See also* AR-34 (Another Map of Revised Project Area); AR-50 (Another Map of Revised Project Area); AR-275 (Another Map of Revised Project Area). Like the original project area per the Application dated July 27, 2021, the (amended) project area encompassed Allotments permitted for, among other uses, livestock grazing per 43 C.F.R. Part 4100 (10-1-2005 Edition), *see* AR-151, inclusive of the Allotments permitted for livestock grazing to the Appellants, *see* Appellants’ NOA. *See also* AR-49 (BLM’s list of “Impacted Grazing Allotment(s)”, inclusive of the Appellants’ Allotments, i.e., Antelope, Sand Butte, and River Allotments).

- (5) BLM’s Pre-Adjudication as to Application: On September 21, 2021, BLM reviewed Taurus Wind’s (amended) Application and prepared a Pre-Adjudication Summary form as related to such Application. AR-48. The form referenced an acreage figure of 58,390 acres, as opposed to 54,139 acres. *Id.* The form identified, among other attributes associated with the Application, the “Purpose,” the “LUP Conformance,” the “Sage-Grouse Habitat,” the “Visual Resource Designation,” and the “Impacted Grazing Allotment(s).” AR-48 to 49. These all speak for themselves, though the form confirmed that the Sage-Grouse Habitat was within “General Habitat” or “GHMA”; the form confirmed the Visual Resource Designation was within “Class III”; and the Impacted Grazing Allotments included the Antelope, Sand Butte, and River

⁶ The public lands in question have not been segregated for wind development as per 43 C.F.R. § 2091.3-1(e)(1) (10-1-2022 Edition). It is unknown why this has not occurred, given that the Application forecasts “a potential future wind farm.” AR-43.

Allotments to which the Appellants are permitted to graze livestock, *see* Appellants' NOA, Attachment Nos. 3, 4, 5. AR-49. In addition, the form represented within the LUP Conformance that "proposal is in conformance with the land use plans the LUP Conformance," stating:

Land Use Plan: Monument Resource Management Plan (1985).

The project location falls under the management direction of the 1985 Monument Resource Management Plan (RMP). Within the Monument RMP the subject lands fall within Moderate Use Area M1. No special limitations or restriction on the type or intensity of resource use will be applied in this area. Valid uses will be allowed subject to environmental review and stipulations or special conditions to protect resources.

The Monument RMP was amended in 2009 by the West Wide Energy Amendment. This amendment established corridors for the preferred location of energy transportation projects. Rights-of-way authorized within these corridors would need to follow established protocols within the FEIS and ROD.

Idaho and Southwestern Montana Greater Sage-Group Approved Resource Management Plan Amendment (2015) (ARMPA).

Within the Lands and Realty section of the ARMPA, GHMA is designated as open, **with proposals subject to RDFs and buffers (MD LR 2, p. 2-31) and new ROW and land use authorizations can be considered (MD LR 5)**. GHMA is also designated as open for mineral materials development for salable materials, subject to RDFs and buffers (MD MR 11, p. 2-29).

The proposal is in conformance with the land use plans.

AR-48 (emphasis added); *see also* AR-139 to 140; *see also* **Appendix Nos. 1, 2,⁷ 3, 4, 5**.

However, an examination of the 1985 Monument RMP, **Appendix Nos. 1, 2**, the 2009 BLM Energy Corridors ROD-FEIS, **Appendix #3**, and the 2015 Idaho BLM ARMPA, **Appendix # 4**, do not explicitly prescribe the authorization of any type of wind projects, as authorized in the present matter. In fact, as to the 1985 Monument RMP, the RMP is entirely silent on the point.

⁷ Appellants added the locations of MET #2, MET #5, and MET #12, along with the associated access roads (which are authorized by the 2023 Decision and 2023 ROW Grant, AR-1, 6 to 12) onto **Appendix #2**, i.e., 1985 Monument RMP - Map, as a reference.

See generally **Appendix Nos. 1, 2.** As to the 2009 BLM Energy Corridors ROD-FEIS, the 2009 ROD-FEIS is explicit only as to transportation corridors for energy, not actual wind energy testing and development itself, as authorized in the present matter. *See generally*, **Appendix #3.** As to the 2015 Idaho BLM ARMPA, the 2015 ARMPA prescribes as “Open” General Habitat Management Areas for potential wind energy development,” **Appendix #4** at page 2-3, but only subject to Management Direction, MD LR 2, prescribing that “GHMA (Idaho and Montana): Designate and manage GHMA as open with proposals subject to RDFs and buffers,”⁸ *see* AR-48; **Appendix #4** at page 2-31; *see also* **Appendix #4** at page 2-38 (MD RE 1, wherein “GHMA (Idaho): Designate and manage GHMA as open for wind ... testing and development ... subject to RDFs and buffers”).

Here, the 2023 Decision and 2023 ROW Grant don’t condition the action upon the “RDFs and buffers” as to sage grouse. As to RDFs, the only possible exception is Standard Stipulation #38 in the 2023 ROW Grant, stating that Taurus Wind:

will have conservation measures such a markers on the guy wires and on top of the tower to decrease the risk of collision with migratory birds and other sensitive species.

AR-16. However, neither the 2022 CX, nor the 2023 Decision, nor the 2023 ROW Grant rationalized the use of such guy wires, given that the presumptions in 2015 Idaho BLM ARMPA, RDF #61, were twofold: (a) “Use free standing structures where possible, to limit the use of guy wires”; and (b) “Where guy wires are necessary and appropriate bird collision diverters would be used, if doing so would not cause a human safety risk.” **Appendix #4**, Appendix C at C-7. As such, there was no rationale in the record that the use of free-standing structures was not

⁸ *See* **Appendix #4** at 2-35 to 2-36 (RDFs Defined”); **Appendix #4**, Appendix C, Table C-1 (List of Required Design Features); **Appendix #4**, Appendix B-Buffers at B-2 (wherein the 2015 Idaho BLM ARMPA identifies the buffers “For Actions GHMA”).

possible. There was also no rationale in the record that the use of guy wires would not cause a human safety risk. *See* AR-261 (wherein BLM only rationalizes the use of markers aka “collision diverters,” not whether guy wires were themselves necessary, and not whether guy wires would not cause a human safety risk); *see also* AR-286 (wherein BLM only rationalizes that the “proponent should develop a bird conservation strategy/avian protection plan,” but such plan was not carried forward as a Stipulation in the 2023 Decision or in the 2023 ROW Grant).

As to buffers, the 2015 Idaho BLM ARMPA, Appendix C, prescribes the use of “lek buffer-distances” relative to any “surface disturbance (continuing human activities that alters or remove the natural vegetation) within 3.1 miles of leks,” **Appendix #4**, Appendix B-Buffers at B-2, adding as to “Actions for GHMA,” that the “BLM will apply the lek buffer-distances ... as required conservation measures to fully address the impacts as leks as identified in the NEPA analysis,” **Appendix #4**, Appendix B-Buffers at B-3.

Here, BLM did not prescribe such “lek buffer-distances.”⁹ BLM would seemingly rationalize this omission based upon its “Special Status Animal Clearance Worksheet” dated August 9, 2022, AR-285, wherein BLM stated that “[t]here are no known leks within 3.1 miles of the proposed MET towers.” AR-286. However, it is unfounded for BLM to make such a such statement, given BLM admitted that “**no surveys in the lek season have been completed and unknown leks may be present.**” AR-286 (emphasis added). As such, there was no rationale in the record in not prescribing the “lek buffer-distances” since BLM admittedly made “no surveys in the lek season” to assess whether any buffers were required under the land use plan, as amended by the 2015 Idaho BLM ARMPA.

⁹ It should be noted that the 2023 ROW Grant included “Standard Stipulations” numbers 35, 36, 37, AR-16, though that related to “nesting,” not lek sites or buffers around lek sites.

(6) (Additional) Tribal Consultation in October 2021: In October 2021, BLM (again) consulted with the Shoshone-Paiute Tribe as to Taurus Wind’s (amended) Application. AR-273. The “Project Description” effectively mirrored the summary in the previous consultation summary, *compare* AR-271 and AR-273, except for the increase in acres from 54,139 acres to 58,390 acres. The “briefing” noted “No specific resource concerns ... at this time,” though noted that any “finalized proposed locations for the wind testing will need cultural resources inventory prior to implementation.” AR-273. The “briefing” also noted a Map of the “Cultural Inventory Completed,” wherein BLM confirmed that only “45% of the area has [a cultural] survey.” AR 274.

(7) Archaeological and Historical Inventory Report: On February 4, 2022, the Archaeologist for the Shoshone F.O. reported his/her findings relative to conformance with the 2014 State Protocol Agreement between the Idaho State BLM and the Idaho State Historic Preservation Office, *see Appendix #8* (“2014 State Protocol Agreement”). AR-267. This Report speaks for itself, though two (2) pertinent points must be made. First, the Report used/relied upon the previous map appended to the Tribal Consultation in October 2021, *compare* AR-274 and AR-269, but added on to his/her map the fourteen (14) MET locations by red-triangles on the Map, *see* AR-269. However, the red-triangle associated with MET #12, demonstrates no cultural inventory as to MET #12 and its associated access road, *see* AR-8, AR-269; and the red-triangle associated with MET #2 demonstrates no cultural inventory as to its associated access road, *see* AR-8, AR-269. The Report (as well as 2022 CX, 2023 Decision, and 2023 ROW Grant) provided no rationale for these omissions in any cultural inventory at these locations.

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Second, the Report stated that the “following may be used in your NEPA document to cover the discussion on cultural resources,” stating that:

The proposed undertaking is an exempt undertaking and excluded from case-by-case review with Idaho SHPO as per Stipulation V.A.1., Appendix C of the 2014 the State Protocol Agreement between Idaho BLM and the Idaho State Historic Preservation Office. This project would have no effect to historic properties.

AR-268.¹⁰ However, a review of the 2014 State Protocol Agreement does not actually “exempt” the action at issue from a “case-by-case review with Idaho SHPO” as per Stipulation V.A.1.¹¹ and Appendix C¹² of the 2014 State Protocol Agreement. A review of the “Exempted Undertakings” in Appendix C of the 2014 State Protocol Agreement, **Appendix #8** at PDF pages 36-39,¹³ do not include as an “Exempted Undertaking” as to the type of action at issue in the present matter, i.e., construction and operation of temporary meteorological towers or “METs,” along with sensing devices or “LIDAR” or “SODAR”, and associated access roads, as authorized within the 2023 Decision and 2023 ROW Grant, AR-1, AR-3, AR-5 to 8; *see also* AR-120 to

¹⁰ *See also* AR-276, wherein, during additional Tribal Consultation in February 2022, BLM ratified such statement in the report, stating that “**The current proposed action -- installation of meteorological towers -- is considered an exempted undertaking and excluded from case-by-case review with Idaho SHPO** as per Stipulation V.A.1., Appendix C of the 2014 the State Protocol Agreement between Idaho BLM and the Idaho State Historic Preservation Office.” Emphasis added.

¹¹ Stipulation V.A.1. within the State Protocol Agreement states:

Exemptions: Under this Protocol, Exempt Undertakings, defined in Appendix C, are evaluated on a case-by-case basis by the Field Office cultural resource specialist and are generally exempt from further review or consultation. Documentation and justification regarding an undertaking’s exemption from review under this Protocol will be on file at the Field Office (see Appendix G: Exempt Undertakings) and entered into the annual report. In consultation with the SHPO, Indian tribes, and other interested parties, the list of exemptions may be revised to add, delete, or modify specific exemptions. Depending on project circumstances, a Field Office may elect to review a normally exempted undertaking under the terms of this Protocol or 36 CFR part 800.

Appendix #8 at page 12, or at PDF page 15.

¹² **Appendix #8** at Appendix C, at 1-7, or PDF pages 35-42.

¹³ 2014 State Protocol Agreement referenced at AR-267

132. The report (as well as 2022 CX, 2023 Decision, and 2023 ROW Grant) provided no rationale that the action at issue was an “Exempted Undertaking” under Appendix C of the 2014 State Protocol Agreement.

(8) BLM’s Interdisciplinary Team Analysis Record in January/February 2022: In January/February

2022, BLM prepared its Interdisciplinary Team Analysis Record. This Record included “Determinations” from a variety of BLM Specialists as to a variety of public land resources. Several of the BLM Specialists determined that several of the public land resources were:

present and require[d] further analysis because 1) analysis of the issue is necessary to make a reasoned choice between alternatives, or 2) analysis of the issue is necessary to determine the significant of impacts.

AR-60. These specific public land resources included “Riparian Zones and Wetlands,” AR-62, “Wildlife,” AR-62, “Migratory Birds & Eagles,” AR-62, “Threatened, Endangered, Candidate (ESA), and/or Sensitive Animal Species - Wildlife,” AR-63. However, the Administrative Record included no “further analysis” of these resources.

Appellants will acknowledge BLM’s “Special Status Animal Clearance Worksheet” dated August 9, 2022, within the Administrative Record at AR-285. However, such “Worksheet” itself: (a) was not claimed to be a NEPA document to provide the required “further analysis”; and (b) did not prescribe “Full Clearance,” but only a “Conditional Clearance.” This “Worksheet” meant that BLM determined that “Special status animal species may exist within the area of impact of this project,” and, based thereon, BLM determined that “Technical Assistance of U.S. Fish and Wildlife Service is recommended.” AR-285. The Administrative Record is void of any recommendations made by and from U.S. Fish and Wildlife Service to BLM as to the action at issue relative to Migratory Birds & Eagles, Threatened, Endangered, Candidate (ESA), and/or Sensitive Animal Species-Wildlife.

(9) BLM’s Categorical Exclusion, NEPA No. DOI-BLM-ID-T030-2022-0001-CX, dated September 22, 2022: On September 22, 2022, BLM issued its Categorical Exclusion, NEPA No. DOI-BLM-ID-T030-2022-0001-CX (“2022 CX”). AR-139.

BLM rationalized its reliance upon a CX within the 2022 CX, as opposed to reliance upon another type of NEPA document, stating:

The proposed actions are categorically excluded from further analysis and documentation under the ... (NEPA) in accordance with 516 DM 11.9, E(19) which states, “(i)ssuance of a short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.” Anticipated effects of the proposed action have been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply (see Attachment C: Categorical Exclusion Review Sheet).

AR-141; *see also* AR-147. However, an examination of such rationalization demonstrates several separate considerations. First, BLM’s stated rationalization made no claim in the 2022 CX that the action at issue was within any of the actions listed within the categorical exclusions set forth in 43 C.F.R. §§ 46.205(b), 46.210. *See* AR-141. This means that the 2022 CX does not rely upon 43 C.F.R. §§ 46.205(b), 46.210 to justify its use of a CX.

Second, BLM’s stated rationalization made a claim that the action at issue was “categorically excluded from further analysis and document” in accordance with USDI, Department Manual, 516 DM 11.9.E.(19), AR-141, *see also* AR-147. This means that the 2022 CX relies upon 516 DM 11.9.E.(19) (and upon 43 C.F.R. §§ 46.205(b), 46.210) to justify its use of a CX. However, a review of 516 DM 11 does not explicitly apply to any wind energy testing or development. *See generally* **Appendix #6**. In fact, 516 DM 11.9.E.(19) only applies to “storage sites, apiary sites, and construction sites,” stating:

E. Realty.

...

(19) Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

Appendix #6 at PDF page 16. In other words, 516 DM 11.9, E.(19) does not apply to the *type of use* authorized in 2023 BLM Decision. The construction and operation of METs, AR-43, and LIDARs, AR-43, and the use of related access roads, AR-38, are outside the scope of a “storage sites, apiary sites, and construction sites” contemplated in 516 DM 11.9, E.(19). Here, each MET is 60 meters tall (aka 195 feet tall) and held in place with multiple “Guy Wires” stretching in a near similar 60 meters distance from the base of each Tower. *See* AR-55 (Diagram of MET). By way of comparison, the *Statute of Liberty* stands only 46 meters tall (aka 149.5 feet).

Third, assuming the action at issue may be “categorically excluded from further analysis and document” per 516 DM 11.9.E.(19), BLM determined that the action “require[d] further analysis,” AR-60, as discussed above in paragraph (8). This means that BLM could not rely upon a CX, given that BLM itself determined that the action “require[d] further analysis” as to several public land resources. The Administrative Record included no “further analysis” of these resources, particularly within any NEPA document.

Fourth, assuming the action at issue may be “categorically excluded from further analysis and document” per 516 DM 11.9.E.(19), there were “extraordinary circumstances” demonstrating that reliance upon a categorical exclusion should not apply as per USDI, Departmental Manual, 516 DM 2, AR-141, **Appendix #7** at PDF pages 3-4, and 43 C.F.R. §§ 46.205(a), 46.205(c), 46.215. Specifically, a review of the 2022 CX at AR-147 to 150 purported to disclose consideration of the twelve (12) “Extraordinary Circumstances” factors in 516 DM 2, Appendix 2, **Appendix #7** at PDF pages 3-4, and in 43 C.F.R. § 46.215. However, an

examination of several of these factors relative to the Administrative Record demonstrated the existence of “extraordinary circumstances” as follows:

As to Number 2 factor (as to cultural resources),¹⁴ BLM purported to rationalize as to a lack of “extraordinary circumstances” as to this factor by stating:

There are no natural resources and unique geographic characteristics such as historic or cultural resources; park, recreation, refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; national monuments; or other ecologically significant or critical areas that would be significantly impacted by the proposed action.

The proposed action and project location were reviewed and it was determined that there are no cultural resources present within the permit area. Issuing the right-of-way would have no effect on historic properties. The grant when issued will include standard stipulations concerning cultural resources. ...

AR-148. However, this is not correct. BLM was not capable of opining or determining that “[t]here are no natural resources and unique geographic characteristics such as historic or cultural resources ... or other ecologically significant or critical areas that would be significantly impacted by the proposed action” or that the “proposed action and project location were reviewed, and it was determined that there are no cultural resources present within the permit area.” AR-148. This is because there was no cultural inventory as to MET #12 and its associated access road, *see* AR-8, AR-269, and no cultural inventory as to the associated access road to MET #2, as discussed above in paragraph (7). In addition, this is also because there was no Idaho SHPO compliance, as also discussed above in paragraph (7). Without such information, it cannot

¹⁴ *See* AR-147 (“2. The proposed action would not have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.”); *see also* 516 DM 2, Appendix C, Number 2.2, Appendix #7 at PDF page 3; 43 C.F.R. § 46.215(b) (10-1-2022 Edition).

be rationally stated that this factor was not an “extraordinary circumstance.” *See also* Number 7 factor¹⁵ (wherein the foregoing discussion as to Number 2 factor would equally apply as related to “properties listed, or eligible for listing, on the National Register of Historic Places as determined by the bureau”).

As to Number 2 factor (as to wetlands, migratory birds),¹⁶ BLM purported to rationalize as to a lack of “extraordinary circumstances” as to this factor by stating:

... An active dune complex was discovered at MET tower 4. These habitats are very limited in the field office and may support the Idaho dunes tiger beetles. There are no known surveys in the area the area should be avoided until surveys can be completed. If MET tower 4 is one that is wanted to be issued. Taurus Wind would have to have surveys completed prior to the ROW grant. The MET towers have conservation measures such as markers on the guy wires and on top of the tower to decrease the risk of collision with migratory birds and other sensitive species.

AR-148. However, this is not correct. BLM completely ignored its own IDT Analysis Record in January/February 2022, wherein several of the BLM Specialists determined that several of the public land resources were “present and require[d] further analysis,” AR-60, as to “Riparian Zones and Wetlands,” AR-62, and “Migratory Birds & Eagles,” AR-62, as discussed above in paragraph (8). Without such information, it cannot be rationally stated that this factor was not an “extraordinary circumstance.”

As to Number 6 factor,¹⁷ BLM purported to rationalize as to a lack of “extraordinary circumstances” as to this factor by stating:

¹⁵ *See* AR-149 (“7. The proposed action would not have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.”); *see also* 516 DM 2, Appendix C, Number 2.7, Appendix #7 at PDF page 3; 43 C.F.R. § 46.215(g) (10-1-2022 Edition).

¹⁶ *See* Footnote 14 herein.

¹⁷ *See* AR-148 (“6. The proposed action would not have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.”); *see also*

The scope of this proposal is limited to evaluating the characteristics of the wind resource at the identified met station locations using guyed towers or LIDAR units. No other actions are currently proposed, and therefore there are no related actions with individually insignificant but cumulatively significant environmental effects. Any additional authorization would be evaluated on its own merits.

AR-149. However, this is not correct. BLM was not capable of opining or determining that there were “[n]o other actions are currently proposed” when the Shoshone F.O. itself was aware of two (2) similar and current proposals just to the east of the project area in question within the Star Lake Allotment and other Allotments, as to the following: First, an application by Magic Valley Energy, LLC to construct and operate “up to 400 wind turbines and associated infrastructure” related to a wind development project currently subject to a 2023 EIS process, **Appendix #9**, and Second, an application by Magic Valley Energy, LLC for “Geotechnical testing” relative to its wind development project subject to a 2023 land use permit process, *see* **Appendix #10**. Without consideration of such information, it cannot be rationally stated that this factor was not an “extraordinary circumstance.”

As to Number 8 factor,¹⁸ BLM purported to rationalize as to a lack of “extraordinary circumstances” as to this factor by stating:

The proposed right-of-way was evaluated for potential impacts to listed wildlife species. The right-of-way is not located within habitat for species listed or proposed to be listed under the Endangered Species Act and will not result in impacts to any of the listed or proposed listed species.

AR-149. However, this is not correct. BLM completely ignored its own IDT Analysis Record in January/February 2022, wherein several of the BLM Specialists determined that several of the

516 DM 2, Appendix C, Number 2.6, Appendix #7 at PDF page 3; 43 C.F.R. § 46.215(f) (10-1-2022 Edition).

¹⁸ *See* AR-149 (“8. The proposed action would not have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species.”); *see also* 516 DM 2, Appendix C, Number 2.8, Appendix #7 at PDF page 3; 43 C.F.R. § 46.215(h) (10-1-2022 Edition).

public land resources were “present and require[d] further analysis,” AR-60, as to “Threatened, Endangered, Candidate (ESA), and/or Sensitive Animal Species - Wildlife,” AR-63, as discussed above in paragraph (8). Without such information, it cannot be rationally stated that this factor was not an “extraordinary circumstance.”

- (10) BLM Letter: On February 24, 2023, BLM issued a letter. AR-152. Some responses are noted in the AR. *See* AR-157; AR-158, 262; AR-159; AR-164; AR-166, 168, 172, 260.
- (11) 2023 Decision, 2023 ROW Grant, and 2022 CX: Several months later, BLM issued the Decision dated July 6, 2023 (“2023 Decision”), AR-1,¹⁹ including the associated: (1) Right-of-Way Grant, IDI-39380, signed July 3, 2023 (“2023 ROW Grant”), AR-120;²⁰ and (2) Categorical Exclusion, NEPA No. DOI-BLM-ID-T030-2022-0001-CX, dated September 22, 2022 (“2022 CX”), AR-139. All collectively hereinafter referred to as “2023 BLM Decision”. Each of these documents speak for themselves, and the pertinent parts are addressed in the above paragraphs, as well as below.
- (12) Appeal Process: On or about July 6, 2023, BLM mailed a copy of the 2023 Decision and 2023 ROW Grant to the individuals and entities. AR-1.
- (13) A few days thereafter, the Appellants received a mailing from BLM that included a copy of the 2023 Decision and 2023 ROW Grant.
- (14) After review of the 2023 Decision, 2023 ROW Grant, and 2022 CX, on August 4, 2023, Appellants filed their Notice of Appeal. *See* Appellants’ NOA.

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¹⁹ *See also* AR-18 (Mailing List for Decision); AR-133 (unsigned Decision); AR-136 (marked-up, draft Decision).

²⁰ *See also* AR-71 (unsigned 2023 ROW Grant); AR-120 (signed ROW Grant, though omits a Map appended to the 2023 ROW Grant, *see* AR-8).

- (15) On June 22, 2023, BLM submitted the Administrative Record to the lawyer for the Appellants and to the Board.
- (16) On September 1, 2023, Taurus Wind filed a Motion to Intervene, whereupon on September 6, 2023, BLM submitted the Administrative Record to the lawyer for Taurus Wind.
- (17) On September 5, 2023, the Board issued an Order, directing the filing of the Statement of Reasons “no later than **October 13, 2023**,” and directing BLM to file its Answer “no later than **November 17, 2023**.”
- (18) On September 28, 2023, the Board issued an Order, granting intervenor status to Taurus Wind, and directing Taurus Wing to file its Answer “no later than **December 1, 2023**.”
- (19) Lack of actual implementation of the 2023 BLM Decision: Between July 6, 2023, and as of the date of this filing, BLM has not actually implemented the 2023 BLM Decision, even though the decision was effective on or about August 6, 2023. *See* 43 C.F.R. § 4.21(a)(2) (10-1-2022 Edition).²¹ The actual implementation of the 2023 ROW Grant is conditioned upon BLM issuing a “Notice to Proceed,” AR-2, and it is apparent that no “Notice to Proceed” has been issued as of the date of this filing -- based upon information received from BLM by the Appellants. Based thereon, Appellants reserve the right / opportunity to file a Petition for Stay if / when the “Notice to Proceed” is issued by the BLM.²²

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²¹ REQUEST FOR NOTICE AS TO ISSUANCE OF “NOTICE TO PROCEED”. Appellants request BLM to notify their counsel at least 30-days in advance of issuing any “Notice to Proceed” so Appellants have time to file a Petition for Stay (assuming the Appellants elect to do so), as would be allowed in the normal course as per 43 C.F.R. §§ 4.21(a)(1), 4.21(a)(2).

²² There is nothing in the regulations in 43 C.F.R. Part 4 that precludes the filing of a Petition for Stay *at any time during a proceeding before the Board*. *See Error! Main Document Only.* Robert E. Oriskovich, 128 IBLA 69, 70 (1993); *In Re Eastside Salvage Timber Sale*, 128 IBLA 114, 115 (1993); *Western Shoshone National Council*, 130 IBLA 69, 72 (1994); *London Bridge Broadcasting, Inc.*, 130 IBLA 73, 76 (1994); *The Klamath Tribes*, 135 IBLA 192, 195 (1996); *Joey R. Deeg*, 141 IBLA 67, 68 (1997).

Discussion of Law and Argument

BLM violated FLPMA and NEPA. As discussed below, BLM violated FLPMA by authorizing the 2023 ROW Grant that was not “specifically provided” for in the applicable land use plan, or, *in the alternative*, was not “clearly consistent with the terms conditions, and decisions” with such plan. As also discussed below, BLM violated NEPA by relying upon a Categorical Exclusion that was not a CX among those listed in the applicable rules, or, *in the alternative*, if listed, BLM determined that “further analysis” was necessary, or BLM’s own determination showed that “Extraordinary Circumstances” existed.

I. Standard of Review – De Novo.

Under 43 C.F.R. § 4.1, the Board “has the authority to make decisions concerning appeals relating to the use and disposition of the public lands and their resources ‘as fully and finally as might the Secretary ...’” *U.S. v. Michael D. Scavarda and Tomas J. Tella, II*, 189 IBLA 9, 13 (2016). This means that the Board has the authority to undertake *de novo* review of any case pending before it, and when the Board has before it solely a question of law, the Board will “review that issue *de novo*.” *Id.* This *de novo* review authority also includes the authority to reverse, vacate, set aside, or modify the BLM’s decision. *See Jerry D. Grover D.B.A. Kingston Rust Development (Grover VII)*, 163 IBLA 310, 317-319 (2004); *see also* 43 C.F.R. § 4.406(b)(1) (10-1-2022 Edition) (wherein the rule relating to intervention included the statement that “[w]hether the person had a right to appeal the decision under § 4.410 or would be adversely affected **if the Board reversed, vacated, set aside or modified the decision**” (emphasis added)).

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II. BLM violated the *Federal Land Policy and Management Act*.

The *Federal Land Policy and Management Act*, 43 U.S.C. §§ 1712(a), 1732(a), requires that the “Secretary shall manage the public lands ... in accordance with the land use plans developed by him under section 1712 of this title.” 43 U.S.C. § 1732(a). The underlying planning regulations at 43 C.F.R. § 1610.5-3(a) add focus to the requirement prescribed in Section 1732(a), stating that “[a]ll future resource management authorizations and actions ... shall conform to the approved plan.” 43 C.F.R. § 1601.05(b) defines “*Conformity or conformance*” to mean “a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or plan amendment.” *See also* 43 C.F.R. §§ 2801.2(c), 2802.10(a)(3).

Here, the 2023 Decision stated that the “proposed action ... is in conformance with the applicable land use plans,” AR-1, further stating in the 2022 CX that:

Land Use Plan Name: Monument Resource Management Plan (RMP)
Date Approved: April 22, 1985

The project location falls under the management direction of the 1985 Monument Resource Management Plan (RMP). Within the Monument RMP the subject lands fall within Moderate Use Area M1. No special limitations or restriction on the type or intensity of resource use will be applied in this area. Valid uses will be allowed subject to environmental review and stipulations or special conditions to protect resources.

The Monument RMP was amended in 2009 by the West Wide Energy Amendment. This amendment established corridors for the preferred location of energy transportation projects. Rights-of-way authorized within these corridors would need to follow established protocols within the FEIS and ROD.

Land Use Plan (amendment): Idaho and Southwest Montana Greater Sage Grouse Approved Resource Management Plan Amendment (ARMPA)
Date Approved: September 21, 2015

The ARMPA and Record of Decision (ROD) were signed on September 21, 2015. The ARMPA provides a layered management approach that offers the highest

level of protection for greater sage-grouse in the most valuable habitat. Land use allocations in the ARMPA would limit or eliminate new surface disturbance in Priority Habitat Management Areas (PHMA) and Important Habitat Management Areas (IHMA), while minimizing disturbance in General Habitat Management Areas (GHMA). In addition to establishing protective land use allocations, the ARMPA also would implement a suite of management tools, such as anthropogenic disturbance limits, required design features, seasonal habitat buffers, habitat objectives and monitoring, mitigation approaches, adaptive management triggers and responses, and other protective measures throughout the species range.

AR-139 to 140; *see also* AR-48 (wherein BLM makes a “LUP Conformance” statement in its “Pre-Adjudication Summary” dated September 21, 2021, which is quoted and discussed in paragraph (5) above in the Statement of Facts). However, in several respects, BLM erred in its determination that the “proposed action ... is in conformance with the applicable land use plans.”

AR-1. *See Sid Childress v. Bureau of Land Management*, 197 IBLA 37, 59 (2021) (“An appellant contending that a management action is inconsistent with a land use plan under FLPMA must show error in BLM’s determination that its action complies with the terms of that land use plan”).

First, the “proposed action” is not “specifically provided for in the plan.” 43 C.F.R. § 1601.05(b); *see also* 43 C.F.R. § 1610.5-3(a). Specifically, neither the 1985 Monument RMP, nor the 2009 Energy Corridors ROD-FEIS, nor the 2015 Idaho BLM ARMPA “specifically provided” for the “proposed action.” This is because the 1985 Monument RMP is entirely silent on wind testing and development. *See generally* **Appendix #1**. This is also because the 2009 Energy Corridors ROD-FEIS is specific to energy transmission, not wind testing or development. *See generally* **Appendix #3**. This is also because the 2015 Idaho BLM ARMPA is specific to consider, assess, and authorize wind testing and development relative to the public land resource associated *with sage-grouse*, not generally speaking across all public land resources aka

multiple-uses, including livestock grazing, as is permitted to the Appellants. *See generally* **Appendix #4**.

Second, assuming the ‘proposed action’ is “not specifically mentioned,” the “proposed action” is also not “clearly consistent with the terms, conditions, and decisions of the approved plan or plan amendment.” 43 C.F.R. § 1601.05(b); *see also* 43 C.F.R. § 1610.5-3(a). This is (again) because the 1985 Monument RMP is entirely silent on wind testing and development. *See generally* **Appendix #1**. This is also (again) because the 2009 Energy Corridors ROD-FEIS is specific to energy transmission, not wind testing or development. *See generally* **Appendix #3**. This is also because, assuming the 2015 Idaho BLM ARMPA is applicable across all multiple uses, including livestock grazing, the 2015 Idaho BLM ARMPA *conditioned* wind energy testing and development upon RDFs and Buffers. Specifically, Management Direction MD RE 1, as well as Management Direction MD LR 2, in the 2015 Idaho BLM ARMPA required BLM to “manage GHMA as open for wind ... testing and development ... **subject to RDFs and buffers.**” **Appendix #4** at 2-38 (emphasis added); *see also* **Appendix #4** at 2-31. As discussed in paragraph (5) of the Statement of Facts, which will not be repeated, BLM did not condition the “proposed action” upon such RDFs and Buffers. *See Tom Van Sant*, 174 IBLA 78, 91-92 (2008) (wherein the Board set aside and remanded to BLM a Decision Record approving an amendment to the Independence Material Site Easement due to non-conformance with the land use plan).

Accordingly, BLM erred in its determination that the action at issue conformed to the land use plan, as amended, violating FLPMA and the underlying planning regulations. The action was neither “specifically provided for in the plan” nor “clearly consistent with the terms, conditions, and decisions” of the plan, as amended. 43 C.F.R. § 1601.05(b); *see also* 43 C.F.R. § 1610.5-3(a).

III. BLM violated the *National Environmental Policy Act*.

The *National Environmental Policy Act*, 43 U.S.C. § 4332(2)(C), requires that “all agencies of the Federal Government shall -- ... (C) include in every recommendation or report on ... other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on -- (i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, (iii) alternatives to the proposed action, (iv) the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.” The underlying NEPA regulations promulgated by the *Council for Environmental Quality* at 40 C.F.R. § 1501.4(a)²³ and the underlying NEPA regulations promulgated by the *Bureau of Land Management* at 43 C.F.R. §§ 46.205,²⁴ 46.210, 46.215 add focus to the requirement prescribed in Section 4332(2)(C).

²³ See 40 C.F.R. § 1501.4 (7-1-2022 Edition). Categorical exclusions.

(a) For efficiency, agencies shall identify in their agency NEPA procedures (§ 1507.3(e)(2)(ii) of this chapter) categories of actions that normally do not have a significant effect on the human environment, and therefore do not require preparation of an environmental assessment or environmental impact statement.

(b) If an agency determines that a categorical exclusion identified in its agency NEPA procedures covers a proposed action, the agency shall evaluate the action for extraordinary circumstances in which a normally excluded action may have a significant effect.

(1) If an extraordinary circumstance is present, the agency nevertheless may categorically exclude the proposed action if the agency determines that there are circumstances that lessen the impacts or other conditions sufficient to avoid significant effects.

(2) If the agency cannot categorically exclude the proposed action, the agency shall prepare an environmental assessment or environmental impact statement, as appropriate.

²⁴ See 43 C.F.R. § 46.205 (10-1-2022 Edition). Actions categorically excluded from further NEPA review. Categorical Exclusion means a category or kind of action that has no significant individual or cumulative effect on the quality of the human environment. See 40 CFR 1508.4.

(a) Except as provided in paragraph (c) of this section, if an action is covered by a Departmental categorical exclusion, the bureau is not required to prepare an environmental assessment (see subpart D of this part) or an environmental impact statement (see subpart E of

Specifically, BLM is allowed to use and rely upon a CX as its NEPA document to consider an action that is listed within the Categorical Exclusions set forth in 43 C.F.R. §§ 46.205(b), 46.210.²⁵ In addition, BLM is allowed to use and rely upon a CX as its NEPA document to consider an action that is listed within the Categorical Exclusions set forth USDI, Departmental Manual, 516 DM 11, as per 43 C.F.R. § 46.205(a).²⁶ See **Appendix #6** (USDI, Department Manual, 516 DM 11, dated December 10, 2020).²⁷

this part). If a proposed action does not meet the criteria for any of the listed Departmental categorical exclusions or any of the individual bureau categorical exclusions, then the proposed action must be analyzed in an environmental assessment or environmental impact statement.

(b) The actions listed in section 46.210 are categorically excluded, Department-wide, from preparation of environmental assessments or environmental impact statements.

(c) The CEQ Regulations at 40 CFR 1508.4 require agency procedures to provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect and require additional analysis and action. Section 46.215 lists the extraordinary circumstances under which actions otherwise covered by a categorical exclusion require analyses under NEPA.

(1) Any action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances in section 46.215; if it does, further analysis and environmental documents must be prepared for the action.

(2) Bureaus must work within existing administrative frameworks, including any existing programmatic agreements, when deciding how to apply any of the section 46.215 extraordinary circumstances.

(d) Congress may establish categorical exclusions by legislation, in which case the terms of the legislation determine how to apply those categorical exclusions.

²⁵ See 43 C.F.R. § 46.210 (10-1-2022 Edition). Listing of Departmental categorical exclusions. The following actions are categorically excluded under paragraph 46.205(b), unless any of the extraordinary circumstances in section 46.215 apply: ...”

²⁶ See Footnote 24 herein for a quote of 43 C.F.R. § 46.205(a) (10-1-2022 Edition).

²⁷ It should be noted that the recent amendments to the *National Environmental Policy Act* by the *Builder Act* portion of *Fiscal Responsibility Act of 2023*, Public Law 118-5 (6-3-2023) did not change, but effectively ratified the language in 43 C.F.R. § 46.205, wherein NEPA was amended to add Section 106, aka 42 U.S.C. § 4336(a)(2), stating “[a]n agency is not required to prepare an environmental document with respect to a proposed action agency **if – ... (2) the proposed action is excluded pursuant to one of the agency’s categorical exclusions**, another agency’s categorical exclusions consistent with Section 108 of this Act, or another provision of law.” 137 Stat. 39 (emphasis added).

Here, neither the 2023 Decision, nor the 2023 ROW Grant, nor the 2022 CX relied upon any of Categorical Exclusions listed within 43 C.F.R. §§ 46.205(b), 46.210. Instead, the 2023 Decision, the 2023 ROW Grant, and the 2022 CX relied upon a Categorical Exclusion listed within USDI, Departmental Manual, 516 DM 11, as per 43 C.F.R. § 46.205(a). This reliance was confirmed in the 2022 CX, stating:

The proposed actions are categorically excluded from further analysis and documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(19) which states, “(i)ssuance of a short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.” Anticipated effects of the proposed action have been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply (see Attachment C: Categorical Exclusion Review Sheet).

AR-141. However, while BLM correctly quoted 516 DM 11.9, E.(19), it does not apply to the *type of use* authorized in 2023 BLM Decision. The construction and operation of METs, AR-43, and LIDARs, AR-43, and the use of related access roads, AR-38, are outside the scope of a “storage sites, apiary sites, and construction sites” in 516 DM 11.9, E.(19). In fact, this is supported in either one of two respects. First, each MET is not merely a “construction site.” Each MET is 60 meters tall (aka 195 feet tall) and held in place with multiple “Guy Wires” stretching in a near similar 60 meters distance from the base of each Tower. *See* AR-55 (Diagram of MET).

Second, BLM must concede that the action in question is outside the scope of the Categorical Exclusion in 516 DM 11.9, E.(19). This is because BLM extended the scope of the Categorical Exclusion in 516 DM 11.9, E.(19) to wind site monitoring and testing via the USDI-BLM, Record of Decision, Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments, dated December 15, 2005 (“2005 BLM Wind ROD”).

Appendix #11. However, **BLM only extended it relative to *specific* land use plans within the**

State of Idaho (and other States), not inclusive of the applicable land use plan, as amended, in the present matter, i.e., the 1985 Monument RMP, as amended.²⁸ BLM had the opportunity to extend the Categorical Exclusion in 516 DM 11.9, E.(19) to wind energy testing and development relative to the 1985 Monument RMP, as amended, but BLM choose not to do so. BLM cannot do so now outside any land use planning process or Department Manual amendment process – which have not occurred. In addition, neither the 2023 Decision, nor the 2023 ROW Grant, nor the 2022 CX cite to or rely upon the 2005 BLM Wind ROD as any rationale for its use of the Categorical Exclusion in 516 DM 11.9, E.(19).

As such, for any of the foregoing reasons, BLM had no authority to even consider any reliance upon a CX listed in 43 C.F.R. 43 C.F.R. §§ 46.205(b), 46.205(a), violating NEPA.²⁹

And, assuming the construction and operation of METs and LIDARs, and the use of related access roads, may be within the Categorical Exclusion in 516 DM 11.9, E.(19), BLM's reliance upon and application of such categorical exclusion was not "reasonable and supported

²⁸ See 2005 BLM Wind ROD, Attachment A, at page A-4, **Appendix #11**, wherein the 2005 BLM Wind ROD did not amend the applicable land use plan, i.e., the 1985 Monument RMP. In fact, the 2005 BLM Wind ROD stated at page 2 that "this decision amends 52 BLM land use plans in 9 of the states in the study area: Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The land use plan amendments, identified in Attachment B, include the adoption of the Wind Energy Development Program policies and BMPs and, in a few instances, the identification of specific areas where wind energy development will be excluded." A review of 2005 BLM Wind ROD, Attachment B, Table B-1, at pages B-3 to B-3, does not include the 1985 Monument RMP. **Appendix #11**

²⁹ It should be noted that BLM may (alternatively) argue reliance upon the "BLM Categorical Exclusions" listed in Appendix 4 of the BLM National Environmental Policy Act, Handbook H-1790-1 dated January 2008 ("BLM's NEPA Handbook"). See [Media_Library_BLM_Policy_Handbook_h1790-1.pdf](#) (last checked 10-9-2023 @ 9:05 A.M.). However, the flaw in any such argument is twofold. First, 43 C.F.R. § 46.205(a) only applies to categorical exclusions listed within the Department Manual, not with BLM's NEPA Handbook. Second, neither the 2023 Decision, nor the 2023 ROW Grant, nor 2022 CX cite or rely upon BLM's NEPA Handbook. Third, even assuming 43 C.F.R. § 46.205(a) extends to BLM's NEPA Handbook, a review of the Categorical Exclusions listed within BLM's NEPA Handbook do not cover wind energy testing or development.

by the record.” *Oregon Natural Desert Association*, 174 IBLA 26, 33 (2008). This is supported in either one of two respects. First, BLM determined that the action “require[d] further analysis” as to several public land resources not considered or assessed in the 2022 CX. AR-60. These resources included “Riparian Zones and Wetlands,” AR-62, “Wildlife,” AR-62, “Migratory Birds & Eagles,” AR-62, “Threatened, Endangered, Candidate (ESA), and/or Sensitive Animal Species - Wildlife,” AR-63, as discussed in paragraph (8) of the Statement of Facts. The Administrative Record included no such “further analysis” of these resources. In fact, the Administrative Record included no follow-up from its “further analysis” determination made in BLM’s IDT “Analysis Record Checklist” dated February 4, 28, 2023. AR-60, 62, 63. This violated 40 C.F.R. § 1501.4(b)(1) and 43 C.F.R. § 46.205(c)(1), given the *lack of determination* by BLM as to whether “there are circumstances that lessen the impacts or other conditions sufficient to avoid significant effects” per Section 1501.4(b)(1), and as to whether “[a]ny action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances” as per Section 46.205(c)(1).

Second, “Extraordinary circumstances” existed demonstrating that reliance upon the Categorical Exclusion in 516 DM 11.9, E.(19) should not apply as per USDI, Departmental Manual, 516 DM 2, AR-141, **Appendix #7** at PDF pages 3-4, and 43 C.F.R. §§ 46.205(a), 46.205(c), 46.215. *See also* 40 C.F.R. § 1501.4(b). These circumstances included several of the factors in 516 DM 2 and in 43 C.F.R. § 46.215. The Administrative Record included no rational basis for these circumstances. Specifically, as to the Number 2 factor (as to cultural resources), there was no cultural inventory as to MET #12 and its associated access road, *see* AR-8, AR-269, and no cultural inventory as to the associated access road to MET #2, as discussed in paragraph (7) of the Statement of Facts. In addition, there was no Idaho SHPO compliance, as also

discussed in said paragraph (7). As to the Number 2 factor (as to wetlands, migratory birds), several of the BLM Specialists determined that several of the public land resources were “present and require[d] further analysis,” AR-60, as to “Riparian Zones and Wetlands,” AR-62, and “Migratory Birds & Eagles,” AR-62, as discussed in paragraph (8) of the Statement of Fact. No such “further analysis” occurred. As to the Number 6 factor, BLM was not capable of opining or determining that there were “[n]o other actions are currently proposed” when the Shoshone F.O. itself was aware of two (2) similar and current proposals just to the east of the project area in question, as discussed in paragraph (9) of the Statement of Facts. As to the Number 8 factor, several of the BLM Specialists determined that several of the public land resources were “present and require[d] further analysis,” AR-60, as to “Threatened, Endangered, Candidate (ESA), and/or Sensitive Animal Species - Wildlife,” AR-63, as discussed in paragraph (8) of the Statement of Fact. No further “further analysis” occurred. This violated 40 C.F.R. § 1501.4(b)(1) and 43 C.F.R. § 46.205(c)(1), given the *lack of rational basis for any determination* by BLM as to whether “there are circumstances that lessen the impacts or other conditions sufficient to avoid significant effects” per Section 1501.4(b)(1), and as to whether “[a]ny action that is normally categorically excluded must be evaluated to determine whether it meets any of the extraordinary circumstances” as per Section 46.205(c)(1).

Accordingly, BLM erred in relying on a Categorical Exclusion not within the CXs listed within 43 C.F.R. § 46.205(b) or within 516 DM 11, *see also* 43 C.F.R. § 46.205(a), violating NEPA. Alternatively, BLM’s reliance upon and application of the Categorical Exclusion in 516 DM 11.9, E.(19) was not “reasonable and supported by the record,” violating NEPA.

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Conclusion

For either of the reasons discussed above, Appellants urge the Board to set aside the 2023 Decision, the 2023 ROW Grant, and the 2022 CX, and remand to BLM.

Dated this 10th day of October, 2023.

SCHROEDER LAW



By _____

W. Alan Schroeder, a lawyer
for *Sheephook Cattle Grazing Association, LLC, Tunupa Grazing Association, LLC*, and *William Arkoosh / Estate of William Arkoosh*, the Appellants.

Certificate of Filing and Service

I certify that I transmitted the foregoing document to the office in which filing is required, and I did so by email to the Board addressed to said office, as follows:

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W. Alan Schroeder

INDEX OF APPENDICES

Appendix #1 and **Appendix #2** - 1985 Monument Resource Management Plan and Map.

Appendix #3 - 2009 BLM Energy Corridors ROD-FEIS.

Appendix #4 - 2015 Idaho BLM ARMPA. APPENDIX #4 IS SEPARATELY FILED FROM THIS DOCUMENT DUE TO THE LENGTH AND NUMBER OF MEGABYTES OF SUCH DOCUMENT.

Appendix #5 - Map of General Habitat Management Area received from the *State of Idaho, Office of Species Conservation*, as to the Area in Question.

Appendix #6 – USDI, Departmental Manual, 516 DM 11.

Appendix #7 - USDI, Departmental Manual, 516 DM 2.

Appendix #8 - 2014 State Protocol Agreement between the Idaho State BLM and the Idaho State Historic Preservation Officer.

Appendix #9 – USDI-BLM, Lava Ridge Wind Project, DEIS, January 2023 (Excerpts).

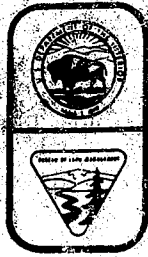
Appendix #10 – USDI-BLM, Letter dated April 28, 2023, as to “Geotechnical Testing” as related to the Lava Ridge Wind Project.

Appendix #11 – USDI-BLM, Record of Decision, Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments, dated December 15, 2005.

APPENDIX #1

1985 Monument Resource Management Plan

(49 pages)



MONUMENT

RESOURCE MANAGEMENT PLAN

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MONUMENT
RESOURCE MANAGEMENT PLAN

INTRODUCTION

The Monument RMP is a land use plan to guide resource management in the Monument Planning Area for the next 15 to 20 years. The planning process began in March 1981 with issue identification and the other steps of the planning process. Consultation and coordination with agencies, organizations, and individuals occurred in a variety of ways throughout the planning process. A special effort was made to ensure that the Monument RMP is consistent with approved plans of local and State government. The Monument RMP was approved on April 22, 1985.

Contents of This Plan

This document has been organized to allow the reader to easily find the land use decisions in effect for any particular area of interest. Following is a brief discussion of topics presented.

Description of the Planning Area

This section, on page 3, presents a brief description of the location and size of the area covered by the Monument RMP.

General Provisions for Multiple Use and Transfer Areas

This section, beginning on page 3, explains the application of multiple use and transfer areas. Multiple use and transfer areas are used to present most of the land use decisions in the RMP.

Goals and Objectives

This section, on page 5, discusses goals and objectives of the RMP.

Management Prescriptions

This section, beginning on page 5, presents the specific land use decisions in the RMP. This section will probably be of primary interest to those using the RMP.

Implementation

This section, beginning on page 18, discusses the timing and priority of accomplishing the land use decisions.

Support

This section, beginning on page 23, briefly outlines the services needed to implement the land use decisions.

Monitoring and Evaluation

This section, beginning on page 24, outlines actions to ensure that the land use decisions are being carried out as planned.

Resource Management Guidelines

This section, beginning on page 25, presents guidelines that apply to all RMPs in Idaho. The guidelines are not specific to individual multiple use or transfer areas in the Monument RMP and may apply to more than one of them. They should be used in conjunction with management prescriptions for a complete view of the land use decisions.

Standard Operating Procedures

This section, beginning on page 33, explains standard procedures that will be followed in implementation of the land use decisions.

DESCRIPTION OF THE PLANNING AREA

The Monument Planning Area encompasses 2,059,441 acres north of the Snake River in southcentral Idaho. It includes all of Jerome and Minidoka counties and portions of Gooding, Lincoln, Blaine, Butte, and Power counties. The area is generally bounded by Bliss on the west, American Falls on the east, the Snake River on the south, and Craters of the Moon National Monument on the north. Of the 2,059,441 acres, 57 percent (1,178,989 acres) is public land administered by BLM, 2 percent (39,576 acres) is public land administered by other Federal agencies, 3 percent (65,932 acres) is land belonging to the State of Idaho, and 38 percent (774,944 acres) is privately owned land.

The planning area is divided among three resource areas in two BLM Districts. In the Shoshone District, the Bennett Hills Resource Area contains 179,926 acres of public land administered by BLM west of the Gooding-Milner Canal, and the Monument Resource Area contains 744,682 acres. In the Burley District, the Snake River Resource Area contains 254,381 acres of BLM-administered public lands. These figures differ from the ones in the EIS for the Monument RMP because of a boundary change effective January 6, 1986.

The Monument RMP decision map that accompanies this document shows the location of the area.

GENERAL PROVISIONS FOR MULTIPLE USE AND TRANSFER AREAS

Resource management plans in Idaho establish multiple use and transfer areas in the planning area. Multiple use and transfer areas are used to:

1. Clearly distinguish retention and transfer decisions;
2. Provide a geographic basis for presenting land use decisions;
3. Help ensure consistency and uniformity in Idaho RMPs; and
4. Indicate the level of resource protection, management, use, and development provided for on the public lands.

All public land in the Monument Planning Area was categorized into one of the following multiple use or transfer areas. These categories reflect the general intent of the management decisions made for the included areas. More site-specific categories were established within those discussed below. These site-specific categories are discussed later in this RMP under "Management Prescriptions."

Limited Use Areas

Limited use areas are designated where legal and policy constraints necessitate stringent environmental control. These areas will be managed for protection of sensitive and significant wildlife habitat, scenic values, cultural resources, watershed and other resources, or areas preliminarily recommended as suitable for wilderness.

Because these areas involve relatively greater environmental constraints than other areas of public lands, special attention will be given to finding appropriate locations for potentially conflicting uses. Generally, lower intensities of use are required under carefully controlled conditions to protect and preserve the values found in these areas. Public lands in a limited use area will be retained in Federal ownership.

Moderate Use Areas

Moderate use areas are generally suitable for a wide range of existing and potential uses and will be managed for production and use of their forage, timber, minerals and energy, recreation, or other values. Where conflicts occur with resources or uses, full consideration of all benefits and costs will be taken into account in resolving such conflicts. Sensitive and significant values will always be protected consistent with Federal and State law. Public lands in a moderate use area will be retained in Federal ownership.

Intensive Use/Development Areas

These areas will generally be managed for a major or large-scale intensive use/development such as a major campground, off-road vehicle (ORV) area, mine, or public utility installation. No intensive use/development areas were established in the Monument RMP.

Transfer Areas

Transfer areas are the only areas which may be transferred out of Federal ownership under this plan. Public lands declared eligible for transfer by their inclusion in this category are subject to detailed consideration prior to the final decision regarding transfer. Transfer areas are delineated in response to specific demands and needs identified during the planning process, such as agricultural development, community expansion, and other transfers, including transfer to the State of Idaho. Transfer areas will be managed on a

custodial basis until transferred from Federal jurisdiction. New public investments in these lands will generally be kept to a minimum.

GOALS AND OBJECTIVES

Goals are general states or conditions that resource management is designed to achieve. They are generally not quantifiable. Goals are the basis for developing objectives.

For the Monument RMP, a variety of resource uses would be allowed. Production and use of commodity resources and commercial use authorization would occur, while protecting fragile resources and wildlife habitat, preserving natural systems and cultural values, and allowing for nonconsumptive resource uses.

Objectives are resource specific conditions to be achieved. They are well defined to guide future management and preparation of activity plans. Where possible, they are quantified.

Objectives for the Monument RMP are included in the following discussion of Management Prescriptions.

MANAGEMENT PRESCRIPTIONS

The following management prescriptions will guide resource management activities under the Monument RMP. The Statewide Resource Management Guidelines and the District Standard Operating Procedures, presented later in this RMP, will also apply.

The discussion of the management prescriptions is divided into three sections. First is a discussion of management prescriptions for multiple use and transfer areas. Included is a letter designation (M for moderate use, L for limited use, T for transfer) and key number, the name of the area, the acreage, objectives for the area, and required actions to accomplish the objectives.

Next is a discussion of other resource decisions that occur in more than one multiple use area.

Last is a summary of activity plans required for implementation of the RMP. Activity plans are site-specific, detailed plans to be developed after approval of the RMP.

Multiple Use and Transfer Areas

The Monument RMP decision map that accompanies this document shows the multiple use and transfer areas.

M1-Moderate Use - 826,577 acres

No special limitations or restrictions on the type or intensity of resource use will be applied in this area. Valid uses will be allowed subject to environmental review and stipulations or special conditions to protect resources. This area will be open to ORV use.

L1-WSA Recommended Suitable - 87,902 acres.

These areas are preliminarily recommended suitable for designation by Congress as a part of the Wilderness Preservation System. This includes the Raven's Eye and Sand Butte wilderness study areas (WSAs).

If designated wilderness by Congress, the areas would be closed to off-road vehicle (ORV) use. New mining claims would be prohibited. Mineral leasing would not be prohibited by wilderness designation, but wilderness character would be considered in making mineral leasing decisions. Land uses would be restricted to those compatible with BLM's Wilderness Management Policy. Utility developments would be effectively prohibited. A wilderness management plan would be prepared for each WSA designated. The wilderness management plans would include fire suppression guidelines designed to protect or enhance wilderness character.

If not designated wilderness by Congress, the areas would generally be managed as M1 areas as described above. The exception is 3,258 acres of areas of geologic interest within the Raven's Eye and Sand Butte WSAs which would be managed as L12 areas as described below. Sand Butte (the volcanic cone, not the entire WSA) would be closed to ORV use to protect its naturalness (approximately 220 acres). No other special designations or developments would be proposed. The other restrictions on ORVs, minerals, land uses, and fire described in the preceding paragraph would not apply.

WILDERNESS STUDY AREA NOTE

Six wilderness study areas (WSAs) covering a total of 154,015 acres were considered for suitability recommendations in the environmental impact statement for the Monument RMP. Two WSAs covering 87,902 acres were preliminarily recommended suitable for designation by Congress as a part of the Wilderness Preservation System. The other four WSAs totalling 66,113 acres were preliminarily recommended unsuitable for designation.

Only Congress can add an area to the National Wilderness Preservation System. BLM and the Secretary of the Interior make suitability recommendations to the President, who in turn makes recommendations to Congress. Therefore, the wilderness suitability recommendations in the Monument RMP are not final.

Until Congress acts on the President's suitability recommendations, BLM will manage all WSAs in accordance with the Interim Wilderness Management Policy.

L2-Great Rift WSA Recommended Suitable - 179,990 acres

This WSA is recommended suitable for wilderness designation in a previous study. Objectives for management of the area are outlined in the Great Rift Proposed Wilderness Final Environmental Impact Statement. The 179,990-acre figure represents that portion of the Great Rift WSA lying within the Monument Planning Area on BLM-administered public lands. Another 142,460 acres of public land lies within the Idaho Falls BLM District.

L3-Sand Butte Off-Road Vehicle (ORV) Closure - 1,751 acres

This area is closed to ORV use. Otherwise, management will be the same as described for M1 areas. The ORV closure will make a more easily managed, definite boundary along a road for exclusion of ORVs from the Sand Butte WSA. If the Sand Butte WSA is not designated wilderness by Congress, this area would no longer be closed to ORV use.

L4-ACEC-Substation Tract Relict Vegetation Area - 440 acres

This area is designated an ACEC to focus management attention on special values. The area contains a natural vegetation community representative of a range site that occurred commonly in the planning area prior to human caused disturbances. It is the only known remaining relict of this condition and size in the Shoshone District, and is therefore highly valuable for research and reference.

Management to protect the relict vegetation community will entail retention in Federal ownership and aggressive fire control efforts. Other opportunities to reduce the risk of loss to fire will be pursued, including cooperative agreements with adjacent landowners. ORV use is limited to designated roads and trails to protect the vegetation while allowing movement of local farm traffic. No surface occupancy associated with mineral lease development will be allowed. Livestock grazing is prohibited to protect the vegetation.

An activity plan will be prepared to guide management and protection of the relict vegetation community, especially protection from fire.

The area will be given priority for fire suppression in the fire management plan and will be under full fire suppression.

L6-ACEC-Vineyard Creek Natural Area - 105 acres

This area is designated an ACEC to focus management attention on special values.

Vineyard Creek is the only known spawning habitat for a unique cutthroat/rainbow hybrid trout. The habitat is threatened by sedimentation from irrigation return flow from private land. Management to protect this habitat will entail coordinating with private landowners to reduce or eliminate sedimentation caused by the irrigation return flow entering Vineyard Creek. The objective is to lower the sediment load of the return flow below 100 ppm or to stop the return flow from entering the stream.

Vineyard Creek contains habitat that may be suitable for the Bliss Rapids snail, a candidate endangered species. The habitat in Vineyard Creek is similar to that of Box Canyon which supports a population of the snail. Future resource uses and proposals will be closely examined to ensure that snail habitat is not adversely affected or that adverse effects can be mitigated.

This area lies within the proposed Dry Cataracts National Natural Landmark. Geologic formations associated with the Bonneville Flood, including alluvial gravel deposits, will be protected from human disturbances that would degrade their naturalness. Mineral material sales and free use are prohibited.

The Vineyard Creek area is a very scenic and unique area. Future resource uses and proposals will be closely examined to prevent degradation of scenic quality and naturalness. No surface occupancy associated with mineral lease development will be allowed.

An activity plan will be prepared to guide management of the unique resources of the area. This plan will specify measures to reduce sedimentation of Vineyard Creek.

The area is closed to ORV use to protect scenic quality and promote visitor safety. It is near an area heavily used by ORVs.

The area will be given priority for fire suppression in the fire management plan and will be under full fire suppression.

L7-ACEC-Box Canyon/Blueheart Springs Sensitive Area - 128 acres

This area is designated an ACEC to focus management attention on special values. Box Canyon and Blueheart Springs contain the largest populations of Shoshone sculpin (*Cottus greeniei*), a federal candidate threatened species, known to exist on public land. Various proposals that might degrade the sculpin habitat have been made in the past.

Since approval of the Monument RMP on April 22, 1985, additional studies have been conducted in the Box Canyon/Blueheart Springs Sensitive Area ACEC. These studies have determined that populations of two other federal candidate threatened species exist on public lands in Box Canyon. These are the Bliss Rapids snail (no formal name) and the snail *Valvata utahensis* (no common name). The ACEC may also contain populations of the giant Columbia River limpet (*Fisherola nuttallii*), another federal candidate threatened species.

Box Canyon is very scenic and is a unique natural area. It has been evaluated for eligibility for national natural landmark designation.

Future resource uses and proposals will be closely examined to prevent degradation of habitat for the four federal candidate threatened species, scenic quality and naturalness. If a proposal would adversely affect habitat for the federal candidate threatened species, it would be rejected. No surface occupancy associated with mineral lease development will be allowed. An activity plan will be prepared to guide management of the unique resources of the area.

The area is open to ORV use. ORV use in the general area is light and is not expected to be a problem in Box Canyon.

The area will be given priority for fire suppression in the fire management plan and will be under full fire suppression.

L8-Little Wood River Special Recreation Management Area (SRMA) - 2,787 acres

The riparian habitat and fishery of this area will be maintained or improved to support quality sport fishing opportunities. This will be done by excluding livestock from most of the streamside area. Most of the fencing to accomplish this has already been completed. Management emphasis will be placed on ensuring the fencing is maintained to protect the streambank. A recreation activity management plan will be prepared for the area. The area is open to ORV use.

L9-Snake River Rim Special Recreation Management Area (SRMA) - 5,102 acres

This area will be managed to provide for a wide variety of recreation activities including rifle shooting, archery, motorcycle riding/racing, picnicking, sightseeing, and float-boating, while resolving conflicts among various uses and protecting cultural resources and fragile soils. The demand for these activities is expected to increase as is the potential for user conflicts.

Sub-area L9a, 345 acres in Devil's Corral, is closed to ORV use to protect cultural resources and soils. The remaining 4,757 acres is open to ORV use.

Sub-areas L9a and L9d, totalling 1,159 acres, lie within the proposed Dry Cataracts National Natural Landmark. Geologic formations associated with the Bonneville Flood, including alluvial gravel deposits, will be protected from human disturbances that would degrade their naturalness. Mineral material sales or free use is prohibited.

Sub-area L9e, 374 acres, will be managed for protection, maintenance, and enhancement of wildlife habitat. These tracts are included in the existing Cooperative Wildlife Management Areas Habitat Management Plan (HMP) and will be covered by the revised HMP prepared for L11 areas in this RMP.

Livestock grazing will not be restricted by recreation oriented management in L9.

The existing Snake River Rim Recreation Area Management Plan will be revised to reflect changes from existing ORV designations, acreage within the Snake River Rim SRMA, transfer area designations, float-boating management, protection of geologic formations associated with the Bonneville Flood in sub-areas L9a and L9d, and wildlife management on sub-area L9e.

A cultural resource management plan will be prepared for Devil's Corral (L9a). This plan will specify the degree of protection and the interpretive measures appropriate for the area. Fire suppression guidelines to limit surface disturbance will be developed and incorporated into the fire management plan.

L10-Cedar Fields Special Recreation Management Area (SRMA) - 2,240 acres

This area will be managed to provide a variety of recreation activities including ORV use, sport fishing, and river floating; to maintain or enhance wildlife habitat; and to protect scenic quality, fragile soils, and cultural resources.

ORV use is limited. Restrictions will be applied only where significant damage to high quality and highly visible scenic areas, fragile soils, significant wildlife values, and significant cultural resources is occurring. ORV

use in sub-area L10a (395 acres) is limited to designated trails consistent with Bureau of Reclamation limitations on adjacent lands.

Livestock grazing and minerals activities will not be restricted by recreation oriented management in the area.

A recreation activity management plan and a cultural resources management plan specifying the degree of protection and interpretation measures appropriate for the area will be prepared. These plans will include fire suppression guidelines designed to protect fragile soils and cultural resources by limiting surface disturbance.

L11-Cooperative Wildlife Management Areas - 10,551 acres

These tracts will be managed for protection, maintenance, and enhancement of wildlife habitat, primarily for upland game birds.

The existing CWMA Habitat Management Plan (HMP) will be revised to reflect changes in the number of tracts. Sub-area L9e, will also be covered by the revised HMP. The modified HMP will include fire suppression guidelines for protection of wildlife habitat on CWMAs.

Livestock will be excluded from 821 acres of CWMAs by fencing.

The areas will be given priority for fire suppression in the fire management plan and will be under full fire suppression. The areas will remain open to ORV use.

L12-Areas of Geologic Interest - 6,996 acres.

These areas will be managed to preserve fragile geologic formations associated with caves. They contain the most natural caves outside of WSAs recommended suitable for wilderness designation. Proposed projects will be examined to ensure the formations are not adversely affected.

No surface occupancy associated with mineral lease development will be allowed within 250 feet of fragile geologic formations or caves. To avoid possible adverse effects from increased public exposure, such as vandalism and removal of speleothems, access to caves will not be improved. The areas will remain open to ORV use.

A cave management plan will be prepared for these areas. This will include fire suppression guidelines to limit surface disturbance near the geologic formations.

T1-Transfer - 20,538 acres

These areas are available for transfer from Federal ownership by sale, exchange, agricultural entry, or other means determined appropriate as discussed on pages 39 and 40. Detailed examinations will be conducted prior to the final decision about transfer or type of transfer. The examinations will consider threatened and endangered species, cultural resources, and other resource values. Agricultural entry applications and other transfer proposals for these areas will be considered in the order received.

T2-Transfer-Agricultural Entry - 29,873 acres

These areas are available for transfer from Federal ownership under the agricultural land laws or for local and State government needs or exchange. Other types of transfers may occur only if agricultural entry transfers leave Federal parcels that are difficult to manage because of odd configuration, access problems, or lack of adequate facilities (fences, cattleguards, water, etc.). These resulting difficult-to-manage tracts could be transferred from Federal ownership by sale, exchange, or other means determined appropriate as discussed under T1. T2 areas found to be unsuitable for transfer under agricultural land laws and not falling into the T1 category as described in the preceding sentence will remain in public ownership and be managed as described for M1 areas.

Studies to determine suitability under the agricultural land laws include economic feasibility, physical suitability for agriculture, water availability, threatened and endangered species clearance, and cultural resources clearance.

In some cases, small parcels adjacent to agricultural applications were included in T2 if transfer of the application would make the small adjacent parcels difficult to manage as described above.

Up to 25 percent of the T2 areas could be retained in public ownership and managed as L11 areas under the Cooperative Wildlife Management Areas HMP. The criteria for selecting these areas are listed under "Standard Operating Procedures" in this RMP. The areas will be selected on a case-by-case basis as T2 lands are considered for transfer.

T3-Jerome County Canyon Rim Transfer - 258 acres

This area is available for transfer from Federal ownership as described for T1, but only if zoning regulations allow commercial or residential development.

T4-Bureau of Reclamation Transfer - 3,751 acres

These lands will be withdrawn for the Minidoka North Side Pumping Division Extension Project and developed for irrigated farmland by the Bureau of Reclamation. Developed lands will be transferred from Federal ownership by the Bureau of Reclamation. Approximately half of the area will be retained by the Bureau of Reclamation for wildlife and recreation management. Existing agricultural entry applications will be processed prior to withdrawal.

Other Resource Decisions

Fire Management

A total of 182,598 acres in the planning area will be under full fire suppression. This includes the Vineyard Creek ACEC (L6), Box Canyon ACEC (L7), Substation Tract ACEC (L4), and the Cooperative Wildlife Management Areas (L11 & L9e). The Pronghorn Winter Range HMP area (discussed below under Wildlife Habitat) will also be under full suppression. The areas designated for full fire suppression will be given priority for fire suppression in the fire management plan.

To efficiently utilize fire suppression funds, the remainder of the planning area will be covered by a limited suppression plan. However, since the planning area is subject to large, repeated fires that degrade wildlife habitat and aggravate soil erosion, limited suppression will only take place when the burning index is below 22. This will typically require full suppression during July and August.

The General Fire Suppression Guidelines, presented later in this RMP under "Standard Operating Procedures," will apply to most of the planning area. Exceptions to these will occur in the following portions of the planning area totalling at least 278,336 acres. ^{1/} Surface disturbing equipment will be more likely to be used in Cooperative Wildlife Management Areas (L11), Pronghorn Winter Range HMP areas, and brush protection areas to protect the vegetation, primarily brush, important to wildlife habitat management objectives. Surface disturbing equipment will also be more likely to be used in the Substation Tract ACEC to protect natural vegetation communities. On the other hand, use of surface disturbing equipment will be very limited in wilderness study areas to protect wilderness character, in Cedar Fields SRMA (L10) to protect fragile soils and cultural resources, in the Oregon Trail area and Devil's Corral (L9a) to protect cultural resources, and in the Areas of

^{1/} The acreage involved in the brush protection areas and the Oregon Trail area is unknown at this time and will be determined in detailed examinations.

Geologic Interest (L12) to protect fragile geologic formations. Guidelines for fire suppression in the above areas will be included in the fire management plan.

One hundred miles of roads will be maintained annually to improve access for fire suppression. The maintenance will improve access for fire suppression forces and provide secure fuel breaks that could be used for firelines. This will help suppression crews keep fires smaller which will benefit wildlife habitat and prevent soil erosion.

Prescribed fire could be used to accomplish the 19,000 acres of brush control proposed under Livestock Forage. The guidelines for prescribed fire presented later in this RMP under "Standard Operating Procedures" will apply. The use of prescribed fire in areas other than those proposed for brush control will be allowed only if found to be environmentally acceptable. Such use could include projects such as noxious weed abatement or habitat management not foreseen at this time.

Prescribed fire will not be used in Substation Tract ACEC (L4), Vineyard Creek ACEC (L6), or Box Canyon/Blueheart Springs ACEC (L7).

Although other management practices to reduce wildfire size and occurrence are not proposed, they could be considered in the future as availability, effectiveness, and environmental acceptability are demonstrated. Such practices might include seeding of fire resistant plant species in strips.

Wildlife Habitat

Several wildlife habitat objectives have been covered under the discussion of multiple use areas. Habitat objectives for the hybrid trout are covered under L6-Vineyard Creek ACEC; for the Shoshone sculpin, they are covered under L7-Box Canyon/Blueheart Springs ACEC; for the Bliss Rapids snail, they are covered under both L6 and L7; for ring-necked pheasant and gray partridge (upland game birds), they are covered under L11-Cooperative Wildlife Management Areas. Actions that will benefit wildlife are specified under Fire Management. Following is a discussion of other wildlife habitat objectives for the Monument RMP.

Brush areas valuable to wildlife will be given priority for fire suppression in the fire management plan. Specific areas of importance will be identified in detailed examinations and development of HMPs discussed below. Protection of brush pockets will be important in maintaining or enhancing habitat for sage grouse, pronghorn, mule deer, and non-game wildlife. It should be noted that areas of brush valuable to wildlife will likely change over time as some brush stands are burned by wildfire while others recover.

A Sage Grouse Habitat Management Plan will be prepared to guide management in the sage grouse winter habitat area covering about 67,000 acres in Laidlaw Park, Little Park, and Paddleford Flat west of Carey. Objectives of this HMP

will be to maintain and enhance sage grouse habitat by maintaining adequate, suitable areas of brush and providing additional forbs for brood rearing. Suitable forbs will be included in range seedings in this area.

A Pronghorn Winter Range Habitat Management Plan will be prepared for approximately 171,000 acres south of Gooding and Shoshone and north of Kimama and Minidoka. Objectives of this HMP will be to improve winter habitat for pronghorn by protecting valuable brush stands and increasing the brush component of the areas. Detailed examination will be required to determine the specific areas most important to the wintering animals. The possibility of seeding brush or fire resistant plant species will be examined for feasibility.

A Pronghorn Summer Range Habitat Management Plan will be prepared for 60,000 acres in the Wildhorse Allotment. Objectives of this HMP will be to improve summer habitat for pronghorn by maintaining adequate areas of brush, providing additional forbs, and providing new water sources. Suitable forbs will be included in range seedings in this area. Guidelines for providing additional water sources will be developed.

Guidelines for fire suppression to protect brush will be developed for the areas discussed in the preceding four paragraphs. These will be incorporated into the fire management plan.

Artificial nest structures will be constructed for the ferruginous hawk, Swainson's hawk, and burrowing owl to increase populations. Specific numbers and locations of these structures will be determined in detailed examination of habitat suitable for each species. Ferruginous hawk nest structures will be placed in remote areas. Swainson's hawk nest structures will be placed on Cooperative Wildlife Management Areas (L11). Burrowing owl nest boxes will be placed primarily on CWMAs, but also throughout the breeding range.

Livestock Forage

Provide 142,879 AUMs of livestock forage. Approximately 858,043 acres of public land will be included in grazing allotments. The average stocking rate will be 6.0 acres per AUM.

The objectives will be to maintain existing perennial forage plants, maintain soil stability, stabilize areas currently in downward trend, and increase availability of perennial forage plants.

The following range improvements will be accomplished in support of achieving the objectives stated above.

- 25,500 acres of reseeding
- 19,000 acres of brush control
- 54 miles of fencing
- 74 miles of pipeline
- 110 water troughs

9 wells
24 cattleguards
4 miles of road construction

Total cost of improvements = \$1,602,800
20-year maintenance and replacement cost = \$669,200

The initial stocking level will be 149,135 AUMs (present active preference). Adjustments toward the proposed preference, 142,879 AUMs, will occur based on monitoring data as discussed later in this RMP under "Implementation." Increases dependent on range improvements will occur only as funding for the necessary improvements is available and the projects are completed. Range improvement guidelines are included in "Standard Operating Procedures." Decreases in livestock stocking resulting from land transfers will occur only as the identified tracts are transferred from Federal ownership.

No changes in season of livestock use are proposed. This is because no resource conflicts were identified that would be resolved by such changes. However, changes in season of livestock use could be made in the future after considering environmental effects in the NEPA process if supported by monitoring.

New AMPs or CRMPs will be developed for nine allotments. This will bring the total area covered to 97 percent of the allotted acres.

It is estimated that 21,910 sheep AUMs will be converted to cattle AUMs. Actual conversion will be consistent with the Shoshone District Conversion Policy. The assumed conversion is based on the following assumptions.

1. 50 percent conversion of spring sheep preference to cattle preference will be allowed in allotments without conversion guidelines in existing AMPs.
2. Fall sheep preference will not be converted to cattle preference unless an existing AMP specifies otherwise.
3. Conversion guidelines in existing AMPs will be followed.
4. The maximum conversion allowed by the factors listed above will occur.

Cultural Resources

In addition to the Cultural Resource Management Plans discussed for Devil's Corral (L9a) and the Cedar Fields SRMA (L10), two other plans will be prepared; one for the Oregon Trail and one for Wilson Butte Cave. These plans will specify the degree of protection and the interpretation measures appropriate for the areas. In the case of the Oregon Trail, fire suppression guidelines to limit surface disturbance will be developed and incorporated into the fire management plan.

Soils

Several actions were discussed in preceding sections which will help meet the objective of keeping soil erosion within tolerable levels. ORV use will be restricted in portions of the Snake River Rim SRMA (L9) and in the Cedar Fields SRMA to protect fragile soils. Fires will be given full suppression when the burning index is above 22 to help protect soils. Road maintenance will be conducted in key areas to help keep fires smaller, thus helping to protect soils. Fire suppression guidelines to limit surface disturbance will be developed for the Cedar Fields SRMA.

In addition to the actions listed above, areas with severe erosion problems will be stabilized. At the present time, 150 acres of active sand dunes in the Lake Walcott area have been identified for a seeding project to stabilize the dunes. Other areas will be treated as they are identified, provided treatment is feasible.

Priority will be given to emergency treatment of severe erosion areas caused by wildfire.

Summary of Activity Plans Required for Implementation of the Monument RMP

Two Wilderness Management Plans (excluding Great Rift)

- One for each WSA recommended suitable.

One ORV Designation Implementation Plan

- Detailing how the ORV designations for the planning area will be implemented including public awareness, signing, and enforcement.

Three ACEC management plans

- One for each ACEC.

Three Recreation Activity Management Plans (RAMPs)

- One for each special recreation management area (SRMA).

Four Habitat Management Plans (HMPs)

- One will be a revision of the Cooperative Wildlife Management Areas HMP.
- The others will be prepared for pronghorn winter range, pronghorn summer range, and sage grouse winter habitat.

Four Cultural Resource Management Plans

- One each for Devil's Corral, Cedar Fields, Wilson Butte Cave, and the Oregon Trail.

One Cave Management Plan

- For the L12 areas (Areas of Geologic Interest).

Nine AMPs, CRMPs, or other appropriate plans

- One for each of the nine allotments specified under "Implementation."

One Limited Fire Suppression Plan

The fire management plan will include guidelines to

- limit surface disturbance in WSAs recommended suitable, Cedar Fields SRMA, the Oregon Trail, and Areas of Geologic Interest.
- protect vegetation valuable to wildlife on CWMAs, Pronghorn Winter Range HMP area, and brush protection areas.
- protect the naturalness and scenic quality of Vineyard Creek ACEC and Box Canyon/Blueheart Springs ACEC.
- protect the natural vegetation communities of the Substation Tract ACEC.

Some of the activity plans listed above may be consolidated into a single plan where two or more activities have activity plan needs in the same general area.

IMPLEMENTATION

Implementation of the Monument RMP will be accomplished over a period of several years. The BLM budgeting process will influence the exact implementation schedule for nearly all resource management activities. Activity plans will be developed as funding allows. New policy or departmental guidance may influence priorities.

The monitoring plan shown in the "Monitoring and Evaluation" section specifies a five-year interval for monitoring implementation of the RMP. If monitoring indicates the RMP is not being implemented as planned, the reasons for this will be examined and appropriate corrective actions will be taken.

Implementation will take place in full compliance with requirements of the National Environmental Policy Act (NEPA) to ensure environmental acceptability.

Specific facets of implementation are presented below.

Land Transfers

Transfer of land from public ownership may occur only if the requirements of law as summarized under "Standard Operating Procedures" are met. All parcels placed in a transfer category in the Monument RMP will be available for transfer. However, a proposal for a particular parcel may fail to meet the requirements for transfer. In this case, the parcel will be retained until a

suitable proposal is made. Portions of the transfer areas may never be transferred because they fail to meet the requirements upon close examination.

Wilderness

A wilderness study report will be prepared for each WSA in the Monument Planning Area. This report will be forwarded to Congress through the Secretary of the Interior along with the separate wilderness EIS. Only Congress can designate a wilderness area. Wilderness Management Plans will be prepared only for those WSAs Congress designates as part of the National Wilderness Preservation System.

Livestock Forage

Rangeland Program Summary

A Rangeland Program Summary will be prepared following approval of the RMP. This summary will describe site-specific grazing use adjustments, range improvements, and project priorities.

Selective Management

Selective management, as applied to the rangeland program, is the categorization of grazing allotments into three management groups based upon similarities of resource characteristics, management needs, and economic and resource-based potential for rangeland improvement. All livestock grazing allotments have been categorized as "I" (Improvement Needed), "M" (Maintain), or "C" (Custodial Management) based upon the following criteria and additional criteria developed from issues specific to the Monument Planning Area. When the resource situation changes in an allotment after implementation of management decisions, the allotment may be recategorized.

1. "I" Category

Category "I" allotments presently include unsatisfactory conditions, have the greatest potential for improvement, and may present serious resource use conflicts.

2. "M" Category

Category "M" allotments are in satisfactory range condition, are producing near their identified potential, and have no known present or anticipated serious resource use conflicts.

3. "C" Category

Category "C" allotments usually include only small acreages of public land or lands classified for transfer from Federal ownership. These allotments do not present management problems, regardless of condition. They present no significant potential for increasing production. Resource conflicts are either nonexistent or are outweighed by other considerations.

The order of these categories as discussed above represents the relative order of priority for the investment in range improvements and conducting of range monitoring studies, subject to user contributions and further consultation. Selective Management within the rangeland program will provide a framework from which prudent expenditure of rangeland investments can be made, consistent with an approved land use plan.

Management objectives for the allotment categories are (M) maintain current satisfactory condition, (I) improve current unsatisfactory condition, and (C) manage custodially while protecting existing resource values. Public investments in range improvements, AMP development, monitoring, and use supervision will have highest priority in "I" (Improve) allotments, followed by "M" (Maintain) and "C" (Custodial) allotments. Within these three categories, allotments will also be prioritized for range investments and management effort, depending upon the intensity of resource conflicts and/or the potential for improvements. The potential for improvement considers not only resource constraints, but also the ability of an allotment to produce a positive return on investment within a reasonable time.

Range improvement or other funds will be allocated to range improvements in "I" allotments in order to resolve resource-use conflicts and to increase resource productivity. Publicly-financed improvements will be implemented on allotments in the "M" and "C" categories only as needed to meet multiple use objectives or to protect existing resource values.

Livestock Use Adjustments

The need for livestock use adjustments on some allotments has been identified in the RMP. This need may result from land disposal, allocation of land to other public uses, lack of sufficient forage to support existing active preference, or availability of forage in excess of existing active preference.

Increases and reductions proposed are target levels based upon the best existing information, and will be implemented through coordination and consultation with the permittees involved.

If agreement cannot be reached with the permittees on the amount of reduction needed to balance active preference with forage productivity, needed adjustments will be implemented by decision under 43 CFR 4160. When livestock use adjustments are implemented by decision, the decision will be based upon operator consultation, range survey data, and monitoring of resource conditions. All adjustments will be made in the manner specified in current regulations.

Monitoring will be used to measure the changes due to new range management practices and to evaluate the effectiveness of management changes in meeting stated objectives. Livestock use adjustments could be modified during the implementation period based upon information provided by ongoing monitoring.

Range Improvements and Treatments

Typical range improvements and treatments and the general procedures to be followed in implementing them are described under "Standard Operating Procedures." The extent, location, and timing of these actions will be based on the allotment-specific management objectives adopted through the resource management planning process, interdisciplinary development and review of proposed actions, permittee contributions, and BLM funding capability.

All allotments in which range improvement funds are to be spent will be subjected to an economic analysis. Private contributions toward range improvements will be encouraged by assigning higher implementation priority to improvements partially or fully funded by private sources. However, improvements proposed and financed solely by private sources must be consistent with land use and management objectives for the affected allotments.

Grazing Systems

Grazing systems will be implemented under the Monument RMP. The type of system to be implemented will be based on consideration of the following factors:

1. allotment-specific management objectives;
2. resource characteristics, including vegetation, soil, and water availability;
3. operator needs; and
4. implementation costs.

Typical grazing systems, which have proven successful in the planning area are described under "Standard Operating Procedures." Grazing systems are

usually incorporated into an Allotment Management Plan (AMP) or a Coordinated Resource Management Plan (CRMP). Allotments for which AMP or CRMP development is proposed include Antelope, Cedar Fields, East Minidoka, Gunnery, Kimama, Minidoka, Schodde, Shoshone, and Wildhorse.

Conversions

Livestock conversions from sheep use to cattle use will follow the Shoshone District Conversion Policy in order to maintain existing multiple use values and to reduce conflicts with other uses.

The District Conversion Policy is based upon past practice and current guidance and regulations. The general guidelines of the policy are:

1. Previous commitments to conversions made in approved AMPs will be honored.
2. Environmental Assessments will be completed to identify impacts of the conversions and mitigating measures necessary to meet multiple use objectives.
3. Concerns of other permittees in the affected allotment will be considered in analysis of the conversion proposal.
4. An allotment conversion plan will be prepared and approved.
5. The amount of conversion from sheep to cattle will be in proportion to the allotment's suitability for cattle grazing.
6. All conversions will be initially conservative (50 percent conversion for the first three years as modified by suitability and water availability).
7. Necessary fencing will be completed prior to cattle use.
8. Sufficient water will be available.
9. Results of ongoing monitoring studies will determine whether the new AMP and amount of conversion were satisfactory.
10. Final amounts converted will depend upon the desired season of use, initial balance between spring and fall sheep preference, and resource response.

Future Livestock Use Adjustments

If the results of resource monitoring studies show that the proposed grazing management is not meeting the multiple use objectives of the Monument Resource Management Plan, livestock use adjustments will be made in accordance with the BLM grazing administration regulations and existing policy. Livestock use adjustments could take the form of changes in the grazing system, changes in season of use, reductions or increases in active preference, or a combination of all of these.

Fire Management

The Limited Fire Suppression Plan will be prepared as soon after approval of the RMP as funding allows. The overall Shoshone District Fire Management Plan consolidating fire management guidelines from this RMP and other land use plans also will be prepared as funding allows. The District Fire Management Plan will be updated as other activity plans containing fire management guidelines are prepared.

ORV Designations

ORV closures associated with WSAs recommended suitable for designation will be implemented if Congress designates the areas as part of the National Wilderness Preservation System. Other ORV closures and limitations will be implemented following preparation of the ORV Designation Implementation Plan.

Areas of Critical Environmental Concern

ACECs were designated upon approval of the RMP. Management of the ACECs according to the objectives stated in the RMP will be given high priority.

SUPPORT

Several areas of support needed to accomplish the objectives of the RMP have been mentioned elsewhere in this document. For example, fire suppression

and presuppression will be a key support requirement for several resources including soils, wildlife habitat, and livestock forage. Other support services will also be required.

Cadastral survey will be needed to establish legal boundaries for parcels transferred from public ownership, retention of legal access through transferred parcels, wilderness areas, trespass settlement, and mineral material sale or free use areas.

Appraisal support will be needed to establish the value of tracts transferred from public ownership and trespass settlement.

Legal services will be required for review of real estate documents.

Law enforcement will be needed to ensure compliance with the designations, use levels, and restrictions established in the RMP.

Engineering services will be required for survey and design of range improvements and road building and maintenance.

MONITORING AND EVALUATION

The results of implementing the selected RMP will be examined periodically to inform the resource managers and public of the progress of the plan. The results being achieved under the plan will be compared with the plan objectives.

Monitoring and evaluation help the resource managers

- to determine whether an action is accomplishing the intended purpose,
- to determine whether mitigating measures are satisfactory,
- to determine if the decisions in the plan are being implemented,
- to determine if the related plans of other agencies, governments, or Indian tribes have changed, resulting in an inconsistency with the RMP,
- to identify any unanticipated or unpredictable effects, and
- to identify new data of significance to the plan.

The proposed monitoring and evaluation plan for the Monument RMP is shown on pages 43 through 45. The plan specifies resource components to be monitored, how they will be monitored, where they will be monitored, the estimated cost of monitoring, and a suggested threshold level that will warrant a management concern. If future monitoring shows a variation from RMP objectives warranting management concern, the reasons for the variation will be examined

closely. Modification of a RMP decision may be needed, or the variation may be due to factors beyond BLM's control, such as climatic or economic fluctuations.

RESOURCE MANAGEMENT GUIDELINES

The following statewide guidelines direct BLM management on public lands in Idaho.

Air Quality

Under the Clean Air Act (as amended, 1977), BLM-administered lands were given Class II air quality classification, which allows moderate deterioration associated with moderate, well-controlled industrial and population growth. BLM will manage all public lands as Class II unless they are reclassified by the State as a result of the procedures prescribed in the Clean Air Act (as amended, 1977). Administrative actions on the public lands will comply with the air quality classification for that specific area.

Allowable Uses

The public lands will be managed under the principles of multiple use and sustained yield as required by FLPMA. Any valid use, occupancy, and development of the public lands, including but not limited to, those requiring rights-of-way, leases, and licenses will be considered, subject to applicable environmental review procedures, unless specifically excluded in the plan. In some areas, however, environmental values, hazards, or manageability considerations may require limitations on either the type or intensity of use, or both. Those limitations are identified in the plan's land use allocations and management objectives for specific areas within the public lands. BLM will include stipulations and special conditions as necessary in leases, licenses, and permits to ensure the protection and preservation of resources.

Areas of Critical Environmental Concern

Areas of critical environmental concern (ACECs) are established through the planning process as provided in the Federal Land Policy and Management Act

for "...areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards." Management is tailored to the specific needs of each ACEC.

Coordination With Other Agencies, State and Local Governments, and Indian Tribes

BLM will coordinate its review of detailed management plans and individual projects prepared in conjunction with the RMP to ensure consistency with officially adopted and approved plans, policies, and programs of other agencies, State and local governments, and Indian tribes. Cooperative agreements and memoranda of understanding will be developed, as necessary, to promote close cooperation between BLM and other Federal agencies, State and local governments, and Indian tribes.

Cultural Resources

BLM will manage cultural resources so that representative samples of the full array of scientific and socio-cultural values are maintained or enhanced consistent with State and Federal laws.

Detailed Management Plans

The RMP provides general guidance for the resource area. More detailed management plans, called activity plans, will be prepared to deal with areas where a greater level of detail is required. Activity plans will indicate specific management practices, improvements, allocations, and other information for a particular site or area. They will be prepared for most major BLM programs such as range (allotment management plans), recreation (recreation area management plans), wildlife (habitat management plans), and cultural resources (cultural resources activity plans.). Where two or more activities have activity plan needs in the same general area, a single consolidated activity plan may be prepared. Coordination, consultation, and public involvement are integral parts in the formulation of activity plans.

Economic and Social Considerations

BLM will ensure that any management action undertaken in connection with this plan is cost-effective and takes into account local social and economic factors. Cost-effectiveness may be determined by any method deemed appropriate by the Bureau for the specific management action involved.

Environmental Reviews

The NEPA process will be conducted on all projects prior to approval. This site-specific analysis will allow some projects to be considered under provisions of the categorical review process and others to be considered under the environmental assessment process.

Fish and Wildlife

BLM will manage fish and wildlife habitat on the public lands. A variety of methods may be employed, including management actions designed to maintain or improve wildlife habitat, inclusion of stipulations or conditions in BLM leases, licenses, and permits, and development of detailed plans for fish and wildlife habitat management. Priority will be given to habitat for listed and candidate threatened and endangered species and sensitive species. If any listed or candidate threatened or endangered species may be affected by BLM actions, the Fish and Wildlife Service will be consulted as prescribed by the Endangered Species Act.

Riparian and wetlands habitat have a high priority for protection and improvement in accordance with National policy. All BLM management actions will comply with Federal and State laws concerning fish and wildlife.

Geology, Energy, and Minerals

Geology, Energy, and Minerals Management

BLM will manage geological, energy, and minerals resources on the public lands. Geological resources will be managed so that significant scientific, recreational, and educational values will be maintained or enhanced. Generally, the public lands are available for mineral exploration and development, subject to applicable regulations and Federal and State laws.

Location of Mining Claims

Location of mining claims in accordance with the State and Federal mining laws and regulations is nondiscretionary. The public lands are available for location of mining claims unless withdrawn. Recommendations by BLM for withdrawal are subject to final consideration by the Secretary of the Department of the Interior.

Leasing and Sale

Energy and minerals leasing and mineral materials sale is discretionary. Approval of an application for lease or sale is subject to environmental review in the NEPA process and may include stipulations to protect other resources. Generally, the public lands may be considered for energy and minerals leasing and sale.

The entire Monument Planning Area will be open to mineral leasing. Some stipulations have been identified in the Monument RMP and are identified in the management prescriptions for multiple use areas, where applicable, in each alternative.

Land Tenure Adjustment

The public lands will be retained in Federal ownership and managed by BLM according to the principles of multiple use and sustained yield, except those lands specifically identified in the plan or amendment as transfer areas. Transfer areas are those public lands identified through the planning process which are available for transfer from Federal ownership.

Transfer of public land within a transfer area may be accomplished by any means authorized by law. Final transfer from BLM jurisdiction, however, is subject to a decision by the authorized officer, based on detailed analysis and such documentation as prescribed by law or regulation.

Mineral in character lands will not be identified as transfer areas.

Wilderness study areas (WSAs) and designated wilderness areas will not be identified as transfer areas.

Lands may be acquired by BLM as authorized by law, but only within retention areas (multiple use areas). Objectives for acquiring lands in connection with BLM programs may be established in the RMP.

BLM will manage transfer areas until transfer of title occurs. Management actions will be taken as necessary to meet resource or user needs. Public investments in transfer areas will be kept to a minimum.

All lands classifications, including those made under the Classification and Multiple Use Act of September 19, 1964 (43 U.S.C. 1411-18), will be reviewed in the planning process to determine if they are still appropriate. Review will consider whether the classifications are necessary to meet management objectives established in the RMP and whether the land is being used for the purpose classified. Classifications will be cancelled unless they are necessary to implement the RMP decisions.

Motorized Vehicle Access and Use

Through the planning process, public lands are placed in one of three categories for purposes of controlling motorized vehicle access: open, limited, and closed. Guidelines for these categories are as follows:

1. Open. Motorized vehicles may travel anywhere.
2. Limited. Motorized vehicles are permitted, subject to specified conditions such as seasonal limitations, speed limits, and designated routes of travel as developed during subsequent activity planning.
3. Closed. Motorized vehicles are prohibited.

Public Utilities

Generally, public lands may be considered for the installation of public utilities, except where expressly closed by law or regulation. Project approval will be subject to preparation of an environmental assessment or environmental impact statement. BLM will work closely with Idaho Public Utilities Commission, other State and Federal agencies, local governments, utility companies, and other interested parties to determine appropriate locations and environmental safeguards for public utilities involving public lands.

In the Monument Planning Area, rights-of-way in common will be used whenever possible. Proposed utility developments identified by the public utility industries follow existing right-of-way routes very well. Because of the lack of resource conflicts, utility corridors were not identified as an issue for the Monument RMP and no corridors have been established. Utility developments would be prohibited in wilderness study areas (WSAs) recommended suitable for designation.

Rangeland Management

Grazing Preference

Within each grazing allotment or group of allotments, a grazing preference is established at a level that will ensure adequate forage is also available for wildlife. Sufficient vegetation is reserved for purposes of maintaining plant vigor, stabilizing soil, providing cover for wildlife, and other non-consumptive uses.

Grazing decisions or agreements may be made for those allotments where adequate information exists. In the other allotments where there is inadequate information, an initial decision will be made which will outline a process and schedule for gathering the necessary information. An initial stocking rate will also be established, which may be adjusted upwards or downwards in the final decision as a result of monitoring. All grazing decisions will be issued in accordance with applicable BLM regulations.

Range Improvements, Grazing Systems, Other Range Management Practices

A variety of range improvements, grazing systems, and other range management practices may be considered in conjunction with livestock management on individual allotments. Such practices will be based on the range management category (maintain, improve, custodial) in which the allotment has been placed and will be formulated in consultation, coordination, and cooperation with livestock operators, and other interested parties.

Wild Horses and Burros

Adopted animals will be monitored until title is transferred. Since no wild horse or burro populations exist in the planning area, reserving forage for maintenance of the populations is not necessary for the Monument RMP.

Recreation

Recreation Management

BLM will manage recreation on the public lands. A variety of means to maintain or improve recreation opportunities will be considered. Some areas may be subject to special restrictions to protect resources or eliminate or reduce conflicts among uses.

Recreation Facilities

BLM may develop and maintain various recreation facilities on public lands, including campgrounds, picnic areas, boat launches, etc. Those recreation facilities are provided to meet existing or anticipated demand.

Watershed

Watershed Management

A variety of methods may be employed to maintain, improve, protect, and restore watershed conditions. Priority will be given to meeting emergency watershed needs due to flooding, severe drought, or fire.

Water Improvements

Facilities and structures designed to maintain or improve existing water sources, provide new water sources, control water level or flow characteristics, or maintain or improve water quality may be developed. BLM will work closely with the Idaho Department of Water Resources, Idaho Department of Health and Welfare, U.S. Army Corps of Engineers, and other local, State, and Federal agencies to determine appropriate location and designs for such projects.

Water Rights

Water rights are administered by the Idaho Department of Water Resources. The Bureau complies with all State of Idaho water laws.

Wilderness

Preliminary Recommendations to Congress

Only Congress can designate an area wilderness. BLM recommends areas suitable or unsuitable for preservation as wilderness. Those recommendations are preliminary and are subject to the findings of mineral surveys and final consideration by the Secretary of the Interior and the President before being submitted to Congress. Until Congress acts on the President's suitability recommendations, BLM will manage areas recommended as suitable or unsuitable in accordance with the Interim Wilderness Management Policy. After Congress acts, a different policy will apply, depending on whether or not Congress designates an area wilderness.

Areas Designated Wilderness

Areas designated wilderness by Congress will be managed in accordance with BLM Wilderness Management Policy. Specific management provisions will be formulated in a wilderness management plan developed for each area following designation.

Areas Not Designated Wilderness

Areas determined by Congress to be unsuitable for wilderness will be managed for other purposes. A tentative management scheme developed during the planning process will be given final consideration following Congressional action on the President's suitability recommendations.

Control of Noxious Weeds

BLM will control the spread of noxious weeds on public lands and eradicate them where possible and economically feasible. BLM Districts will work with their respective County governments to monitor the location and spread of noxious weeds and to maintain up-to-date inventory records.

Where weed control is warranted, the Bureau will consider alternatives including herbicide applications, plow and seed, burn and seed, livestock grazing strategy, and biological controls. Coordination with adjoining land-owners will be pursued if appropriate. If herbicide application is selected as the preferred method of control through the NEPA process, application will be made through the Idaho State Director to the BLM Director in Washington D.C. This application will indicate all pertinent data including chemicals, rate, and method of application and target plant species. Herbicide applications will be applied under the direction of a Licensed Pesticide Applicator and every effort will be taken to ensure public safety.

In addition to control efforts, a weed prevention program is under way to prevent the introduction and establishment of specific weed species in areas not currently infested.

STANDARD OPERATING PROCEDURES

The following procedures will be followed in implementation of the Monument RMP.

Fire Management

The present Bureau policy is to aggressively suppress all new fires on or threatening public lands. Exceptions to this policy occur where management has analyzed alternatives to full suppression and prepared a written course of action prior to fire occurrences. These plans are termed Limited Suppression Plans and they establish criteria under which fires may be allowed to burn with little or no suppression action.

Less than full suppression also occurs whenever multiple fires ignite simultaneously. In these situations, priority is determined by value-at-risk. These values are predetermined by evaluating each resource separately to determine either beneficial or detrimental effects fire has on that resource. A numerical rating is given each resource, plus being detrimental and minus beneficial. After each resource has been evaluated individually, the totals

are summarized to establish the values. Crews are dispatched to fires with the highest values until all crews are utilized. Fires with lower values may have delayed suppression times.

Less than full suppression may also occur whenever fires ignite in an area proposed for prescribed fire. These fires may be allowed to burn with little or no suppression action, but only when conditions are within the limits specified in approved, site-specific prescribed burn plans.

The Bureau cooperates with adjacent landowners on a case-by-case basis to reduce fire hazard where efforts are cost effective and the results will benefit BLM's fire management program. Cooperative efforts may range from consulting with private landowners on hazard reduction plans, to development of cooperative agreements and performance of hazard reduction.

The suppression policy of the Shoshone District is to extinguish fires with the least amount of surface disturbance possible. Whenever burning conditions and terrain are such that direct attack is not feasible, the suppression strategy is to burn out from existing natural barriers and established control points, such as roads.

Surface disturbing equipment, such as bulldozers, are utilized only with management approval. First priority is clearing of existing roads and second priority, when all other methods are exhausted, is construction of new control lines.

Selecting Cooperative Wildlife Management Areas for Wildlife (L11) From Agricultural Entry (T2) Areas

The following criteria are intended to ensure that sufficient habitat is provided for upland gamebirds, primarily winter habitat for ring-necked pheasants, within areas developed for intensive agriculture. Since pheasants are dependent on agriculture for survival, selection of tracts for wildlife management which would make agricultural development proposals unfeasible would benefit neither pheasants nor agricultural development. In these cases, arable land will not be selected for retention and management as L11 areas.

1. Tracts selected for management as L11 areas will be distributed through the T2 areas so that areas developed for agriculture are within one-half mile of suitable winter cover.
2. Tracts will generally be selected in areas with existing suitable winter habitat (sagebrush live crown cover greater than 15 percent). However, tracts with potential for developing suitable cover could be selected if their location is key.
3. The minimum size of selected tracts will be 20 acres.
4. Tracts will not be selected from areas subjected to grazing unless the grazing is subsequently excluded.

Range Improvements

The following design features, construction practices, and mitigation measures are common to the several kinds of range improvements proposed in the Monument RMP. Structural improvements are generally installations which help control livestock distribution, while nonstructural improvements are vegetation treatments.

Structural Improvements

Fences. New fences will provide exterior allotment boundaries, divide allotments into pastures, and protect sites having other values from livestock disturbance. Fencing will be three or four-strand barbed-wire built in accordance with BLM specifications. In big-game habitat, fences will be constructed in accordance with BLM Manuals and handbooks to facilitate wildlife movements. Existing fences that create wildlife movement problems will be modified. Where fences cross existing roads, cattleguards or gates will be installed. Gates will be installed every half mile and in corners, as needed. Fence lines may be cleared to the extent necessary for construction, but mechanical clearing of vegetation to bare soil will not be allowed.

Cattleguards. Cattleguards will be 8 feet across and 12 to 24 feet wide, depending upon the road type and traffic pattern.

Wells. Wells will generally be located on high points so that outlying troughs may be supplied by gravity flow from a storage tank adjacent to the well. In addition to the tank, the well site will generally have a well house to protect the generator, and will be enclosed by a fence. Open storage tanks will have bird ladders to allow wildlife use. All applicable State laws and regulations which apply to the development of ground water will be observed. Disturbed areas will be reseeded.

Pipelines and Troughs. Water pipelines will be buried in a trench excavated by a backhoe, with excavated material used for the backfill. Rigid plastic pipe may be used. Flexible pipe may also be installed with a ripper tooth. Valves will be installed at intervals along each pipeline to allow easy drainage to prevent freezing. Troughs will be placed where needed to provide an even distribution of livestock water. Each trough will have a bird ladder to allow wildlife use. Separate wildlife water storage and watering devices may also be constructed at regular intervals. Disturbed areas will be reseeded.

Roads. Several miles of new roads will be bladed to provide access to new water developments and to grazing areas which now receive little use. Existing

vegetation will be eliminated and the soil surface will be bared. Depending upon the amount of traffic, herbaceous vegetation could reestablish itself upon the new roads without impairing their function.

Nonstructural Improvements

"Sage Grouse Management in Idaho" (Autenrieth 1981) will be used as a reference to assist in the design of proposed projects in sage grouse habitat.

Prescribed Fire. Prescribed fire may be used to release the native understory from sagebrush competition in areas proposed for brush control (see the Monument RMP decision map). Burning will be done to meet the objectives of this plan and in accordance with site-specific prescribed burn plans. The plant succession implications discussed in Appendix B of the Final EIS for the Monument RMP will be carefully weighed in preparing burn plans. Where wildlife habitat is a major consideration, areas will be burned to create a mosaic of shrubby and herbaceous vegetation. Burned areas will be rested from livestock grazing for two growing seasons following treatment.

Plowing, Disking, and Seeding. This treatment will be used to eliminate brush and cheatgrass competition in order to establish new seedings. Treatment will be done in irregular patterns. Size limitations on individual treatment areas may be necessary in major wildlife habitat areas. Burrowing owl nest sites will not be treated. Seed will generally be planted with a standard rangeland drill. The seed mixture will include grass, forb, and shrub seeds as appropriate for the specific site and management objectives. Treated areas will not be grazed for at least two growing seasons following treatment.

Chemical Control of Vegetation. The use of chemicals to control unwanted vegetation will be considered when it is environmentally acceptable and a cost-effective method to meet management goals and objectives. All regulations and policies regarding the use of chemicals on public land will be followed.

Cost Effectiveness of Range Improvements

A benefit/cost analysis for AMP improvement packages was completed before issuance of the RMP decisions. The benefit/cost analysis will be used to help prioritize allotment investments based on projected economic returns. The analysis may be updated to reflect changes in economic conditions.

Maintenance of Range Improvements

Structural improvements will be maintained by the permittees, while roads and vegetation treatments will be maintained by the BLM.

Grazing Systems

Rest-Rotation Grazing

Under a rest-rotation grazing system, the allotment is divided into pastures, usually with comparable grazing capacities. Grazing is deferred on various pastures during succeeding years in a rotation sequence with complete rest for a year also included in a planned sequence. Each pasture is systematically grazed and rested so that livestock production and other resource values are provided for, while the vegetation cover is simultaneously maintained or improved. This practice provides greater protection of the soil resource against wind and water erosion.

Any of several rest-rotation grazing systems may be used, depending upon the objectives for the allotment and the number of pastures.

Modified Rest-Rotation Grazing

The usual modification in the planning area is that spring and/or fall sheep grazing is permitted in the pasture which is rested from cattle use. There may be limitations on the amount of sheep use that can be made.

Deferred Rotation Grazing

Deferred rotation is the postponement of grazing on different parts of an allotment in succeeding years. This allows each pasture to rest successively during the growing season to permit seed production, establishment of seedlings, and restoration of plant vigor (American Society of Range Management 1964). One or more pastures are grazed during the spring, while the remaining one or more pastures are rested until after seed ripening of key species, and then grazed. Deferred rotation grazing differs from rest rotation grazing in that no yearlong rest is provided.

Deferred Grazing

Deferred grazing is the postponement of grazing by livestock on an area for a specified period of time during the growing season. Under this system, grazing begins after key plants have reached an advanced stage of development in their annual growth cycle. The growing season rest provided by this system promotes plant reproduction, establishment of new plants, or restoration of the vigor of old plants (American Society of Range Management 1964).

Seasonal Grazing

Seasonal grazing is use by livestock during one or more seasons of the year. Seasonal grazing occurs during the same season each year, and does not involve rotation or deferment. For our purposes, seasonal grazing also includes season-long grazing (livestock use throughout the growing season). The most common types of seasonal grazing in the planning area are spring-fall sheep grazing, spring-summer cattle grazing, and season-long cattle grazing.

Lands

Withdrawals

It is BLM policy to review all withdrawals on and classifications of public lands by October 20, 1991, and to eliminate all unnecessary withdrawals and classifications. Evaluation of the withdrawals and classifications will be made in conjunction with the land use planning process and will consider the following:

1. For what purpose were the lands withdrawn?
2. Is that purpose still being served?
3. Are the lands suitable for return to the public domain (e.g., not contaminated or "property" such as buildings).

The environmental assessment or planning process will be followed to consider alternative methods of meeting the withdrawal/classification objectives (e.g., rights-of-way, cooperative agreements).

Withdrawal/classification modifications and extensions must provide for maximum possible multiple uses, with particular emphasis upon mineral exploration and development.

Transfers

Lands disposal actions are, primarily, accomplished under sale, agricultural entry, exchange, and R&PP land laws. Miscellaneous transfers can also occur through Color of Title actions, airport conveyances, and State in lieu selections.

All disposals of public lands must be consistent with the planning requirements of FLPMA and must also be evaluated through the environmental assessment process. Public notice will be given on each disposal action and each action may be protested or appealed.

A primary consideration in all disposal actions is to provide protection for existing rights, access, and future anticipated needs. This protection is provided for through the issuance of rights-of-way to existing users or reservations to the Federal government in areas of anticipated need.

General considerations for the major types of disposal actions are discussed below.

Agricultural. Consideration for allowing the use of public lands for agricultural development generally falls into four steps. They are:

1. The lands must be identified for disposal through the land use planning process.
2. The lands must be physically suited for agricultural development (classification).
 - a. They must be desert in character (e.g., they must be irrigated to grow an agricultural crop).
 - b. They must contain a majority of Class III or better irrigable soils as established using SCS Land Capability Classification Standards (USDA, Soil Conservation Service 1961). Considerations made in the classifications include percentages of soil types, depth, slope, and erosion potential.
 - c. Farmable acreage must be susceptible to irrigation.
3. Post Classification (Allowance or Rejection)
 - a. An economic analysis must show a high likelihood that the lands can be farmed at a profit over a long term.
 - b. Applicant must show a legal right to appropriate water including a permit to drill a well if part of the operation.
4. Compliance
 - a. The entryman must show compliance with cultivation, fund expenditure, irrigation system development, publication requirements, and payment of required fees to obtain patent to the land.

Under Carey Act development, the Bureau's primary concerns are retention vs. disposal determination and physical suitability of the land. Application processing and feasibility study evaluations are the responsibility of the State of Idaho.

Exchanges. Before an exchange can be consummated, the BLM must determine that the public interest will be well served by making the exchange. Full consideration will be given to improved Federal land management and the needs of State and local publics through an evaluation of the needs for lands for economic development, community expansion, recreation areas, food, fiber, minerals, and wildlife. Another consideration is that lands must be equal in value, or, if not equal, a cash payment not exceeding 25 percent of the total value of Federal lands may be made by the appropriate party to equalize the values.

Sales. Sales of public lands can be made upon consideration of the following criteria:

1. Such parcel, because of its location or other characteristics, is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency; or
2. Such parcel was acquired for a specific purpose and is no longer required for that or any other Federal purpose; or
3. Disposal of such parcel will serve important public objectives, including but not limited to, expansion of communities and economic development which cannot be achieved prudently or feasibly on land other than public land and which outweigh other public objectives and values. These include, but are not limited to, wildlife, grazing, recreation, and scenic values which would be served by maintaining such parcel in Federal ownership.

Sales may be made through (1) competitive bidding, (2) modified competitive bidding wherein some individual(s) may be given the opportunity to match the high bid, and (3) direct sale wherein the tract is sold at fair market value to a predetermined buyer. All sales must be made at no less than fair market value as determined by the approved procedure, generally an official appraisal.

Land Use Authorizations

Land use permits under Section 302 of FLPMA should be used as an interim management measure for resolving unauthorized use problems prior to a final land use/status determination, and for one time use of short duration. Leases may be used as a longer term (5 to 10 years) interim management tool, particularly where future disposal or dedication to another particular land use is contemplated. The latter may allow for agricultural use on a site that may be needed in the future for communication purposes, materials source, or community expansion needs.

Cooperative agreements must be used with other Federal entities for uses which are not appropriately covered by a right-of-way or a withdrawal. Flood control and aquifer recharge areas may be most appropriately covered by cooperative agreements.

Airport leases are considered only when a definite need has been shown, supported by a specific development and management plan, and a showing of financial capability to carry out the project.

Each action would require a site-specific examination. An environmental assessment would be prepared on the proposal with special emphasis placed upon identification and mitigation of adverse effects upon resource values such as threatened, endangered, or sensitive species, cultural resources wetland/riparian zones, and flood plains.

Unauthorized Use

It is BLM policy to identify, abate, and prevent unauthorized use of public lands. Trespass settlement is geared to recover at least fair market value for the unauthorized use and to require rehabilitation of the land and resources damaged by the unauthorized action. Settlements may be made through administrative action or through civil or criminal court proceedings.

Cultural Resources

The Bureau of Land Management is required to identify, evaluate, and protect cultural resources on public lands under its jurisdiction and to ensure the Bureau-initiated or Bureau-authorized actions do not inadvertently harm or destroy non-federal cultural resources. These requirements are mandated by the Antiquities Act of 1906, the Reservoir Salvage Act of 1960 as amended by P.L. 933-191, the National Environmental Policy Act of 1969, Executive Order 11593 (1971), the Archaeological Resources Protection Act of 1979, and Section 202 of the Federal Land Policy and Management Act of 1976.

Prior to commencement of any Bureau-initiated or authorized action, which involves surface disturbing activities, sale or transfer from Federal management, the BLM will conduct or cause to be conducted, a Class III (intensive) inventory as specified in BLM Manual Section 8111.4, supplementing previous surveys to locate, identify, and evaluate cultural resource properties in the affected areas. If properties that may be eligible for the National Register are discovered, the BLM will consult with the State Historic Preservation Officer (SHPO) and forward the documentation to the Keeper of the National Register to obtain a determination of eligibility in accordance with 36 CFR Part 63.

Cultural resource values discovered in a proposed work area will be protected by adhering to the following methods.

1. Redesigning or relocating the project.
2. Salvaging, through scientific methods, the cultural resource values pursuant to the SHPO agreement.
3. Should the site be determined to be of significant value; eligible for or on the National Register of Historic Places; and/or the above mentioned methods are not considered adequate, the project will be abandoned.

MONITORING AND EVALUATION PLAN

Monitoring and evaluation will be conducted to determine whether the RMP decisions are being implemented, whether the objectives of the RMP are being accomplished, and whether the RMP continues to be consistent with related plans. If a variation warranting management concern is found, the reasons for the variation will be examined and corrective actions will be taken as appropriate.

Resource	Component	Location	Technique	Unit of Measure	Frequency	Variation From RMP Warranting Management Concern	Annual Cost
RMP Decisions	Implementation of the RMP	Planning Area Wide	Managers and Specialists interviews and file searches	Various	5-year intervals	Any indication that decisions are not being implemented, objectives are not being met, or the RMP is no longer consistent with related plans. If conditions have changed and affect the entire plan or major portions, a revision may be necessary.	\$ 3,000
	Accomplishment of RMP Objectives	Planning Area Wide			5-year intervals		
	Consistency with Related Plans	Planning Area Wide	Review of Related Plans		Ongoing		
Fire Management	Wildfires	Planning Area Wide	Fire Reports	Number of fires Acres burned	Annually following fire season	5 percent increase in number of fires or average acres burned over a ten-year period.	\$ 500
Wildlife	Bliss Rapids Snail	Box Canyon	Census snails	Number of snails	Annually	Any decrease in the number of snails.	\$ 500
	Ferruginious Hawk	Natural and artificial nest sites	Observe sites during breeding season	Number of occupied sites	Annually	Any loss of occupied sites	\$ 175
	Swainson's Hawk	Natural and artificial nest sites	Observe sites during breeding season	Number of occupied sites	Annually	Any loss of occupied sites	\$ 175
	Burrowing Owl	Selected natural and artificial nest sites	Observe sites during breeding season	Number of occupied sites	Annually	10 percent loss of occupied sites	\$ 450
	Shoshone Sculpin	Box Canyon/ Blueheart Springs	Observe site	Amount of water and sedimentation	Annually	Any decrease in water or increase in sedimentation	\$ 200
			Census sculpin	Number of sculpin	Every 3 years or as needed	Any decrease in number of sculpin	\$ 500
	Ring-Necked Pheasant	Selected Isolated Tracts	Nest searches	Number of nests	Annually	20 percent decrease	\$ 2,100
			Transects	Number of birds	4 times yearly	20 percent decrease	2/
	Gray Partridge	Selected Isolated Tracts	Transects	Number of birds	4 times yearly	20 percent decrease	2/
	Sage Grouse	Selected trend leks	Observe leks during breeding season	Number of males	Annually	Any decrease below 1982 population levels	\$ 350
		Nesting and wintering habitat	Analysis of fire reports	Acres of brush loss	Every 3 years or as needed	More acres of brush burned than planned for brush control	\$ 300
			Frequency	Frequency of key forbs		20 percent decrease in key species.	
			Extensive browse method	Browse age and form class		20 percent increase in unsatisfactory browse	
	Pronghorn	Winter range	Aerial census	Number of animals	Annually	15 percent decrease	\$ 0 3/
		Summer range	Aerial census	Number of animals	Annually	30 percent decrease	\$ 0 3/
Key winter range		Analysis of fire reports	Acres of brush loss	Every 3 years or as needed	More acres of brush burned than planned for brush control	\$ 300	
		Frequency	Frequency of key forbs		20 percent decrease in key species.		
		Extensive browse method	Browse age and form class		20 percent increase in unsatisfactory browse		

MONITORING AND EVALUATION PLAN (Cont.)

Resource	Component	Location	Technique	Unit of Measure	Frequency	Variation From RMP Warranting Management Concern	Annual Cost
Wildlife (Cont.)	Mule Deer	Winter range	Aerial census	Number of animals	Annually	15 percent decrease	\$ 0 3/
		Summer range	Transects	Number of animals	4 times yearly	50 percent decrease	\$ 0 2/
		Key winter range	Analysis of fire reports	Acres of brush loss	Every 3 years or as needed	More acres of brush burned than planned for brush control	\$ 300
			Frequency	Frequency of key forbs		20 percent decrease in key species.	
	Hybrid Trout	Vineyard Creek	Extensive browse method	Browse age and form class		20 percent increase in unsatisfactory browse	
			Water samples	Sedimentation	Annually	Any other than a decrease below 100 ppm in return flow	\$ 200
	Non-Game Species	Selected Isolated Tracts	Transects	Number of birds	4 times yearly	50 percent decrease	\$ 0 3/
		8 habitat sites	Transects	Number of birds	Annually	50 percent decrease	\$ 200

1/ These projections could change if there is an unexpected and drastic change in the water supply or other habitat values important to sculpin.

2/ One monitoring study evaluates all of these species. The \$2,100 cost for ring-necked pheasant also covers many other species.

3/ This information is obtained from the Idaho Department of Fish and Game.

Livestock Forage	Trend	All "I" and "M" allotments; "C" allotments as needed	Frequency 1/ cover, and photographs	Percent frequency of key species; ground cover in percent	3-year intervals or one grazing cycle for rest-rotation systems	Change to downward trend	\$ 4,250
	Utilization	All "I" and "M" allotments 2/ "C" allotments as needed	Key forage plant method (Tech. Report 4400-3) and mapping of utilization classes	Percent utilization of forage removed	Annually	Utilization greater than 60 percent on key species	\$10,600
	Actual Use	All allotments	Actual use submitted by livestock operators; livestock counts and compliance checks	AUMs	Annually	Consider with temperature and precipitation to help determine why utilization is at monitored level	\$3,650
	Condition	All allotments	Range condition guide outlined in National Range Handbook	Percent composition (determined by air-dry weight) compared to expected climax composition	10-year intervals	Decline one condition class	\$ 4,590
	Climate	All allotments	National Oceanic Atmospheric Administration reports	Inches of precipitation and degrees Fahrenheit	Monthly during growing season Summarize Annually	Consider with actual use to help determine why utilization is at monitored level	\$ 600

1/ Existing photo trend plots will be converted to frequency on "I" allotments if significant conflicts exist. The original plots will be retained for periodic reading and photographing. Photo trend plots will be maintained in "M" allotments.

2/ Utilization will not be done on "M" allotments with sheep grazing only.

Wilderness	Quality of Wilderness Values	WSAs Designated	Photo inventory	Number of human-caused impacts	Annually	Any adverse impact on wilderness values	\$ 6,000
	Visitor Use	WSAs Designated	Permits, on-site registration, observation, and interviews	Visitor days	Annually	Increase of 10 percent or more over projected use in the Wilderness Management Plan	\$ 6,000
Natural History	Condition of Cave Resources	Areas of Geological Interest	Photo Inventory	Number of impacts	Once every 5 years	Any new incidences of collecting or vandalism in any cave	\$ 1,000
Cultural Resources	Condition of Cultural Resources	Cultural Resource Management Plan areas	Patrol and observation	Number of impacts on sites	3 to 5 trips annually	Any adverse impact to sites	\$ 3,000
		The remainder of the planning area	Patrol and observation	Number of impacts on sites	3 to 5 trips per year	Any adverse impact to sites	\$ 3,000

MONITORING AND EVALUATION PLAN (Cont.)

Resource	Component	Location	Technique	Unit of Measure	Frequency	Variation From RMP Warranting Management Concern	Annual Cost
Recreation	ORV	Cedar Fields and Snake River Rim	Observation	Visitor Use Days	Bi-weekly April thru November	10 percent difference from projected levels	\$ 1,250
		Cedar Fields and Snake River Rim	Observation and photography	Number of trails	Bi-weekly April thru November	10 percent difference from ORV designations	
	River Floating	Murtaugh	Observation traffic counters visitor registration	Visitor Use Days	Weekly in season April thru June	25 percent difference from anticipated levels	\$ 1,250
	All recreation activities for which VUDs have been calculated	Planning Area	Use Fish & Game, Idaho Parks & Recreation, and BLM baseline data with methodology to calculate VUDs	Visitor Use Days	5-year intervals	25 percent difference from anticipated levels	\$ 250
Fishing, Nature Study, Hiking	Visitor Use Days	Box Canyon, Vineyard Creek	Observation	Visitor Use Days	2 times each year June and October	If impacts are incompatible with management plan	None: part of regular use supervision
Soil	Cover/Erosion	Cedar Fields SRMA and the following grazing allotments: Antelope, Camp III, Common, Dinky, Goose Lake, Gunnery, Hunt, Kimama, Lagoon, Pocket, Poison Lake, Poleline, South Gooding, Star Lake West, Tunupa, Wendell Cattle, Wildhorse	Photo reconnaissance survey, point step transects as needed	Percent ground cover, acres affected	3 to 5 year intervals	An increase of 10 percent in average erosion rates, new sandblow areas, or water erosion areas	\$ 2,500

APPENDIX #2

Map - 1985 Monument Resource Management Plan with added comments relative to location of
MET Towers

(1 page)

MONUMENT RESOURCE MANAGEMENT PLAN
DECISION MAP

This map portrays the land management decisions contained in the Monument RMP in visual form and presents a brief description of the decisions. It is intended to be a useful reference for members of the public wanting information about resource management in the Monument Planning Area. It is not intended to present a detailed discussion of the RMP decisions. For details, please refer to the Monument RMP or ask members of the BLM staff.

I hope you find this document easy to use and informative.

Delmar D. Vail

Delmar D. Vail, State Director, Idaho

FEBRUARY, 1986

GENERAL DESCRIPTION

The Monument Planning Area encompasses 2,059,441 acres north of the Snake River in southcentral Idaho. It includes all of Jerome and Minidoka counties and portions of Gooding, Lincoln, Blaine, Butte, and Power counties. The area is generally bounded by Bliss on the west, American Falls on the east, the Snake River on the south, and Craters of the Moon National Monument on the north. Of the 2,059,441 acres, 57 percent (1,178,989 acres) is public land administered by BLM, 2 percent (39,576 acres) is public land administered by other Federal agencies, 3 percent (65,932 acres) is land belonging to the State of Idaho, and 38 percent (774,944 acres) is privately owned land.

The planning area is divided among three resource areas in two BLM districts. In the Shoshone District, the Bennett Hills Resource Area contains 179,926 acres of public land administered by BLM west of the Gooding-Milner Canal, and the Monument Resource Area contains 744,682 acres. In the Burley District, the Snake River Resource Area contains 254,381 acres of BLM-administered public lands. These figures differ from the ones in the EIS for the Monument RMP because of a boundary change effective January 6, 1986.

MULTIPLE USE AND TRANSFER AREAS

The areas delineated on the map are multiple use or transfer areas. They are used to present most of the land use decisions in the RMP. Three categories of multiple use or transfer areas were established in the Monument RMP.

Limited use areas are designated where legal and policy constraints necessitate stringent environmental control. These areas will be managed for protection of sensitive and significant wildlife habitat, scenic values, cultural resources, watershed and other resources, or areas preliminarily recommended as suitable for wilderness.

Because these areas involve relatively greater environmental constraints than other areas of public lands, special attention will be given to finding appropriate locations for potentially conflicting uses. Generally, lower intensities of use are required under carefully controlled conditions to protect and preserve the values found in these areas. Public lands in a limited use area will be retained in Federal ownership.

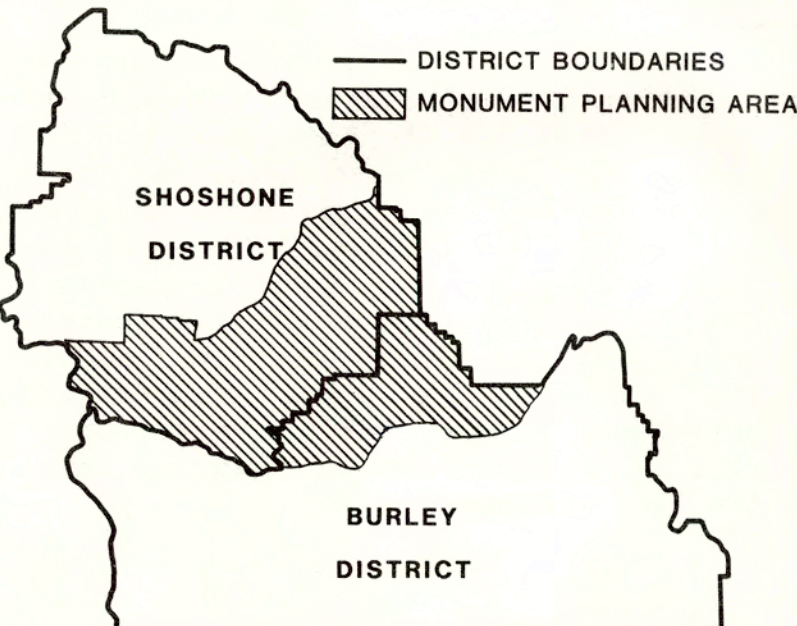
Moderate use areas are generally suitable for a wide range of existing and potential uses and will be managed for production and use of their forage, timber, minerals and energy, recreation, or other values. Where conflicts occur with resources or uses, full consideration of all benefits and costs will be taken into account in resolving such conflicts. Sensitive and significant values will always be protected consistent with Federal and State law. Public lands in a moderate use area will be retained in Federal ownership.

Transfer areas are the only areas which may be transferred out of Federal ownership under this plan. Public lands declared eligible for transfer by their inclusion in this category are subject to detailed consideration prior to the final decision regarding transfer. Transfer areas are delineated in response to specific demands and needs identified during the planning process, such as agricultural development, community expansion, and other transfers, including transfer to the State of Idaho. Transfer areas will be managed on a custodial basis until transferred from Federal jurisdiction. New public investments in these lands will generally be kept to a minimum.

Management prescriptions for multiple use and transfer areas are summarized on the back of this map. Also listed on the back are other resource decisions. The other resource decisions apply to areas that do not correspond to multiple use and transfer area boundaries.



LOCATION MAP



10 0 10 20 30 40 Miles
SCALE

MONUMENT RESOURCE MANAGEMENT PLAN
MULTIPLE USE AND TRANSFER AREAS

Moderate Use Areas
M1-Moderate Use - 826,577 acres

Limited Use Areas
L1-WSA Preliminarily Recommended Suitable - 87,902 acres. 1/
L2-Great Rift WSA Recommended Suitable - 179,990 acres
L3-Sand Butte Off-Road Vehicle (ORV) Closure - 1,751 acres
L4-ACEC-Substation Tract Relict Vegetation Area - 440 acres
L6-ACEC-Vineyard Creek Natural Area - 105 acres
L7-ACEC-Box Canyon/Blueheart Springs Sensitive Area - 128 acres
L8-Little Wood River Special Recreation Management Area (SRMA) - 2,787 acres
L9-Snake River Rim Special Recreation Management Area (SRMA) - 5,102 acres
L9a-Devil's Corral
L9d-Dry Cataracts

ATTACHMENT #9

L10-Cedar Fields Special Recreation Management Area (SRMA) - 2,240 acres
L10a-Designated Off-Road Vehicle (ORV) Trails
L11-Cooperative Wildlife Management Areas - 10,551 acres
L12-Areas of Geologic Interest - 6,996 acres

Transfer Areas

T1-Transfer - 20,538 acres
T2-Transfer-Agricultural Entry - 29,873 acres
T3-Jerome County Canyon Rim Transfer - 258 acres
T4-Bureau of Reclamation Transfer - 3,751 acres

1/ WSAs preliminarily recommended nonsuitable are shown in dashed outline on this map. All WSAs will be managed in accordance with BLM's Interim Wilderness Management Policy until Congress acts on suitability recommendations.

1 0 1 2 3 4 5
SCALE IN MILES

MONUMENT RESOURCE MANAGEMENT PLAN
SUMMARY OF MANAGEMENT ACTIONS FOR MULTIPLE USE AND TRANSFER AREAS

This table is a quick reference for major resource management decisions that can be identified with multiple use or transfer areas. Some resource decisions cannot be shown on this map because they apply to areas that do not correspond with the multiple use and transfer area boundaries. More details of the resource management decisions may be found on the back of this map. Refer to the Monument RMP for a full explanation of the decisions.

Management Decisions	Acres	Multiple Use or Transfer Area Letter Designation (Refer to Map Legend)															
		M1	L1	L2	L3	L4	L6	L7	L8	L9	L9a	L9d	L9e	L10	L10a	L11	L12
Fire Management																	
Full Suppression	*182,598					X	X	X									
Limited Suppression	*496,391	X	X	X	X				X	X	X	X	X	X	X	X	X
Limit Surface Disturbance	9,581									X				X	X	X	
No Prescribed Fire	673					X	X	X									
Wildlife Habitat																	
Coop. Wildlife Management	10,925													X		X	
T&E Species Management	233						X	X									
Riparian Area Management	13,712								X					X			
Livestock Grazing																	
Grazing Prohibited	440					X										X	
Exclude Some Grazing	421																
Limit Streamside Grazing	2,787								X								
Lands																	
No Utility Developments	267,892	X	X														
Wilderness																	
Recommend for Designation	267,892	X	X														
Natural History																	
Protect Geologic Features	*11,646						X	X		X	X						X
Cultural Resources																	
Prepare a Management Plan	2,585									X				X	X		
Visual Resources																	
Visual Resources Emphasis	275,467	X	X				X	X		X	X	X	X	X	X		
Recreation Management																	
Intensive Rec. Management	10,129								X	X	X	X	X	X	X		
ORV Designations																	
ORV Open	851,796	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
ORV Closed	270,093	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X
ORV Limited	2,680					X								X	X		
Minerals																	
New Claims Prohibited	267,892	X	X														
Some Leasing Restricted	267,892	X	X														
No Surface Occupancy	7,669					X	X	X								X	
No Mineral Material Use	1,264											X	X				
Area Available for Transfer																	
Any Appropriate Means	20,796															X	X
Agricultural Entry	29,873																X
Bureau of Reclamation	3,751																X

* The acreages marked with an asterisk do not equal the sum of the individual acreages of the multiple use and transfer areas indicated in the table. This is because the decision applies to only a portion of the indicated areas or to additional areas that are not delineated on this map.

NOTE - Some acreages differ slightly from those found in the Final Environmental Impact Statement for the Monument RMP. This is because recalculation of the acreages resulted in slightly different figures and is not a change in the decisions published in the EIS.

LEGEND

NEW DISTRICT BOUNDARY
WSA BOUNDARIES - Nonsuitable Recommendation

LAND STATUS

PUBLIC
STATE
OTHER FEDERAL
PRIVATE

**MANAGEMENT PRESCRIPTIONS FOR MULTIPLE
USE AND TRANSFER AREAS**

M1-Moderate Use - 826,577 acres

No special limitations or restrictions on the type or intensity of resource use will be applied in this area. Valid uses will be allowed subject to environmental review and stipulations or special conditions to protect resources. This area will be open to ORV use.

NOTE: Six wilderness study areas (WSAs) covering a total of 154,015 acres were considered for suitability recommendations in the environmental impact statement for the Monument RMP. Two WSAs covering 87,902 acres were preliminarily recommended suitable for designation by Congress as a part of the Wilderness Preservation System. The other four WSAs totalling 66,113 acres were preliminarily recommended unsuitable for designation.

Only Congress can add an area to the National Wilderness Preservation System. BLM and the Secretary of the Interior make suitability recommendations to the President, who in turn makes recommendations to Congress. Therefore, the wilderness suitability recommendations in the Monument RMP are not final.

Until Congress acts on the President's suitability recommendations, BLM will manage all WSAs in accordance with the Interim Wilderness Management Policy.

L1-WSA Recommended Suitable - 87,902 acres

These areas are preliminarily recommended suitable for designation by Congress as a part of the Wilderness Preservation System. This includes the Raven's Eye and Sand Butte WSAs.

If designated wilderness by Congress, the areas would be closed to ORV use. New mining claims would be prohibited. Mineral leasing would not be prohibited by wilderness designation, but wilderness character would be considered in making mineral leasing decisions. Land uses would be restricted to those compatible with BLM's Wilderness Management Policy. Utility developments would be effectively prohibited. A wilderness management plan would be prepared for each WSA designated. The wilderness management plans would include fire suppression guidelines designed to protect or enhance wilderness character.

If not designated wilderness by Congress, the areas would generally be managed as M1 areas as described above. The exception is 3,258 acres of areas of geologic interest within the Raven's Eye and Sand Butte WSAs which would be managed as L12 areas as described below. Sand Butte (the volcanic cone, not the entire WSA) would be closed to ORV use to protect its naturalness (approximately 220 acres). No other special designations or developments would be proposed. The other restrictions on ORVs, minerals, land uses, and fire described in the preceding paragraph would not apply.

L2-Great Rift WSA Recommended Suitable - 179,990 acres

This WSA was recommended suitable for wilderness designation in a previous study. Objectives for management of the area are outlined in the Great Rift Proposed Wilderness Final Environmental Impact Statement. The 179,990-acre figure represents that portion of the Great Rift WSA lying within the Monument Planning Area on BLM-administered public lands. Another 142,460 acres of public land lies within the Idaho Falls BLM District.

L3-Sand Butte ORV Closure - 1,751 acres

This area is closed to ORV use. Otherwise, management will be the same as described for M1 areas. The ORV closure will make a more easily managed, definite boundary along a road for exclusion of ORVs from the Sand Butte WSA. If the Sand Butte WSA is not designated wilderness by Congress, this area would no longer be closed to ORV use.

**L4-ACEC-Substation Tract Relict
Vegetation Area - 440 acres**

This area is designated an ACEC to focus management attention on special values. The area contains a natural vegetation community representative of a range site that occurred commonly in the planning area prior to human caused disturbances. It is the only known remaining relict of this condition and size in the Shoshone District, and is therefore highly valuable for research and reference. Carey Act applications have been filed on all 440 acres.

Management to protect the relict vegetation community will entail retention in Federal ownership and aggressive fire control efforts. Other opportunities to reduce the risk of loss to fire will be pursued, including cooperative agreements with adjacent land owners. ORV use is limited to designated roads and trails to protect the vegetation while allowing movement of local farm traffic. No surface occupancy associated with mineral lease development will be allowed. Livestock grazing is prohibited to protect the vegetation.

An activity plan will be prepared to guide management and protection of the relict vegetation community.

L6-ACEC-Vineyard Creek Natural Area - 105 acres

This area is designated an ACEC to focus management attention on special values. Vineyard Creek is the only known spawning habitat for a unique cutthroat/ rainbow hybrid trout. The habitat is threatened by sedimentation from irrigation return flow from private land. Management to protect this habitat will entail coordinating with private landowners to reduce or eliminate sedimentation caused by the irrigation return flow entering Vineyard Creek. The objective is to lower the sediment load of the return flow below 100 ppm or to stop the return flow from entering the stream.

Vineyard Creek contains habitat that may be suitable for the Bliss Rapids snail, a candidate endangered species. The habitat in Vineyard Creek is similar to that of Box Canyon which supports a population of the snail. Future resource uses and proposals will be closely examined to ensure that snail habitat is not adversely affected or that adverse effects can be mitigated.

This area lies within the proposed Dry Cataracts National Natural Landmark. Geologic formations associated with the Bonneville Flood, including alluvial gravel deposits, will be protected from human disturbances that would degrade their naturalness. Mineral material sales and free use are prohibited.

The Vineyard Creek area is a very scenic and unique area. Future resource uses and proposals will be closely examined to prevent degradation of scenic quality and naturalness. No surface occupancy associated with mineral lease development will be allowed.

An activity plan will be prepared to guide management of the unique resources of the area. This plan will specify measures to reduce sedimentation of Vineyard Creek.

The area is closed to ORV use to protect scenic quality and promote visitor safety. The area is near an area heavily used by ORVs.

**L7-ACEC-Box Canyon/Blueheart Springs
Sensitive Area - 128 acres**

This area is designated an ACEC to focus management attention on special values. Box Canyon and Blueheart Springs contain the largest populations of Shoshone sculpin (*Cottus greeniei*), a federal candidate threatened species, known to exist on public land.

Since approval of the Monument RMP on April 22, 1985, additional studies have been conducted in the Box Canyon/Blueheart Springs Sensitive Area ACEC. These studies have determined that populations of two other federal candidate threatened species exist on public land in Box Canyon. These are the Bliss Rapids snail (no formal name) and the snail *Valvata utahensis* (no common name). The ACEC may also contain pop-

ulations of the giant Columbia River limpet (*Fisherola nuttalli*), another federal candidate threatened species.

Box Canyon is very scenic and is a unique natural area. It has been evaluated for eligibility for national natural landmark designation.

Future resource uses and proposals will be closely examined to prevent degradation of habitat for the four federal candidate threatened species, scenic quality and naturalness. No surface occupancy associated with mineral lease development will be allowed. An activity plan will be prepared to guide management of the unique resources of the area.

The area is open to ORV use. ORV use in the general area is light and is not expected to be a problem in Box Canyon.

**L8-Little Wood River Special Recreation
Management Area (SRMA) - 2,787 acres**

The riparian habitat and fishery of this area will be maintained or improved to support quality sport fishing opportunities. This will be done by excluding livestock from most of the streamside area. Most of the fencing to accomplish this has already been completed. Management emphasis will be placed on ensuring the fencing is maintained to protect the streambank. A recreation activity management plan will be prepared for the area. The area is open to ORV use.

**L9-Snake River Rim Special Recreation
Management Area (SRMA) - 5,102 acres**

This area will be managed to provide for a wide variety of recreation activities including rifle shooting, archery, motorcycle riding/racing, picnicking, sightseeing, and float-boating, while resolving conflicts among various uses and protecting cultural resources and fragile soils. The demand for these activities is expected to increase as is the potential for user conflicts.

Sub-area L9a, 345 acres in Devil's Corral, is closed to ORV use to protect cultural resources and soils. The remaining 4,757 acres is open to ORV use.

Sub-areas L9a and L9d, totalling 1,159 acres, lie within the proposed Dry Cataracts National Natural Landmark. Geologic formations associated with the Bonneville Flood, including alluvial gravel deposits, will be protected from human disturbances that would degrade their naturalness. Mineral material sales or free use is prohibited.

Sub-area L9e, 374 acres, will be managed for protection, maintenance, and enhancement of wildlife habitat. These tracts are included in the existing Cooperative Wildlife Management Areas Habitat Management Plan (HMP) and will be covered by the revised HMP prepared for L11 areas.

Recreation oriented management will not restrict livestock grazing in L9.

The existing Snake River Rim Recreation Area Management Plan will be revised to reflect changes from existing ORV designations, acreage within the Snake River Rim SRMA, transfer area designations, float-boating management, protection of geologic formations associated with the Bonneville Flood in sub-areas L9a and L9d, and wildlife management on sub-area L9e.

A cultural resource management plan will be prepared for Devil's Corral (L9a). This plan will specify the degree of protection and the interpretation measures appropriate for the area. Fire suppression guidelines to limit surface disturbance will be developed and incorporated into the fire management plan.

**L10-Cedar Fields Special Recreation
Management Area (SRMA) - 2,240 acres**

This area will be managed to provide a variety of recreation activities including ORV use, sport fishing, and river floating; to maintain or enhance wildlife habitat; and to protect scenic quality, fragile soils, and cultural resources.

ORV use is limited. Restrictions will be applied only where significant damage to high quality and highly visible scenic areas, fragile soils, significant wildlife values, and significant cultural resources is occurring. ORV use in sub-area L10a (395 acres) is limited to designated trails consistent with Bureau of Reclamation limitations on adjacent lands.

Livestock grazing and minerals activities will not be restricted by recreation oriented management in the area.

A recreation activity management plan and a cultural resources management plan specifying the degree of protection and interpretation appropriate for the area will be prepared. These plans will include fire suppression guidelines designed to protect fragile soils and cultural resources by limiting surface disturbance.

**L11-Cooperative Wildlife Management
Areas - 10,551 acres**

The L11 areas were called Isolated Tracts in the approved Monument RMP. These areas are now known as Cooperative Wildlife Management Areas (CWMAs).

CWMAs will be managed for protection, maintenance, and enhancement of wildlife habitat, primarily for upland game birds.

The existing CWMAs Habitat Management Plan (HMP) will be revised to reflect changes in the number of tracts. Sub-area L9e, will also be covered by the revised HMP. The modified HMP will include fire suppression guidelines for protection of wildlife habitat on CWMAs.

Livestock will be excluded from 821 acres of CWMAs by fencing.

CWMAs are open to ORV use.

L12-Areas of Geologic Interest - 6,996 acres

These areas will be managed to preserve fragile geologic formations associated with caves. Proposed projects will be examined to ensure the formations are not adversely affected.

No surface occupancy associated with mineral lease development will be allowed within 250 feet of fragile geologic formations or caves. To avoid possible adverse effects from increased public exposure, such as vandalism and removal of speleothems, access to caves will not be improved. The areas will remain open to ORV use.

A cave management plan will be prepared for these areas. This will include fire suppression guidelines to limit surface disturbance near the geologic formations.

T1-Transfer - 20,538 acres

These areas are available for transfer from Federal ownership by sale, exchange, agricultural entry or other means determined appropriate under current regulations. Detailed examinations will be conducted prior to the final decision about transfer or type of transfer. The examinations will consider threatened and endangered species, cultural resources, and other resource values. Agricultural entry applications and other transfer proposals for these areas will be considered in the order received.

T2-Transfer-Agricultural Entry - 29,873 acres

These areas are available for transfer from Federal ownership under the agricultural land laws or for local and State government needs or exchange. Other types of transfers may occur only if agricultural entry transfers leave Federal parcels that are difficult to manage because of odd configuration, access problems, or lack of adequate facilities (fences, cattleguards, water, etc.). These resulting difficult-to-manage tracts could be transferred from Federal ownership by sale, exchange, or other means determined appropriate as discussed under T1. T2 areas found to be unsuitable for trans-

fer under agricultural land laws and not falling into the T1 category as described in the preceding sentence will remain in public ownership and be managed as described for M1 areas.

Studies to determine suitability under the agricultural land laws include economic feasibility, physical suitability for agriculture, water availability, threatened and endangered species clearance, and cultural resources clearance.

Up to 25 percent of the T2 areas could be retained in public ownership and managed as L11 areas under the Cooperative Wildlife Management Areas Habitat Management Plan. The criteria for selecting these areas are listed under "Standard Operating Procedures" in the Monument RMP. The areas will be selected on a case-by-case basis as T2 lands are considered for transfer.

T3-Jerome County Canyon Rim Transfer - 258 acres

This area is available for transfer from Federal ownership as described for T1, but only if zoning regulations are changed to allow commercial or residential development.

T4-Bureau of Reclamation Transfer - 3,751 acres

These lands will be withdrawn for the Minidoka North Side Pumping Division Extension Project and developed for irrigated farmland by the Bureau of Reclamation. Developed lands will be transferred from Federal ownership by the Bureau of Reclamation. Approximately half of the area will be retained by the Bureau of Reclamation for wildlife and recreation management. Existing agricultural entry applications will be processed prior to withdrawal.

OTHER RESOURCE DECISIONS

Fire Management

A total of 182,598 acres in the planning area will be under full fire suppression. This includes the Vineyard Creek ACEC (L6), Box Canyon ACEC (L7), Substation Tract ACEC (L4), and the Cooperative Wildlife Management Areas (L11 & L9e). The Pronghorn Winter Range HMP area (discussed below under Wildlife Habitat) will also be under full suppression. The areas designated for full fire suppression will be given priority for fire suppression in the fire management plan.

To efficiently utilize fire suppression funds, the remainder of the planning area will be covered by a limited suppression plan. However, since the planning area is subject to large, repeated fires that degrade wildlife habitat and aggravate soil erosion, limited suppression will only take place when the burning index is below 22. This will typically require full suppression during July and August.

One hundred miles of roads will be maintained annually to improve access for fire suppression. The maintenance will improve access for fire suppression forces and provide secure fuel breaks that could be used for firelines. This will help suppression crews keep fires smaller which will benefit wildlife habitat and prevent soil erosion.

Prescribed fire could be used for accomplishing the 19,000 acres of brush control proposed under Livestock Forage or in other areas for projects such as noxious weed control or habitat management.

Prescribed fire will not be used in Substation Tract ACEC (L4), Vineyard Creek ACEC (L6), or Box Canyon/Blueheart Springs ACEC (L7).

Although other management practices to reduce wildfire size and occurrence are not proposed, they could be considered in the future as availability and effectiveness are demonstrated. Such practices might include seeding of fire resistant plant species in strips.

Wildlife Habitat

Several wildlife habitat objectives were covered in preceding discussions of multiple use areas. Following is a discussion of other wildlife habitat objectives for the Monument RMP.

Brush areas valuable to wildlife will be given priority for fire suppression in the fire management plan. Specific areas of importance will be identified in detailed examinations and development of HMPs discussed below. Protection of brush pockets will be important in maintaining or enhancing habitat for sage grouse, pronghorn, mule deer, and non-game wildlife. It should be noted that areas of brush valuable to wildlife will likely change over time as some brush stands are burned by wildfire while others recover.

Artificial nest structures will be constructed for the ferruginous hawk, Swainson's hawk, and burrowing owl to increase populations. Specific numbers and locations of these structures will be determined in detailed examination of habitat suitable for each species. Ferruginous hawk nest structures will be placed in remote areas. Swainson's hawk nest structures will be placed on Cooperative Wildlife Management Areas (L11). Burrowing owl nest boxes will be placed primarily on CWMAs, but also throughout the breeding range.

A Sage Grouse Habitat Management Plan will be prepared to guide management in the sage grouse winter habitat area covering about 67,000 acres in Laidlaw Park, Little Park, and Paddleford Flat west of Carey. Objectives of this HMP will be to maintain and enhance sage grouse habitat by maintaining adequate, suitable areas of brush and providing additional forbs for brood rearing. Suitable forbs will be included in range seedings in this area.

A Pronghorn Winter Range Habitat Management Plan will be prepared for approximately 171,000 acres south of Gooding and Shoshone and north of Kimama and Minidoka. Objectives of this HMP will be to improve winter habitat for pronghorn by protecting valuable brush stands and increasing the brush component of the areas. Detailed examination will be required to determine the specific areas most important to the wintering animals. The possibility of seeding brush or fire resistant plant species will be examined for feasibility.

A Pronghorn Summer Range Habitat Management Plan will be prepared for 60,000 acres in the Wildhorse Allotment. Objectives of this HMP will be to improve summer habitat for pronghorn by maintaining adequate areas of brush, providing additional forbs, and providing new water sources. Suitable forbs will be included in range seedings in this area. Guidelines for providing additional water sources will be developed.

Guidelines for fire suppression to protect brush will be developed for the areas discussed in the preceding four paragraphs. These will be incorporated into the fire management plan.

Livestock Forage

Provide 142,879 AUMs of livestock forage. Approximately 858,043 acres of public land will be included in grazing allotments. The average stocking rate will be 6.0 acres per AUM.

The objectives will be to maintain existing perennial forage plants, maintain soil stability, stabilize areas currently in downward trend, and increase availability of perennial forage plants.

The following range improvements will be accomplished in support of achieving the objectives stated above.

25,500 acres of reseeding
19,000 acres of brush control
54 miles of fencing
74 miles of pipeline
110 water troughs
9 wells
24 cattleguards
4 miles of road construction
Total cost of improvements = \$1,602,800
20-year maintenance and replacement cost = \$669,200

The initial stocking level will be 149,135 AUMs (present active preference). Adjustments toward the proposed preference, 142,879 AUMs, will occur based on monitoring data. Increases dependent on range improvements will occur only as funding for the necessary improvements is available and the projects are completed. Decreases in livestock stocking resulting from land transfers will occur only as the identified tracts are transferred from Federal ownership.

No changes in season of livestock use are proposed. This is because no resource conflicts were identified that would be resolved by such changes. However, changes in season of livestock use could be made in the future after considering environmental effects in the NEPA process if supported by monitoring.

New allotment management plans (AMPs) or cooperative resource management plans (CRMPs) will be developed for nine allotments. This will bring the total area covered to 97 percent of the allotted acres.

It is estimated that 21,910 sheep AUMs will be converted to cattle AUMs. Actual conversion will be consistent with the Shoshone District Conversion Policy.

Cultural Resources

In addition to the Cultural Resource Management Plans discussed for Devil's Corral (L9a) and the Cedar Fields SRMA (L10), two other plans will be prepared; one for the Oregon Trail and one for Wilson Butte Cave. These plans will specify the degree of protection and the interpretation measures appropriate for the areas. In the case of the Oregon Trail, fire suppression guidelines to limit surface disturbance will be developed and incorporated into the fire management plan.

Soils

Several actions have been discussed in previous sections which will help meet the objective of keeping soil erosion within tolerable levels. ORV use will be restricted in portions of the Snake River Rim SRMA (L9) and in the Cedar Fields SRMA to protect fragile soils. Fires will be given full suppression when the burning index is above 22 to help protect soils. Road maintenance will be conducted in key areas to help keep fires smaller, thus helping to protect soils. Fire suppression guidelines to limit surface disturbance will be developed for the Cedar Fields SRMA.

In addition to the actions listed above, areas with severe erosion problems will be stabilized. At the present time, 150 acres of active sand dunes in the Lake Walcott area have been identified for a seeding project to stabilize the dunes. Other areas will be treated as they are identified, provided treatment is feasible.

Priority will be given to emergency treatment of severe erosion areas caused by wildfire.

APPENDIX #3

2009 BLM Energy Corridors ROD-FEIS

(104 pages)

January 2009

Approved Resource Management Plan Amendments/Record of Decision (ROD) for Designation of Energy Corridors on Bureau of Land Management-Administered Lands in the 11 Western States



ATTACHMENT #9



MISSION STATEMENT

It is the mission of the Bureau of Land Management (BLM), an agency of the Department of the Interior, to manage BLM-administered lands and resources in a manner that best serves the needs of the American people. Management is based upon the principles of multiple use and sustained yield while taking into account the long-term needs of future generations for renewable and nonrenewable resources.

BLM/VO-GI-09-005-1800

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LIST OF ACRONYMS

The following is a list of acronyms and abbreviations, chemical names, and units of measure used in this ROD.

GENERAL ACRONYMS AND ABBREVIATIONS

ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effect
ARPA	Archaeological and Historic Preservation Act of 1974
ASLM	DOI Assistant Secretary of Land and Minerals Management
ASME	American Society of Mechanical Engineers
BLM	Bureau of Land Management
BMP	best management practice
BOR	Bureau of Reclamation
CDEAC	Clean and Diversified Energy Advisory Committee
CEQ	Council on Environmental Quality
CFR	<i>Code of Federal Regulations</i>
CRMP	cultural resources management plan
DEM	Digital Elevation Model
DO	District Office
DOC	U.S. Department of Commerce
DOD	U.S. Department of Defense
DOE	U.S. Department of Energy
DOI	U.S. Department of the Interior
E.O.	Executive Order
EFH	essential fish habitat
EMF	electromagnetic field
EPA	U.S. Environmental Protection Agency
EPAct	Energy Policy Act of 2005
ESA	Endangered Species Act of 1973
FAA	Federal Aviation Administration
FLPMA	Federal Land Policy and Management Act of 1976
FO	Field Office
FR	<i>Federal Register</i>
FS	U.S. Department of Agriculture's Forest Service
FY	fiscal year

GIS	geographic information system
GPS	global positioning system
IOP	interagency operating procedure
LRMP	land resource and management plan
MFP	Management Framework Plan
MOA	Military Operating Area (also Memorandum of Agreement)
MOU	Memorandum of Understanding
NACo	National Association of Counties
NAGPRA	Native American Graves Protection and Repatriation Act
NCA	National Conservation Area
NEPA	National Environmental Policy Act
NERC	North American Electric Reliability Corporation
NHPA	National Historic Preservation Act of 1966
NIPP	National Infrastructure Protection Plan
NMFS	National Marine Fisheries Service
NOA	Notice of Availability
NOI	Notice of Intent
NPS	National Park Service
OSHA	Occupational Safety and Health Administration
P.L.	Public Law
PA	Programmatic Agreement
PEIS	Programmatic Environmental Impact Statement
POC	point-of-contact
POD	plan of development
RMP	Resource Management Plan
ROD	Record of Decision
ROW(s)	right(s)-of-way
SHPO	State Historic Preservation Office(r)
SIO	Scenic Integrity Objective
SMS	Scenery Management System
SSP	sector-specific plan
SWPPP	storm water pollution prevention plan
THPO	Tribal Historic Preservation Officer
U.S.	United States
USC	<i>United States Code</i>
USDA	U.S. Department of Agriculture

USFWS	U.S. Fish and Wildlife Service
VRM	Visual Resource Management
WGA	Western Governors' Association

RECORD OF DECISION

INTRODUCTION

On August 8, 2005, the President signed into law the Energy Policy Act of 2005 (EPAcT) (Public Law 109-58). In Section 368 of EPAcT, Congress directed the Secretaries of Agriculture, Commerce, Defense, Energy, and the Interior to designate, under their respective authorities, corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the 11 contiguous Western States; perform any environmental reviews that may be required to complete the designation of such corridors; incorporate the designated corridors into the relevant agency land use and resource management plans; ensure that additional corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land are promptly identified and designated as necessary; and expedite applications to construct or modify oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities within such corridors. Congress further directed the Secretaries to take into account the need for upgraded and new electricity transmission and distribution facilities to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver electricity. Finally, Congress specified that Section 368 corridors should specify the centerline, width, and compatible uses of the corridors.

This document records the decision that the Department of the Interior (DOI) reached to designate corridors on Bureau of Land Management (BLM) lands by amending 92 land use plans in the 11 contiguous Western States. The Western States are Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The DOI is basing this decision on the analyses presented in the *Final Programmatic Environmental Impact Statement, Designation of Energy Corridors on Federal Land in the 11 Western States (DOE/EIS-0386)* (DOE and DOI 2008). This Programmatic Environmental Impact Statement (PEIS) provided the methodology used to locate energy transport corridors in the 11 Western States and identified the corridor locations that were ultimately derived from this process. In addition, the PEIS presented the effects on the environment associated with potential future projects undertaken within the designated corridors.

The PEIS was prepared by the involved agencies in accordance with the National Environmental Policy Act of 1969 (NEPA). The Department of Energy (DOE) and the BLM for the DOI were the lead agencies in preparation of this PEIS. The Department of Agriculture (USDA), Forest Service (FS); Department of Defense (DOD); and DOI Fish and Wildlife Service (USFWS), were the cooperating Federal agencies in preparation of the PEIS. These agencies are collectively referred to as —the Agencies” in this Record of Decision (ROD). The USFS and the DOD will also be amending land use plans to designate corridors. The USFWS will not amend land use plans to designate corridors. Future project proponents will need to comply with existing laws, policies, and regulations for right-of-way (ROW) permits across USFWS managed lands.

Designation of energy transport corridors on Federal lands in the West is a significant step in addressing some of the critical energy infrastructure issues in the West. Energy corridors on Federal lands provide pathways for future pipelines as well as long-distance electrical transmission lines that are expected to help relieve congestion, improve reliability, and enhance the national electric grid. Future use of the corridors should reduce the proliferation of ROWs across the landscape and minimize the environmental footprint from development.

Section 368 corridors are sited to avoid, to the maximum extent possible, significant known resource and environmental conflicts. Corridors are sited to the maximum extent possible to promote renewable energy development in the West, which is currently constrained in part by a lack of transmission capacity. Interagency operating procedures (IOPs) developed and evaluated in the PEIS and adopted with this ROD are expected to foster long-term, systematic planning for energy transport development in the West, provide industry with a coordinated and consistent interagency permitting process, and provide practicable measures to avoid or minimize environmental harm from future development within the corridors. This ROD completes the DOI's responsibilities under EPLA Section 368 to examine and designate energy transport corridors in the West and provides a forward-looking response to the nation's energy needs.

PROTESTS ON THE PROPOSED PLAN AMENDMENTS

This ROD sets forth the decision of the DOI Assistant Secretary, Land and Minerals Management (ASLM), to approve a number of proposed plan amendments. Approval at the ASLM level in the DOI reflects both the Federal cooperative process that brought together bureaus, services, and offices within the DOI, USDA, DOE, DOD and Department of Commerce (DOC) and the mandate from Congress that the Secretaries of these Departments cooperatively designate energy transport corridors. Approval at the ASLM level in DOI means the plan amendments described in this ROD are not subject to any protest to the BLM Director, who is subordinate to the Assistant Secretary, as described in BLM's planning regulations at 43 CFR 1610.5-2. Thus, the BLM protest process is not applicable to the land use plan amendments approved here.

THE DECISION

Section 368 directs the Secretary of the Interior (the Secretary) to designate energy transport corridors under existing authorities, such as those provided by Section 503 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1763) (FLPMA). By signing this ROD, the ASLM amends the affected BLM land use plans under the authority of FLPMA and in accordance with BLM planning regulations (43 CFR Part 1600). The approved plan amendments are consistent with the requirements of Section 368 of the Energy Policy Act of 2005. The decision also adopts IOPs to meet the Section 368 requirement to improve the ROW application process and to meet NEPA requirements to provide practicable means to avoid or minimize environmental harm which may result from future ROW grants within the designated

corridors. The approved BLM plan amendments are presented in Appendix A of this ROD and the IOPs are presented in Appendix B of this ROD.

What the Decision to Amend the Resource Management Plans (RMPs) Provides

This ROD records the decision of the ASLM to amend relevant BLM land use plans (identified in Appendix A of this document) and to incorporate Section 368 corridors therein. This decision to amend the land use plans is supported by the information and findings in the PEIS (DOE/EIS-0386). The PEIS identified potential Section 368 corridors; evaluated effects of potential future development within designated corridors; identified mitigation measures for such effects; and developed IOPs applicable to planning, construction, operation, and decommissioning of future projects within the corridors.

Designation of energy transport corridors in BLM land use plans identifies the preferred locations for development of energy transport projects on lands managed by the BLM (BLM lands). As specified in Section 368, these corridors identify a centerline, width, and compatible uses. Appendix A lists the plans that are hereby amended, the responsible BLM office, the corridor identifier, the width, and compatible uses. Where Section 368 corridors follow corridors that were previously designated in local land use plans, the attributes identified in the PEIS (i.e., corridor centerline, width, and compatible uses) will apply.

This decision also adopts IOPs for the administration of energy transport development within the corridors. The PEIS identified these IOPs to meet the requirements of Section 368 to expedite the permitting process (see Appendix B). The IOPs provide coordinated, consistent interagency management procedures for permitting ROWs within the corridors. The IOPs also identify mandatory requirements that will help ensure that future projects developed within Section 368 corridors are planned, constructed, operated, and eventually decommissioned in a manner that protects and enhances environmental resources and long-term sustainability.

What the Decision to Amend the RMPs Does Not Provide

Section 368 directs the Secretary to designate energy transport corridors on Federal land under existing authorities, such as those provided by the FLPMA. Section 368 provides no new authorities to the Secretary for this action. The Secretary is not designating corridors on Tribal, state, or private lands under this authority. This ROD applies only to lands managed by the BLM. Nor does Section 368 provide the Secretary with authority to require energy producers, transporters, and users to be more efficient in their generation, transport, or use of energy or to require utilities to upgrade their systems within Section 368 corridors.

Designation of Section 368 corridors and amendment of affected RMPs does not authorize any projects, mandate that future projects be confined to the corridors, or preclude BLM from denying a project in a designated corridor or requesting design revisions to meet unanticipated siting issues there. Future ROW proposals will need to comply with other applicable laws,

regulations, and policies. ROW applicants will not be prevented from proposing projects outside the designated corridors for BLM’s consideration, although such proposals may need to go through the land use plan amendment process to be accommodated.

OVERVIEW OF THE ALTERNATIVES

The Agencies¹ analyzed two alternatives in the PEIS: the No Action Alternative and the Proposed Action Alternative. The Proposed Action is the environmentally preferred alternative and is selected in this ROD. Various other alternatives were proposed and considered, but all were eliminated from further study because of their inability to meet the intent of Section 368. All facets of both alternatives would comply with Federal laws, rules, regulations, and policies.

Alternative 1 — No Action Alternative, Continuation of Current Management

Under the No Action Alternative, the Secretary would not designate Section 368 energy corridors on BLM lands in the West. The BLM would continue to follow current permitting practices to approve project proposals. The No Action Alternative would not amend any land use plans. Management prescriptions in existing plans would not be modified under this alternative.

In general, all BLM lands, unless otherwise designated, segregated, or withdrawn, are available for ROW authorization under FLPMA. Under the No Action Alternative, the BLM would continue to evaluate applications for ROWs and alternative ROW routes following current Federal and state regulations, policies, and permitting processes and requirements. Where necessary, amendment of RMPs to allow project-specific ROWs would occur on a project-by-project basis. Although Federal agencies including the BLM have improved processing of multi-agency projects in recent years, there are still barriers to efficient processing of applications. At present, some of these barriers include inconsistent agency procedures for granting ROWs, inconsistent agency views on whether proposed energy infrastructure projects would address near- or long-term energy needs, a lack of coordination among agencies that administer contiguous tracts of land when responding to applications for a ROW across their respective jurisdictions, and the lack of coordination within agency offices regarding the appropriate geographic locations of corridors or ROWs. This alternative also does not meet the need to enhance the national grid through coordinated, interstate planning.

Rationale for non-selection: The No Action Alternative does not meet the purpose and need expressed by Section 368 of EPAct. Under the No Action Alternative, future long-distance energy transport projects would be unlikely to cross Federal lands within common, shared,

¹ This ROD derives from the PEIS completed by the Agencies named in the Introduction and pertains only to the DOI, Bureau of Land Management. The term —Agencies” is used here when referring to the work completed by these entities for the PEIS.

energy transport corridors, resulting in a proliferation of widely spaced project-specific ROWs fragmenting the Federal landscape. There would be less ability to collocate developmental infrastructure, such as roads and landing areas, for multiple projects and a greater likelihood that environmental effects would be dispersed across the landscape. Long-term, systematic energy transmission planning on the part of governments or the public would continue to be difficult to achieve.

Alternative 2 — Proposed Action Alternative: Designation of Section 368 Corridors and Amendment of RMPs

The Proposed Action Alternative (Proposed Action) is the environmentally preferred alternative. Under the Proposed Action, 92 BLM RMPs would be amended to designate approximately 5,000 miles of Section 368 energy corridors on BLM lands in the 11 Western States (Figure 1). These corridors represent preferred locations on BLM lands for future electric transmission lines and oil, gas, and hydrogen pipelines. Section 368 corridors are identified in all 11 Western States and are designated for either pipeline or transmission line use or both (multimodal). The Agencies identified a width of 3,500 feet for Section 368 corridors unless otherwise specified due to environmental or management constraints or existing local designations. The Proposed Action incorporates energy corridors (or portions of these corridors) that are currently identified in local BLM land use plans in all states except in Wyoming (Table 1); Wyoming has no locally designated corridors that meet Section 368 corridor criteria.

The Agencies that prepared the PEIS coordinated corridor locations across jurisdictional boundaries to ensure continuity of long-distance energy transport across Federal land in the West. The Agencies, primarily the BLM and the FS, through adoption of the IOPs for management of future ROW applications within corridors, are establishing consistent management procedures within and among their respective administrative units to improve the ROW application process and to ensure robust environmental protections during future project development within the designated corridors.

A total of about 6,000 miles of corridors will be designated on Federal land under the Proposed Action. About 82 percent of the more than 6,000 miles of total corridors would occur on BLM-administered lands. In comparison, Forest Service lands would have about 16 percent of the corridors, with 2 percent on other lands (U.S. Fish and Wildlife Service, National Park Service, Department of Defense, and Bureau of Reclamation) (Table 2).

Rationale for selection: Corridor designation itself does not immediately affect the environment, though effects to the environment may occur during future project development under both alternatives. Future project development under either the No Action or the Proposed Action would only take place after compliance with applicable laws and regulations including the National Environmental Policy Act (NEPA). Nevertheless, the Proposed Action, designation of Section 368 corridors by amendment of land use plans, offers significant advantages over the No Action Alternative.

The Proposed Action fulfills the direction expressed by Congress in EPCA Section 368. Under the Proposed Action, the Secretary of the Interior designates corridors for oil, gas, and hydrogen

pipelines and for electricity transmission and distribution facilities on BLM land in the 11 contiguous Western States and incorporates the designated corridors into the relevant land use plans. These Section 368 corridors meet the EAct requirements to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver electricity. The Proposed Action ensures that additional corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land are promptly identified and designated, as the need arises. The Proposed Action identifies IOPs to expedite applications for construction or modification of oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities within such corridors. Finally, the Proposed Action specifies the centerline, width, and compatible uses of each Section 368 corridor. EAct also directed the Secretary to perform any environmental reviews that may be required to complete the designation of such corridors, and the PEIS that accompanies this decision has accomplished that review.

TABLE 1: Miles of Locally Designated Energy Corridors Incorporated into the Proposed Section 368 Energy Corridors on Federal Land, by State and Federal Agency

Miles of Locally Designated Energy Corridors (total miles of proposed Section 368 energy corridors in parentheses)							
State	Number of Proposed Corridors Incorporating Locally Designated Corridors ^a	BLM	FS	USFWS	BOR ^b	DOD	NPS
Arizona	13 (16)	356 (454)	166 (181)	0 (0)	0 (0)	0 (5)	7 (10)
California	16 (20)	405 (600)	122 (223)	0 (0)	0 (1)	0 (0)	0 (0)
Colorado	9 (19)	178 (308)	36 (112)	1 (3)	0 (0)	0 (2)	0 (1)
Idaho	1 (14)	0 (296)	6 (16)	0 (0)	0 (1)	0 (0)	0 (0)
Montana	4 (8)	9 (56)	13 (180)	0 (0)	0 (0)	0 (0)	0 (0)
Nevada	16 (34)	799 (1,535)	1 (29)	0 (25)	11 (18)	2 (10)	5 (5)
New Mexico	1 (4)	18 (290)	0 (0)	0 (4)	0 (0)	0 (0)	0 (0)
Oregon	8 (12)	333 (431)	0 (134)	0 (0)	0 (0)	0 (0)	0 (0)
Utah	6 (14)	88 (619)	30 (62)	0 (2)	0 (0)	0 (9)	0 (0)
Washington	1 (2)	0 (1)	48 (50)	0 (0)	0 (0)	0 (0)	0 (0)
Wyoming	0 (18)	0 (413)	0 (3)	0 (0)	0 (23)	0 (0)	0 (0)
Total	75 (131)	2,186 (5,002) ^c	422 (990) ^c	1 (34) ^c	11 (44) ^c	2 (26)	12 (16) ^c

^a Proposed Section 368 corridors having portions that are locally designated. Not all portions of these corridors are locally designated. Total number of proposed Section 368 energy corridors is in parentheses.

^b BOR = Bureau of Reclamation.

^c Slight difference between indicated total and the sum of the stated entries is due to rounding.

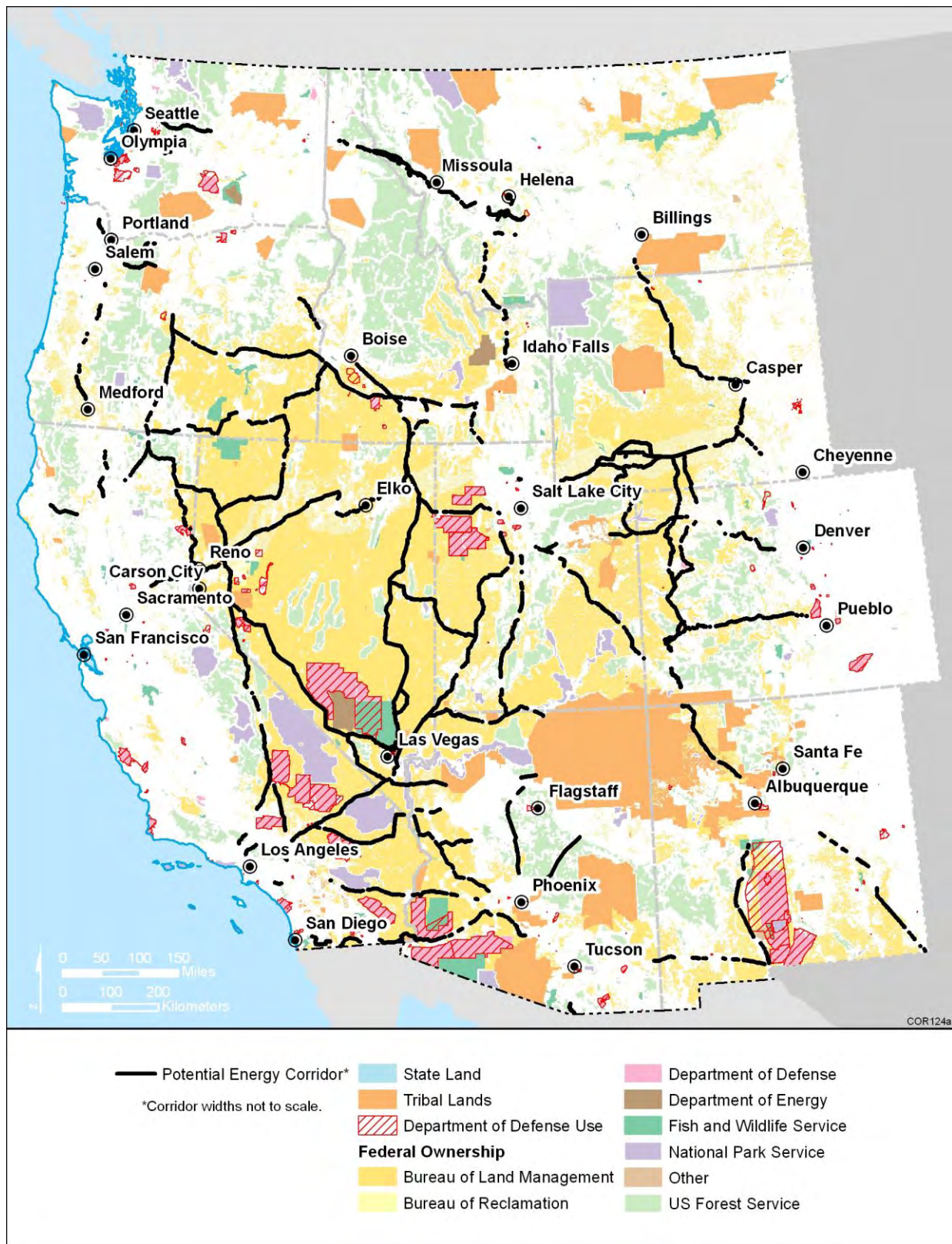


FIGURE 1: Proposed Section 368 Energy Corridors on Federal Lands in the 11 Western States

TABLE 2: Distribution of Proposed Energy Corridors on Federal Land, by Managing Federal Agency

Miles of Proposed Corridors on Federal Land, by Managing Federal Agency							
State	Total Miles of Proposed Corridors	BLM	FS	USFWS	BOR ^a	DOD	NPS ^a
Arizona	650	454	181	0	0	5	10
California	823	600	223	0	1	0	0
Colorado	426	308	112	3	0	2	1
Idaho	314	296	16	0	1	0	0
Montana	236	56	180	0	0	0	0
Nevada	1,622	1,535	29	25	18	10	5
New Mexico	293	290	0	4	0	0	0
Oregon	565	431	134	0	0	0	0
Utah	692	619	63	2	0	9	0
Washington	51	1	50	0	0	0	0
Wyoming	438	413	3	0	23	0	0
Total	6,112 ^b	5,002	990 ^b	34 ^b	44 ^b	26	16 ^b

^a BOR = Bureau of Reclamation; NPS = National Park Service.

^b Slight difference between indicated total and the sum of the stated entries is due to rounding.

There are significant environmental considerations which also support the selection of the Proposed Action. Consolidation of ROW development is expected to help reduce the proliferation of separate ROWs across the landscape. As the result of an intensive 2½-year siting process, Section 368 corridors avoid major, known, environmental conflicts to the maximum extent possible. Interagency operating procedures (IOPs) developed and evaluated in the PEIS and adopted with this ROD are anticipated to foster long-term, systematic planning for energy transport development in the West, provide industry with a coordinated and consistent interagency permitting process, and provide practicable measures to avoid or minimize environmental harm from future development within the corridors. These benefits provide substantial reasons for selecting the Proposed Action as the decision.

NOTICE OF MODIFICATIONS AND CLARIFICATIONS MADE TO THE PROPOSED PLAN AMENDMENTS

Modifications

After careful review of the information provided by the Governors of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming during the Governors' Consistency Review and additional internal review, the BLM made the following modification:

New Mexico Corridor segment 81-272: A segment of corridor 81-272 in New Mexico, which falls within the Mimbres planning area (see Figure A-7) will not be designated in this ROD. Corridor designation in this area will be addressed as part of ongoing BLM local land use planning efforts on public lands.

Clarifications

The following clarifications and minor corrections have been made to the Final PEIS and are reflected in the approved resource management plan amendments presented in this ROD:

- Appendix A of the Final PEIS, which lists proposed corridor designation land amendments, incorrectly identifies for Arizona a Lower Sonoran RMP. The current RMP is the Lower Gila South Resource Management Plan (RMP), administered by the Lower Sonoran Field Office (FO).
- In Arizona, both the Hassayampa and Kingman Field Offices administer the Lower Gila North Management Framework Plan (MFP), the Hassayampa, Safford, and Tucson FOs administer the Phoenix RMP, and the Safford and Tucson FOs administer the Safford RMP.
- The Arizona Strip RMP listed in Appendix A of the Final PEIS is the Arizona Strip Field Office RMP.
- Figure A-3 in Appendix A of this ROD corrects several corridor labels for Colorado that are incorrect in Part 5 of the Map Atlas, Volume III of the Final PEIS. The corrected corridors shown in Figure A-3 are Corridor 132-133 (incorrectly labeled as 132-222), Corridor 126-133 (incorrectly labeled as 126-217), and Corridor 87-277 (incorrectly labeled as 87-139).
- Because of its relatively small size and the scale of the maps presented in the Final PEIS, Corridor 136-139 in Colorado was not shown in the Colorado maps presented

in Parts 2 and 5 of the Map Atlas, Volume III of the Final PEIS. This corridor is shown in Figure A-3 in Appendix A of this ROD.

- The typographic error of the Black Rock-High Rock Immigrant Trail NCA RMP in Nevada has been corrected.
- For Nevada, the responsible agency offices listed as FOs in the Final PEIS have been revised to District Offices (DOs), the Carson City Consolidated RMP has been changed to the Carson City FO Consolidated RMP, and the Las Vegas FO name has been changed to the Southern Nevada DO.
- The Final PEIS identifies the Surprise RMP as under the jurisdiction of Nevada. Surprise RMP (and Field Office) is under the jurisdiction of BLM California for the public lands they administer in Nevada.
- The San Juan RMP identified for Utah has been renamed the Monticello RMP.
- The ROD identifies six approved Utah RMPs (Kanab RMP, Moab RMP, Richfield RMP, Price RMP, Monticello RMP, and Vernal RMP) that contain statements that right-of-way corridor designations in those plans are consistent with the corridor designations proposed in the Final PEIS, and thus further amendment of these RMPs will not be necessary. These RMPs are included in Appendix A of this ROD.
- The Final PEIS identifies three RMPs (House Range RMP, Pony Express RMP, and Warm Springs RMP) in Utah that would require amendment for corridor designation. Due to restrictions to plan amendments imposed by Section 2815(d) of Public Law 106-65, the National Defense Authorization Act for Fiscal Year 2000 (October 5, 1999), these three plans cannot be amended at this time. Should these restrictions be lifted, the amendments to these plans would become effective and the BLM would provide public notice of the effective date(s) of the amendments. These three plans are included in Appendix A of this ROD.
- The RMPs listed in Tables 3 and Appendix A have been corrected for Oregon; The Andrews-Steens RMP for Lakeview District is changed to the Andrews RMP for Burns District.
- A number of the IOPs (Appendix B) have been edited. These edits are for technical corrections or clarity and are not substantive, and are not indicated in the text.

MANAGEMENT CONSIDERATIONS IN SELECTING THE APPROVED PLAN AMENDMENTS

Many considerations contributed to the selection of the plan amendments approved by this ROD. The Agencies needed to comply with the provisions of Section 368 of the EPAct, and to identify a framework for interagency coordination to do so. Other considerations included:

- Assessing transmission needs in the West;

- Accomplishing the necessary environmental reviews;
- Siting the corridors across the landscape;
- Meeting the Section 368 requirements to expedite the permitting process;
- Establishing procedures to identify and designate future Section 368 corridors, as necessary; and
- Ensuring that the environmental considerations identified in the PEIS would be addressed when the corridors are developed.

Energy Policy Act of 2005

The primary consideration of the Secretary was to meet the requirements of the Energy Policy Act of 2005 (P.L. 109-58), which directs him to designate corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities, incorporate the designated corridors into relevant RMPs, and meet the other considerations specified in Section 368 of the EPCA. Section 368 specifically addresses the need for electricity infrastructure and directs the Agencies to take into account the need for upgraded and new infrastructure, and to take actions to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver energy.

Interagency Cooperation

Section 368 directed five agencies to work together to designate corridors on Federal lands in the 11 Western States. In 2006, the Agencies completed a Memorandum of Understanding (MOU) to define their working relationships. The DOE was designated the lead agency with the BLM as the co-lead. The FS, DOD, and USFWS were identified as cooperating Federal agencies. The Department of Commerce did not sign the MOU but remained a consulting agency. Only those Agencies that manage Federal land (DOD, DOI, and USDA) where Section 368 energy corridors are designated are issuing RODs for such designation. The Agencies established an interagency Executive Team to coordinate work on the PEIS and selected Argonne National Laboratory as the contractor for the PEIS.

Transmission Needs in the West

The requirements of Section 368 reflect Congress's recognition of the importance of energy transport infrastructure to meet the nation's needs. The Agencies took into account various factors in considering the need for energy transport infrastructure in order to identify corridors for designation.

The West has a critical need for long-distance energy transport infrastructure due in part to the West's unique geography and population distribution, where fuel sources and energy generation facilities are often remotely located and large population centers are spread far apart. These factors result in an electricity transmission grid typified by high-voltage transmission lines spanning very long distances. While these long-distance lines are necessary to provide consumers with reliable and affordable power, the required length of these lines and the complex mix of federally administered public lands with private, Tribal, and state-owned lands make planning and siting energy transport infrastructure a challenge.

Many different entities recognize the need for energy transmission infrastructure in the West, for example:

- The Western Governors' Association (WGA) has recognized this need and identified planning factors to consider when addressing this need (WGA 2001, 2008a, 2008b).
- The North American Energy Reliability Corporation (NERC) forecasts continued need for electricity resources and notes the increasing strain on the transmission system (NERC 2007).
- Numerous sources identify the need for transmission infrastructure to promote development of renewable resources such as wind, solar, and geothermal in the West (Black & Veatch 2007, 2008; CDEAC 2006a; DOE 2008; State of Nevada 2007).
- The DOE completed a nationwide analysis of electricity transmission congestion and identified critical congestion areas, congestion areas of concern, and conditional congestion areas in the West (DOE 2006).

Transmission system congestion can lead to rapid rises in electricity prices, and severe congestion may lead to loss of electricity supplies and blackouts in some areas. Although conservation and distributive energy systems may relieve some of the future need for long-distance transmission, current studies and estimates point to the need for this infrastructure for decades in the future (CDEAC 2006b). These studies and considerations offered the basis for identifying the need for energy transmission in the West as well as providing substantive data used in the first steps to identify corridor locations.

Environmental Reviews

Section 368 required the Agencies to conduct any "environmental reviews" necessary to complete the designation of Section 368 energy corridors.² The Agencies concluded that preparing a PEIS at this time to support land use plan amendments and to examine the range of potential effects of future development projects within the corridors is appropriate to meet the requirement to conduct environmental reviews.

² NEPA § 102(2)(c), 42 U.S.C. 4332(2)(c).

Council on Environmental Quality (CEQ) regulations encourage agencies to “integrate the NEPA process with other planning at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.”³ The NEPA process provided an established and familiar vehicle to examine potential environmental concerns and to allow for early public participation in the Section 368 energy corridor designation process through a mechanism familiar to interested members of the public. The designation of several thousand miles of energy transportation corridors is a large task. The PEIS allowed the Agencies to seek public input through open comment periods and public forums where concerns regarding Section 368 energy corridors could be raised. Public review and comment on the Draft PEIS resulted in a number of changes that were incorporated into the Final PEIS.

The decision to designate thousands of miles of corridors in 11 Western States is a broad-scale action. It is not possible at this time to identify the effects of building a particular transmission line on a specific watershed; nor is it known if, when, or in which corridor such projects will actually be proposed and constructed. In the absence of project-specific location, design, and operation information, it is not possible to evaluate specific environmental impacts associated with future ROW proposals. It is, however, possible and useful to provide a programmatic assessment of the types of resources or environmental concerns likely to occur within the corridors and the types of effects likely to occur from future development. Based on this analysis, the PEIS also identifies management practices to reduce future impacts (IOPs) and possible mitigation measures when impacts occur. The PEIS may greatly assist subsequent, site-specific analyses for individual project proposals by allowing the Agencies to incorporate or tier to the relevant provisions of this PEIS into those later analyses.

Corridor Siting Process

The Agencies followed a systematic, four-step process for identifying corridor locations on Federal lands in the West (Figure 2). Each step built upon the previous one in which alternative corridor locations were examined and rejected. The final selection of corridor locations includes consideration of numerous alternative locations for various corridor segments. This siting process considered current transmission infrastructure serving traditional sources of energy generation, such as coal and gas-fired power plants, as well as areas which could serve the future development of renewable energy including geothermal, hydropower, solar and wind generation. Additional emphasis was given to electricity transmission because of the interconnected nature of the electric grid and because of the congestion and reliability issues that currently face the West. Throughout the corridor siting process, comments received from the public and other stakeholders on corridor locations were considered with regard to both the need for energy corridors in specific locations and the desire to avoid or minimize future impacts to environmental resources.

³ 40 CFR 1501.2.

The Agencies identified a number of criteria for siting corridors. Key among these are the following.

- Section 368 identified the need for an enhanced electrical transmission grid as a driver for corridor designation. Thus, the initial step in the corridor siting process (see below) was to identify an enhanced regional electric grid for the West.
- Corridors that did not support connectivity within this grid were not considered in this analysis.
- Corridors could only be on Federal land, excluding Tribal, state, and private lands from this analysis.
- Corridors had to include feasible development opportunities by meeting essential engineering requirements.
- Corridors had to comply with legal and regulatory requirements and, to the maximum extent possible, avoid known environmental concerns or incompatible land uses.
- Corridors had to be compatible with local BLM land use plans, which identify local areas that are compatible or incompatible with energy transport development and that have been developed in consultation with local communities.
- Corridors should follow existing corridor designations or infrastructure to the extent practicable, to reduce the need for corridor locations on undeveloped land.

The Agencies adopted the siting process summarized below to implement these siting criteria.

Step 1: The Agencies developed an “unrestricted” conceptual West-wide network of energy transport paths that addressed the need to connect energy supply areas (including renewable sources) with demand centers, provided for the long-distance transport of energy, and met the requirements and objectives of Section 368, regardless of land ownership or environmental or regulatory issues. This unrestricted grid was based on studies such as those noted in the Transmission Needs in the West section above, as well as on information provided by the public during scoping.

Step 2: The Agencies refined and revised the locations of individual segments of the conceptual network defined in Step 1 to avoid non-Federal lands as well as major known environmental, land use, and regulatory constraints. The Agencies analyzed geographic information system (GIS)-based data from multiple sources (BLM, USDA FS, USFWS, State Historic Preservation Offices, U.S. Geological Service, DOE, and DOD), resulting in a preliminary corridor network that avoided private, state, and Tribal lands; many important known natural and cultural resources; and many areas incompatible with energy transport corridors because of regulatory or land use constraints.

Step 3: Local Federal land managers and resources staff evaluated the preliminary corridor locations identified in Step 2. Working with the interagency team, these managers adjusted the corridor locations in their administrative units to further avoid important or sensitive resources, to ensure consistency with resource management objectives described in each unit’s land use plans, and to ensure compatibility with adjacent agency units.

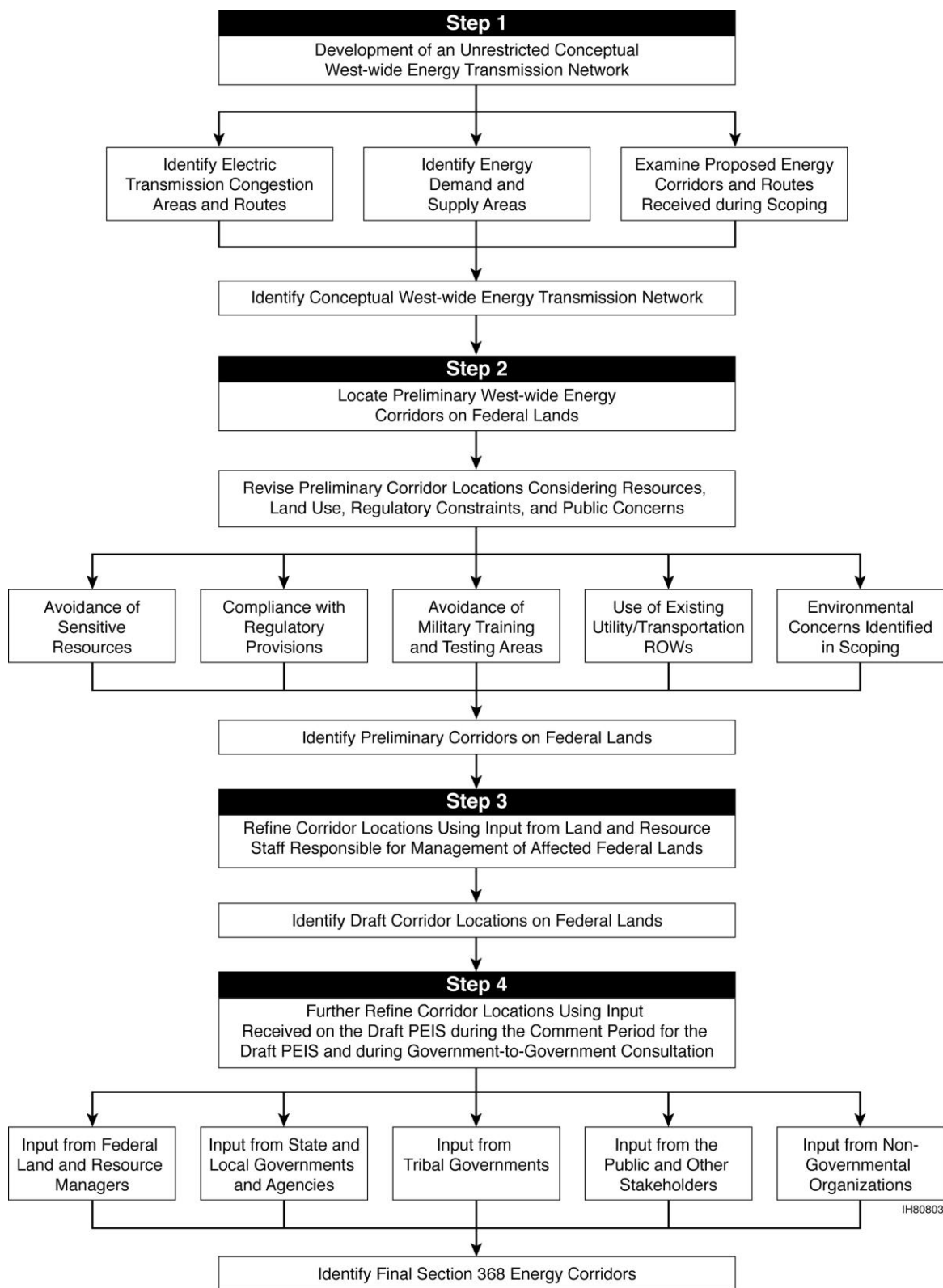


FIGURE 2: Four-Step Corridor Siting Process for Identifying Section 368 Energy Corridor Locations.

Step 4: The Agencies further evaluated and revised corridor locations, as appropriate, in response to concerns expressed by the public, states, Tribes, local governments, nongovernmental organizations, and other stakeholders during the public comment period for the Draft PEIS and during on-going government-to-government consultations. The Agencies also further refined corridor locations to incorporate new information from Federal land and resource managers to ensure consistency with local Federal land management responsibilities and to avoid sensitive resources to the fullest extent possible.

The resulting Section 368 corridors represent 3 years of intensive effort among multiple agencies, Tribes, state and local governments, individuals and groups to identify the best locations for energy transport systems on the public lands. The final set of Section 368 corridors represents consideration of many different alternative locations for corridor segments and represents those that best meet the criteria established in Section 368 and identified above.

Improved Permitting Process

Section 368 directs the Agencies to establish procedures under their respective authorities to expedite the application process for energy-related projects within Section 368 designated corridors. The Agencies are adopting uniform IOPs (Appendix B) for reviewing applications for energy ROWs within designated Section 368 corridors as part of this direction.

Applicants seeking permits to develop long-distance energy transport infrastructure are expected to benefit from consistent procedures (IOPs) that are applicable across administrative boundaries and among different agencies. The IOPs offer uniform processing and performance criteria for energy transportation ROWs in Section 368 corridors for planning, construction, operation, and decommissioning. The IOPs are expected to reduce duplication, increase coordination, and ensure consistency among all participants in the permitting process.

The affected agencies, primarily BLM and the Forest Service, will provide implementation guidance subsequent to the issuance of their respective RODs. This guidance will direct Federal agencies to:

- Select a single project manager as a point-of-contact (POC) for the project to oversee the processing of an application;
- Require a single environmental review document for the project;
- Develop a single cost-recovery agreement and fee schedule, and seek a unified billing process for the applicant; and
- Undertake other such measures to streamline the application process.

The Section 368 streamlining process will be based on the principles of the Service First program implemented by the BLM, FS, National Park Service (NPS), and USFWS (Public Law 106-291, October 11, 2000, Section 330, 43 USC 1701). Applications received by any of the Agencies will undergo an initial review to determine if the application meets Section 368 planning criteria, including a determination if the project crosses multiple jurisdictional

boundaries within a state or is an interstate project. If a proposal is approved as a Section 368 corridor project, only one application will be necessary to proceed with the authorization process.

The POC assigned to the proposed project is expected to have knowledge, experience, and credentials similar to current BLM national project managers. The BLM national project managers are very familiar with the policies and procedures of multiple agencies and jurisdictions, have experience working with large projects and sophisticated applicants, and can manage third-party contracts, if necessary. The POC will oversee all processing of the applications, including environmental reviews, construction activities, post-construction monitoring, and closeout issues, if needed.

Additional Corridors

Congress also directed the Agencies to ensure that additional corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land are promptly identified and designated, as necessary. The BLM will accommodate the need for future energy transport corridors through its normal land use planning process, which provides the standard procedure for designating corridors as the need arises. Where proposals for a ROW appear to meet the criteria established for Section 368 corridors, the BLM may work through the Service First program to designate a long-distance interagency corridor.

Environmental Impact Considerations

The environmental analysis in the PEIS discloses that there would be no effects to the environment from corridor designation itself. Amending the land use plans does not authorize any ground-disturbing activities, and there are no irreversible or irretrievable commitments of resources from corridor designation.

The BLM also recognizes that designating corridors is likely to direct future development to these locations, and that future development will involve many environmental considerations. The PEIS analyzed, at a programmatic level, the effects from future project development on the environment. Based on these analyses, the Agencies developed IOPs that are expected to promote regulatory compliance with appropriate authorities; assure full consideration of impacts to ground and surface water, vegetation, paleontological resources, ecological resources, cultural resources, Tribal traditional cultural resources, and visual resources; and provide a robust suite of management procedures to avoid or minimize environmental harm throughout the life of any future project within a Section 368 corridor.

The Agencies also identified mitigation measures that could be implemented to address the various types of impacts. These mitigation measures are not mandatory, since mitigation procedures need to be suitable to specific situations not identified in a programmatic analysis,

but these measures do establish consistent procedures for common impacts that may be adopted as appropriate in the course of project development.

CONSISTENCY AND CONSULTATION REVIEW

Governors' Consistency Review

As set forth in the BLM's planning regulations, the purpose of the Governor's consistency review is to ensure consistency of the PRMP with officially approved or adopted resource-related plans, and the policies and programs contained therein, of other Federal agencies, State and local governments, and Indian Tribes, so long as the guidance and resource management plans are also consistent with the purpose, policies and programs of Federal laws and regulations applicable to public lands (43 CFR 1610.3-2(a)). The BLM Land Use Planning Handbook (H-1601-1, March 11, 2005, at Glossary-2) states that, "consistency means the proposed land use plan does not conflict with officially approved plans, programs, and policies of Tribes, other Federal Agencies, and state and local governments (to the extent practical with Federal law, regulation, and policy)." This does not require the BLM to adhere to or adopt the plans of other agencies or jurisdictional entities, but rather to give consideration to such plans and make an effort to resolve inconsistencies to the extent practical.

On October 31, 2008, the BLM initiated the 60-day Governors' Consistency Review of the Final PEIS. The BLM received letters from the Governors of Idaho, New Mexico, Utah, and Wyoming; a letter was also received from the Governor of Montana, after the deadline for responses.

While these letters raised a number of issues, none provided information regarding inconsistencies although two letters have resulted in modifications and clarifications to the Final PEIS which are addressed in this ROD:

- The following footnote is added to Table 3 based on a clarification raised by the Governor of Utah with reference three Utah land use plans (The Pony Express RMP, the House Range RMP, and the Warm Springs RMP):

This plan cannot be amended at this time due to restrictions to plan amendments imposed by Section 2815(d) of Public Law 106-65, the National Defense Authorization Act for Fiscal Year 2000 (October 5, 1999). Should these restrictions be lifted, the amendments to this plan would become effective and the BLM would provide public notice of the effective date of the amendments.

- The Governor of New Mexico identified concerns with the southern leg of corridor 81-272, through the Las Cruces area of New Mexico. A segment of corridor 81-272 in New Mexico, which falls within the Mimbres planning area (see Figure A-7) will not be designated in this ROD. Designation of a corridor in this area will be addressed as part of on-going local land use planning efforts on BLM lands.

Cooperating Agencies

The BLM issued invitations to stakeholders (including counties) to apply for Cooperating Agency status in the fall of 2005. Three Federal agencies participated in the PEIS as cooperating agencies including USDA FS, DOD, and USFWS. Two states, three county governments, three conservation districts, and one Tribe requested and received cooperating agency status.⁴ The non-Federal entities sought cooperating agency status by directly contacting the Agencies and requesting cooperating agency status. The role of the cooperating agencies was to provide information to the Agencies addressing environmental, economic, and social issues for consideration during the corridor designation process. The California Energy Commission and California Public Utilities Commission represented the State of California and, in coordination with the BLM and FS, established an interagency team of Federal and state agencies to ensure that the state's energy and infrastructure needs, renewable energy generation policy goals, and environmental concerns were considered in the PEIS. The other cooperating agencies also provided information on Tribal, state, or local issues that assisted the Agencies in siting corridors and developing the PEIS.

Tribal Governments

The Federal/Tribal government-to-government relationship is set forth in an Executive Memorandum of April 29, 1994, Government-to-Government Relations with Native American Tribal Governments, as supplemented on November 6, 2000, by E.O. 13175. In addition, regulations implementing Section 106 of the National Historic Preservation Act of 1966 (NHPA), 16 U.S.C. 470f, require Federal agencies to consult with Indian Tribes for undertakings on Tribal lands and for historic properties of significance to the Tribes that may be affected by an undertaking (36 CFR 800.2 (c)(2)). The BLM works directly with Tribal governments on a government-to-government basis.

Section 368 of the EPLA applies only to Federal land and there are no Section 368 corridors designated on Tribal lands. The Agencies recognized, however, that designation of energy corridors on Federal lands, and especially on lands adjacent to Tribal land, is of interest to affected Tribes and that future development within corridors would have implications for resources important to Indian Tribes located on Federal lands. The BLM participated in government-to-government consultation for the PEIS as part of an interagency team. The interagency team established a consultation protocol to make sure that the individual agencies coordinated consultation on the PEIS and that Tribal interests were heard and considered. A single point of contact was established at Argonne National Laboratory to answer Tribal requests for information and to track consultation. An interagency Tribal Working Group coordinated consultation among the agencies and Tribes. The Agencies frequently relied on local agency

⁴ The cooperating entities were the States of California and Wyoming; the Coeur d'Alene Tribe; Lincoln, Sweetwater, and Uinta counties, Wyoming; and Lincoln, Sweetwater and Uinta County conservation districts, Wyoming.

representatives to facilitate contacts and meetings with Tribes with whom they had established relationships. Tribes were invited to consult at various times and welcomed to enter the consultation process via any route convenient to them.

All 250 federally recognized Tribes with ancestral ties to the 11 Western States were contacted via multiple mailings to inform them of the PEIS and to invite government-to-government consultation. All were provided copies of the Draft PEIS for comment, with special attention given to those Tribes whose reservations would abut or be approached by the proposed corridors. Eighty Tribes responded to these invitations. All sought and were provided additional information regarding the PEIS, and 40 Tribes engaged in face-to-face meetings with Agency representatives. In addition to concerns raised in meetings with the Agencies, 19 Tribes submitted oral or written public comments on the Draft PEIS.

Tribes contributed substantively to the development of the PEIS, the siting of corridors on BLM lands, and the development of the IOPs. These contributions assisted the Agencies by strengthening the analysis in the PEIS and avoiding certain locations of particular Tribal concern. The BLM will continue to consult with interested Tribes and to implement government-to-government consultation on a project-specific basis as development proceeds.

NHPA — Section 106 Consultation

The Agencies elected to use the NEPA process documented in the PEIS to comply with Section 106 of the NHPA, as allowed per 36 CFR Section 800.8(c). The Agencies made this decision due to the scope and scale of this undertaking, which is the designation of over 6,000 miles of energy transport corridors in 11 Western States. Using the NEPA process to comply with Section 106 reduces redundancies when complying with both laws, offers the broadest possible opportunities and greatest convenience for the public to review and consult on the Agencies' proposed actions, and ensures that concerns pertaining to historic properties are fully integrated into the PEIS and the ROD.

The Section 106 regulations clearly state that integrating the Section 106 compliance process with NEPA does not waive Agency obligations under either law. While the regulations do permit the Agencies to take advantage of the NEPA process, the Agencies must still adhere to the fundamental direction for compliance with Section 106. The Agencies have accordingly completed the following steps to comply with Section 106:

- Notifying the Advisory Council on Historic Preservation (ACHP) and the State Historic Preservation Officers (SHPOs) of the intent to use the NEPA process to comply with Section 106;
- Identifying consulting parties through the NEPA scoping process;
- Identifying historic properties and assessment of effects (the PEIS includes a programmatic evaluation of the types of historic properties likely to occur within the corridors and the types of impacts that could occur during project development);

- Consulting with Tribes, SHPOs, the ACHP, and other interested parties as identified through the NEPA scoping and consultation process;
- Identifying measures to avoid, minimize, or mitigate adverse effects; and
- Review of the draft PEIS by Tribes, SHPOs, Tribal Historic Preservation Officers (THPOs), the ACHP, and other interested parties and resolution of issues raised through consultation and coordination with affected parties.

Future development projects within the designated corridors have the potential to affect historic properties; these projects will be fully subject to compliance with the NHPA. In addition, the Agencies have identified a number of IOPs relevant to cultural resource and related Tribal resource concerns that will apply to future development projects. The IOPs are expected to help to coordinate historic preservation reviews among the various Federal land managing agencies during future development, and constitute measures to avoid, minimize, or mitigate the impacts from future project development within these corridors. These measures have been developed in consultation with the SHPOs, ACHP, federally recognized Tribes, and the public through ongoing consultation and through the review and comment process for the Draft PEIS. The BLM's responsibilities for Section 106 for corridor designation will be satisfied by a binding commitment to the IOPs with the signing of this ROD.

ESA — Section 7 Compliance

ESA Section 7 Requirements

Section 7(a)(2) of the ESA requires federal agencies to ensure, in consultation with either the Secretary of Interior or the Secretary of Commerce and based on the “best scientific and commercial data available,” that their proposed actions are not “likely to jeopardize the continued existence of any [listed] species or result in the destruction or adverse modification of the [critical] habitat of such species.” 16 U.S.C. § 1536(a)(2). However, not all proposed actions of Federal agencies are subject to the consultation requirement. The Section 7 regulations state that consultation is required only when a Federal agency determines that its proposed action “...may affect listed species or critical habitat.” 50 CFR § 401.14(a).

Agency Status under ESA Section 7

The DOI, USDA, and DOD have concluded that they are action agencies for ESA purposes because each manages Federal land where proposed energy corridors may be designated under Section 368. Each action agency is tasked with designating energy corridors on Federal land and incorporating these corridors into appropriate land use plans by amending them.

The DOE has determined that it is not an action agency because it does not manage any Federal lands where proposed energy corridors would be designated under Section 368. As such, the Proposed Action does not involve any action by this agency to incorporate proposed corridors into any land use plans that it may have issued.

Basis for the Action Agencies' "No Effect" Determination under Section 7 of ESA

In determining whether a proposed action ~~may~~ "affect" a listed species, or conversely, whether there will be ~~no~~ "effect," a Federal agency must determine: what activities are encompassed by its proposed action, what the effects of those activities are likely to be on the environment, and whether those effects will ~~pose~~ "any effect" on a listed species or critical habitat. Only those proposed actions that ~~may~~ "affect" a listed species or critical habitat are subject to the ESA's Section 7 consultation requirements.

Consistent with Section 7 of the ESA, when an action agency determines that a Federal action will have no effect on listed species or critical habitat, the agency will make a ~~no effect~~ determination. In that case, the ESA regulations do not require concurrence from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service (Services), and the agency's obligations under Section 7(a)(2) for that action are complete.

As described in the PEIS, the BLM examined whether its adoption of land use plan amendments to designate Section 368 corridors ~~may~~ "affect" a listed species or critical habitat, or conversely, whether its action would have ~~no~~ "effect." The BLM determined that designating Federal land under section 368 through land use plan amendments would have no effect on listed species or on critical habitat. First, designating energy corridors through amendments of land use plans has no direct effects on listed species or critical habitats. The land use plan amendments designate an area, identified by centerline, corridor width, and compatible use, that will be the preferred area to be used for Section 368 purposes. Corridor designation does not establish a precedent or create any legal right that would allow ground-disturbing activities within a designated corridor. Any individual application for a ROW, permit or other authorization for Section 368 purposes at a particular location within a designated energy corridor could only be granted, in the future, after it is subject to a full policy and legal review, including a review under ESA and other applicable statutes. Moreover, there is no guarantee that any particular authorization will be granted. The action agencies have discretion not only to grant or deny an application for a ROW, permit or other authorization for Section 368 purposes within a designated corridor, but also to grant an application for an authorization outside of a designated energy corridor.

Second, the designation of corridors will have no indirect effects on listed species or critical habitat. While it is reasonable to expect that some future actions that may affect listed species or critical habitat will be taken within the designated corridors, under the ESA regulations, the effects of any such future action do not constitute ~~indirect effects~~ unless the BLM finds that such effects will be ~~caused by~~ the designation of the Section 368 corridors and ~~reasonably~~ certain to occur."

The action agencies considered preparing a biological assessment and initiating consultation with the Services under Section 7(a)(2). After considering various approaches, however, the action agencies determined that preparing a biological assessment before a site-specific project had been proposed would be based largely on conjecture and speculation. The corridor designations do not identify the timing, place, or design of any future site-specific projects that would occur on these lands. Nor do the corridor designations create any legal right that would allow or authorize ground-disturbing activities without further agency decision-making and compliance with applicable statutes, including the ESA. There is therefore simply no way to know before such a site-specific proposal is made whether the impacts to be assessed would be those of an

overhead electricity transmission line or buried oil or gas pipeline or some combination of uses. Further, without knowing the specifics of when and where a project would occur within a corridor, it would be impossible to know what species, if any, would be affected by these future projects. When a specific project is proposed in the future, sufficiently detailed information will be available for analyzing the effect of the project on listed species or critical habitat under Section 7(a)(2) before the BLM issues a right of way, or any other form of authorizations or otherwise approves any ground-disturbing activity.

Therefore, based on our understanding of the ESA regulations, the BLM determined that the effects of future projects taken in accordance with the corridor designations are not indirect effects of the corridor designation. The BLM does not have sufficient information at this stage about future projects to conclude that the effects of future projects meet the regulatory definition of ~~indirect~~ effects.” I also note that, because no actual projects can be identified at this time, the BLM’s decision to amend land use plans to designate Section 368 corridors does not alter the environmental baseline or provide a basis for a determination of ~~incidental take~~,” which is typically part of the consultation process.

MITIGATION MEASURES

The PEIS includes a programmatic evaluation of the direct, indirect, and cumulative effects that could occur if development takes place in the future within the corridors. For each category of project construction and operation impacts, the PEIS lists the types of environmental impacts that are likely to occur during project development. This ROD identifies and adopts IOPs to ensure that future effects from project development are appropriately addressed. The IOPs identify practicable means to avoid or minimize environmental harm and include provisions for monitoring during future development within the corridors.

In addition to these mandatory IOPs, the PEIS identifies specific mitigation measures that could be used to minimize, avoid, or compensate for the specific effects of a proposed project. Federal land managers may require use of these measures (as well as others not identified in the PEIS) as appropriate and applicable depending on project design and corridor conditions. Additional measures to mitigate environmental effects may also be developed during subsequent NEPA analyses at the planning and project development stages.

PUBLIC INVOLVEMENT

The Agencies engaged in numerous efforts to reach all stakeholders and constituents that might have an interest in this project. These included formal notices, scoping and public meetings, a 90-day comment period on the Draft PEIS, notification and outreach letters, press releases, newspaper ads, email contacts, and an active and comprehensive website accessible throughout the project. In addition, agency staffs engaged in extensive outreach to many groups by meetings, conferences, updates, and briefings. The project has benefited significantly from the high level of public engagement.

Scoping

The Agencies published a Notice of Intent (NOI) to prepare a PEIS, amend relevant agency land use plans, and conduct public scoping meetings, as well as a notice of floodplain and wetlands involvement, in Volume 70, page 56647, of the *Federal Register* (70 FR 56647) on September 28, 2005. The NOI advertised the opportunity for the public to become involved through the NEPA scoping process, in which interested parties may comment on the scope and content of the PEIS.

The Agencies held two scoping meetings in each of the 11 Western States from September 28 to November 28, 2005⁵. A total of 538 individuals from government, industry, environmental organizations, and the general public attended the meetings. The public was also invited to submit comments via mail, fax, telephone, and the Web. Three hundred comments were received from the scoping process. Comments and a summary of scoping issues were posted online for public access. All comments received equal consideration in the preparation of the Draft PEIS. The majority of the comments were associated with electricity and natural gas issues.

The Agencies also provided the public with maps of the preliminary corridor routes and alternatives in June 2006 and invited comment on the preliminary routes identified at that time. The Agencies received 200 comments and used the information provided by the public to assist in developing the Proposed Action presented in the Draft PEIS. The maps and the comments are also posted on the project website (<http://corridoreis.anl.gov>).

State and Local Governments

In a letter sent by DOE on February 2, 2006, the Agencies invited each of the 11 western Governors and their respective staff members to meet with the Agencies' project managers. The meetings provided the project team with the opportunity to brief the governors and their staff members on the status of the PEIS. Discussion centered on the issues brought up during the public scoping period, data that each state could provide related to corridor location constraints and opportunities, and state-specific items related to energy planning environmental concerns and stakeholder involvement. Several states and state agencies commented on the Draft PEIS. Where there were issues or upon state request, the Agencies met with state representatives to discuss and, if possible, resolve issues.

The Agencies also worked through the National Association of Counties (NACo) to alert western counties to project milestones, such as scoping and the release of the Draft PEIS, and provide updates or briefings when requested. Six counties responded to the invitation to be a cooperating agency, and a number of counties provided comments on the Draft PEIS. Where counties noted conflicts with the corridor locations and local issues, the Agencies worked closely with the affected counties to modify the corridors and to resolve the issues.

Public Comments on the Draft PEIS

The Agencies published a Notice of Availability (NOA) of the Draft PEIS in the *Federal Register* at 72 FR 64591 on November 16, 2007, and broadcast a press release throughout the 11 Western States that highlighted the release of the Draft PEIS. They also notified the governors

⁵ Denver, CO (Oct. 25); Albuquerque, NM (Oct. 26); Salt Lake City, UT (Oct. 26); Cheyenne, WY (Oct. 27); Helena, MT (Oct. 27); Boise, ID (Nov. 1); Sacramento, CA (Nov. 1); Las Vegas, NV (Nov. 2); Portland, OR (Nov. 2); Phoenix, AZ (Nov. 3); Seattle, WA (Nov. 3).

and all federally recognized Tribes in the 11 Western States of the upcoming release of the Draft PEIS. An email news release on the availability of the Draft PEIS was sent to over 2,200 individuals and organizations that had signed up for email project updates at the project's public website, located at <http://corridoreis.anl.gov>, and NACo was also notified that the Draft PEIS was available for public comment. In addition, all individuals and organizations that had participated in the public scoping process were notified about the availability of the Draft PEIS.

The Agencies invited the public to comment on the Draft PEIS from November 16, 2007, until February 14, 2008, and provided four methods to deliver public comments on the Draft PEIS: fax, regular mail, at public meetings, and over the Web. The Agencies conducted public meetings at the same locations as the scoping meetings, with additional meetings in Window Rock, AZ, Grand Junction, CO, and Washington D.C. The draft PEIS was available in several formats, including via the Web. Importantly, all of the spatial data used in the Draft PEIS and the maps produced for the Draft PEIS were available for access and use (in several data formats) to any member of the public via the project's public website, so that any person could view the spatial data used in preparation of the Draft PEIS (including digital maps and data files of the proposed corridor locations).

Approximately 14,000 individuals and/or organizations provided comments on the Draft PEIS with the total number of substantive comments exceeding 3,500. Substantive comments came primarily from the utility and energy sector, environmental and nongovernmental organizations, and individuals in the Western States. The Agencies prepared responses to the comments received on the Draft PEIS (see Volume IV) and revised the Final PEIS to incorporate appropriate changes suggested by the public. Where changes to corridors affected various constituents, such as counties, Tribes, or states, the Agencies consulted with those concerned entities to ensure that changes would be acceptable to all parties.

In addition to the public comment period, project managers from the Agencies held a number of informational meetings on the Draft PEIS with interested members of the public, industry and environmental organizations, and state and local governments. Many of the meetings helped to better frame the formal comments submitted by these entities. It should be noted that none of the meetings resulted in formal comments on the Draft PEIS. Formal comments could only be provided through the four methods described above.

Ongoing Project Communication with the Public

Agencies personnel at all levels have engaged in outreach activities to stakeholders across the spectrum, including governors' and state offices, local governments, industry, and numerous public interest organizations and advocacy groups in many diverse forums including meetings, conferences, workshops, training classes, and other gatherings. Agencies' staff have provided information and updates on the project, answered questions and discussed concerns with participants, and offered contact information for follow-up questions or discussions.

In addition to these outreach efforts, the Agencies have maintained a public involvement website since the beginning of the project. The public website has provided ongoing information and updates on the PEIS, posted public comments from scoping and on the Draft PEIS and now

contains the Final PEIS. In addition, the website contains technical documents, maps of the corridor locations, a spatial database of land ownership and land resources that is available for download to local computers, project background information, and overall project status and schedule. Members of the public can request electronic email updates and news, which are then automatically sent to them.

As of October 16, 2008, approximately 59,314 Web visitors had viewed 750,000 Web pages. More than 2,230 individuals and/or organizations signed up to receive project updates via email. More than 58,000 text documents and 41,000 draft corridor maps have been downloaded from the website.

Release of the Final PEIS

The BLM published the NOA of the Final PEIS in the *Federal Register* on Nov. 28, 2008 (73 FR 72521). The BLM will continue to actively seek the views of the public, using outreach techniques such as news releases and website information to offer opportunities for public participation and inform the public of new and ongoing project proposals, site-specific planning, and opportunities and timeframes for comment. The BLM will also continue to coordinate, both formally and informally, with the numerous Federal, Tribal, state, and local agencies and officials interested and involved in the management of energy transport projects in the 11 Western States.

AVAILABILITY OF THE PLAN

ROD Availability

Electronic copies of this ROD and the Approved Plan Amendments are available via the Internet at <http://corridoreis.anl.gov>.

Paper and electronic copies may be viewed at:

Arizona

Arizona State Office, One North Central Avenue, Suite 800, Phoenix, AZ 85004
Arizona Strip Field Office, 345 East Riverside Drive, St. George, UT 84790
Hassayampa Field Office, 21605 North 7th Avenue, Phoenix, AZ 85027
Kingman Field Office, 2755 Mission Boulevard, Kingman, AZ 86401
Lake Havasu Field Office, 2610 Sweetwater Avenue, Lake Havasu City, AZ 86406
Lower Sonoran Field Office, 21605 North 7th Avenue, Phoenix, AZ 85027
Safford Field Office, 711 14th Avenue, Safford, AZ 85546
Tucson Field Office, 12661 East Broadway, Tucson, AZ 85748
Yuma Field Office, 2555 E. Gila Ridge Road, Yuma, AZ 85365

California

Alturas Field Office, 708 W. 12th St. Alturas, CA 96101

Barstow Field Office, 2601 Barstow Road, Barstow, CA 92311
Bishop Field Office, 351 Pacu Lane, Suite 100, Bishop, CA 93514
California State Office, 2800 Cottage Way, Suite W-1623, Sacramento, CA 95825
Eagle Lake Field Office, 2950 Riverside Drive, Susanville, CA 96130
El Centro Field Office, 1661 S. 4th Street, El Centro CA 92243
Folsom Field Office, 63 Natoma Street, Folsom, CA 95630
Needles Field Office, 1303 S. Hwy 95, Needles, CA 92363
Palm Springs-South Coast Field Office, 690 W. Garnet Ave., North Palm Springs, CA 92258
Redding Field Office, 355 Hemsted Drive, Redding, CA 96002
Ridgecrest Field Office, 300 S. Richmond Rd. Ridgecrest, CA 93555
Surprise Field Office, 602 Cressler Street, Cedarville, CA 96104

Colorado

Colorado State Office, 2850 Youngfield Street, Lakewood, CO 80215
Glenwood Springs Field Office, 50629 Hwys 6 & 24, Glenwood, CO 81601
Grand Junction Field Office, 2815 H Road, Grand Junction, CO 81506
Gunnison Field Office, 216 N. Colorado, Gunnison, CO 81230
Kremmling Field Office, 2103 Park Ave, Kremmling, CO 80459
Little Snake Field Office, 455 Emerson St., Craig, CO 81625
Royal Gorge Field Office, 3170 E. Main St., Canon City, CO 81212
BLM/USFS San Juan Public Land Center, 15 Burnett Court, Durango, CO 81301
Uncompahgre Field Office, 2456 S. Townsend Ave., Montrose, CO 81401
White River Field Office, 220 E. Market St., Meeker, CO 81641

Idaho

Bruneau Field Office, 3948 Development Avenue, Boise, ID 83705
Burley Field Office, 15 East 200 South, Burley, ID 83318
Coeur d'Alene Field Office, 3815 Schreiber Way, Coeur d'Alene, ID 83815
Four Rivers Field Office, 3948 Development Avenue, Boise, ID 83705
Idaho Falls District Office, 1405 Hollipark Drive, Idaho Falls, ID 83401
Idaho State Office, 1387 S. Vinnell Way, Boise, ID 83709
Jarbidge Field Office, 2536 Kimberly Road, Twin Falls, ID 83301
Owyhee Field Office, 20 First Avenue West, Marsing, ID 83639
Pocatello Field Office, 4350 Cliffs Drive, Pocatello, ID 83204
Shoshone Field Office, 400 W. F Street, Shoshone, ID 83352
Upper Snake Field Office, 1405 Hollipark Drive, Idaho Falls, ID 83401

Montana

Billings Field Office, 5001 Southgate Drive, Billings, MT 59101
Butte Field Office, 106 N. Parkmont, Butte, MT 59702
Dillon Field Office, 1005 Selway Drive, Dillon, MT 59725
Missoula Field Office, 3255 Fort Missoula Road, Missoula, MT 59804
Montana State Office, 5001 Southgate Drive, Billings, MT 59101

Nevada

Battle Mountain District Office, 50 Bastian Road, Battle Mountain, NV 89820

Carson City District Office, 5665 Morgan Mill Road, Carson City, NV 89701
Elko District Office, 3900 East Idaho Street, Elko, NV 89801
Elko District Office, 3900 E. Idaho Street, Elko NV 89801
Ely District Office, 702 North Industrial Way, Ely, NV 89301
Nevada State Office, 1340 Financial Blvd, Reno NV 89502
Southern Nevada District Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130
Winnemucca District Office, 5100 East Winnemucca Boulevard, Winnemucca, NV 89445

New Mexico

Carlsbad Field Office, 620 E. Greene St., Carlsbad, NM 88220
Farmington District Office, 1235 La Plata Highway, Farmington, NM 87401
Las Cruces Field Office, 1800 Marquess Street, Las Cruces, NM 88005
New Mexico State Office, 1474 Rodeo Road, Santa Fe, NM 87505
Rio Puerco Field Office, 435 Montano NE, Albuquerque, NM 87107
Roswell Field Office, 2909 West Second Street, Roswell, NM 88201
Socorro Field Office, 901 S. Hwy 85, Socorro, NM 87801

Oregon

Baker District Office, 3285 11th Street, Baker City, OR 97814
Burns District Office, 28910 Hwy 20 West, Hines, OR 97738
Eugene District Office, 2890 Chad Drive, Eugene, OR 97440
Lakeview District Office, 1301 S. "G" Street, Lakeview, OR 97630
Lakeview District Office, 1301 South G Street, Lakeview, OR 97630
Medford District Office, 3040 Biddle Road, Medford, OR 97504
Oregon/Washington State Office, 333 S.W. 1st. Avenue, Portland, OR 97204
Prineville District Office, 3050 N.E. 3rd Street, Prineville, OR 97754
Roseburg District Office, 777 NW Garden Valley Blvd., Roseburg, OR 97470
Salem District Office, 1717 Fabry Rd. SE, Salem, OR 97306
Vale District Office, 100 Oregon Street, Vale, OR 97918

Utah

Cedar City Field Office, 176 East D.L. Sargent Drive, Cedar City, UT 84721
Fillmore Field Office, 35 East 500 North, Fillmore, UT 84631
Grand Staircase-Escalante National Monument, Kanab Headquarters, 190 East Center, Kanab, UT 84741
Kanab Field Office, 318 North 100 East, Kanab, UT 84741
Moab Field Office, 82 East Dogwood, Moab, Utah 84532
Monticello Field Office, 365 North Main, Monticello, Utah 84535
Price Field Office, 125 South 600 West, Price, UT 84501
Richfield Field Office, 150 East 900 North, Richfield, UT 84701
Salt Lake Field Office, 2370 South 2300 West, Salt Lake City, UT 84119
St. George Field Office, 345 East Riverside Drive, St. George, UT 84790
Utah State Office, 440 West 200 South, Suite 500, Salt Lake City, UT 84145
Vernal Field Office, 170 South 500 East, Vernal, UT 84078

Washington

Spokane District Office, 1103 N Fancher Road, Spokane, WA 99212

Wyoming

Casper Field Office, 2987 Prospector Drive, Casper, WY 82604-2968

Cody Field Office, 1002 Blackburn, Cody, WY 82414-8464

Kemmerer Field Office, 312 Highway 189 North, Kemmerer, WY 83101-9711

Lander Field Office, 1335 Main, Lander, WY 82520-0589

Rawlins Field Office, 1300 North Third, Rawlins, WY 82301-2407

Rock Springs Field Office, 280 Highway 191 N., Rock Springs, WY 82901-3447

Worland Field Office, 101 South 23rd, Worland, WY 82401-0119

Wyoming State Office, 5353 Yellowstone, Cheyenne, WY 82009

APPROVED RESOURCE MANAGEMENT PLAN AMENDMENTS

INTRODUCTION

Designation of Section 368 energy corridors under the Proposed Action requires the BLM to amend specific land use plans, listed below, thereby incorporating the designated corridors in the plans. There are no changes to corridor locations or attributes from those identified in the PEIS for BLM lands except as noted above in the section titled “Modifications and Clarifications.” This section identifies a change based on the Governors’ Consistency Review, in which a segment of corridor 81-272 in New Mexico, which falls within the Mimbres planning area (see Figure A-7) will not be designated in this ROD.

The plan amendments include (1) the identification of specific Section 368 energy corridors by centerline, width, and compatible energy uses and restrictions (such as pipeline only or electricity transmission with a restricted tower height) and (2) the adoption of mandatory interagency operating procedures that would be implemented on a corridor- and project-specific basis (Appendix B). The Section 368 corridor specifications are identified in Appendix A and in a Geographic Information System (GIS) database that accompanies the PEIS and is available online at <http://corridoreis.anl.gov>.

Current land use plans are called resource management plans (RMPs); in the past, such plans were called management framework plans (MFPs), and some MFPs are still in use. Analyses conducted in programmatic environmental impact statement (PEIS) DOE/EIS 0386 (*Designation of Energy Corridors on Federal Land in the 11 Western States*) support the amendment of specific land use plans identified herein.

Only those land use plans where Section 368 energy corridors are designated are amended by this ROD. Corridor-related amendments are incorporated into existing land use plans upon signature of this ROD. Plans that are currently undergoing revision for reasons unrelated to Section 368, but not scheduled for completion until after the ROD is signed, will incorporate the corridor designations into their ongoing plan revisions upon signature of this ROD. Plans that have recently been revised before this ROD is signed will be amended upon signature of this ROD.

**TABLE 3: BLM Land Use or Equivalent Plans Amended by Designating
EPAct Section 368 Energy Corridors^{a,b}**

	State Land Use Plan	Agency Office(s)
Arizona	Arizona Strip Field Office RMP Kingman RMP Lake Havasu RMP Lower Gila North MFP Lower Gila South RMP Phoenix RMP Safford RMP Yuma RMP	Arizona Strip FO Kingman FO Lake Havasu FO Hassayampa, Kingman FO Lower Sonoran FO Hassayampa FO, Safford FO, Tucson FO Safford FO, Tucson FO Yuma FO
California	Alturas RMP Bishop RMP Cal-Neva MFP California Desert Conservation Area Plan Eagle Lake RMP Redding RMP Sierra RMP South Coast RMP Surprise RMP	Alturas FO Bishop FO Eagle Lake FO Barstow FO, El Centro FO, Lake Havasu FO, Needles FO, Ridgecrest FO, Palm Springs-South Coast FO Eagle Lake FO Redding FO Folsom FO Palm Springs-South Coast FO Surprise FO
Colorado	Glenwood Springs RMP Grand Junction RMP Gunnison RMP Kremmling RMP Little Snake RMP Royal Gorge RMP San Juan/San Miguel RMP Uncompahgre Basin RMP White River RMP	Glenwood Springs FO Grand Junction FO Gunnison FO Kremmling FO Little Snake FO Royal Gorge FO Dolores FO, Uncompahgre FO Uncompahgre FO White River FO
Idaho	Big Desert MFP Bruneau MFP Cassia RMP Coeur d'Alene RMP Jarbidge RMP Kuna MFP Malad MFP Medicine Lodge RMP Monument RMP Owyhee RMP Twin Falls MFP	Upper Snake FO Bruneau FO Burley FO Coeur d'Alene FO Bruneau FO, Four Rivers FO, Jarbidge FO Four Rivers FO Pocatello FO Upper Snake FO Burley FO, Shoshone FO Four Rivers FO, Owyhee FO Burley FO
Montana	Billings RMP Dillon RMP Garnet RMP Headwaters RMP	Billings FO Dillon FO Missoula FO Butte FO

TABLE 3: (Cont.)

State Land Use Plan		Agency Office(s)
Nevada	Black Rock-High Rock Immigrant Trail NCA RMP Carson City FO Consolidated RMP Elko RMP Ely RMP Las Vegas RMP Paradise-Denio MFP Sonoma Gerlach MFP Tonopah RMP Wells RMP	Winnemucca DO Carson City DO Elko DO Ely DO Southern Nevada DO Winnemucca DO Winnemucca DO Battle Mountain DO Elko DO
New Mexico	Carlsbad RMP Farmington RMP Mimbres RMP Rio Puerco RMP Roswell RMP Socorro RMP White Sands RMP	Carlsbad FO Farmington FO Las Cruces DO Rio Puerco FO Roswell FO Socorro FO Las Cruces DO
Oregon	Andrews RMP Baker RMP Brothers-Lapine RMP Eugene RMP Klamath Falls RMP Lakeview RMP Medford RMP Roseburg RMP Salem RMP Southeastern Oregon RMP Three Rivers RMP Two Rivers RMP Upper Deschutes RMP	Burns DO Baker DO Prineville DO Eugene DO Lakeview DO Lakeview DO Medford DO Roseburg DO Salem DO Vale DO Burns DO Prineville DO Prineville DO
Utah	Cedar-Beaver-Garfield-Antimony RMP Grand Staircase-Escalante National Monument Management Plan House Range RMP ^c Kanab RMP ^d Moab RMP ^d Pinyon MFP Pony Express RMP ^c Price River RMP ^d Richfield RMP ^d Monticello RMP ^d St. George (Dixie) RMP Vernal RMP ^d Warm Springs RMP ^c	Cedar City FO Grand Staircase-Escalante NM Fillmore FO Kanab FO Moab FO Cedar City FO Salt Lake FO Price FO Richfield FO Monticello FO St. George FO Vernal FO Fillmore FO
Washington	Spokane RMP	Spokane DO

TABLE 3: (Cont.)

State Land Use Plan		Agency Office(s)
Wyoming	Casper RMP	Casper FO
	Cody RMP	Cody FO
	Grass Creek RMP	Worland FO
	Great Divide RMP	Rawlins FO
	Green River RMP	Rock Springs FO
	Kemmerer RMP	Kemmerer FO
	Lander RMP	Lander FO
	Washakie RMP	Worland FO

- ^a DO = district office; FO = field office; MFP = Management Framework Plan; RMP = Resource Management Plan.
- ^b This list represents the most current plans, and differs from the list in the Final PEIS with regard to some plan names and agency offices.
- ^c This plan cannot be amended at this time due to restrictions to plan amendments imposed by Section 2815(d) of Public Law 106-65, the National Defense Authorization Act for Fiscal Year 2000 (October 5, 1999). Should these restrictions be lifted, the amendments to this plan would become effective and the BLM would provide public notice of the effective date of the amendments.
- ^d This recently approved RMP contains statements that the ROW corridor designation decisions presented in the RMP are consistent with the PEIS Proposed Action. Since this RMP is consistent with the PEIS, further amendment of this plan will not be necessary.

CONSIDERATION OF OTHER BLM PLANS AND POLICIES

In the event there are inconsistencies or discrepancies between previously approved RMPs and the plan amendments approved in this ROD, the decisions in this ROD will prevail. Where energy transport corridors previously designated in local RMPs have been impacted by this action, Section 368 criteria shall apply. In some situations, for example, the corridor width and/or compatible uses have been changed; these changes are effective with the signature of this ROD. The IOPs will be effective for all Section 368 corridors upon signature of this ROD. Appendix A and the accompanying GIS database provide the geographical specifications (centerline and width) and compatible uses as specified by EAct Section 368. Appendix B provides the IOPs that are applicable to development within these corridors.

These corridors provide important connectivity across jurisdictional boundaries for long-distance energy transport projects which will enhance the western electricity grid. Corridors represent the preferred locations for future long-distance energy transport projects on BLM lands. All future resource authorizations and actions will conform to the decisions contained in this ROD as provided by 43 CFR 1610.5-3. All existing operations and activities authorized under permits, contracts, cooperative agreements, or other instruments will be modified, as necessary, to conform to these plan amendments within a reasonable timeframe, if otherwise authorized by law, regulation, contract, permit, cooperative agreements, or other instrument of occupancy and

use. The plan amendments approved in this ROD do not, however, repeal valid existing rights on public lands.

PLAN IMPLEMENTATION

Section 368 directs the Agencies to establish procedures under their respective authorities to expedite the application process for energy-related projects within Section 368 designated corridors. It is expected that within 6 months from the approval of this ROD, a Memorandum of Understanding (MOU) will be developed by the BLM and Forest Service that will clearly delineate how to process applications for facilities within the Section 368 corridors. At a minimum, the MOU would address implementation of those IOPs for reviewing applications for energy ROWs within designated Section 368 corridors. Additional measures likely to be addressed include:

- Implementation procedures to create a virtual “one-stop shop” application process that will become the foundation of the Section 368 expedited application procedures. The process will be based on the principles of the Service First program implemented by the BLM, FS, NPS, and USFWS. Service First was initially a joint BLM and FS initiative designed to improve customer service by providing streamlined, one-stop shopping across agency jurisdictional boundaries for public land users. Authority for Service First was provided by legislation in 1997 covering only the BLM and the FS. That legislation was recently amended to include the NPS and USFWS. Agencies that are not a part of Service First may join the Service First agencies through necessary agreements in order to process applications (Public Law 106-291, October 11, 2000, Section 330, 43 USC 1701).
- Guidance on the types of further environmental and regulatory reviews that will be required for projects seeking to use Section 368 corridors and implementation of the IOPs.
- Selecting a project manager who will serve as the point of contact (POC) for a proposed project. The POC will have knowledge, experience, and credentials similar to current BLM national project managers. The POC will oversee all processing of the applications, including environmental reviews, construction activities, post-construction monitoring, and close-out issues, as appropriate.
- Procedures to identify and designate future Section 368 corridors.

General Implementation Schedule

The decision to designate Section 368 corridors by amending RMPs goes into effect upon signature of this ROD.

An MOU between the Forest Service and the BLM establishing compatible implementation procedures will go into effect subsequent to the signing of the ROD, estimated as June 2009.

Directives providing guidance to state and field offices for the BLM will go into effect subsequent to the signing of the MOU, estimated as December 2009.

Maintaining the Plan

Land use plan decisions and supporting information associated with these RMP amendments will be maintained to reflect minor changes in data. Maintenance is limited to refining, documenting, and/or clarifying these land use plan amendments, as provided at 43 CFR 1610.5-4.

Plan maintenance will be documented in supporting records. Plan maintenance does not require formal public involvement, interagency coordination, or preparation of an environmental assessment or environmental impact statement.

Changing the Plan

The plan amendments approved by this decision may be changed, should conditions warrant, through a future plan amendment or revision process. Future plan changes may become necessary if, as set forth at 43 CFR 1610.5-5, a need exists to consider monitoring and evaluation findings, new data, new or revised policy, a change in circumstances or a proposed action that may result in a change in the scope of resource uses or a change in the terms, conditions, and decisions of the approved plan. Generally, an amendment is issue-specific, but a programmatic amendment process is also possible. Plan amendments are accomplished with public input and the appropriate level of environmental analysis.

Data used in development of the plan amendments in this decision are dynamic. The data and maps used are for land use planning purposes and will be refined as site-specific planning and on-the-ground implementation occurs. Updating data is considered plan maintenance, which will occur over time as the land use plans are implemented.

LIST OF PREPARERS

Kathryn Winthrop, Project Manager, BLM

Ron Montagna, Rights-of-Way Management, BLM

Ray Brady, Energy Team Lead, BLM

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BLM DIRECTOR RECOMMENDATION

Having considered a full range of reasonable alternatives, associated effects, and public input, I recommend adoption of the attached Resource Management Plan Amendments.



James L. Caswell
Director
Bureau of Land Management

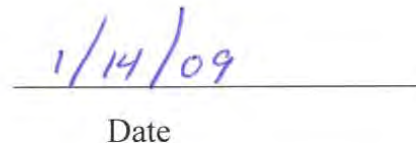

Date

DEPUTY ASSISTANT SECRETARY APPROVAL

In consideration of the foregoing, I approve the attached Resource Management Plan Amendments. Amending these plans will serve to designate energy transport corridors in these plans, as called for by Section 368 of the Energy Policy Act of 2005, 42 U.S.C. 15926.



Foster L. Wade*
Deputy Assistant Secretary
Land and Minerals Management
Department of the Interior


Date

*Foster L. Wade has been delegated the authority to sign this Record of Decision for the Department of the Interior.

**APPENDIX A:
APPROVED LAND USE PLAN AMENDMENTS
FOR
SECTION 368 CORRIDORS**

APPENDIX A: APPROVED LAND USE PLAN AMENDMENTS FOR SECTION 368 CORRIDORS

The U.S. Department of the Interior, Bureau of Land Management (BLM), develops land use plans to establish, among other things, resource condition goals and objectives for a planning area. Current land use plans are called resource management plans (RMPs); in the past, such plans were called management framework plans (MFPs), and some MFPs are still in use. Analyses conducted in programmatic environmental impact statement (PEIS), DOE/EIS 0386 (*Designation of Energy Corridors on Federal Land in the 11 Western States*) support the amendment of specific land use plans identified herein.

A.1 LAND USE PLANS AMENDED BY THIS ROD

TABLE A: Approved BLM Land Use Plan Amendments Designating Section 368 Energy Corridors^a

State	Land Use Plan Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
Arizona	Arizona Strip Field Office RMP	Arizona Strip FO	113-116	5,280		Increased width is consistent with locally-designated corridors in existing plan.
	Arizona Strip Field Office RMP	Arizona Strip FO	116-206			
	Arizona Strip Field Office RMP	Arizona Strip FO	68-116	5,280		Increased width is consistent with locally-designated corridors in existing plan.
	Kingman RMP	Kingman FO	41-46	5,280	Underground only	Additional width and limited mode are consistent with existing plan.
	Kingman RMP	Kingman FO	41-47	5,280		Additional width is consistent with existing plan.
	Kingman RMP	Kingman FO	46-269	5,280	Underground only	Additional width and underground only mode are consistent with existing plan.
	Kingman RMP	Kingman FO	46-270			
	Kingman RMP	Kingman FO	47-231	5,280	Electric only	Additional width and limited mode are consistent with existing plan.
	Lake Havasu RMP	Lake Havasu FO	41-46	10,560		Additional width is consistent with existing plan.
	Lake Havasu RMP	Lake Havasu FO	30-52	5,280		Additional width is consistent with existing plan.
	Lake Havasu RMP	Lake Havasu FO	41-47	5,280		Additional width is consistent with existing plan.

TABLE A (Cont.)

State	Land Use Plan to Be Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
Arizona (Cont.)	Lake Havasu RMP	Lake Havasu FO	46-269	5,280	Underground only	Additional width is consistent with existing plan.
	Lake Havasu RMP	Lake Havasu FO	46-269	10,560		Additional width is consistent with existing plan.
	Lower Gila North MFP	Hassayampa FO, Kingman FO	30-52			
	Lower Gila North MFP	Hassayampa FO, Kingman FO	46-269			
	Lower Gila North MFP	Hassayampa FO, Kingman FO	46-270			
	Lower Gila South RMP	Lower Sonoran FO	30-52			
	Lower Gila South RMP	Lower Sonoran FO	115-208	5,280		Additional width is consistent with existing plan.
	Lower Gila South RMP	Lower Sonoran FO	115-238			
	Phoenix RMP	Hassayampa FO, Safford FO, Tucson FO	61-207	2,900– 16,300		Widths vary in vicinity of Agua Fria NM to provide flexibility in ROW location consistent with existing plan.
	Safford RMP	Safford FO, Tucson FO	81-213			
	Yuma RMP	Yuma FO	30-52	5,280		Increased width is consistent with existing plan.
	Yuma RMP	Yuma FO	115-238	5,280		Increased width is consistent with existing plan.
California	Alturas RMP	Alturas FO	15-104	500		Reduced width is consistent with existing plan.
	Alturas RMP	Alturas FO	16-104	500		Reduced width is consistent with existing plan.

TABLE A (Cont.)

State	Land Use Plan to Be Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
California (Cont.)	Alturas RMP	Alturas FO	8-104	500		Reduced width is consistent with existing plan.
	Alturas RMP	Alturas FO	7-8	500		Reduced width is consistent with existing plan.
	Bishop RMP	Bishop FO	18-23	1,320		Reduced width is consistent with existing plan.
	California Desert Conservation Area Plan	Barstow FO	23-25	10,560		Increased width is consistent with existing plan.
	California Desert Conservation Area Plan	El Centro FO	115-238	10,560		Increased width is consistent with existing plan.
	California Desert Conservation Area Plan	Ridgecrest FO	18-23	10,560		Increased width is consistent with existing plan.
	California Desert Conservation Area Plan	Ridgecrest FO	23-106	10,560		Increased width is consistent with existing plan.
	California Desert Conservation Area Plan	Ridgecrest FO	23-25	10,560		Increased width is consistent with existing plan.
	California Desert Conservation Area Plan	Barstow FO	27-225	10,560		Increased width is consistent with existing plan.
	California Desert Conservation Area Plan	Barstow FO	27-266	10,560		Increased width is consistent with existing plan.
	California Desert Conservation Area Plan	Barstow FO	27-41	10,560		Increased width is consistent with existing plan.
	California Desert Conservation Area Plan	Needles FO	27-225	10,560		Increased width is consistent with existing plan.
	California Desert Conservation Area Plan	Needles FO	27-41	3,500–10,560		Increased width is consistent with existing plan.
	California Desert Conservation Area Plan	Palm Springs-South Coast FO	30-52	10,560		Increased width is consistent with existing plan.
	Eagle Lake RMP	Eagle Lake FO	15-104			
	Redding RMP	Redding FO	101-263			
	Redding RMP	Redding FO	261-262			
	Sierra RMP	Folsom FO	6-15			

TABLE A (Cont.)

State	Land Use Plan to Be Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
Colorado	South Coast RMP	Palm Springs-South Coast FO	115-238	1,000–3,500	Electric only	Reduced width and mode are consistent with restrictions on the same corridor across adjacent Forest Service lands.
	Surprise RMP	Surprise FO	16-104			
	Glenwood Springs RMP	Glenwood Springs FO	132-276		Electric only, multimodal	Electric-only limitation on a portion of this corridor is to provide separation integrity in Wyoming and Colorado.
	Grand Junction RMP	Grand Junction FO	132-136	21,120–26,400		Additional width is consistent with existing plan.
	Grand Junction RMP	Grand Junction FO	132-133	3,500–5,280	Underground only	Underground-only limitation is to provide electric transmission-pipeline separation integrity for this corridor throughout its length in Wyoming and Colorado. Increased width is consistent with the current plan and in anticipation of multiple facilities.
	Grand Junction RMP	Grand Junction FO	132-276		Electric only	Electric-only limitation is to provide separation integrity for this corridor in Wyoming and Colorado.
	Gunnison RMP	Gunnison FO	87-277	1,000–5,280		Variable widths above and below the default are consistent with the existing plan.
	Kremmling RMP Little Snake RMP	Kremmling FO Little Snake FO	144-275 126-133	3,500–4,500		Increased width is consistent with the existing plan.

TABLE A (Cont.)

State	Land Use Plan to Be Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
Colorado (Cont.)	Little Snake RMP	Little Snake FO	132-133	3,500– 5,950	Underground only	Underground-only limitation is to provide separation integrity for this corridor throughout its length in Wyoming and Colorado. Increased width is consistent with the current plan and in anticipation of multiple facilities.
	Little Snake RMP	Little Snake FO	132-276		Electric only	Electric-only limitation is to provide separation integrity for this corridor in Wyoming and Colorado.
	Little Snake RMP	Little Snake FO	133-142		Electric only	Electric-only limitation is to provide separation integrity for this corridor in Wyoming and Colorado.
	Little Snake RMP	Little Snake FO	138-143			
	Little Snake RMP	Little Snake FO	144-275		Underground only	Underground-only limitation is to provide separation integrity for this corridor throughout its length in Wyoming and Colorado.
	Little Snake RMP	Little Snake FO	73-133			
	Royal Gorge RMP	Royal Gorge FO	87-277		Electric only	Limited to electric-only because no underground use is anticipated.
	San Juan/San Miguel RMP	Dolores FO	130-131 (N)			
	San Juan/San Miguel RMP	Dolores FO	130-274		Electric only	Limited to electric-only because no underground use is anticipated.
	San Juan/San Miguel RMP	Uncompahgre FO	130-131 (N)			
	San Juan/San Miguel RMP	Uncompahgre FO	130-131 (S)		Underground only	The underground-only limitation is to reduce potential visual impacts.
	San Juan/San Miguel RMP	Uncompahgre FO	130-274			
	San Juan/San Miguel RMP	Uncompahgre FO	130-274 (E)			
	Uncompahgre Basin RMP	Uncompahgre FO	132-136			

TABLE A (Cont.)

State	Land Use Plan to Be Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
Colorado (Cont.)	Uncompahgre Basin RMP	Uncompahgre FO	134-136			
	Uncompahgre Basin RMP	Uncompahgre FO	134-139		Electric only	Limitation to electric-only is to protect fragile soils.
	Uncompahgre Basin RMP	Uncompahgre FO	136-139			
	Uncompahgre Basin RMP	Uncompahgre FO	139-277		Electric only	Limitation to electric-only is to protect fragile soils.
	Uncompahgre Basin RMP	Uncompahgre FO	136-277			
	White River RMP	White River FO	126-133	3,500–9,000		Increased width is consistent with the current plan.
	White River RMP	White River FO	132-133	2,250–10,500	Underground only	Underground-only limitation is to provide separation integrity for this corridor throughout its length in Wyoming and Colorado. Increased width is consistent with the current plan and in anticipation of multiple facilities.
	White River RMP	White River FO	132-276		Electric only	Electric-only limitation is to provide separation integrity for this corridor in Wyoming and Colorado.
Idaho	Big Desert MFP	Upper Snake FO	50-203			
	Bruneau MFP	Bruneau FO	36-228			
	Cassia RMP	Burley FO	112-226			
	Cassia RMP	Burley FO	49-202			
	Coeur d'Alene RMP	Coeur d'Alene FO	229-254	2,000		Reduced width is consistent with adjacent Idaho Panhandle NF.
	Jarbridge RMP	Four Rivers FO	29-36	1,000–3,500		Reduced width in some locations to reduce potential impacts to nesting raptors in the Snake River Birds of Prey NCA.

TABLE A (Cont.)

State	Land Use Plan to Be Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
Idaho (Cont.)	Jarbidge RMP	Four Rivers FO	36-228	1,000–3,500		Reduced width in some locations to reduce potential impacts to nesting raptors in the Snake River Birds of Prey NCA.
	Jarbidge RMP	Jarbidge FO	29-36			
	Jarbidge RMP	Jarbidge FO	36-112			
	Jarbidge RMP	Jarbidge FO	36-226			
	Jarbidge RMP	Jarbidge FO	36-228			
	Kuna MFP	Four Rivers FO	29-36	1,000–3,500		Reduced width in some locations to reduce potential impacts to nesting raptors in the Snake River Birds of Prey NCA.
	Malad MFP	Pocatello FO	49-202			
	Medicine Lodge RMP	Upper Snake FO	50-203			
	Monument RMP	Burley FO	49-112			
	Monument RMP	Burley FO	49-202			
	Monument RMP	Shoshone FO	112-226			Reduced width in some locations to reduce potential impacts to nesting raptors in the Snake River Birds of Prey NCA.
	Monument RMP	Shoshone FO	36-112			
	Monument RMP	Shoshone FO	49-112			
	Owyhee RMP	Four Rivers FO	36-228	1,000–3,500		
	Owyhee RMP	Owyhee FO	11-228			Width is restricted to reduce potential impacts to nesting raptors in the Snake River Birds of Prey NCA.
	Owyhee RMP	Owyhee FO	24-228			
	Owyhee RMP	Owyhee FO	36-228	1,000–3,500		
	Twin Falls MFP	Burley FO	111-226			
	Twin Falls MFP	Burley FO	36-226			
Montana	Billings RMP	Billings FO	79-216			
	Dillon RMP	Dillon FO	50-203			

TABLE A (Cont.)

State	Land Use Plan to Be Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
Montana (Cont.)	Dillon RMP	Dillon FO	50-51			
	Garnet RMP	Missoula FO	229-254	1,000	Electric only	Reduced width and mode limitations to shift potential visual impacts away from transportation routes and follow existing infrastructure.
	Headwaters RMP	Butte FO	51-204			
	Headwaters RMP	Butte FO	51-205			
	Headwaters RMP	Butte FO	229-254	1,000	Electric only	Reduced width and mode limitations to shift potential visual impacts away from transportation routes and follow existing infrastructure.
Nevada	Black Rock-High Rock Immigrant Trail NCA RMP	Winnemucca DO	16-24	2640		Reduced width limits potential impacts where corridor crosses a narrow extension of the NCA.
	Carson City Consolidated RMP	Carson City DO	15-17	10,560		Increased width is consistent with existing plan.
	Carson City Consolidated RMP	Carson City DO	15-104			
	Carson City Consolidated RMP	Carson City DO	17-18	10,560		Increased width is consistent with existing plan.
	Carson City Consolidated RMP	Carson City DO	18-224	10,560		Increased width is consistent with existing plan.
	Carson City Consolidated RMP	Carson City DO	18-23	10,560		Increased width is consistent with existing plan.
	Elko RMP	Elko DO	17-35	1,000–15,840		Reduced width in some portions of this corridor is to minimize potential impacts on sage grouse habitat. In other locations, the increased width is consistent with the existing plan.
	Ely RMP	Ely DO	37-232	2,640		Reduced width is consistent with existing plan.

TABLE A (Cont.)

State	Land Use Plan to Be Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
Nevada (Cont.)	Ely RMP	Ely DO	39-113			
	Ely RMP	Ely DO	44-110	2,640		Reduced width is consistent with existing plan.
	Ely RMP	Ely DO	110-114			
	Ely RMP	Ely DO	110-233	2,640		Reduced width is consistent with existing plan.
	Ely RMP	Ely DO	113-114			
	Ely RMP	Ely DO	113-116	5,280		Increased width is consistent with plans in adjacent BLM St. George and Arizona Strip Field Offices.
	Ely RMP	Ely DO	232-233 (E)			
	Ely RMP	Ely DO	232-233 (W)	2,640		Reduced width is consistent with existing plan.
	Las Vegas RMP	Southern Nevada FO	18-224			
	Las Vegas RMP	Southern Nevada FO	223-224	2,050– 3,500		Width is constrained by proximity to Red Rocks NCA and military training requirements.
	Las Vegas RMP	Southern Nevada DO	224-225			
	Las Vegas RMP	Southern Nevada DO	225-231			
	Las Vegas RMP	Southern Nevada DO	27-225			
	Las Vegas RMP	Southern Nevada DO	37-223 (N)			
	Las Vegas RMP	Southern Nevada DO	37-223 (S)	2,400	Underground only	Width and above-ground uses are constrained by military training requirements.
	Las Vegas RMP	Southern Nevada DO	37-232	2,640		Reduced width is consistent with existing plan.
	Las Vegas RMP	Southern Nevada DO	37-39			
	Las Vegas RMP	Southern Nevada DO	39-113			
	Las Vegas RMP	Southern Nevada DO	39-231	500–3,500		Reduced width following existing pathway through Sunrise Mountain WSA.

TABLE A (Cont.)

State	Land Use Plan to Be Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
Nevada (Cont.)	Las Vegas RMP	Southern Nevada DO	47-231	2,000		Width is reduced to minimize potential impacts to Piute-El Dorado Valley ACEC, consistent with existing plan.
	Paradise-Denio MFP	Winnemucca DO	16-24			
	Paradise-Denio MFP	Winnemucca DO	17-35			
	Sonoma Gerlach MFP	Winnemucca DO	15-17	10,560		Increased width is consistent with existing plan.
	Sonoma Gerlach MFP	Winnemucca DO	16-104	1,000–3,500		Reduced width in one location to limit potential visual impacts.
	Sonoma Gerlach MFP	Winnemucca DO	16-17			
	Sonoma Gerlach MFP	Winnemucca DO	16-24	2,640		Reduced width to limit potential impacts to Black Rock-High Rock NCA.
	Sonoma Gerlach MFP	Winnemucca DO	17-18	10,560		Increased width is consistent with existing plan.
	Sonoma Gerlach MFP	Winnemucca DO	17-35			
	Tonopah RMP	Battle Mountain DO	18-224			
	Wells RMP	Elko DO	111-226	15,840		Increased width is consistent with existing plan.
	Wells RMP	Elko DO	17-35	15,840		Increased width is consistent with existing plan.
	Wells RMP	Elko DO	35-111			
	Wells RMP	Elko DO	35-43			
	Wells RMP	Elko DO	43-111	2,640		Reduced width is consistent with existing plan.
	Wells RMP	Elko DO	43-44	15,840		Increased width is consistent with existing plan.
	Wells RMP	Elko DO	44-110	2,640		Reduced width is consistent with existing plan.
	Wells RMP	Elko DO	44-239	15,840		
New Mexico	Carlsbad RMP	Carlsbad FO	89-271			

TABLE A (Cont.)

State	Land Use Plan to Be Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
New Mexico (Cont.)	Farmington RMP	Farmington FO	80-273			
	Mimbres RMP	Las Cruces DO	81-213			
	Rio Puerco RMP	Rio Puerco FO	80-273			
	Roswell RMP	Roswell FO	89-271			
	Socorro RMP	Socorro FO	81-272			
	White Sands RMP	Las Cruces DO	81-272			
Oregon	Andrews RMP	Burns DO	7-24			
	Baker RMP	Baker DO	250-251			
	Brothers-Lapine RMP	Prineville DO	11-228			
	Brothers-Lapine RMP	Prineville DO	7-11			
	Eugene RMP	Eugene DO	4-247			
	Klamath Falls RMP	Lakeview DO	7-8			
	Klamath Falls RMP	Lakeview DO	7-11			
	Klamath Falls RMP	Lakeview DO	7-24			
	Lakeview RMP	Lakeview DO	7-11			
	Lakeview RMP	Lakeview DO	7-24			
	Medford RMP	Medford DO	4-247			
	Roseburg RMP	Roseburg DO	4-247			
	Salem RMP	Salem DO	10-246	1,320–3,500	Electric only, multimodal	Reduced width and electric-only restrictions on some portions of this corridor are to protect fragile soils and community watershed values and are consistent with existing plan.
	Salem RMP	Salem DO	230-248	145–3,500		Reduced widths apply where the corridor is confined by protected lands on each side.
	Salem RMP	Salem DO	4-247			
	Salem RMP	Salem DO	5-201			
	Southeastern Oregon RMP	Vale DO	7-24			

TABLE A (Cont.)

State	Land Use Plan to Be Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
Oregon (Cont.)	Southeastern Oregon RMP	Vale DO	16-24			
	Southeastern Oregon RMP	Vale DO	24-228			
	Southeastern Oregon RMP	Vale DO	11-228	1,500–3,500		Reduced width on a portion of this corridor is to minimize impacts to Owyhee-Below-the-Dam ACEC.
	Southeastern Oregon RMP	Vale DO	24-228			
	Southeastern Oregon RMP	Vale DO	250-251			
	Three Rivers RMP	Burns DO	11-228			
	Two Rivers RMP	Prineville DO	11-103			
	Upper Deschutes RMP	Prineville DO	7-11			
	Upper Deschutes RMP	Prineville DO	11-103			
	Upper Deschutes RMP	Prineville DO	11-228			
Utah	Cedar-Beaver-Garfield-Antimony RMP	Cedar City FO	113-114			
	Grand Staircase-Escalante National Monument Management Plan	Grand Staircase-Escalante NM	68-116			
	House Range RMP ^e	Fillmore FO	114-241			
	House Range RMP ^e	Fillmore FO	116-206			
	Kanab RMP ^f	Kanab FO	116-206			
	Moab RMP ^f	Moab FO	66-212	2,300–29,300		Widths vary above and below the default 3,500 feet consistent with the current plan and to adjust to the variable conditions in Moab Canyon.
	Pinyon MFP	Cedar City FO	110-114			
	Pinyon MFP	Cedar City FO	113-114			
	Pinyon MFP	Cedar City FO	114-241			
	Pony Express RMP ^e	Fillmore FO	116-206			
	Pony Express RMP ^e	Salt Lake FO	114-241			

TABLE A (Cont.)

State	Land Use Plan to Be Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
Utah (Cont.)	Pony Express RMP ^e	Salt Lake FO	116-206			
	Pony Express RMP ^e	Salt Lake FO	44-239			
	Pony Express RMP ^e	Salt Lake FO	66-209		Electric only	Limitation to electric-only because of unstable soils.
	Pony Express RMP ^e	Salt Lake FO	66-212			
	Price RMP ^f	Price FO	66-212			
	Richfield RMP ^f	Richfield FO	116-206			
	Monticello RMP ^f	Monticello FO	66-212			
	St. George (Dixie) RMP	St. George FO	113-114			
	St. George (Dixie) RMP	St. George FO	113-116	5,280		Additional width is consistent with existing plan.
	Vernal RMP ^f	Vernal FO	126-217			
	Vernal RMP ^f	Vernal FO	126-218			
	Vernal RMP ^f	Vernal FO	126-258			
	Warm Springs RMP ^e	Fillmore FO	110-114			
	Warm Springs RMP ^e	Fillmore FO	114-241			
Washington	Spokane RMP	Spokane DO	102-105			
Wyoming	Casper RMP	Casper FO	78-255			
	Casper RMP	Casper FO	79-216			
	Cody RMP	Cody FO	79-216			
	Grass Creek RMP	Worland FO	79-216			
	Great Divide RMP	Rawlins FO	129-218			
	Great Divide RMP	Rawlins FO	129-221			
	Great Divide RMP	Rawlins FO	138-143			
	Great Divide RMP	Rawlins FO	73-129			
	Great Divide RMP	Rawlins FO	73-133		Underground only	Limited to underground-only to reduce visual impacts.
	Great Divide RMP	Rawlins FO	73-138			
	Great Divide RMP	Rawlins FO	78-138			
	Great Divide RMP	Rawlins FO	78-255			

TABLE A (Cont.)

State	Land Use Plan to Be Amended ^b	Responsible Office	Corridor	Nondefault Width (ft) ^c	Nondefault Energy Transport Mode ^c	Rationale ^d
Wyoming (Cont.)	Great Divide RMP	Rawlins FO	78-85			
	Green River RMP	Rock Springs FO	121-220		Electric only	Limited to electric-only because no underground use is anticipated.
	Green River RMP	Rock Springs FO	121-221			
	Green River RMP	Rock Springs FO	121-240			
	Green River RMP	Rock Springs FO	126-218		Underground only, multimodal	Limited to underground-only on a portion because of high lightning and wildfire hazard and visual impacts.
	Green River RMP	Rock Springs FO	129-221			
	Green River RMP	Rock Springs FO	218-240			
	Green River RMP	Rock Springs FO	219-220		Electric only	
	Green River RMP	Rock Springs FO	220-221		Electric only	
	Kemmerer RMP	Kemmerer FO	121-240			
	Kemmerer RMP	Kemmerer FO	218-240			
	Kemmerer RMP	Kemmerer FO	55-240			
	Lander RMP	Lander FO	79-216			
	Washakie RMP	Worland FO	79-216			

Footnotes on next page.

TABLE A (Cont.)

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- ^a DO= District Office; E = east; FO = Field Office; MFP = Management Framework Plan; N = north; NCA = National Conservation Area; RMP = Resource Management Plan; S = south; W = west.
- ^b Land use plans amended to designate the energy corridors under EPL Act Section 368.
- ^c Unless otherwise shown, corridor designations will be for the default width of 3,500 feet and for compatible multimodal uses.
- ^d Designation and use of energy transport corridors under EPL Act Section 368 and in accordance with the IOPs and mitigating measures in the PEIS are consistent with other resource values and uses in the planning area. Where appropriate, the rationale for designation of the nondefault corridor width or energy transport mode of specific corridors is presented.
- ^e This plan cannot be amended at this time due to restrictions to plan amendments imposed by Section 2815(d) of Public Law 106-65, the "National Defense Authorization Act for Fiscal Year 2000" (October 5, 1999). Should these restrictions be lifted, the amendments to this plan would become effective and the BLM would provide public notice of the effective date of the amendments.
- ^f This recently approved RMP contains statements that the ROW corridor designation decisions presented in the RMP are consistent with the PEIS Proposed Action. Since this RMP is consistent with the PEIS, further amendment of this plan will not be necessary.

A.2 STATE-BY-STATE MAPS SHOWING PLAN BOUNDARIES
AND SECTION 368 CORRIDORS FOR THE LAND USE PLAN
AMENDMENTS

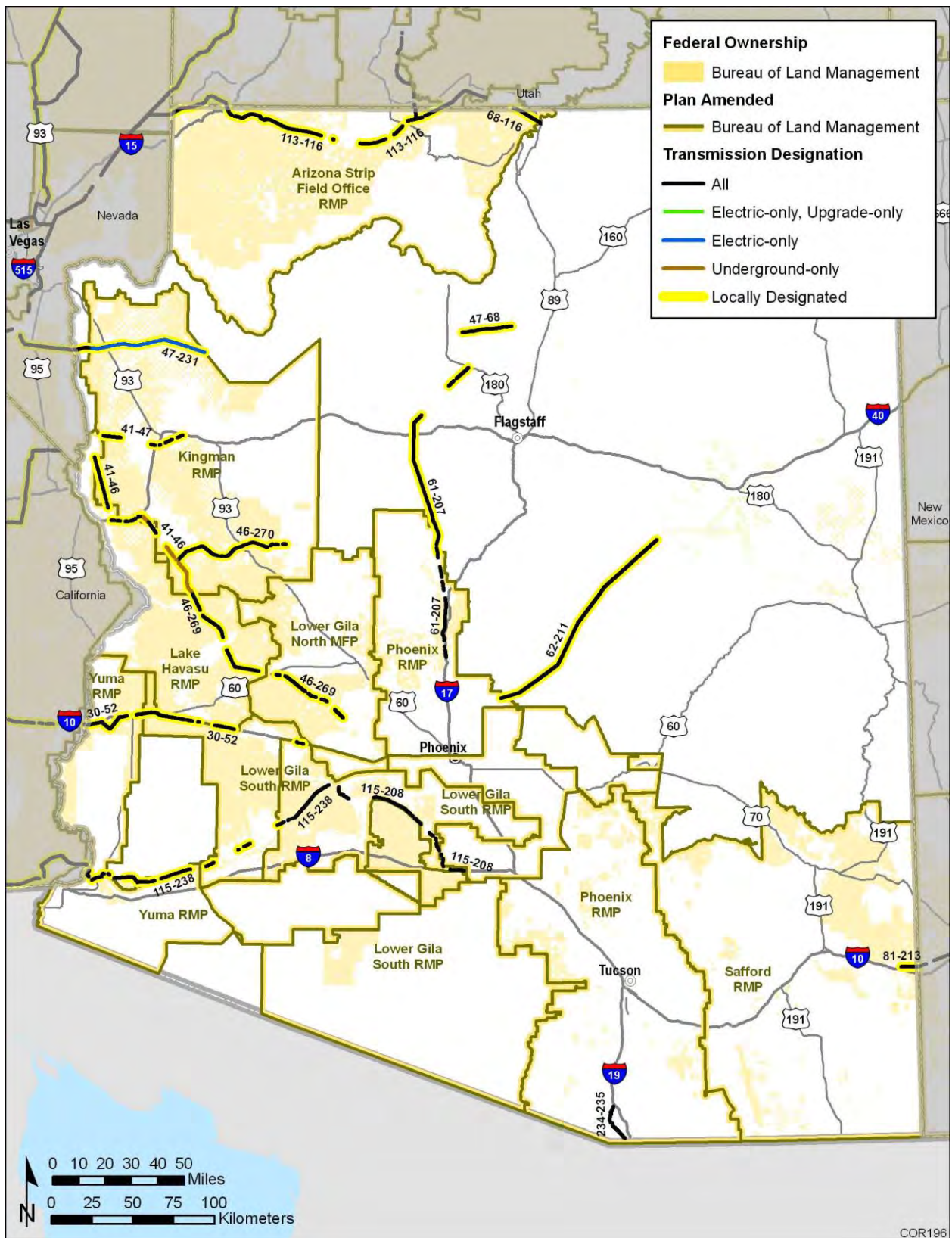


FIGURE A-1: BLM Resource Management Plans in Arizona Amended by this ROD



FIGURE A-2: BLM Resource Management Plans in California Amended by this ROD

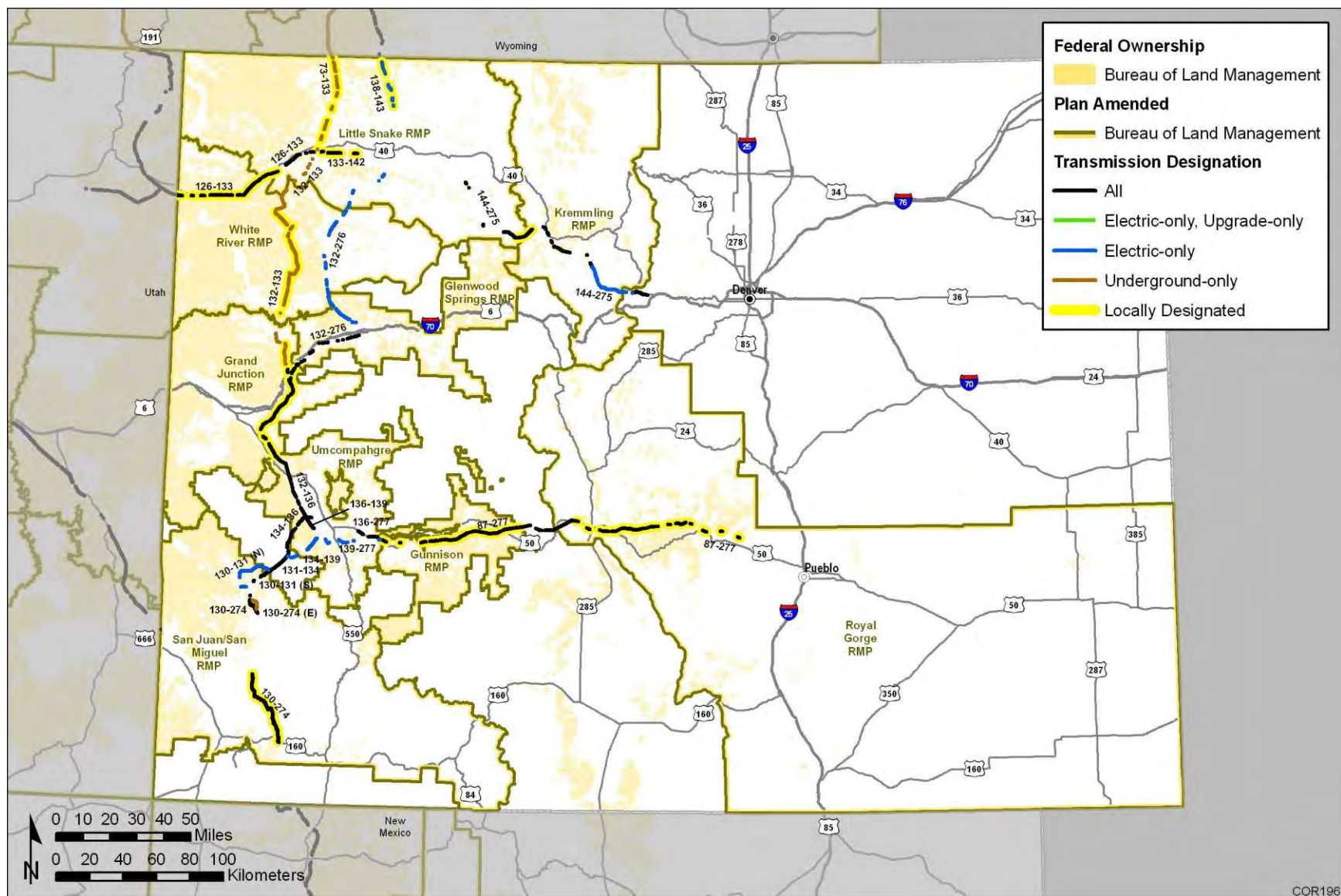


FIGURE A-3: BLM Resource Management Plans in Colorado Amended by this ROD

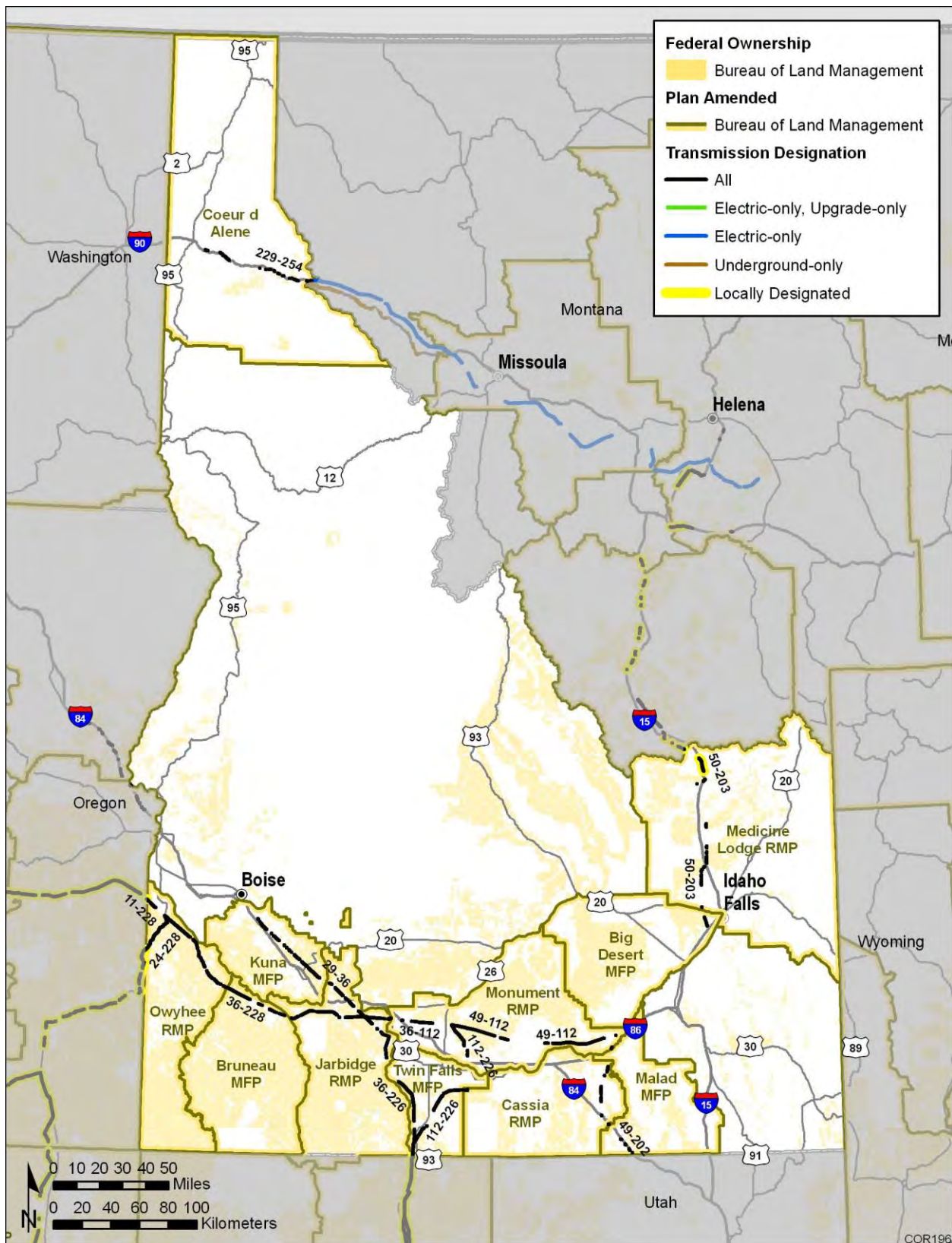
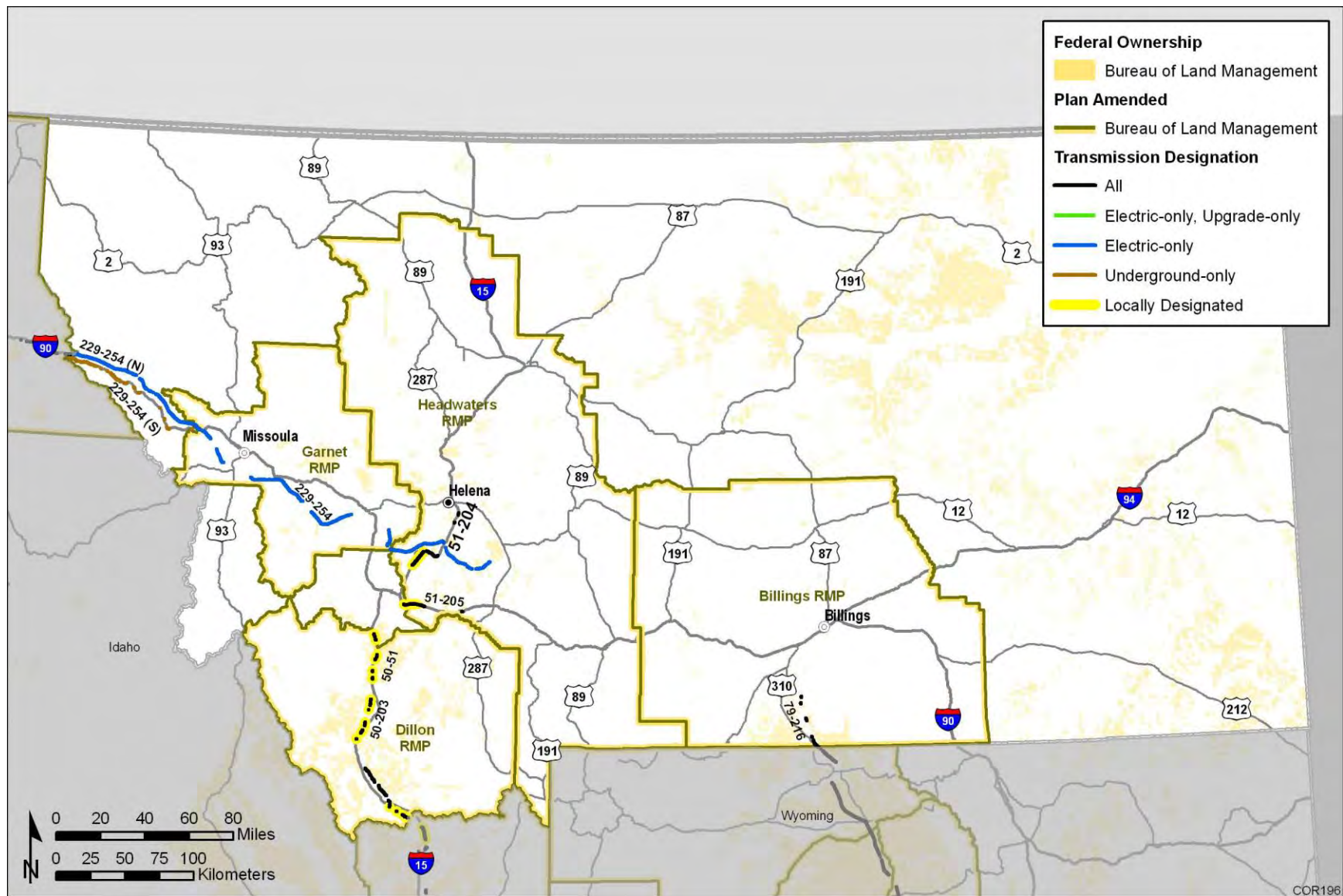


FIGURE A-4: BLM Resource Management Plans in Idaho Amended by this ROD



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FIGURE A-5: BLM Resource Management Plans in Montana Amended by this ROD

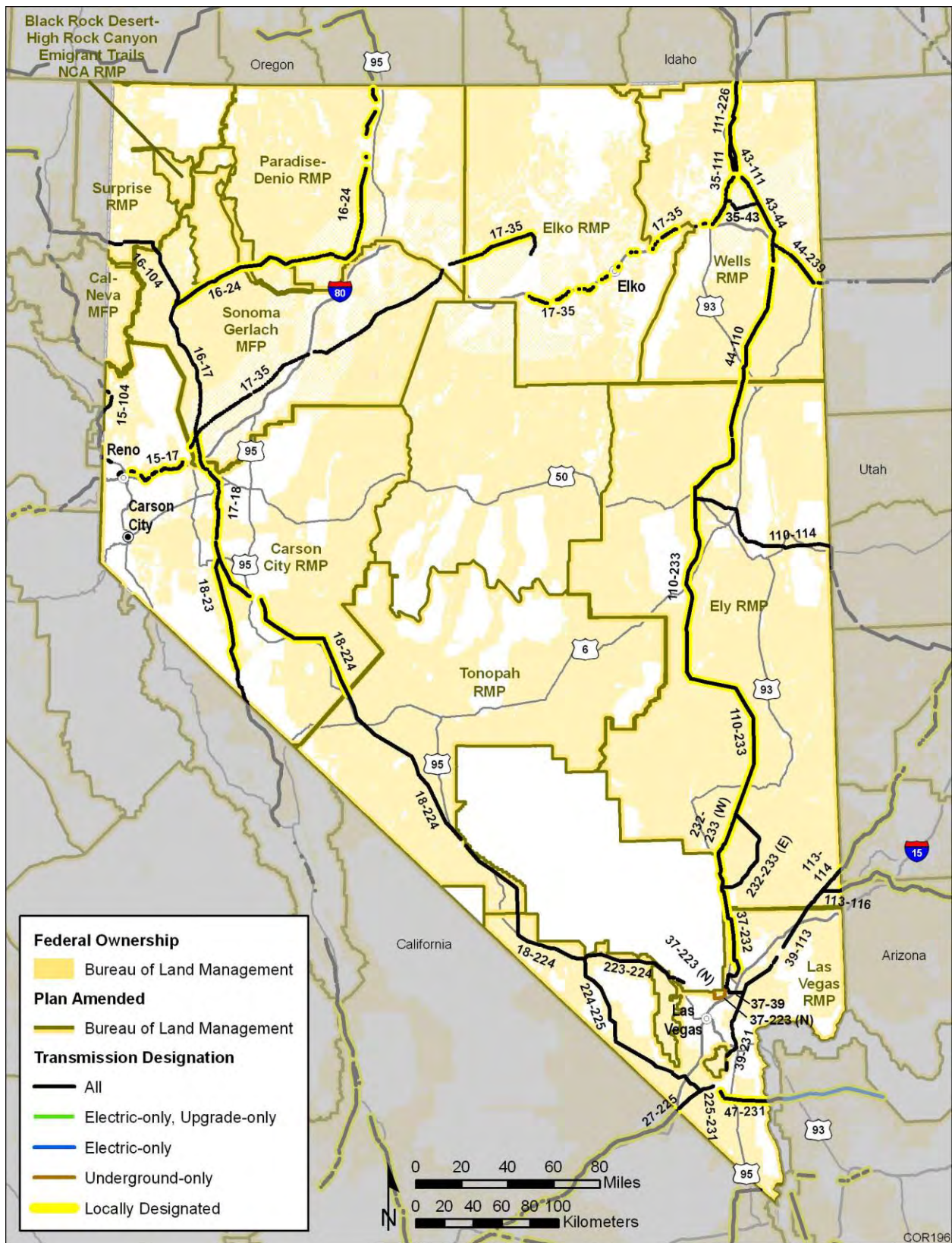


FIGURE A-6: BLM Resource Management Plans in Nevada Amended by this ROD

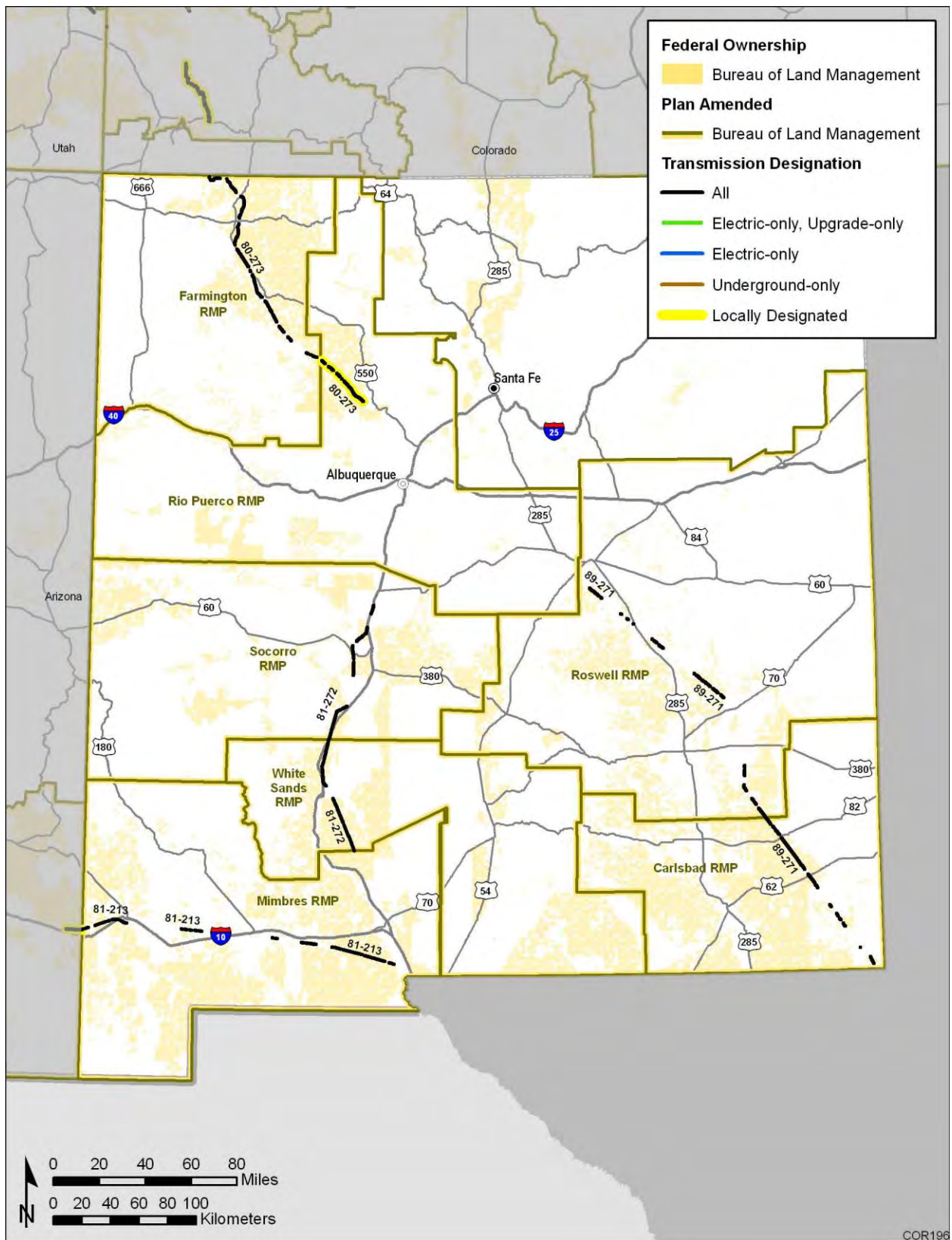


FIGURE A-7: BLM Resource Management Plans in New Mexico Amended by this ROD

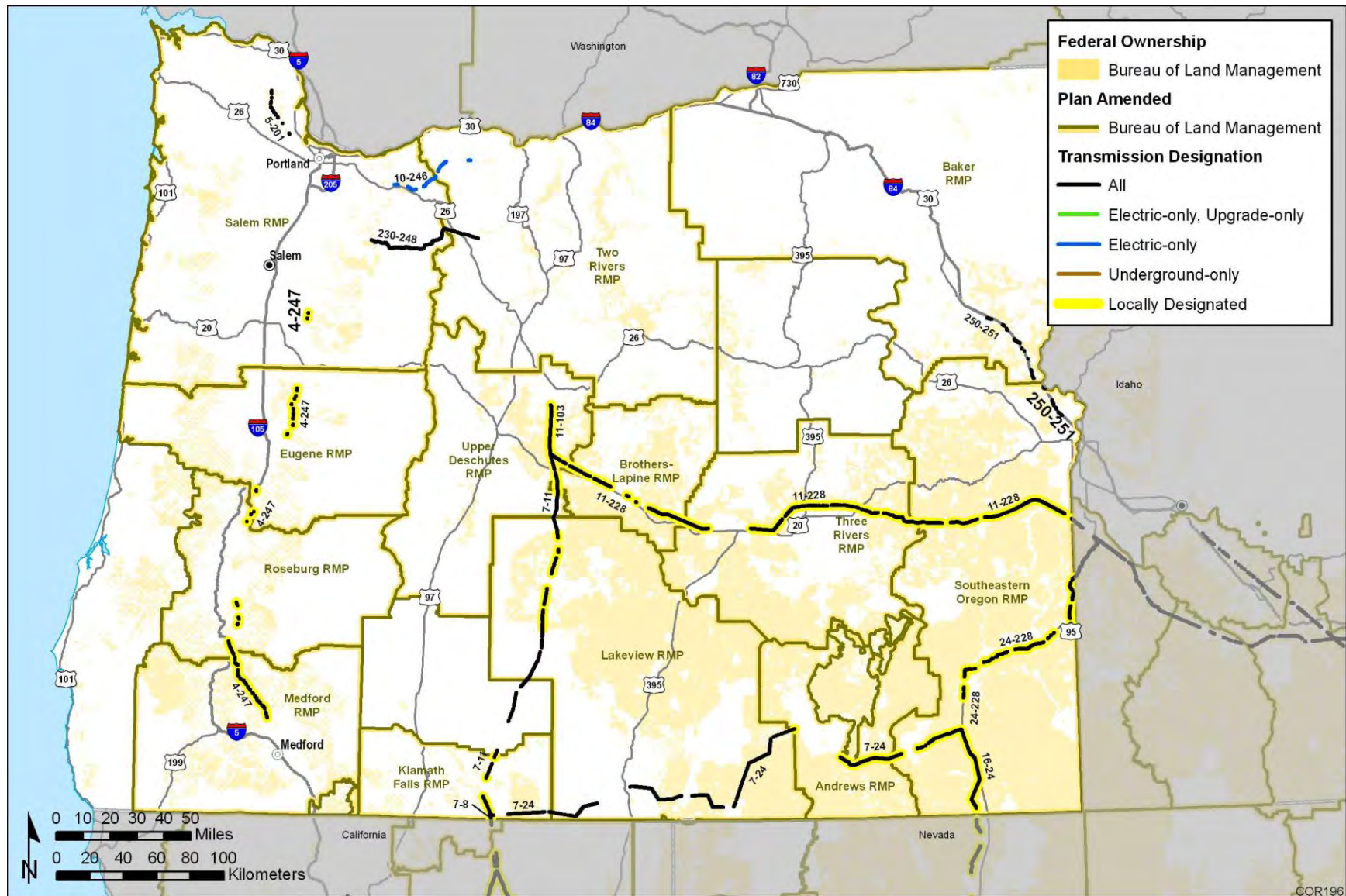


FIGURE A-8: BLM Resource Management Plans in Oregon Amended by this ROD

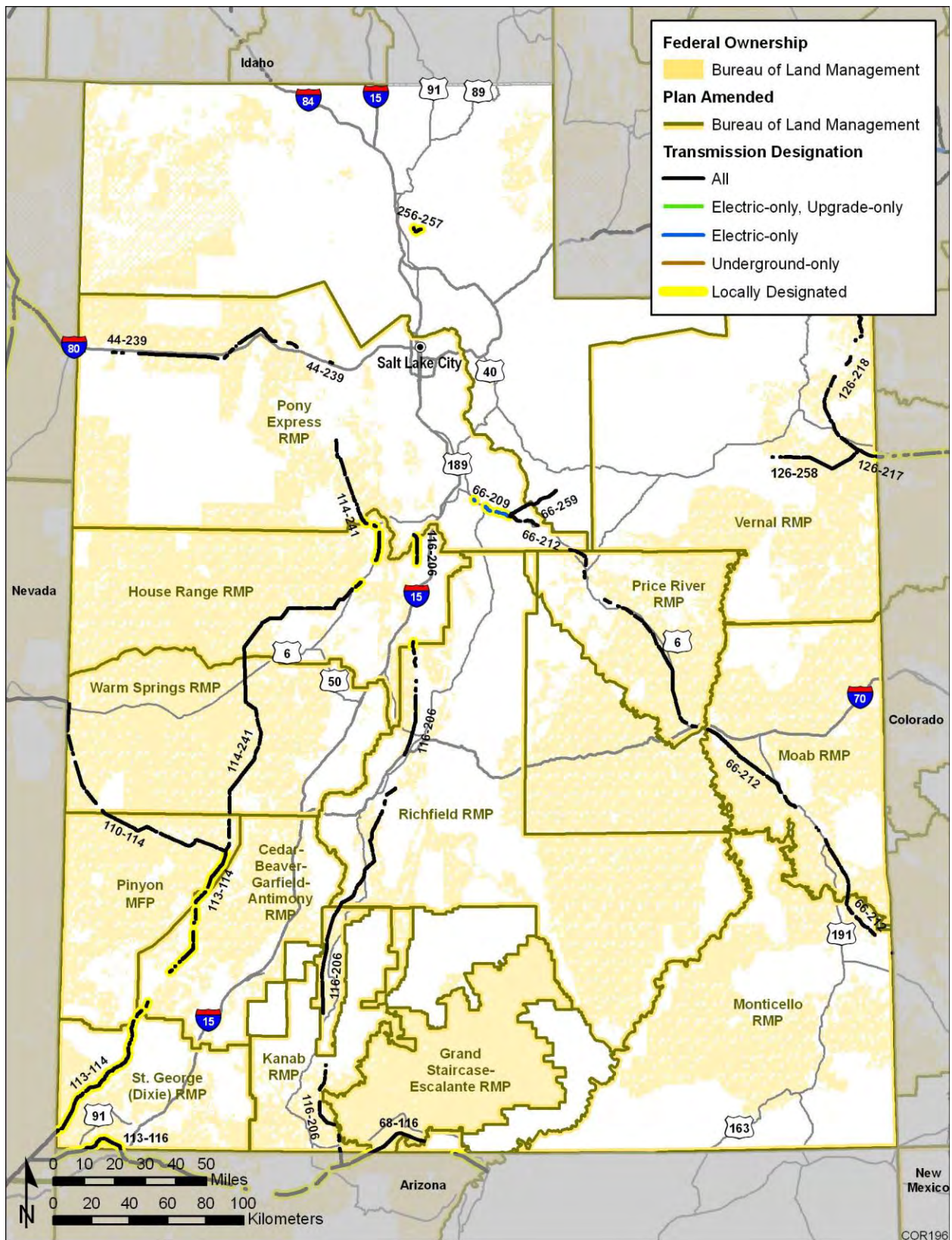


FIGURE A-9: BLM Resource Management Plans in Utah Amended by this ROD

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APPENDIX B: INTERAGENCY OPERATING PROCEDURES

APPENDIX B: INTERAGENCY OPERATING PROCEDURES

These Interagency Operating Procedures (IOPs) are adopted as part of the plan amendments and are mandatory, as appropriate, for projects proposed within the Section 368 corridors. Not all IOPs will be appropriate for all projects; those that apply to pipelines, for instance, are not appropriate to transmission lines. These IOPs are practicable means to avoid or minimize environmental harm from future project development that may occur within the designated corridors.

The IOPs set forth below are not intended and should not be construed to alter applicable provisions of law or regulation or to reduce the protections afforded thereby to the resources addressed in the IOPs.

These IOPs are adopted as proposed in the Final PEIS, with minor technical edits and clarifications.

B.1 PROJECT PLANNING

Regulatory Compliance

1. The appropriate agency, assisted by the applicant, must conduct project-specific NEPA analyses in compliance with Section 102 of NEPA. The scope, content, and type of analysis shall be determined on a project-by-project basis by the Agencies and the applicants.
2. The appropriate agency, assisted by the project applicant, must comply with Section 106 of the NHPA on a project-by-project basis. Consultation with SHPOs, any federally recognized Tribes, and other appropriate parties as per regulations (36 CFR 800) must begin early in the planning process and continue throughout project development and execution. The ACHP retains the option to comment on all undertakings (36 CFR 800.9).
3. The appropriate agency, assisted by the project applicant, must consult with the USFWS and the NMFS as required by Section 7 of ESA. The specific consultation requirements, as set forth in regulations at 50 CFR Part 402, would be applied on a project-by-project basis. Applicants shall identify known occupied sites, such as nest sites, for threatened and endangered species and special status species (BLM 2008).
4. The appropriate agency, assisted by the project applicant, must coordinate and consult with NMFS regarding potential impacts to essential fish habitat (EFH) as required by the 1996 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act.

Agency Coordination

1. Applicants seeking to develop energy transport projects within corridors located on or near DOD facilities or flight training areas (see Appendix L of the PEIS for applicable corridors) must, early in the planning process and in conjunction with the appropriate agency staff, inform and coordinate with the DOD regarding the characteristics and locations of the anticipated project infrastructure.
2. Early in the planning process, applicants seeking a ROW authorization within a Section 368 energy corridor that is located within 5 miles of a unit of the NPS should contact the appropriate Agency staff and work with the NPS regarding the characteristics and locations of anticipated project infrastructure. In those instances where corridors cross lands within the boundaries of a unit of the NPS, the National Park Service Organic Act and other relevant laws and policies shall apply.
3. In those instances where projects using energy corridors are proposed to also cross National Wildlife Refuge System lands, the National Wildlife System Administration Act and other relevant laws and policies pertinent to national wildlife refuges shall apply.
4. For electricity transmission projects, the applicant shall notify the Federal Aviation Administration (FAA) as early as practicable in the planning process in order to identify appropriate aircraft safety requirements.
5. All project applications must reflect applicable findings, mitigation, and/or standards contained in regional land management plans, such as the Northwest Forest Plan, when such regional plans have been incorporated into agency planning guidelines and requirements. Modification of some standards may be needed to reasonably allow for energy transport within a corridor.

Government-to-Government Consultation

1. The appropriate agency, assisted by the project applicant, must initiate government-to-government consultation with affected Tribes at the outset of project planning and shall continue consultation throughout all phases of the project, as necessary. Agencies should determine how to consult in a manner that reflects the cultural values, socioeconomic factors, and administrative structures of the interested Tribes.
2. The agency POC may require the project proponent to prepare an ethnographic study when Tribal consultation indicates the need. The study shall be conducted by a qualified professional selected in consultation with the affected Tribe.

General

1. Applicants seeking to develop an electricity transmission or pipeline project will develop a project-specific plan of development (POD). The POD should display the location of the project infrastructure (i.e., towers, power lines) and identify areas of short- and long-term land and resource impacts and the mitigation measures for site-specific and resource-specific environmental impacts. The POD should also include notification of project termination and decommissioning to the agencies at a time period specified by the agencies.
2. Applicants, working with the appropriate agencies, shall design projects to comply with all appropriate and applicable agency policies and guidance.
3. Project planning shall be based on the current state of knowledge. Where corridors are subject to sequential projects, project-related planning (such as the development of spill-response plans, cultural resource management plans, and visual resource management plans) and project-specific mitigation and monitoring should incorporate information and lessons learned from previous projects.
4. Applicants shall follow the best management practices for energy transport project siting, construction, and operations of the states in which the proposed project would be located, as well as Federal agency practices.
5. Corridors are to be efficiently used. The applicant, assisted by the appropriate agency, shall consolidate the proposed infrastructure, such as access roads, wherever possible and utilize existing roads to the maximum extent feasible, minimizing the number, lengths, and widths of roads, construction support areas, and borrow areas.
6. When concurrent development projects are proposed and implemented within a corridor, the agency POCs shall coordinate the projects to ensure consistency with regard to all regulatory compliance and consultation requirements, and to avoid duplication of effort.
7. Applicants, assisted by the appropriate agency, shall prepare a monitoring plan for all project-specific mitigation activities.
8. Potential cumulative impacts to resources should be considered during the early stages of the project. Agency POCs must coordinate various development projects to consider and minimize cumulative impacts. A review of resource impacts resulting from other projects in the region should be conducted and any pertinent information be considered during project planning.

Project Design

1. Applicants shall locate desired projects within energy corridors to promote effective use of the corridors by subsequent applicants and to avoid the elimination of use or encumbrance of use of the corridors by ROW holders. Proposed projects should be compatible with identified energy transport modes and avoid conflicts with other land uses within a corridor.
2. Applicant shall identify and delineate existing underground metallic pipelines in the vicinity of a proposed electricity transmission line project and design the project to avoid accelerating the corrosion of the pipelines and/or pumping wells.

Transportation

1. The applicant shall prepare an access road siting and management plan that incorporates relevant agency standards regarding road design, construction, maintenance, and decommissioning. Corridors will be closed to public vehicular access unless determined by the appropriate Federal land manager to be managed as part of an existing travel and transportation network in a land use plan or subsequent travel management plan(s).
2. The applicant shall prepare a comprehensive transportation plan for the transport of transmission tower or pipeline components, main assembly cranes, and other large equipment. The plan should address specific sizes, weights, origin, destination, and unique equipment handling requirements. The plan should evaluate alternative transportation routes and should comply with state regulations and all necessary permitting requirements. The plan should address site access roads and eliminate hazards from truck traffic or adverse impacts to normal traffic flow. The plan should include measures such as informational signage and traffic controls that may be necessary during construction or maintenance of facilities.
3. Applicants shall consult with local planning authorities regarding increased traffic during the construction phase, including an assessment of the number of vehicles per day, their size, and type. Specific issues of concern (e.g., location of school bus routes and stops) should be identified and addressed in the traffic management plan.

Groundwater

1. Applicants must identify and delineate all sole source aquifers in the vicinity of a proposed project and design the project to avoid disturbing these aquifers or to minimize potential risks that the aquifers could be contaminated by spills or leaks of chemicals used in the projects.
2. In instances where a project within an energy corridor crosses sole source aquifers, the applicant must notify the U.S. Environmental Protection Agency (EPA) and the agencies that administer the land as early as practicable in the planning process. Section 1424(e) of the Safe Drinking Water Act (42 USC Chapter 6A) and other relevant laws and policies pertinent to the corridors that cross sole source aquifers shall apply.

Surface Water

1. Applicants must identify all wild and scenic rivers (designated by act of Congress or by the Secretary of the Interior under Section 3(a) or 2(a)(ii) of the Wild and Scenic Rivers Act (16 USC 1271-1287), respectively), congressionally authorized wild and scenic study rivers, and agency identified (eligible or suitable) wild and scenic study rivers in the vicinity of a proposed project and design the project to avoid the rivers or mitigate the disturbance to the rivers and their vicinity.
2. In instances where a project within an energy corridor crosses a wild and scenic river or a wild and scenic study river, the appropriate Federal permitting agency, assisted by the project applicant, must coordinate and consult with the river-administrating agency regarding the protection and enhancement of the river's free-flowing condition, water quality, and outstandingly remarkable natural, cultural, and recreational values.
3. Applicants shall identify all streams in the vicinity of proposed project sites that are listed as impaired under Section 303(d) of the Clean Water Act (33 USC Chapter 26) and provide a management plan to avoid or mitigate adverse impacts on those streams.

Paleontological Resources

1. The applicant shall conduct an initial scoping assessment to determine whether construction activities would disturb formations that may contain important paleontological resources. Potential impacts to significant paleontological resources should be avoided by moving or rerouting the site of construction or removing or reducing the need for surface disturbance. When avoidance is not possible, a mitigation plan should be prepared to identify physical and administrative protective measures and

protocols such as halting work, to be implemented in the event of fossil discoveries. The scoping assessment and mitigation plan should be conducted in accordance with the managing agency's fossil management practices and policies.

2. If significant paleontological resources are known to be present in the project area, or if areas with a high potential to contain paleontological material have been identified, the applicant shall prepare a paleontological resources management and mitigation plan. If adverse impacts to paleontological resources cannot be avoided or mitigated within the designated corridors, the agency may consider alternative development routes to avoid, minimize, or mitigate adverse effects.
3. A protocol for unexpected discoveries of significant paleontological resources should be developed. Unexpected discovery during construction should be brought to the immediate attention of the responsible Federal agency's authorized officer. Work should be halted in the vicinity of the discovery to avoid further disturbance of the resource while the resource is being evaluated and appropriate mitigation measures are being developed.

Ecological Resources

1. Applicants shall identify important, sensitive, or unique habitats and BLM-special status species (BLM 2008), FS-sensitive, and state-listed species in the vicinity of proposed projects and design the project to avoid or mitigate impacts to these habitats and species.
2. To restore disturbed habitats, the applicant will prepare a habitat restoration plan that identifies the approach and methods to be used to restore habitats disturbed during project construction activities. The plan will be designed to expedite the recovery to natural habitats supporting native vegetation, and require restoration to be completed as soon as practicable after completion of construction, minimizing the habitat converted at any one time. To ensure rapid and successful restoration efforts, the plan will include restoration success criteria, including time frames, which will be developed in coordination with the appropriate agency and which must be met by the applicant. Bonding to cover the full cost of restoration will be required.
3. In consultation with the U.S. Army Corps of Engineers, the appropriate agency, assisted by the project applicant, will identify wetlands (including ephemeral, intermittent, and isolated wetlands), riparian habitats, streams, and other aquatic habitats in the project area and design the project to avoid or mitigate impacts to these habitats.

Vegetation Management

Applicants shall develop an integrated vegetation management plan consistent with applicable regulations and agency policies for the control of unwanted vegetation, noxious weeds, and invasive species (E.O. 13112). The plan should address monitoring; ROW vegetation management; the use of certified weed-seed-free hay, straw, and/or mulch; the cleaning of vehicles to avoid the introduction of invasive weeds; education of personnel on weed identification, the manner in which weeds spread, and the methods for treating infestations (BLM 2006, 2007a,b, 2008).

Cultural Resources

1. Cultural resources management services and individuals providing those services shall meet the Secretary of the Interior's Standards for Archeology and Historic Preservation, 48 FR 44716 (Sept. 29, 1983).
2. The project applicant may, with the approval of the agency POC, assign a Cultural Resource Coordinator to ensure an integrated compliance process across administrative and jurisdictional boundaries. The Cultural Resource Coordinator will facilitate and coordinate compliance with multiple laws, policies, regulations, and existing pertinent agreements (PAs, MOAs, or MOUs) among multiple agencies and other entities, jurisdictions, and federally recognized Tribes. The coordinator may assist with development of pertinent agreements among concerned parties during the course of the project. The coordinator shall be a qualified professional with experience in cultural resource compliance. Where appropriate, the Cultural Resource Coordinator may also serve as the Tribal Coordinator. Alternatively, the agency POC may assign such coordinators, to be paid for through project cost-recovery funds. The agencies, through the POC, remain responsible for consultation.
3. The project applicant may, with the approval of the agency POC, assign a Tribal Coordinator to facilitate and coordinate consultation and compliance with multiple laws, agencies, and Tribes in order to ensure effective government-to-government consultation throughout the life of the project. Alternatively, the agency POC may assign such coordinators, to be paid for through project cost-recovery funds. The agencies, through the POC, remain responsible for consultation.
4. All historic properties in the Area of Potential Effect (APE) will be identified and evaluated. The APE shall include that area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties and shall include a reasonable construction buffer zone and laydown areas, access roads, and borrow areas, as well as a reasonable assessment of areas subject to effects from visual, auditory, or atmospheric impacts, or impacts from increased access.

5. Project proponents must develop a cultural resources management plan (CRMP) to outline the process for compliance with applicable cultural resource laws during pre-project planning, management of resources during operation, and consideration of the effect of decommissioning. The CRMPs should meet the specifications of the appropriate agency and address compliance with all appropriate laws. The CRMPs should include the following, as appropriate: identification of the federally recognized Tribes, State Historic Preservation Offices (SHPOs), and consulting parties for the project; identification of long- and short-term management goals for cultural resources within the APE of the project; the definition of the APE; appropriate procedures for inventory, evaluation, and identification of effects to historic properties; evaluation of eligibility for the National Register of Historic Places (NRHP) for all resources in the APE; description of the measures to avoid, minimize, or mitigate adverse effects to historic properties; procedures for inadvertent discovery; procedures for considering Native American Graves Protection and Repatriation Act (NAGPRA) issues, monitoring needs, and plans to be employed during construction; curation procedures; anticipated personnel requirements and qualifications; public outreach and interpretation plans; and discussion of other concerns. The draft CRMP should be reviewed and approved by the agency POC in consultation with historic preservation partners, including appropriate SHPOs, Tribes, and consulting parties. The CRMPs must specify procedures that would be followed for compliance with cultural resource laws should the project change during the course of implementation.
6. Project applicants will provide cultural resources training for project personnel regarding the laws protecting cultural resources, appropriate conduct in the field (such as procedures for the inadvertent discovery of human remains), and other project-specific issues identified in the CRMP. Training plans should be part of the CRMP and should be subject to the approval of the POC. When government-to-government consultation identifies the need and the possibility, Tribes may be invited to participate in or contribute to relevant sessions.
7. If adverse effects to historic properties will result from a project, a Historic Property Treatment Plan will be developed in consultation with the SHPO, the appropriate federally recognized Tribes, and any consulting parties. The plan will outline how the impacts to the historic properties would be mitigated, minimized, or avoided. Agency officials will give full consideration to the applicable mitigation measures found in Section 3.10.5.2 of the Final PEIS when consulting during the project pre-planning stages to resolve adverse effects on historic properties.
8. As directed by the agency POC, project proponents will prepare a public education and outreach component regarding project-related cultural resource issues (e.g., discoveries, impacts) such as a public presentation, a news article, a publication, or a display. Public education and outreach components will be subject to Agency approval and Tribal review and consultation when the content or format is of interest to affected Tribes.
9. Cultural resources inventory, evaluation, and mitigation practices should incorporate modeling and sampling strategies to the extent practicable, in concurrence with SHPOs and other relevant parties, and as approved by the agency POC.

10. Project applicants shall provide all cultural resources reports and data in an electronic format that is approved by the Agency POC and integrated across jurisdictional boundaries, that meets current standards, and that is compatible with SHPO systems. The Agency will submit this data to the SHPO in a timely fashion. Project proponents should submit cultural resources data on a regular basis to ensure that SHPO systems are kept up to date for reference as the different phases of the project proceed. Paper records may also be required by the agency.
11. Cultural resources inventory procedures, specified in the CRMP, will include development of historic contexts based on the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716) sufficient to support the evaluation of cultural resources encountered in the APE.

Tribal Traditional Cultural Resources

1. The appropriate agency, assisted by the applicant, must comply with all laws, policies, and regulations pertaining to government-to-government consultation with federally recognized Tribes. Agencies shall initiate consultation with affected Tribes at the outset of project planning and shall continue consultation throughout project planning, construction, operation, and decommissioning. Consultation shall include, but not be limited to, the following: (a) identification of potentially affected Tribes; (b) identification of appropriate Tribal contacts and the preferred means of communication with these Tribes; (c) provision to the Tribes of project-specific information (e.g., project proponents, maps, design features, proposed ROW routes, construction methods, etc.) at the outset of project planning and throughout the life of the project; (d) identification of issues of concern specific to affected Tribes (e.g., potential impacts to culturally sensitive areas or resources, hazard and safety management plans, treaty reserved rights and trust responsibilities); (e) identification of areas and resources of concern to Tribes; and (f) resolution of concerns (e.g., actions to avoid, minimize, or mitigate impacts to important resources; Memoranda of Agreement stating what actions would be taken to mitigate project effects; or agreements for Tribal participation in monitoring efforts or operator training programs).
2. The appropriate agency, assisted by the applicant, must comply with all pertinent laws, policies, and regulations addressing cultural and other resources important to Tribes, including the NHPA, the Archaeological Resources Protection Act (ARPA), the Native American Graves Protection Act (NAGPRA), and other laws and regulations as listed in Table 3.11-2 in Volume I of the PEIS.
3. The agencies shall recognize the significance to many Tribes of traditional cultural places, such as sacred sites, sacred landscapes, gathering grounds, and burial areas, and shall seek to identify such areas through consultation with affected Tribes early in the project planning process. Agencies shall seek to avoid, minimize, or mitigate impacts to such places in consultation with the Tribes, project proponents, and other relevant parties.

Where confidentiality concerning these areas is important to an affected Tribe, agencies shall honor such confidentiality unless the Tribe agrees to release the information.

4. A protocol must be developed for inadvertent discovery of Native American human remains and funerary items to comply with the NAGPRA in consultation with appropriate federally recognized Tribes. Unexpected discovery of such items during construction must be brought to the immediate attention of the responsible Federal agency's authorized officer. Work must be halted in the vicinity of the find of Native American graves and funerary items to avoid further disturbance to the resources while they are being evaluated and appropriate mitigation measures are being developed. The procedures for reporting items covered under NAGPRA must be identified in the CRMP.

Visual Resources

1. Applicants shall identify and consider visual resource management (VRM) and scenery management (SMS) issues early in the design process to facilitate integration of VRM and scenery treatments into the overall site development program and construction documents. Visual/scenery management considerations, environmental analyses, mitigation planning, and design shall reference and be in accordance with the land management agency visual/scenery management policies and procedures applicable to the jurisdiction the project lies within. Applicants shall coordinate between multiple agencies on visual/scenery sensitive issues when projects transition from one jurisdiction to another, especially when transitions occur within a shared viewshed.
2. Applicants shall prepare a VRM or scenery management plan. The applicant's planning team shall include an appropriately trained specialist, such as a landscape architect with demonstrated VRM and/or scenery management system (SMS) experience. The VRM/SMS specialist shall coordinate with the BLM/FS on the availability of the appropriate visual or scenic inventory data, VRM management class delineations, Scenic Integrity Objectives (SIOs), and Federal agency expectations for preparing project plans and mitigation strategies to comply with RMP or LRMP direction related to scenery and/or visual resources. Applicants shall confirm that a current Visual Resource Inventory and/or Scenic Class inventory is available and that the resource management plan (RMP) or land resource and management plan (LRMP) VRM classifications or SIOs have been designated in the current land management plan. Project plans shall abide by the VRM class designations and SIOs and consider sensitivities defined within the visual or scenic resource inventory. If visual or scenic management objectives are absent, then the proper inventory and classification process shall be followed to develop them in accordance with the BLM VRM manual and handbooks or FS SMS process, depending on the agency. When the VRM management classes or SIOs are absent, then the project alternatives must reflect a range of management options related to scenery and visual resources that reflect the values identified in the visual/scenic inventory. Responsibility for developing an inventory or VRM management classes (or in the case of the FS, Scenic Classes and SIOs) will remain with the respective agency, but how to accomplish

these tasks will be determined by the field office manager or forest supervisor, who will consider the applicant's role and financial participation in completing the work.

3. Visual and scenic mitigation planning/design and analysis shall be performed through integrated field assessment, applied global positioning system (GPS) technology, field photo documentation, use of computer-aided design and development software, 3-D modeling GIS software, and visual simulation software, as appropriate. Proposed activities, projects, and site development plans shall be analyzed and further developed using these technologies to meet visual and scenic objectives for the project area and surrounding areas sufficient to provide the full context of the viewshed. Visual simulations shall be prepared according to BLM Handbook H-8432-1, or other agency requirements, to create spatially accurate depictions of the appearance of proposed facilities, as reflected in the 3-D design models. Simulations shall depict proposed project appearance from sensitive/scenic locations as well as more typical viewing locations. Transmission towers, roads, compressor stations, valves, and other aboveground infrastructure should be integrated aesthetically with the surrounding landscape in order to minimize contrast with the natural environment.
4. Applicants shall develop adequate terrain mapping on a landscape/viewshed scale for site planning/design, visual impact analysis, visual impact mitigation planning/design, and for full assessment and mitigation of cumulative visual impacts through applied, state-of-the-art design practices using the cited software systems. The landscape/viewshed scale mapping shall be geo-referenced and at the same Digital Elevation Model (DEM) resolution and contour interval within the margin of error suitable for engineered site design. This level of mapping shall enable proper placement of proposed developments into the digital viewshed context. Final plans shall be field verified for compliance.
5. The full range of visual and scenic best management practices shall be considered, and plans shall incorporate all pertinent best management practices (BMPs). Visual and scenic resource monitoring and compliance strategies shall be included as a part of the project mitigation plans.
6. Compliance with VRM/SMS objectives shall be determined through the use of the BLM Contrast Rating procedures defined in BLM Handbook H-8431-1 Visual Contrast Rating, or the FS SMS Handbook 701. Mitigation of visual impacts shall abide by the requirements of these handbooks.

Public Health and Safety

1. An electricity transmission project shall be planned by the applicant to comply with FAA regulations, including lighting regulations, and to avoid potential safety issues associated with proximity to airports, military bases or training areas, or landing strips.
2. A health and safety program shall be developed by the applicant to protect both workers and the general public during construction, operation, and decommissioning of an energy transport project. The program should identify all applicable Federal and state

occupational safety standards, establish safe work practices for each task (e.g., requirements for personal protective equipment and safety harnesses, Occupational Safety and Health Administration [OSHA] standard practices for safe use of explosives and blasting agents, measures for reducing occupational electromagnetic field [EMF] exposures), and define safety performance standards (e.g., electrical system standards). The program should include a training program to identify hazard training requirements for workers for each task and establish procedures for providing required training to all workers. Documentation of training and a mechanism for reporting serious accidents to appropriate agencies should be established.

3. The health and safety program shall establish a safety zone or setback from roads and other public access areas that is sufficient to prevent accidents resulting from various hazards. It should identify requirements for temporary fencing around staging areas, storage yards, and excavations during construction or decommissioning activities. It should also identify measures to be taken during the operations phase to limit public access to those components of energy facilities that present health or safety risks.
4. Applicants shall develop a comprehensive emergency plan that considers the vulnerabilities of their energy system to all credible events initiated by natural causes (earthquakes, avalanches, floods, high winds, violent storms, etc.), human error, mechanical failure, cyber attack, sabotage, or deliberate destructive acts of both domestic and international origin and the potential for and possible consequences of those events. Vulnerability, threat, and consequence assessment methodologies and criteria in the sector-specific plan (SSP) for energy⁶ will be used and appropriate preemptive and mitigative response actions will be identified. The applicant must coordinate emergency planning with state, local, and Tribal emergency and public safety authorities and with owners and operators of other energy systems collocated in the corridor or in adjacent corridors that could also be impacted.
5. In addition to directives contained in other IOPs herein, the applicant must identify all Federal, state, and local regulations pertaining to environmental protection, worker health and safety, public safety, and system reliability that are applicable throughout the construction, operation, and decommissioning phases of their facility's life cycle and must develop appropriate compliance strategies, including securing all necessary permits and approvals.

Hazardous Materials Management

Applicants for petroleum pipelines and projects involving oil-filled electrical devices shall develop a spill prevention and response plan identifying spill prevention measures

⁶ The SSP for energy, developed by the Department of Energy's Office of Electricity Delivery and Energy Reliability, is one of seventeen such SSPs that comprise the National Infrastructure Protection Plan (NIPP). The energy SSP (redacted) is available at http://www.oe.energy.gov/DocumentsandMedia/Energy_SSP_Public.pdf. The NIPP is available at http://www.dhs.gov/xlibrary/assets/NIPP_Plan.pdf.

to be implemented, training requirements, appropriate spill response actions, and procedures for making timely notifications to authorities. The spill prevention and response plan should include identification of any sensitive biotic resources and locations (such as habitats) that require special measures to provide protection, as well as the measures needed to provide that protection.

Fire Management

1. Applicants shall develop a fire management strategy to implement measures to minimize the potential for a human-caused fire during project construction, operation, and decommissioning. The strategy should consider the need to reduce hazardous fuels (e.g., native and non-native annual grasses and shrubs) and to prevent the spread of fires started outside or inside a corridor, and clarify who has responsibility for fire suppression and hazardous fuels reduction for the corridor.
2. Applicants must work with the local land management agency to identify project areas that may incur heavy fuel buildups, and develop a long-term strategy on vegetation management of these areas. The strategy may include land treatment during project construction, which may extend outside the planned ROW clearing limits.

B.2 PROJECT CONSTRUCTION

General

1. To avoid conflict with Federal and non-Federal operations, the applicant shall be aware of liabilities pertaining to environmental hazards, safety standards, and military flying areas.
2. The applicant shall locate all stationary construction equipment (i.e., compressors and generators) as far as practicable from nearby residences.
3. Applicants shall pay fair market value to the land management agency for any merchantable forest products that will be cut during ROW clearing. The local land management agency will determine the fair market value, which will be paid prior to clearing. The applicant will either remove the forest products from the area or will stack the material at locations determined by the local land management agency. Treatment of unmerchantable products will be determined by the local land management agency.

Soils, Excavation, and Blasting

1. Applicants shall salvage, safeguard, and reapply topsoil from all excavations and construction activities during restoration.
2. All areas of disturbed soil shall be restored by the applicant using weed-free native grasses, forbs, shrubs, and trees as directed by the agency. Restoration should not be unnecessarily delayed. If native species are not available, noninvasive vegetation recommended by agency specialists may be used.
3. The applicant must not create excessive slopes during excavation. Areas of steep slopes, biological soil crusts, erodible soil, and stream channel crossings will often require site-specific and specialized construction techniques by the applicant. These specialized construction techniques should be implemented by adequately trained and experienced employees.
4. Blasting activities will be avoided or minimized in the vicinity of sole source aquifer areas to reduce the risk of releasing sediments or particles into the groundwater and inadvertently plugging water supply wells.
5. The applicant must backfill foundations and trenches with originally excavated material as much as possible. Excess excavation materials should be disposed of by the applicant only in approved areas.
6. The applicant shall obtain borrow (fill) material only from authorized sites. Existing sites should be used in preference to new sites.
7. The applicant shall prepare an explosives use plan that specifies the times and meteorological conditions when explosives will be used and specifies minimum distances from sensitive vegetation and wildlife or streams and lakes.
8. If blasting or other noisy activities are required during the construction period, the applicant must notify nearby residents in advance.

Mitigation and Monitoring

All control and mitigation measures established for the project in the POD and other required plans shall be maintained and implemented by the applicant throughout construction. Necessary adjustments may be made with the concurrence of the appropriate agency.

Surface and Groundwater Resources

1. The applicant shall safeguard against the possibility of dewatering shallow groundwater and/or wetlands in the vicinity of project sites during foundation excavations or excavations for buried pipelines.
2. The applicant shall implement erosion controls complying with county, state, and Federal standards, such as jute netting, silt fences, and check dams, and secure all necessary storm water pollution prevention plan (SWPPP) permits.
3. The applicant shall minimize stream crossings by access roads to the extent practicable. All structures crossing intermittent and perennial streams shall be located and constructed so that the structures do not decrease channel stability, increase water velocity, or impede fish passage.
4. Applicants shall not alter existing drainage systems and shall give particular care to sensitive areas such as erodible soils or steep slopes. Soil erosion shall be reduced at culvert outlets by appropriate structures. Catch basins, roadway ditches, and culverts shall be cleaned and maintained.
5. Applicants must not create hydrologic conduits between aquifers.

Paleontological Resources

1. Project construction activities will follow the protective measures and protocols identified in the paleontological resources mitigation plan.
2. All paleontological specimens found on Federal lands remain the property of the U.S. government. Specimens, therefore, shall only be collected by a qualified paleontologist under a permit issued by the managing agency and must be curated in an approved repository.

Ecological Resources

1. Areas that are known to support ESA-listed species, BLM-special-status species, FS-sensitive, and state-listed species or their habitats shall be identified and marked with flagging or other appropriate means to avoid direct impacts during construction activities. Construction activities upslope of these areas should be avoided to prevent indirect impacts of surface water and sediment runoff.

2. All construction activities that could affect wetlands or waters of the United States shall be conducted in accordance with the requirements identified in permits issued by the U.S. Army Corps of Engineers.

Visual Resources

A pre-construction meeting with BLM/FS landscape architects or other designated visual/scenic resource specialist shall be held before construction begins to coordinate on the VRM/SMS mitigation strategy and confirm the compliance-checking schedule and procedures. Applicants shall integrate interim/final reclamation VRM/SMS mitigation elements early in the construction, which may include treatments such as thinning and feathering vegetation along project edges, enhanced contour grading, salvaging landscape materials from within construction areas, special revegetation requirements, etc. Applicants shall coordinate with BLM/FS in advance to have BLM/FS landscape architects or other designated visual/scenic resource specialists onsite during construction to work with implementing BMPs.

Cultural Resources

1. Project applicants shall provide all cultural resources reports and data in an approved electronic format that is integrated across jurisdictional boundaries, that meets current standards, and that is compatible with SHPO systems. Project proponents shall submit cultural resources data on a regular basis to ensure that SHPO systems are kept up-to-date for reference as the different phases of the project proceed.
2. When an area is identified as having a high potential for cultural resources but none are found during a pre-construction field survey, a professionally qualified cultural resources specialist will be required to monitor ground-disturbing activities during project construction, and to complete a report when the activities are finished. The protocol for monitoring should be identified in the CRMP.
3. When human remains, funerary objects, sacred objects, or objects of cultural patrimony are inadvertently discovered, the provisions of NAGPRA shall apply and the process identified in the CRMP must be followed.

Hazardous Materials and Wastewater Management

1. Any wastewater generated by the applicant in association with temporary, portable sanitary facilities must be periodically removed on a schedule approved by the agency, by a licensed hauler and introduced into an existing municipal sewage treatment facility.

Temporary, portable sanitary facilities provided for construction crews should be adequate to support expected onsite personnel and should be removed at completion of construction activities.

2. All hazardous materials (including vehicle and equipment fuels) brought to the project site will be in appropriate containers and will be stored in designated and properly designed storage areas with appropriate secondary containment features. Excess hazardous materials will be removed from the project site after completion of the activities in which they are used.

Air Emissions

1. The applicant shall cover construction materials and stockpiled soils if these are sources of fugitive dust.
2. To minimize fugitive dust generation, the applicant shall water land before and during surface clearing or excavation activities. Areas where blasting would occur should be covered with mats.

Noise

The applicant shall limit noisy construction activities (including blasting) to the least noise-sensitive times of day (i.e., daytime only between 7 a.m. and 10 p.m.) and weekdays.

Fire Safety

1. The applicant must ensure that all construction equipment used is adequately muffled and maintained and that spark arrestors are used with construction equipment in areas with, and during periods of, high fire danger.
2. Flammable materials (including fuels) will be stored in appropriate containers.

B.3 PROJECT OPERATION

Mitigation and Monitoring

All control and mitigation measures established for the project shall be maintained and implemented by the applicant throughout the operation of the project. Necessary adjustments may be made with the concurrence of the appropriate agency.

Ecological Resources

1. Applicants shall review existing information regarding plant and animal species and their habitats in the vicinity of the project area and identify potential impacts to the applicable agencies.
2. Project developer staff shall avoid harassment or disturbance of wildlife, especially during reproductive courtship, migratory, and nesting seasons.
3. Observations by project staff of potential wildlife problems, including wildlife mortality, will be immediately reported to the applicable agency authorized officer.

Pesticide and Herbicide Use

1. If pesticides are used, the applicant shall ensure that pesticide applications as specified in the integrated vegetation management plan are conducted within the framework of agency policies and entail only the use of EPA-registered pesticides that are applied in a manner consistent with label directions and state pesticide regulations. Pesticide use shall be limited to non persistent immobile pesticides and shall be applied only in accordance with label and application permit directions and stipulations for terrestrial and aquatic applications (BLM 2007a).
2. Pesticide and herbicide uses shall be avoided in the vicinity of sole source aquifer areas (BLM 2007a).

Visual Resources

Terms and conditions for VRM/SMS mitigation compliance shall be maintained and monitored for compliance with visual objectives, adaptive management adjustments, and modifications as necessary and approved by the BLM/FS landscape architect or other designated visual/scenic resource specialist.

Hazardous Materials, Wastes, and Wastewater Management

1. The applicant shall provide secondary containment for all onsite hazardous materials and waste storage areas.
2. The applicant shall ensure that wastes are properly containerized and removed periodically for disposal at appropriate offsite permitted disposal facilities.
3. In the event of an accidental release to the environment, the applicant shall initiate spill cleanup procedures and document the event, including a cause analysis, appropriate corrective actions taken, and a characterization of the resulting environmental or health and safety impacts. Documentation of the event shall be provided to the land management agency's authorized officer and other Federal and state agencies, as required.

Air Quality

Dust abatement techniques (e.g., water spraying) shall be used by the applicant on unpaved, unvegetated surfaces to minimize airborne dust. Water for dust abatement shall be obtained and used by the applicant under the appropriate state water use permitting system. Used oil will not be used for dust abatement.

Noise

The applicant shall ensure that all equipment has sound-control devices no less effective than those provided on the original equipment.

B.4 PROJECT DECOMMISSIONING

General

1. Where applicable, decommissioning activities will conform to agency standards and guidance for mitigation and reclamation (e.g., BLM's Gold Book⁷).
2. Applicants must receive approval for changes to the ROW authorization prior to any modifications to the ROW required for decommissioning.
3. Gravel work pads will be removed; gravel and other borrow material brought to the ROW during construction will be disposed of as approved by the agency.
4. Any wells constructed on the ROW to support operations shall be removed and properly closed in accordance with applicable local or state regulations.
5. All equipment, components, and above-ground structures shall be cleaned and removed from the site for reclamation, salvage, or disposal; all below-ground components shall be removed to a minimum depth of 3 feet to establish a root zone free of obstacles; pipeline segments and other components located at greater depths may be abandoned in place provided they are cleaned (of all residue) and filled with inert material to prevent possible future subsidence.
6. Dismantled and cleaned components shall be promptly removed; interim storage of removed components or salvaged materials that is required before final disposition is completed will not occur on Federal land.
7. At the close of decommissioning, applicants will provide the Federal land manager with survey data precisely locating all below-grade components that were abandoned in place.

Mitigation and Monitoring

All control and mitigation measures established for the project in the POD and other required plans shall be incorporated into a decommissioning plan that shall be approved by the Federal land manager(s); the decommissioning plan shall include a site reclamation plan and a monitoring program and shall be coordinated with owners and operators of other systems on the corridor to ensure no disruption to the operation of those systems.

⁷ Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development, 4th Edition, revised 2007. Available electronically at http://www.blm.gov/wo/st/en/prog/energy/oil_and_gas/best_management_practices/gold_book.html.

Surface Water

A SWPPP permit shall be obtained and its provisions implemented for all affected areas before any ground-disturbance activities commence.

Transportation

Additional access roads needed for decommissioning shall follow the paths of access roads established during construction to the greatest extent possible; all access roads not required for the continued operation and maintenance of other energy systems present in the corridor shall be removed and their footprints reclaimed and restored.

Restoration

1. Topsoil removed during decommissioning activities shall be salvaged and reapplied during final reclamation; all areas of disturbed soil shall be reclaimed using weed-free native shrubs, grasses, and forbs or other plant species approved by the land management agency; grades shall be returned to pre-development contours to the greatest extent feasible.
2. The vegetation cover, composition, and diversity shall be restored to values commensurate with the ecological setting, as approved by the authorizing officer.

Hazardous Materials and Waste Management

1. All fuels, hazardous materials, and other chemicals shall be removed from the site and properly disposed of or reused.
2. Incidental spills of petroleum products and other chemicals shall be removed and the affected area cleaned to meet applicable standards.
3. Solid wastes generated during decommissioning shall be accumulated, transported, and disposed in permitted offsite facilities in accordance with state and local requirements; no solid wastes shall be disposed of within the footprint of the ROW or the corridor.
4. Hazardous wastes generated as a result of component cleaning shall be containerized and disposed of in permitted facilities.

References

BLM, 2006, BLM Manual 9011-Chemical Pest Control. Available at <http://www.blm.gov/ca/st/en/prog/weeds/9011.print.html>. Accessed October 30, 2008.

BLM, 2007a, *Record of Decision for the Final Programmatic Environmental Impact Statement for Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States*, U.S. Department of the Interior, September.

BLM, 2007b, *Vegetation Treatments on Bureau of Land Management Lands in 17 Western States Final Programmatic Environmental Report*, U.S. Department of the Interior, June.

BLM, 2008, *Integrated Vegetation Management Handbook 1740-2, Programmatic Biological Assessment for Vegetation Management*, U.S. Department of the Interior.

APPENDIX #4

2015 Idaho BLM ARMPA

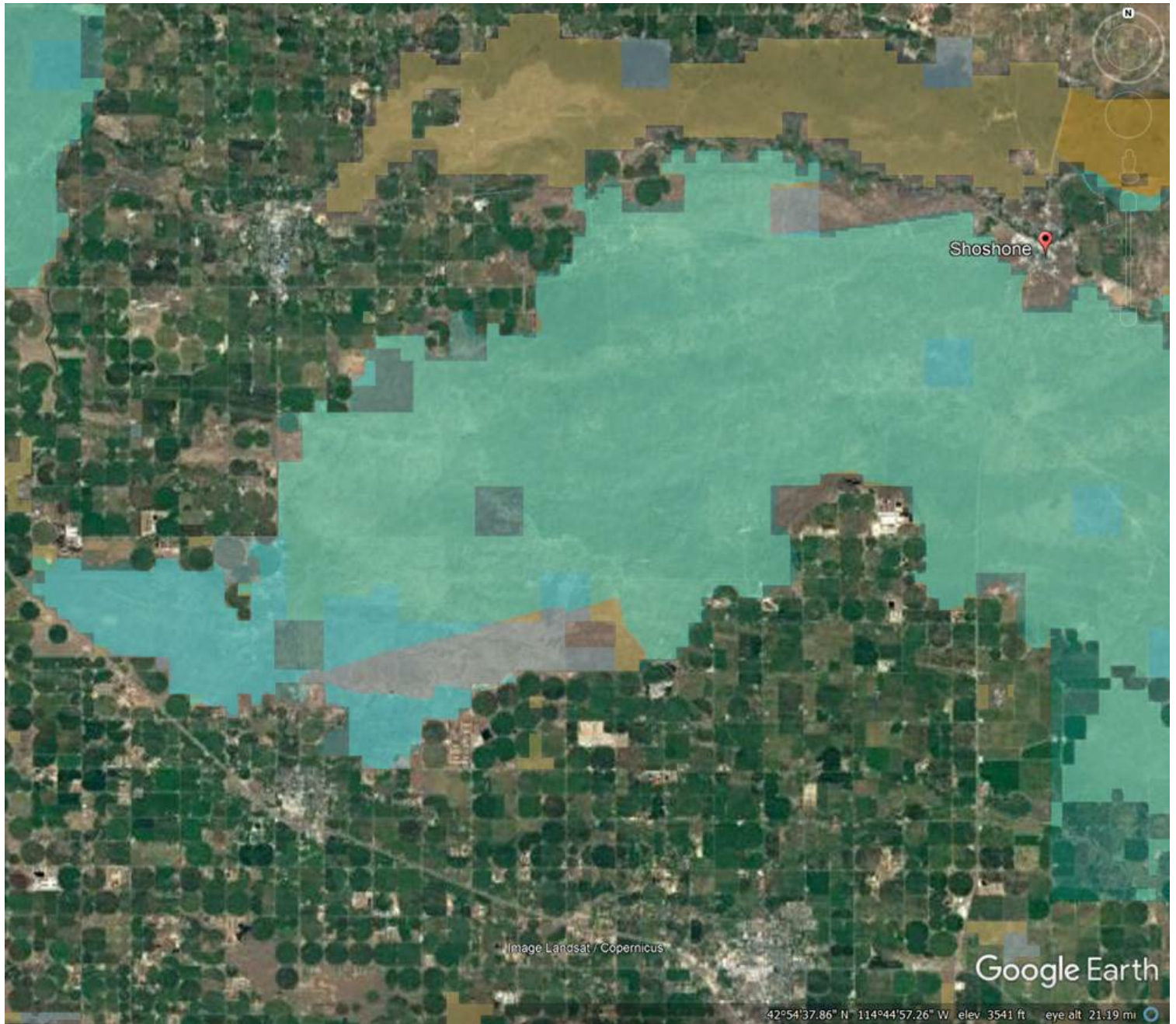
(406 pages)

APPENDIX #4 IS SEPARATELY FILED FROM THIS DOCUMENT DUE TO THE
NUMBER OF MEGABYTES.

APPENDIX #5

Map of General Habitat Management Area received from the *State of Idaho, Office of Species Conservation*, as to the Area in Question. Note that the 2015 Idaho BLM ARMPA at page 1-3 confirms such GHMA for the Area in Question.

The light green illustrates the GHMA



APPENDIX #6

USDI, Departmental Manual, 516 DM 11

(29 pages)

Department of the Interior Departmental Manual

Effective Date: 12/10/20

Series: Environmental Quality Programs

Part 516: National Environmental Policy Act of 1969

Chapter 11: Managing the NEPA Process--Bureau of Land Management

Originating Office: Bureau of Land Management

516 DM 11

11.1 Purpose. This chapter provides supplementary requirements for implementing provisions of 43 CFR Part 46 and 516 DM Chapters 1 through 4 within the Bureau of Land Management (BLM) in the Department of the Interior (DOI). The BLM's National Environmental Policy Act (NEPA) Handbook (H-1790-1) provides additional guidance.

11.2 NEPA Responsibilities.

A. The Director and Deputy Director(s) are responsible for NEPA compliance for BLM activities.

B. The Assistant Director, Resources and Planning, is responsible for national NEPA compliance leadership and coordination, program direction, policy, and protocols development, and implementation of the same at the line management level. The Division of Decision Support, Planning, and NEPA, within the Assistant Directorate, Resources and Planning, has the BLM lead for the NEPA compliance program direction and oversight.

C. The BLM Office Directors and other Assistant Directors are responsible for cooperating with the Assistant Director, Resources and Planning, to ensure that the BLM NEPA compliance procedures operate as prescribed within their areas of responsibility.

D. The BLM Center Directors are responsible for cooperating with the Assistant Director, Resources and Planning, to ensure that the BLM NEPA compliance procedures operate as prescribed within their areas of responsibility.

E. The State Directors are responsible to the Director/Deputy Director(s) for overall direction, integration, and implementation of the BLM NEPA compliance procedures in their states. This includes managing for the appropriate level of public notification and participation, and ensuring production of quality environmental review and decision documents. Deputy State Directors serve as focal points for NEPA compliance matters at the state level.

F. The District and Field Managers are responsible for NEPA compliance at the local level.

11.3 External Applicants' Guidance.

A. General.

(1) For all external proposals, applicants should make initial contact with the Responsible Official (District Manager, Field Manager, or State Director) responsible for the affected public lands as soon as possible after determining the BLM's involvement. This early contact is necessary to allow the BLM to consult early with appropriate state and local agencies and tribes and with interested private persons and organizations, and to commence its NEPA process at the earliest possible time.

(2) When a proposed action has the potential to affect public lands in more than one administrative unit, the applicant may initially contact any Responsible Official whose jurisdiction is involved. The BLM may then designate a lead office to coordinate between BLM jurisdictions.

(3) Potential applicants may secure from the Responsible Official a list of NEPA and other relevant regulations and requirements for environmental review related to each applicant's proposed action. The purpose of making these regulations and requirements known in advance is to assist the applicant in the development of an adequate and accurate description of the proposed action when the applicant submits their project application. The list provided to the applicant may not fully disclose all relevant regulations and requirements because additional requirements could be identified after review of the applicant's proposal document(s) and as a result of the "scoping" process.

(4) The applicant is encouraged to advise the BLM of their intentions early on in their planning process. Early communication is necessary so that the BLM can efficiently advise the applicant on the anticipated type of NEPA review required, information needed, and potential data gaps that may or may not need to be filled, so that the BLM can describe the relevant regulations and requirements likely to affect the proposed action(s), and to discuss scheduling expectations.

B. Regulations. The following list of potentially relevant regulations should be considered at a minimum. Many other regulations affect public lands--some of which are specific to the BLM, while others are applicable across a broad range of federal programs (e.g., Protection of Historic Properties--36 Code of Federal Regulations (CFR) Part 800).

- (1) Resource Management Planning--43 CFR 1610;
- (2) Withdrawals--43 CFR 2300;
- (3) Land Classification--43 CFR 2400;
- (4) Disposition: Occupancy and Use--43 CFR 2500;

- (5) Disposition: Grants--43 CFR 2600;
- (6) Disposition: Sales--43 CFR 2700;
- (7) Use: Rights-of-Way--43 CFR 2800;
- (8) Use: Leases and Permits--43 CFR 2900;
- (9) Oil and Gas Leasing--43 CFR 3100;
- (10) Geothermal Resources Leasing--43 CFR 3200;
- (11) Coal Management--43 CFR 3400;
- (12) Leasing of Solid Minerals Other than Coal/Oil Shale--43 CFR 3500;
- (13) Mineral Materials Disposal--43 CFR 3600;
- (14) Mining Claims Under the General Mining Laws--43 CFR 3800;
- (15) Grazing Administration--43 CFR 4100;
- (16) Wild Free-Roaming Horse and Burro Management--43 CFR 4700;
- (17) Forest Management--43 CFR 5000;
- (18) Wildlife Management--43 CFR 6000;
- (19) Recreation Management--43 CFR 8300; and
- (20) Wilderness Management--43 CFR 6300.

11.4 General Requirements. The Council on Environmental Quality (CEQ) regulations state that federal agencies shall reduce paperwork and delay (40 CFR 1500.4 and 1500.5) to the fullest extent possible. The information used in any NEPA analysis must be of high quality. Accurate scientific analysis, agency expert comments, and public scrutiny are essential to implementing the NEPA (40 CFR 1500.1(b)). Environmental documents should be concise and written in plain language (40 CFR 1502.8), so they can be understood and should concentrate on the issues that are truly significant to the action in question rather than amassing needless detail (40 CFR 1500.1(b)).

A. Reduce paperwork and delays: The Responsible Official will avoid unnecessary duplication of effort and promote cooperation with other federal agencies that have permitting, funding, approving, or other consulting or coordinating requirements associated with the proposed action. The Responsible Official shall, as appropriate, integrate NEPA requirements with other environmental review and consultation requirements (40 CFR 1500.4(k)); tier to

broader environmental review documents (40 CFR 1502.20); incorporate by reference relevant studies and analyses (40 CFR 1502.21); adopt other agency environmental analyses (40 CFR 1506.3); and supplement analyses with new information (40 CFR 1502.9).

B. Eliminate duplicate tribal, state, and local governmental procedures (40 CFR 1506.2): The Responsible Official will cooperate with other governmental entities to the fullest extent possible to reduce duplication between federal, state, local and tribal requirements in addition to, but not in conflict with, those in the NEPA. Cooperation may include the following: common databases; joint planning processes; joint science investigations; joint public meetings and hearings; and joint environmental assessment (EA) level and joint environmental impact statement (EIS) level analyses using joint lead or cooperating agency status.

C. Consult and coordinate: The Responsible Official will determine early in the process the appropriate type and level of consultation and coordination required with other federal agencies and with state, local and tribal governments. After the NEPA review is completed, coordination will often continue throughout project implementation, monitoring, and evaluation.

D. Involve the public: The public must be involved early and continuously, as appropriate, throughout the NEPA process. The Responsible Official shall ensure that:

(1) The type and level of public involvement shall be commensurate with the NEPA analysis needed to make the decision.

(2) When feasible, communities can be involved through consensus-based management activities. Consensus-based management includes direct community involvement in the BLM activities subject to NEPA analyses, from initial scoping to implementation and monitoring of the impacts of the decision. Consensus-based management seeks to achieve agreement from diverse interests on the goals, purposes, and needs of the BLM plans and activities and the methods needed to achieve those ends. The BLM retains exclusive decision-making responsibility and shall exercise that responsibility in a timely manner.

E. Implement Adaptive Management: The Responsible Official is encouraged to build “Adaptive Management” practice in to their proposed actions and NEPA compliance activities and train personnel in this important environmental concept. Adaptive Management in the DOI is a system of management practices based on clearly identified outcomes, monitoring to determine if management actions are meeting outcomes, and the facilitation of management changes to ensure that outcomes are met, or reevaluated as necessary. Such reevaluation may require new or supplemental NEPA compliance. Adaptive Management recognizes that knowledge about natural resource systems is sometimes uncertain and is the preferred method for addressing these cases. The preferred alternative should include sufficient flexibility to allow for adjustments in implementation in response to monitoring results.

F. Train for public and community involvement: The BLM employee(s) that facilitate(s) public and community involvement in the NEPA process should have training in public involvement, alternative dispute resolution, negotiation, meeting facilitation, collaboration, and/or partnering.

G. Limitations on Actions during the NEPA process: The following guidance may aid in fulfilling the requirements of 40 CFR 1506.1. During the preparation of a program or plan NEPA document, the Responsible Official may undertake any major Federal action within the scope and analyzed in the existing NEPA document supporting the current plan or program, so long as there is adequate NEPA documentation to support the individual action.

11.5 Plan Conformance. Where a BLM land use plan (LUP) exists, a proposed action must be in conformance with the plan. This means that the proposed action must be specifically provided for in the plan, or if not specifically mentioned, the proposal must be clearly consistent with the terms, conditions, and decisions of the plan or plan as amended. If it is determined that the proposed action does not conform to the plan, the Responsible Official may:

- A. reject the proposal,
- B. modify the proposal to conform to the land use plan, or
- C. complete appropriate plan amendments and associated NEPA compliance requirements prior to proceeding with the proposed action.

11.6 Existing Documentation (Determination of NEPA Adequacy). The Responsible Official may consider using existing NEPA analysis for a proposed action when the record documents show that the following conditions are met.

- A. The proposed action is adequately covered by (i.e., is within the scope of and analyzed in) relevant existing analyses, data, and records; and
- B. There are no new circumstances, new information, or unanticipated or unanalyzed environmental impacts that warrant new or supplemental analysis. If the Responsible Official determines that existing NEPA documents adequately analyzed the effects of the proposed action, this determination, usually prepared in a Determination of NEPA Adequacy (DNA) worksheet to provide the administrative record support, serves as an interim step in the BLM's internal decision-making process. The DNA is intended to evaluate the coverage of existing documents and the significance of new information, but does not itself provide NEPA analysis. If the Responsible Official concludes that the proposed action(s) warrant additional review, information from the DNA worksheet may be used to facilitate the preparation of the appropriate level of NEPA analysis. The BLM's NEPA Handbook and program specific regulations and guidance describe additional steps needed to make and document the agency's final determination regarding a proposed action.

11.7 Actions Requiring an Environmental Assessment (EA).

- A. An EA is a concise public document that serves to:
 - (1) Provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement (EIS) or a Finding of No Significant Impact (FONSI);

- (2) Aid the BLM's compliance with NEPA when an EIS is not necessary; and
- (3) Facilitate preparation of an EIS when one is necessary.

B. Unlike an EIS that requires much more, an EA must include the following four items identified in 40 CFR 1508.9(b):

- (1) The need for the proposal.
- (2) Alternatives as described in Section 102(2)(E) of NEPA.
- (3) The environmental impacts of the proposed action and alternatives.
- (4) A listing of agencies and persons consulted.

C. An EA is usually the appropriate NEPA document for:

- (1) Land Use Plan Amendments;
- (2) Land use plan implementation decisions, including but not limited to analysis for implementation plans such as watershed plans or coordinated resource activity plans, resource use permits (except for those that are categorically excludable), and site-specific project plans, such as construction of a trail.

D. An EA should be completed when the Responsible Official is uncertain of the potential for significant impacts and needs further analysis to make the determination.

E. If, for any of these actions, it is anticipated or determined that an EA is not appropriate because of potential significant impacts, an EIS will be prepared.

11.8 Major Actions Requiring an EIS.

A. An EIS level analysis should be completed when an action meets either of the two following criteria.

- (1) If the impacts of a proposed action are expected to be significant; or
- (2) In circumstances where a proposed action is directly related to another action(s), and cumulatively the effects of the actions taken together would be significant, even if the effects of the actions taken separately would not be significant,

B. The following types of BLM actions will normally require the preparation of an EIS:

- (1) Approval of Resource Management Plans.

- (2) Proposals for Wild and Scenic Rivers and National Scenic and Historic Trails.
- (3) Approval of regional coal lease sales in a coal production region.
- (4) Decisions to issue a coal preference right lease.
- (5) Approval of applications to the BLM for major actions in the following categories:
 - (a) Sites for steam-electric powerplants, petroleum refineries, synfuel plants, and industrial facilities; and
 - (b) Rights-of-way for major reservoirs, canals, pipelines, transmission lines, highways, and railroads.
- (6) Approval of operations that would result in liberation of radioactive tracer materials or nuclear stimulation.
- (7) Approval of any mining operations where the area to be mined, including any area of disturbance, over the life of the mining plan, is 640 acres or larger in size.

C. If potentially significant impacts are not anticipated for these actions, an EA will be prepared.

11.9 Actions Eligible for a Categorical Exclusion (CX). In addition to the actions listed in the Department's categorical exclusions in 43 CFR § 46.210, the following BLM actions are designated categorical exclusions unless one or more of the Department's extraordinary circumstances, listed at 43 CFR § 46.215, applies. CEQ regulations implementing NEPA at 40 CFR 1508.4 require that categorical exclusions provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect. Therefore, Department regulations at 43 CFR 46.205(c) require that before any action described in the following list of CXs is used, the list of "extraordinary circumstances" at 43 CFR 46.215 must be reviewed for applicability. If a CX does not pass the "extraordinary circumstances" test, the proposed action analysis defaults to either an EA or an EIS. When no "extraordinary circumstances" apply, the following activities do not require the preparation of an EA or EIS. As proposed actions are designed and then reviewed against the CX list, proposed actions or activities must be, at a minimum, consistent with DOI and BLM regulations, manuals, handbooks, policies, and applicable land use plans regarding design features, best management practices, terms and conditions, conditions of approval, and stipulations.

A. Fish and Wildlife.

- (1) Modification of existing fences to provide improved wildlife ingress and egress.

(2) Minor modification of water developments to improve or facilitate wildlife use (e.g., modify enclosure fence, install flood valve, or reduce ramp access angle).

(3) Construction of perches, nesting platforms, islands, and similar structures for wildlife use.

(4) Temporary emergency feeding of wildlife during periods of extreme adverse weather conditions.

(5) Routine augmentations, such as fish stocking, providing no new species are introduced.

(6) Relocation of nuisance or depredating wildlife, providing the relocation does not introduce new species into the ecosystem.

(7) Installation of devices on existing facilities to protect animal life, such as raptor electrocution prevention devices.

B. Oil, Gas, and Geothermal Energy.

(1) Issuance of future interest leases under the Mineral Leasing Act for Acquired Lands, where the subject lands are already in production.

(2) Approval of mineral lease adjustments and transfers, including assignments and subleases.

(3) Approval of unitization agreements, communitization agreements, drainage agreements, underground storage agreements, development contracts, or geothermal unit or participating area agreements.

(4) Approval of suspensions of operations, force majeure suspensions, and suspensions of operations and production.

(5) Approval of royalty determinations, such as royalty rate reductions.

(6) Approval of Notices of Intent to conduct geophysical exploration of oil, gas, or geothermal, pursuant to 43 CFR 3150 or 3250, when no temporary or new road construction is proposed.

C. Forestry.

(1) Land cultivation and silvicultural activities (excluding herbicide application) in forest tree nurseries, seed orchards, and progeny test sites.

(2) Sale and removal of individual trees or small groups of trees which are dead, diseased, injured, or which constitute a safety hazard, and where access for the removal requires no more than maintenance to existing roads.

(3) Seeding or reforestation of timber sales or burn areas where no chaining is done, no pesticides are used, and there is no conversion of timber type or conversion of non-forest to forest land. Specific reforestation activities covered include: seeding and seedling plantings, shading, tubing (browse protection), paper mulching, bud caps, ravel protection, application of non-toxic big game repellent, spot scalping, rodent trapping, fertilization of seed trees, fence construction around out-planting sites, and collection of pollen, scions and cones.

(4) Pre-commercial thinning and brush control using small mechanical devices.

(5) Disposal of small amounts of miscellaneous vegetation products outside established harvest areas, such as Christmas trees, wildings, floral products (ferns, boughs, etc.), cones, seeds, and personal use firewood.

(6) Felling, bucking, and scaling sample trees to ensure accuracy of timber cruises. Such activities:

- (a) Shall be limited to an average of one tree per acre or less,
- (b) Shall be limited to gas-powered chainsaws or hand tools,
- (c) Shall not involve any road or trail construction,
- (d) Shall not include the use of ground based equipment or other manner of timber yarding, and
- (e) Shall be limited to the Coos Bay, Eugene, Medford, Roseburg, and Salem Districts and Lakeview District, Klamath Falls Resource Area in Oregon.

(7) Harvesting live trees not to exceed 70 acres, requiring no more than 0.5 mile of temporary road construction. Such activities:

- (a) Shall not include even-aged regeneration harvests or vegetation type conversions.
- (b) May include incidental removal of trees for landings, skid trails, and road clearing.
- (c) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(d) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, or vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract. Examples include, but are not limited to:

(i) Removing individual trees for sawlogs, specialty products, or fuelwood.

(ii) Commercial thinning of overstocked stands to achieve the desired stocking level to increase health and vigor.

(8) Salvaging dead or dying trees not to exceed 250 acres, requiring no more than 0.5 mile of temporary road construction. Such activities:

(a) May include incidental removal of live or dead trees for landings, skid trails, and road clearing.

(b) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(c) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

(d) For this CX, a dying tree is defined as a standing tree that has been severely damaged by forces such as fire, wind, ice, insects, or disease, and that in the judgment of an experienced forest professional or someone technically trained for the work, is likely to die within a few years. Examples include, but are not limited to:

(i) Harvesting a portion of a stand damaged by a wind or ice event.

(ii) Harvesting fire damaged trees.

(9) Commercial and non-commercial sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than 0.5 miles of temporary road construction. Such activities:

(a) May include removal of infested/infected trees and adjacent live uninfested/uninfected trees as determined necessary to control the spread of insects or disease; and

(b) May include incidental removal of live or dead trees for landings, skid trails, and road clearing.

(c) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(d) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract. Examples include, but are not limited to:

(i) Felling and harvesting trees infested with mountain pine beetles and immediately adjacent uninfested trees to control expanding spot infestations; and

(ii) Removing or destroying trees infested or infected with a new exotic insect or disease, such as emerald ash borer, Asian longhorned beetle, or sudden oak death pathogen.

(10) Salvaging dead and dying trees resulting from fire, insects, disease, drought, or other disturbances not to exceed 1,000 acres for disturbances of 3,000 acres or less. For disturbances greater than 3,000 acres, harvesting shall not exceed 1/3 of a disturbance area but not to exceed 3,000 acres total harvest.

(a) Covered actions:

(i) Cutting, yarding, and removal of dead or dying trees and live trees needed for landings, skid trails, and road clearing. Includes chipping/grinding and removal of residual slash.

(ii) Jackpot burning, pile burning, or underburning.

(iii) Seeding or planting necessary to accelerate native species re-establishment.

(b) Such actions:

(i) Shall not require more than 1 mile of permanent road construction to facilitate the covered actions. Permanent roads are routes intended to be part of the BLM's permanent transportation system.

(ii) If a permanent road is constructed to facilitate the covered actions, the segments shall conform to all applicable land use planning decisions for permanent road construction in the land use plan; and if travel management planning has been completed, the route specific designations related to the new segments shall be disclosed.

(iii) May include temporary roads, which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM's permanent transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, erosion control, potential sedimentation to streams, and impacts on land and resources.

(iv) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

(v) Shall require inclusion of project design features providing for protections of the following resources and resource uses consistent with the decisions in the applicable land use plan in the documentation of the categorical exclusion. If no land use plan decisions apply, documentation of the categorical exclusion shall identify how the following resources and resource uses are to be appropriately addressed:

- (1) Level of snag and downed wood creation/retention;
- (2) Specifications for erosion control features such as water bars, dispersed slash;
- (3) Criteria for minimizing or remedying soil compaction;
- (4) Types and extents of logging system constraints (e.g., seasonal, location, extent, etc.);
- (5) Extent and purpose of seasonal operating constraints or restrictions;
- (6) Criteria to limit spread of weeds;
- (7) Size of riparian buffers and/or riparian zone operating restrictions;

or pile burning;

(8) Operating constraints and restrictions for underburning

(9) Revegetation standards for temporary roads; and

(10) Limitations on road densities.

(c) For this CX, a dying tree is defined as a standing tree that has been severely damaged by forces such as fire, wind, ice, insects, or disease, and that in the judgement of an experienced forest professional or someone technically trained for the work, is likely to die within a few years. Examples include, but are not limited to:

(i) Harvesting a portion of a stand damaged by a wind or ice event.

(ii) Harvesting fire damaged trees.

D. Rangeland Management.

(1) Approval of transfers of grazing preference.

(2) Placement and use of temporary (not to exceed one month) portable corrals and water troughs, providing no new road construction is needed.

(3) Temporary emergency feeding of livestock or wild horses and burros during periods of extreme adverse weather conditions.

(4) Removal of wild horses or burros from private lands at the request of the landowner.

(5) Processing (transporting, sorting, providing veterinary care, vaccinating, testing for communicable diseases, training, gelding, marketing, maintaining, feeding, and trimming of hooves of) excess wild horses and burros.

(6) Approval of the adoption of healthy, excess wild horses and burros.

(7) Actions required to ensure compliance with the terms of Private Maintenance and Care agreements.

(8) Issuance of title to adopted wild horses and burros.

(9) Destroying old, sick, and lame wild horses and burros as an act of mercy.

(10) Vegetation management activities, such as seeding, planting, invasive plant removal, installation of erosion control devices (e.g., mats/straw/chips), and mechanical treatments, such as crushing, piling, thinning, pruning, cutting, chipping, mulching, mowing, and

prescribed fire when the activity is necessary for the management of vegetation on public lands. Such activities:

(a) Shall not exceed 4,500 acres per prescribed fire project and 1,000 acres for other vegetation management projects;

(b) Shall not be conducted in Wilderness areas or Wilderness Study Areas;

(c) Shall not include the use of herbicides, pesticides, biological treatments or the construction of new permanent roads or other new permanent infrastructure;

(d) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(e) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment, by artificial or natural means, of vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract.

(11) Issuance of livestock grazing permits/leases where:

(a) The new grazing permit/lease is consistent with the use specified on the previous permit/lease, such that

(i) the same kind of livestock is grazed,

(ii) the active use previously authorized is not exceeded, and

(iii) grazing does not occur more than 14 days earlier or later than as specified on the previous permit/lease, and

(b) The grazing allotment(s) has been assessed and evaluated and the Responsible Official has documented in a determination that the allotment(s) is

(i) meeting land health standards, or

(ii) not meeting land health standards due to factors that do not include existing livestock grazing.

E. Realty.

- (1) Withdrawal extensions or modifications, which only establish a new time period and entail no changes in segregative effect or use.
- (2) Withdrawal revocations, terminations, extensions, or modifications; and classification terminations or modifications which do not result in lands being opened or closed to the general land laws or to the mining or mineral leasing laws.
- (3) Withdrawal revocations, terminations, extensions, or modifications; classification terminations or modifications; or opening actions where the land would be opened only to discretionary land laws and where subsequent discretionary actions (prior to implementation) are in conformance with and are covered by a Resource Management Plan/EIS (or plan amendment and EA or EIS).
- (4) Administrative conveyances from the Federal Aviation Administration (FAA) to the State of Alaska to accommodate airports on lands appropriated by the FAA prior to the enactment of the Alaska Statehood Act.
- (5) Actions taken in conveying mineral interest where there are no known mineral values in the land under Section 209(b) of the Federal Land Policy and Management Act of 1976 (FLPMA).
- (6) Resolution of class one color-of-title cases.
- (7) Issuance of recordable disclaimers of interest under Section 315 of FLPMA.
- (8) Corrections of patents and other conveyance documents under Section 316 of FLPMA and other applicable statutes.
- (9) Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.
- (10) Transfer or conversion of leases, permits, or rights-of-way from one agency to another (e.g., conversion of Forest Service permits to a BLM Title V Right-of-way).
- (11) Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA Section 302(b) leases where no new facilities or other changes are needed.
- (12) Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.
- (13) Amendments to existing rights-of-way, such as the upgrading of existing facilities, which entail no additional disturbances outside the right-of-way boundary.

(14) Grants of rights-of-way for an overhead line (no pole or tower on BLM land) crossing over a corner of public land.

(15) Transfers of land or interest in land to or from other bureaus or federal agencies where current management will continue and future changes in management will be subject to the NEPA process.

(16) Acquisition of easements for an existing road or issuance of leases, permits, or rights-of-way for the use of existing facilities, improvements, or sites for the same or similar purposes.

(17) Grant of a short rights-of-way for utility service or terminal access roads to an individual residence, outbuilding, or water well.

(18) Temporary placement of a pipeline above ground.

(19) Issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

(20) One-time issuance of short-term (3 years or less) rights-of-way or land use authorizations which authorize trespass action where no new use or construction is allowed, and where the proposal includes rehabilitation to restore the land to its natural or original condition.

F. Solid Minerals.

(1) Issuance of future interest leases under the Mineral Leasing Act for Acquired Lands where the subject lands are already in production.

(2) Approval of mineral lease readjustments, renewals, and transfers including assignments and subleases.

(3) Approval of suspensions of operations, force majeure suspensions, and suspensions of operations and production.

(4) Approval of royalty determinations, such as royalty rate reductions and operations reporting procedures.

(5) Determination and designation of logical mining units.

(6) Findings of completeness furnished to the Office of Surface Mining Reclamation and Enforcement for Resource Recovery and Protection Plans.

(7) Approval of minor modifications to or minor variances from activities described in an approved exploration plan for leasable, salable, and locatable minerals (e.g., the

approved plan identifies no new surface disturbance outside the areas already identified to be disturbed).

(8) Approval of minor modifications to or minor variances from activities described in an approved underground or surface mine plan for leasable minerals (e.g., change in mining sequence or timing).

(9) Digging of exploratory trenches for mineral materials, except in riparian areas.

(10) Disposal of mineral materials, such as sand, stone, gravel, pumice, pumicite, cinders, and clay, in amounts not exceeding 50,000 cubic yards or disturbing more than 5 acres, except in riparian areas.

G. Transportation.

(1) Incorporation of eligible roads and trails in any transportation plan when no new construction or upgrading is needed.

(2) Installation of routine signs, markers, culverts, ditches, waterbars, gates, or cattleguards on/or adjacent to roads and trails identified in any land use or transportation plan, or eligible for incorporation in such plan.

(3) Temporary closure of roads and trails.

(4) Placement of recreational, special designation, or information signs, visitor registers, kiosks, and portable sanitation devices.

H. Recreation Management. Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for “Special Area” management (43 CFR 2932.5).

I. Emergency Stabilization. Planned actions in response to wildfires, floods, weather events, earthquakes, or landslips that threaten public health or safety, property, and/or natural and cultural resources, and that are necessary to repair or improve lands unlikely to recover to a management-approved condition as a result of the event. Such activities shall be limited to: repair and installation of essential erosion control structures; replacement or repair of existing culverts, roads, trails, fences, and minor facilities; construction of protection fences; planting, seeding, and mulching; and removal of hazard trees, rocks, soil, and other mobile debris from, on, or along roads, trails, campgrounds, and watercourses. These activities:

(1) Shall be completed within one year following the event;

(2) Shall not include the use of herbicides or pesticides;

(3) Shall not include the construction of new roads or other new permanent infrastructure;

(4) Shall not exceed 4,200 acres; and

(5) May include temporary roads which are defined as roads authorized by contract, permit, lease, other written authorization, or emergency operation not intended to be part of the BLM transportation system and not necessary for long-term resource management. Temporary roads shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources; and

(6) Shall require the treatment of temporary roads constructed or used so as to permit the reestablishment by artificial or natural means, or vegetative cover on the roadway and areas where the vegetative cover was disturbed by the construction or use of the road, as necessary to minimize erosion from the disturbed area. Such treatment shall be designed to reestablish vegetative cover as soon as practicable, but at least within 10 years after the termination of the contract

J. Habitat Restoration.

(1) Covered actions on up to 10,000 acres (contiguous or non-contiguous) within sagebrush and sagebrush-steppe plant communities to manage pinyon pine and juniper trees for the benefit of mule deer or sage-grouse habitats. For the purpose of this CX, habitat for mule deer or sage-grouse is any area on BLM managed land that is currently or formerly occupied by mule deer or sage-grouse, or is reasonably likely to be occupied if pinyon pine or juniper trees are removed. Covered actions include: manual or mechanical cutting (including lop-and-scatter); mastication and mulching; yarding and piling of cut trees; pile burning; seeding or manual planting of seedlings of native species; and removal of cut trees for commercial products, such as sawlogs, specialty products, or fuelwood, or non-commercial uses. Such activities:

(a) Shall not include: cutting of old-growth trees; seeding or planting of non-native species; chaining; pesticide or herbicide application; broadcast burning; jackpot burning; construction of new temporary or permanent roads; or construction of other new permanent infrastructure.

(b) Shall require inclusion of project design features providing for protections of the following resources and resource uses consistent with the decisions in the applicable land use plan in the documentation of the categorical exclusion. If no land use plan decisions apply, documentation of the categorical exclusion shall identify how the following resources and resource uses are to be appropriately addressed:

(i) Specifications for management of mule deer habitat;

(ii) Specifications for management of sage-grouse habitat;

- (iii) Specifications for erosion control measures;
- (iv) Criteria for minimizing or remedying soil compaction;
- (v) Types and extents of logging system constraints (e.g., seasonal, location, extent);
- (vi) Extent and purpose of seasonal operating constraints or restrictions;
- (vii) Criteria to limit spread of weeds;
- (viii) Size of riparian buffers or riparian zone operating restrictions; and
- (ix) Operating constraints and restrictions for pile burning.

K. Other.

- (1) Maintaining land use plans in accordance with 43 CFR 1610.5-4.
- (2) Acquisition of existing water developments (e.g., wells and springs) on public land.
- (3) Conducting preliminary hazardous materials assessments and site investigations, site characterization studies and environmental monitoring. Included are siting, construction, installation and/or operation of small monitoring devices such as wells, particulate dust counters and automatic air or water samples.
- (4) Use of small sites for temporary field work camps where the sites will be restored to their natural or original condition within the same work season.
- (5) Reserved.
- (6) A single trip in a one month period for data collection or observation sites.
- (7) Construction of snow fences for safety purposes or to accumulate snow for small water facilities.
- (8) Installation of minor devices to protect human life (e.g., grates across mines).
- (9) Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.
- (10) Removal of structures and materials of no historical value, such as abandoned automobiles, fences, and buildings, including those built in trespass and reclamation of the site when little or no surface disturbance is involved.

(11) Actions where the BLM has concurrence or co-approval with another DOI agency and the action is categorically excluded for that DOI agency.

(12) Rendering formal classification of lands as to their mineral character, waterpower, and water storage values.

11.10 Categorical Exclusions Established or Directed by Statute

A. The Energy Policy Act of 2005 (Public Law 109-58) (42 USC 15942) established actions for categorical exclusion from NEPA analysis. Use of Energy Policy Act categorical exclusions does not require review for extraordinary circumstances. This is because these CXs are established by statute, and their application is governed by that statute. Section 390 of the Energy Policy Act of 2005 provides:

(a) NEPA Review.—Action by the Secretary of the Interior in managing the public lands, with respect to any of the activities described in subsection (b), shall be subject to a rebuttable presumption that the use of a categorical exclusion under the National Environmental Policy Act (NEPA) of 1969 would apply if the activity is conducted pursuant to the Mineral Leasing Act for the purpose of exploration or development of oil or gas.

(b) Activities Described.—The activities referred to in subsection (a) are the following:

(1) Individual surface disturbances of less than 5 acres so long as the total surface disturbance on the lease is not greater than 150 acres and site-specific analysis in a document prepared pursuant to NEPA has been previously completed.

(2) Drilling an oil or gas well at a location or well pad site at which drilling has occurred previously within 5 years prior to the date of spudding the well.

(3) Drilling an oil or gas well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed such drilling as a reasonably foreseeable activity, so long as such plan or document was approved within 5 years prior to the date of spudding the well.

(4) Placement of a pipeline in an approved right-of-way corridor, so long as the corridor was approved within 5 years prior to the date of placement of the pipeline.

(5) Maintenance of a minor activity, other than any construction or major renovation of a building or facility.

B. Section 3023 “Grazing Permits and Leases” of Public Law 113-291, The Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015, amended Section 402 of FLPMA. The amended text is now included in FLPMA, as amended, as Section 402(h). Therefore, the BLM may use the grazing permit categorical exclusion (1) or the

trailing and crossing categorical exclusion (2). Application of either categorical exclusion requires extraordinary circumstances review. Section 402(h) of FLPMA provides:

(1) IN GENERAL.—The issuance of a grazing permit or lease by the Secretary concerned may be categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if—

(A) the issued permit or lease continues the current grazing management of the allotment; and

(B) the Secretary concerned—

(i) has assessed and evaluated the grazing allotment associated with the lease or permit; and

(ii) based on the assessment and evaluation under clause (i), has determined that the allotment—

(I) with respect to public land administered by the Secretary of the Interior—

(aa) is meeting land health standards; or

(bb) is not meeting land health standards due to factors other than existing livestock grazing; or

(2) TRAILING AND CROSSING.—The trailing and crossing of livestock across public land and the implementation of trailing and crossing practices by the Secretary concerned may be categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)

C. The Agriculture Improvement Act of 2018 (P.L. 115-334) amended Title VI of the Healthy Forests Restoration Act of 2003 (HFRA) (16 U.S.C. 6591 et seq.) to add Section 606. Section 606 directed development of a categorical exclusion for covered vegetation management activities carried out to protect, restore, or improve habitat for greater sage-grouse or mule deer (HFRA, Section 606(b)(1)). This categorical exclusion may be used to carry out a “covered vegetation management activity” (defined at HFRA, Section 606(a)(1)(B)) whose purpose is for the management of greater sage-grouse and mule deer habitat on public lands that was designated under HFRA section 602(b), on December 20, 2018 (HFRA, Section 606(g)(2)). Application of this categorical exclusion requires extraordinary circumstances review. Section 606 of HFRA provides:

(a) Definitions.—In this section:

(1) COVERED VEGETATION MANAGEMENT ACTIVITY.—

(A) IN GENERAL.—The term ‘covered vegetation management activity’ means any activity described in subparagraph (B) that—

(i) (II) is carried out on public land administered by the Bureau of Land Management;

(ii) with respect to public land, meets the objectives of the order of the Secretary of the Interior numbered 3336 and dated January 5, 2015;

(iii) conforms to an applicable land use plan;

(iv) protects, restores, or improves greater sage-grouse or mule deer habitat in a sagebrush steppe ecosystem as described in—

(I) Circular 1416 of the United States Geological Survey entitled ‘Restoration Handbook for Sagebrush Steppe Ecosystems with Emphasis on Greater Sage-Grouse Habitat—Part 1. Concepts for Understanding and Applying Restoration’ (2015); or

(II) the habitat guidelines for mule deer published by the Mule Deer Working Group of the Western Association of Fish and Wildlife Agencies;

(v) will not permanently impair—

(I) the natural state of the treated area;

(II) outstanding opportunities for solitude;

(III) outstanding opportunities for primitive, unconfined recreation;

(IV) economic opportunities consistent with multiple-use management; or

(V) the identified values of a unit of the National Landscape Conservation System;

(vi) (I) restores native vegetation following a natural disturbance;

(II) prevents the expansion into greater sage-grouse or mule deer habitat of—

(aa) juniper, pinyon pine, or other associated conifers; or

(bb) nonnative or invasive vegetation;

(III) reduces the risk of loss of greater sage-grouse or mule deer habitat from wildfire or any other natural disturbance; or

(IV) provides emergency stabilization of soil resources after a natural disturbance; and

(vii) provides for the conduct of restoration treatments that—

(I) maximize the retention of old-growth and large trees, as appropriate for the forest type;

(II) consider the best available scientific information to maintain or restore the ecological integrity, including maintaining or restoring structure, function, composition, and connectivity;

(III) are developed and implemented through a collaborative process that—

(aa) includes multiple interested persons representing diverse interests; and

(bb) (AA) is transparent and nonexclusive; or

(BB) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125); and

(IV) may include the implementation of a proposal that complies with the eligibility requirements of the Collaborative Forest Landscape Restoration Program under section 4003(b) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)).

(B) DESCRIPTION OF ACTIVITIES.—An activity referred to in subparagraph (A) is—

(i) manual cutting and removal of juniper trees, pinyon pine trees, other associated conifers, or other nonnative or invasive vegetation;

(ii) mechanical mastication, cutting, or mowing, mechanical piling and burning, chaining, broadcast burning, or yarding;

(iii) removal of cheat grass, medusa head rye, or other nonnative, invasive vegetation;

(iv) collection and seeding or planting of native vegetation using a manual, mechanical, or aerial method;

(v) seeding of nonnative, noninvasive, ruderal vegetation only for the purpose of emergency stabilization;

(vi) targeted use of an herbicide, subject to the condition that the use shall be in accordance with applicable legal requirements, Federal agency procedures, and land use plans;

(vii) targeted livestock grazing to mitigate hazardous fuels and control noxious and invasive weeds;

(viii) temporary removal of wild horses or burros in the area in which the activity is being carried out to ensure treatment objectives are met;

(ix) in coordination with the affected permit holder, modification or adjustment of permissible usage under an annual plan of use of a grazing permit issued by the Secretary concerned to achieve restoration treatment objectives;

(x) installation of new, or modification of existing, fencing or water sources intended to control use or improve wildlife habitat; or

(xi) necessary maintenance of, repairs to, rehabilitation of, or reconstruction of an existing permanent road or construction of temporary roads to accomplish the activities described in this subparagraph.

(C) EXCLUSIONS.—The term ‘covered vegetation management activity’ does not include—

(i) any activity conducted in a wilderness area or wilderness study area;

(ii) any activity for the construction of a permanent road or permanent trail;

(iii) any activity conducted on Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(iv) any activity conducted in an area in which activities under subparagraph (B) would be inconsistent with the applicable resource management plan; or

(2) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

(B) the Secretary of the Interior, with respect to public land.

(3) TEMPORARY ROAD.—The term ‘temporary road’ means a road that is—

(A) authorized—

- (i) by a contract, permit, lease, other written authorization; or
 - (ii) pursuant to an emergency operation;
- (B) not intended to be part of the permanent transportation system of a Federal department or agency;
- (C) not necessary for long-term resource management;
- (D) designed in accordance with standards appropriate for the intended use of the road, taking into consideration—
 - (i) safety;
 - (ii) the cost of transportation; and
 - (iii) impacts to land and resources; and
- (E) managed to minimize—
 - (i) erosion; and
 - (ii) the introduction or spread of invasive species.

(b) Categorical Exclusion.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary concerned shall develop a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations (or a successor regulation)) for covered vegetation management activities carried out to protect, restore, or improve habitat for greater sage-grouse or mule deer.

(2) ADMINISTRATION.—In developing and administering the categorical exclusion under paragraph (1), the Secretary concerned shall—

- (A) comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- (C) with respect to public land, apply the extraordinary circumstances procedures under section 46.215 of title 43, Code of Federal Regulations (or successor regulations), in determining whether to use the categorical exclusion; and
- (D) consider—
 - (i) the relative efficacy of landscape-scale habitat projects;

(ii) the likelihood of continued declines in the populations of greater sage-grouse and mule deer in the absence of landscape-scale vegetation management; and

(iii) the need for habitat restoration activities after wildfire or other natural disturbances.

(c) Implementation Of Covered Vegetative Management Activities Within The Range Of Greater Sage-Grouse And Mule Deer.—If the categorical exclusion developed under subsection (b) is used to implement a covered vegetative management activity in an area within the range of both greater sage-grouse and mule deer, the covered vegetative management activity shall protect, restore, or improve habitat concurrently for both greater sage-grouse and mule deer.

(d) Long-Term Monitoring And Maintenance.—Before commencing any covered vegetation management activity that is covered by the categorical exclusion under subsection (b), the Secretary concerned shall develop a long-term monitoring and maintenance plan, covering at least the 20-year period beginning on the date of commencement, to ensure that management of the treated area does not degrade the habitat gains secured by the covered vegetation management activity.

(e) Disposal Of Vegetative Material.—Subject to applicable local restrictions, any vegetative material resulting from a covered vegetation management activity that is covered by the categorical exclusion under subsection (b) may be—

(1) used for—

(A) fuel wood; or

(B) other products; or

(2) piled or burned, or both.

(f) Treatment For Temporary Roads.—

(1) IN GENERAL.—Notwithstanding subsection (a)(1)(B)(xi), any temporary road constructed in carrying out a covered vegetation management activity that is covered by the categorical exclusion under subsection (b)—

(A) shall be used by the Secretary concerned for the covered vegetation management activity for not more than 2 years; and

(B) shall be decommissioned by the Secretary concerned not later than 3 years after the earlier of the date on which—

(i) the temporary road is no longer needed; and

(ii) the project is completed.

(2) REQUIREMENT.—A treatment under paragraph (1) shall include reestablishing native vegetative cover—

(A) as soon as practicable; but

(B) not later than 10 years after the date of completion of the applicable covered vegetation management activity.

(g) Limitations.—

(1) PROJECT SIZE.—A covered vegetation management activity that is covered by the categorical exclusion under subsection (b) may not exceed 4,500 acres.

DEPARTMENTAL MANUAL



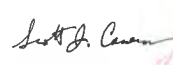
TRANSMITTAL SHEET

PART 516 DM 11	SUBJECT Environmental Quality Programs National Environmental Policy Act of 1969 Managing the NEPA Process—Bureau of Land Management	RELEASE NUMBER 5039
FOR FURTHER INFORMATION, CONTACT Bureau of Land Management		DATE 12/10/20

EXPLANATION OF MATERIAL TRANSMITTED:

The U.S. Department of the Interior's (DOI) procedures for complying with and implementing the National Environmental Policy Act (NEPA) are codified at 43 CFR Part 46. The Bureau of Land Management's (BLM) procedures for complying with and implementing NEPA, consistent with DOI procedures, appear in Chapter 11 of Part 516 of the Departmental Manual (516 DM 11). The BLM's NEPA Handbook (H-1790-1) provides additional guidance on these subjects.

In accordance with Secretary's Order 3356, Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes and Territories (dated September 15, 2017), this Departmental Manual (DM) Release updates 516 DM 11 by adding a categorical exclusion for the management of encroaching pinyon pine and juniper trees for the benefit of mule deer and sage-grouse habitats.

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SCOTT CAMERON
Date: 2020.12.10
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Principal Deputy Assistant Secretary – Policy, Management and Budget

FILING INSTRUCTIONS:

Remove:
516 DM 11 (24 Sheets)

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516 DM 11 (27 Sheets)

DEPARTMENTAL MANUAL



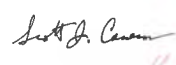
TRANSMITTAL SHEET

PART 516 DM 11	SUBJECT Environmental Quality Programs National Environmental Policy Act of 1969 Managing the NEPA Process—Bureau of Land Management	RELEASE NUMBER 5038
FOR FURTHER INFORMATION, CONTACT Bureau of Land Management		DATE 12/10/20

EXPLANATION OF MATERIAL TRANSMITTED:

The U.S. Department of the Interior's (DOI) procedures for complying with and implementing the National Environmental Policy Act (NEPA) are codified at 43 CFR Part 46. The Bureau of Land Management's (BLM) procedures for complying with and implementing NEPA, consistent with DOI procedures, appear in Chapter 11 of Part 516 of the Departmental Manual (516 DM 11). The BLM's NEPA Handbook (H-1790-1) provides additional guidance on these subjects.

This Departmental Manual (DM) Release updates 516 DM 11 by adding a new categorical exclusion (CX) under NEPA relating to the harvest of dead or dying trees impacted by biotic or abiotic disturbances commonly referred to as salvage harvest.

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Principal Deputy Assistant Secretary – Policy, Management and Budget

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Remove:
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APPENDIX #7

USDI, Departmental Manual, 516 DM 2

(4 pages)

Department of the Interior

Departmental Manual

Effective Date: 9/1/09

Series: Environmental Quality Programs

Part 516: National Environmental Policy Act of 1969

Chapter 2: Relationship to Decision Making

Originating Office: Office of Environmental Policy and Compliance

516 DM 2

2.1 Purpose. This chapter provides supplementary instructions for implementing those portions of the Council of Environmental Quality (CEQ) Regulations and the Department's NEPA Regulations pertaining to decision making.

2.2 Pre-Decision Referrals to CEQ (40 CFR 1504.3).

A. Upon receipt of advice that another Federal agency intends to refer a Departmental matter to CEQ, the lead bureau will immediately meet with that Federal agency to attempt to resolve the issues raised and expeditiously notify its Program Assistant Secretary, the Solicitor, and the Office of Environmental Policy and Compliance (OEPC).

B. Upon any referral of a Departmental matter to CEQ by another Federal agency, the OEPC will be responsible for coordinating the Department's role with CEQ. The lead bureau will be responsible for developing and presenting the Department's position at CEQ including preparation of briefing papers and visual aids.

2.3 Decision Making Procedures (40 CFR 1505.1).

A. Procedures for decisions by the Secretary/Deputy Secretary are specified in 301 DM 1. Program Assistant Secretaries should follow a similar process when an environmental document accompanies a proposal for their decision.

B. Bureaus will incorporate in their decision making procedures and NEPA handbooks provisions for consideration of environmental factors and relevant environmental documents. The major decision points for principal programs likely to have significant environmental effects will be identified in the bureau chapters on "Managing the NEPA Process" beginning with chapter 8 of this Part.

C. Relevant environmental documents, including supplements, will be included as part of the record in formal rulemaking or adjudicatory proceedings.

D. Relevant environmental documents, comments, and responses will accompany proposals through existing review processes so that Departmental officials use them in making decisions.

E. The Responsible Official (RO) will consider the environmental impacts of the alternatives described in any relevant environmental document and the range of these alternatives must encompass the alternatives considered by the RO.

F. To the extent practicable, the RO will consider other substantive and legal obligations beyond the immediate context of the proposed action.

2.4 Record of Decision (40 CFR 1505.2).

A. Any decision documents prepared pursuant to 301 DM 1 for proposals involving an Environmental Impact Statement (EIS) shall incorporate all appropriate provisions of Section 1505.2(b) and (c).

B. If a decision document incorporating these provisions is made available to the public following a decision, it will serve the purpose of a record of decision.

2.5 Implementing the Decision (40 CFR 1505.3). The terms “monitoring” and “conditions” will be interpreted as being related to factors affecting the quality of the natural and human environment.

2.6 Limitations on Actions (40 CFR 1506.1). A bureau will immediately notify its Program Assistant Secretary, the Solicitor, and the OEPC of any situations described in Section 1506.1(b).

2.7 Timing of Actions (40 CFR 1506.10). For those EISs requiring the approval of the AS/PMB pursuant to 516 DM 3.3, the responsible official will consult with the OEPC before making any request for reducing the time period before a decision or action.

2.8 Emergencies (40 CFR 1506.11). In the event of an emergency situation, a bureau will follow the requirements of 43 CFR 46.150.

Extraordinary Circumstances (from 516 DM 2, Appendix 2)

Extraordinary circumstances exist for individual actions within categorical exclusions which may:

- 2.1 Have significant impacts on public health or safety.
- 2.2 Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.
- 2.3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [National Environmental Policy Act Section 102(2)(E)].
- 2.4 Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.
- 2.5 Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.
- 2.6 Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.
- 2.7 Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.
- 2.8 Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.
- 2.9 Violate a Federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment.
- 2.10 Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).
- 2.11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). (note – attachment nomenclature follows that of the source document – 516 DM 2

APPENDIX #8

2014 State Protocol Agreement between the Idaho State BLM and the Idaho State Historic
Preservation Officer

(72 pages)

STATE PROTOCOL AGREEMENT

BETWEEN

**THE IDAHO STATE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT
AND
THE IDAHO STATE HISTORIC PRESERVATION OFFICER**

REGARDING

**THE MANNER IN WHICH THE BUREAU OF LAND MANAGEMENT WILL
MEET ITS RESPONSIBILITIES UNDER
THE NATIONAL HISTORIC PRESERVATION ACT
AND
THE NATIONAL PROGRAMMATIC AGREEMENT
AMONG THE BLM, THE ADVISORY COUNCIL ON HISTORIC
PRESERVATION, AND THE NATIONAL CONFERENCE OF STATE HISTORIC
PRESERVATION OFFICERS**

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1 **STATE PROTOCOL AGREEMENT**
2 **BETWEEN**
3 **THE IDAHO BUREAU OF LAND MANAGEMENT**
4 **AND**
5 **THE IDAHO STATE HISTORIC PRESERVATION OFFICE**
6

7 The Bureau of Land Management (BLM) has developed a nationwide Programmatic Agreement
8 (nPA) that governs the manner in which the BLM will meet its responsibilities under the
9 National Historic Preservation Act of 1966 as amended (NHPA). This Protocol implements the
10 2012 nPA in Idaho by describing how the Idaho State Historic Preservation Office (SHPO) and
11 the BLM will interact and cooperate pursuant to the nPA. The goal of this Protocol and the nPA
12 is to continue the meaningful and productive partnership between BLM and the SHPO and to
13 implement alternative procedures pursuant to 36 CFR § 800.14(b), to enhance the
14 management of cultural resources (as defined by the BLM 8100 Manual, including properties of
15 religious and cultural significance) under the BLM's jurisdiction.

16
17 **Authorities and Responsibilities**
18

19 **Bureau of Land Management:** The Idaho State BLM, consistent with its authorities and
20 responsibilities under the Federal Land Policy and Management Act of 1976 (FLPMA), is charged
21 with managing public lands located in the State of Idaho, "in a manner that will "protect the
22 quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water
23 resource, and archaeological values" and "that will provide for outdoor recreation and human
24 occupancy and use" (43 USC § 1701(a)(8)).

25
26 Authorities and policies for managing cultural resources and programs of historic preservation
27 exist under the FLPMA (43 USC §§ 1701 *et seq.*), the NHPA (Pub. L. 89-665, as amended,
28 codified at 16 USC §§ 470 *et seq.*), the Archaeological Resources Protection Act (ARPA, 16 USC
29 §§ 470aa-470mm), the Native American Graves Protection and Repatriation Act (NAGPRA, 25
30 USC §§ 3001 *et seq.*), the Historic Sites Act of 1935 (16 USC §§ 461-467), the Antiquities Act of
31 1906 (16 USC §§ 431-433), the American Indian Religious Freedom Act (AIRFA, 42 USC § 1996),
32 Executive Order (EO) 13007 ("Indian Sacred Sites," 61 Fed. Reg. 26771 (1996)), EO 13175
33 ("Consultation and Coordination with Indian Tribal Governments," 65 Fed. Reg. 67249 (2000),
34 and EO 13287 ("Preserve America", 68 Fed. Reg. 10635). Secretarial Order No. 3317 (2011)
35 establishes the Department of the Interior (DOI) Policy on Consultation with Indian Tribes and
36 recognizes that the obligation for Federal agencies to engage with Indian tribes on a
37 government-to-government basis is based on the U.S. Constitution and Federal treaties,
38 statutes, executive orders, and policies.
39

1 The nPA among the BLM, the Advisory Council of Historic Preservation (ACHP), and the National
2 Conference of State Historic Preservation Officers (NCSHPO) sets forth the manner in which
3 responsibilities deriving from the NHPA will be met. In carrying out its responsibilities both
4 under the nPA and statutory authorities, the BLM has developed policies and procedures
5 through its directives system (BLM Manual Series 8100-8170)(Appendix B) to guide the BLM's
6 planning and decision making as it pertains to historic properties and historic preservation.
7 BLM employs a professional staff of cultural resource specialists to advise BLM's managers and
8 to implement cultural resource policies consistent with these authorities throughout its lands in
9 Idaho.

10
11 **State Director:** Is BLM's signatory to this Protocol. The State Director meets annually with the
12 Idaho State Historic Preservation Officer and may meet more frequently upon request of either
13 the BLM or the SHPO. The Director may enter into Programmatic Agreements with the SHPO,
14 the ACHP, other agencies, tribes and other consulting parties for implementing Section 106 in
15 specific circumstances not covered by this Protocol, such as undertakings that are multi-state or
16 multi-jurisdictional or require a phased approach as described in 36 CFR § 800.4(b)(2).

17
18 **Field Manager:** Ensures implementation of provisions of the State Protocol within their Field
19 Office. The Field Manager seeks to ensure necessary training for cultural staff, availability of
20 cultural resources funding for preservation projects and implementation of a proactive historic
21 preservation program, and Native American consultation for Section 106 projects consistent
22 with BLM Manual direction and this Protocol. The Field Manager executes Memoranda of
23 Agreements (MOAs) for adverse effects and Programmatic Agreements that are limited to
24 specific Field Offices. The Field Manager is responsible for ensuring that all required cultural
25 resources documentation (see Stipulation V.G.) for an undertaking is completed within 60
26 calendar days of the execution of its National Environmental Policy Act (NEPA) decision
27 document unless otherwise agreed upon with SHPO or programmatically addressed. The Field
28 Manager may delegate the authority to operate under the Protocol to other managers who
29 have received the required training in its use and application.

30
31 **BLM Idaho State Deputy Historic Preservation Officer:** Oversees implementation of the
32 Protocol, conducts Field Office reviews and Protocol training; recommends Field Office
33 certification, provisional certification, decertification, and recertification. In consultation with
34 the SHPO, reviews or develops Programmatic Agreements and MOAs, may lead consultation
35 with the SHPO and/or the ACHP in specific cases, and submits reports and information to the
36 SHPO concerning implementation of the Protocol. At the request of a Field Office or SHPO,
37 reviews no adverse effect and adverse effect determinations rendered by Field Offices, prior to
38 Field Office consultation with the SHPO, to provide guidance for reducing, eliminating or
39 mitigating for effects.

40
41 **Field Office and District Cultural Resource Staff:** Determine Areas of Potential Effect (APE) and
42 make findings of no effect and no historic properties affected. Seek concurrence from the
43 SHPO on National Register of Historic Places (NRHP or National Register) eligibility, no adverse
44 effect, and adverse effect. For adverse effect determinations, follows the procedures outlined

1 in Stipulation V.E. and completes the Section 106 process to resolve effects pursuant to 36 CFR
2 800.6(b). Seek informal opinions of the SHPO staff when appropriate. Maintain cultural
3 resource records and transmit reports and records to the SHPO. Maintain professional
4 knowledge and ability. Develop and implement Section 110 programs and projects.

5
6 **Idaho State Historic Preservation Officer:** The Idaho SHPO has responsibilities under Section
7 101(b) (3) of the NHPA to:

- 8
- 9 ▪ “advise and assist, as appropriate, Federal and State agencies and local governments in
- 10 carrying out their historic preservation responsibilities;”
- 11 ▪ “maintain inventories” of historic properties in cooperation with Federal and state
- 12 agencies;
- 13 ▪ “consult with the appropriate Federal agencies in accordance with [the NHPA] on–
- 14 Federal undertakings that may affect historic properties; and the content and
- 15 sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to
- 16 such properties;” and
- 17 ▪ “prepare and implement a comprehensive statewide historic preservation plan,” which
- 18 in Idaho facilitates the creation of statewide historic contexts for use in planning,
- 19 research and as background for conducting determinations of eligibility.
- 20

21 In addition, under Section 110(a)(2)(E) of the NHPA, Federal agencies consult with the SHPO to
22 identify and evaluate historic properties for listing in the NRHP, and on the development and
23 implementation of agreements regarding the means by which adverse effects on such
24 properties will be considered.

25
26 In the review process under Section 106 of the NHPA (36 CFR § 800.2(c)(1)), the SHPO “reflects
27 the interests of the State and its citizens in the preservation of their cultural heritage.”

28
29 **Advisory Council on Historic Preservation:** The ACHP has the responsibility to:

- 30
- 31 ▪ administer the process implementing Sections 106, 110(f), and 111(a) of the NHPA;
- 32 ▪ comment with regard to Federal undertakings subject to review under Sections 106,
- 33 110(f), and 111(a) of the NHPA in accordance with its implementing regulations (36 CFR
- 34 part 800); and
- 35 ▪ “review the policies and programs of Federal agencies and recommend to such
- 36 agencies methods to improve the effectiveness, coordination, and consistency of those
- 37 policies and programs with the policies and programs carried out” under Section
- 38 202(a)(6) of the NHPA.
- 39 ▪ pursuant to the regulations implementing Section 106 of the NHPA (36 CFR §
- 40 800.3(c)(4)), the ACHP may at times act in lieu of the SHPO or Tribal Historic
- 41 Preservation Officer (THPO).
- 42

43 **BLM Preservation Board:** Pursuant to the nPA, the BLM Director maintains a Preservation
44 Board to advise the BLM Director, assistant directors, state directors, and district and field

1 office managers in the development and implementation of the BLM's policies and procedures
2 for NHPA implementation. The Preservation Board is chaired by the BLM's Federal Preservation
3 Officer (FPO) designated under Section 110(c) of the NHPA, and includes a professionally
4 qualified Deputy Preservation Officer (DPO) from each state office and the BLM national Tribal
5 Coordinator as ex officio members. Field management is represented by at least four line
6 managers (i.e., officials who are authorized by the Director's or state directors' delegation to
7 make land-use decisions). Field office cultural resource specialists are represented by two
8 members. Line manager and field office cultural resource specialist positions are 2 year term
9 positions.

10
11 The Preservation Board performs primary staff work and makes recommendations to the BLM
12 Director and state directors concerning policies and procedures, bureau-wide policy
13 implementation, training, certification and decertification of district or field offices (Stipulation
14 VIII), and monitoring of district and field offices' historic preservation programs.

15
16 **Indian Tribes:** This Protocol is executed under the provisions of the nPA which is entered into
17 pursuant to the NHPA, which specifically requires that agencies consult with federally
18 recognized tribes so that these Indian tribes may: (1) identify their concerns about historic
19 properties, including those of traditional religious and cultural significance to them; (2) advise
20 agencies on the identification and evaluation of historic properties; (3) articulate their views on
21 the potential effects of an undertaking; and (4) participate in resolving adverse effects. The
22 BLM consults with Indian tribes on a government-to-government basis consistent with the
23 DOI's Tribal Consultation Policy (2011) and Secretarial Order No. 3317 ("Policy on Consultation
24 with Indian Tribes"). While the BLM may initiate consultation under multiple authorities at one
25 time, this Protocol governs compliance with the NHPA and in no way supersedes the BLM's
26 other treaty, trust, and consultation responsibilities to Indian tribes under other authorities.
27 The parties recognize that the NHPA does not address all tribal concerns regarding cultural
28 resources and cultural values and that Indian tribes are composed of living people with a living
29 and dynamic culture with roots in past practices and past land occupancies who identify and
30 honor spiritual connections to certain places, landscapes, vistas, and objects within those
31 landscapes that may not fit National Register criteria. Where the Secretary of the Interior has
32 approved an Indian tribe's preservation program pursuant to Section 101(d)(2) of the NHPA, a
33 THPO may perform some or all SHPO functions with respect to tribal lands, defined as all lands
34 within the exterior boundaries of any Indian reservation and all dependent Indian communities,
35 consistent with 36 CFR § 800.16(x).

36
37 **Consulting Parties:** Consulting parties include representatives of local governments, applicants,
38 and certain individuals and organizations with a demonstrated interest in the effects of an
39 undertaking on historic properties due to the nature of their legal or economic relation to the
40 undertaking or affected properties, or their concern with the undertaking's effects on historic
41 properties (36 CFR § 800.2(c)(3)-(5)). In coordination with the SHPO, the BLM will identify

consulting parties, invite them to participate in consultation, and consider all written requests of individuals and organizations to participate as consulting parties (36 CFR § 800.3(f)). Such consulting parties will include, but are not limited to, local governments, grantees, permittees, owners of affected lands or land surfaces, Indian tribes, and other parties determined jointly by BLM and the SHPO.

The Public: The views of the public are essential to informed Federal decision-making, and the BLM will seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties. The BLM must also provide the public with information about an undertaking and seek public comment and input (36 CFR § 800.2(d)). Pursuant to 36 CFR § 800.2(d)(3), the BLM may use its NEPA procedures to involve the public and will advise the public of undertakings in conjunction with NEPA outreach, notification and scoping (see Stipulation IV.B.).

I. APPLICABILITY

This Protocol establishes the procedures that will govern the interaction between BLM and the Idaho SHPO under the nPA. The BLM and the SHPO mutually agree that execution of this Protocol and implementation of its terms will demonstrate satisfactory compliance by the BLM with the requirements of the nPA, which describes how BLM will meet its responsibilities under the NHPA pursuant to 36 CFR § 800.14(b), rather than by following the procedure set forth in 36 CFR §§ 800.3 - 800.7. The BLM will integrate the manner in which it meets its historic preservation responsibilities as fully as possible with its other responsibilities for land use planning and resource management. The BLM and the SHPO also mutually agree that in the event of termination of the nPA, the parties to this Protocol will promptly enter consultations to convert this Protocol into a statewide Programmatic Agreement pursuant to 36 CFR §§ 800.6 and 800.14(b).

A. Relationship to Other Agreements

This Protocol supersedes the 1998 Protocol. Other Programmatic Agreements and MOAs may be developed when specific agreement documents are needed to define procedures that are not covered under the nPA or this Protocol. Agreement documents negotiated under this Protocol will be added as amendments in Appendix H when signed.

B. When to Use Regulations 36 CFR part 800

Regulations 36 CFR §§ 800.3 through 800.7, 36 CFR § 800.8(c), and 36 CFR § 800.14 will be followed in lieu of this Protocol in the following situations:

- 1) Interagency undertakings or multi-state undertakings when BLM accepts lead responsibility for Section 106;
- 2) Undertakings adversely affecting National Historic Landmarks;

- 3) Undertakings that the BLM or SHPO determines involve strongly opposing viewpoints and are controversial;
- 4) Undertakings that will have an adverse effect where the BLM and SHPO cannot resolve disputes through formal agreement, such as a MOA;
- 5) If the BLM or the SHPO terminates this Protocol; and
- 6) If the nPA is terminated or suspended for any reason, and this Protocol has not been converted to a Programmatic Agreement.

Pursuant to the nPA, the BLM will request the ACHP's participation in the first four situations described above. The development and approval of program alternatives, including undertaking-specific PAs, will follow the process under 36 CFR § 800.14, also requires the notification of the ACHP. Participation by the ACHP requires use of the regulations.

II. ADMINISTRATIVE INTERACTIONS, ANNUAL MEETINGS, AND REPORTS

A. Annual State Director Meeting

The SHPO and the Idaho BLM State Director, with their respective staffs, will meet annually in February or March to review BLM's implementation of this Protocol, annual reports of activities, and other pertinent issues. At the annual meeting, the SHPO and BLM will exchange information relevant to achieving the goals and objectives set forth in this Protocol. At any time the SHPO or the Idaho BLM State Director may convene a meeting to discuss issues.

B. Annual Cultural Resource Staff Meeting

A key factor in successful implementation of this Protocol is BLM professional staff maintaining currency in program policy, initiatives, training, professional development and participation in societies and professional organizations, conferences and meetings. BLM field office cultural resource staff and the BLM Idaho DPO will meet annually to discuss program initiatives and changes in policy and regulations that may affect this Protocol, to participate in workshops and training, to exchange information, and to discuss emerging issues concerning the cultural resource program. This meeting will include SHPO input and participation.

C. Annual Report

By December 15 (unless an alternate date is agreed upon), the BLM State Office will provide an annual report to the SHPO containing summaries and statistical information from each Field Office for activities conducted under this Protocol during the Fiscal Year. The substance and format of the report are described in Appendix D of this Protocol. The report will include a summary of both Section 106 and Section 110 activities completed during the fiscal year.

1 **III. BLM CONSULTATION WITH SHPO**

3 **A. Planning**

5 Pursuant to FLPMA, each Field Office is responsible for preparing planning documents such as
6 Resource Management Plans (RMP), RMP amendments, RMP revisions, NEPA documents,
7 and/or cultural resource activity plans at the regional or local level. Field Offices will, when
8 beginning a planning effort, invite the SHPO to participate in scoping for the purpose of
9 identifying issues that should be addressed during planning. The BLM will formally invite the
10 SHPO to comment on any historic properties use allocations, whether they are made in
11 regional, local, or project plans. Field Offices will send all draft and final land use plans and
12 historic properties project plans to the SHPO for review and comment. Completion of the
13 consultation process for planning will be indicated by BLM's written response to the SHPO's
14 comments on the draft land use or cultural resource project plans. No decision documents for
15 planning will be issued prior to completion of the consultation.

17 **B. General Consultation**

19 1. Staff-to-Staff: SHPO and BLM staff-to-staff informal communication is encouraged to build
20 and strengthen our abilities to work effectively and cooperatively to manage cultural resources,
21 which are the public's, tribe's, state's and nation's cultural heritage.

23 2. SHPO Notification: Field Managers have the responsibility to provide timely written
24 notification to the SHPO about upcoming projects or undertakings with the potential to
25 adversely affect historic properties. This notification may occur by phone to begin discussions
26 and consultation, but will be followed up with written notification for the project case file,
27 which may include email, to ensure consultation is appropriately documented.

29 3. Other Meetings and Informal Discussions: The SHPO is encouraged to meet with the Idaho
30 BLM State Office or a Field Manager and/or staff at any time to discuss annual work plans,
31 specific undertakings, outreach efforts, or other issues related to the BLM's management of
32 cultural resources. The BLM will make every effort to arrange such meetings in a timely
33 manner and to provide information requested by the SHPO. SHPO staff and Field Office
34 personnel may informally discuss specific undertakings or any aspect of BLM's cultural resource
35 management program.

37 4. Special Conditions: Under special conditions, such as staffing shortages, unforeseen events,
38 or non-discretionary actions, specified time frames, as described in Stipulation V, for SHPO
39 review may be revised through consultation between SHPO and a BLM Field Office or the BLM
40 State Office.

42 5. Field Tours: BLM Field Offices may invite, and are encouraged to seek, SHPO participation in
43 field tours relating to land use planning efforts, Section 110 activities or specific undertakings
44 whenever cultural resources may be affected.

C. Formal Consultation

Formal consultation will occur between the SHPO and the BLM as outlined in Stipulation III.D. and in the procedures in Stipulations V and VI.

D. Undertakings and Determinations Requiring SHPO Consultation

As described in Stipulation I.B. certain types of undertakings require SHPO consultation. BLM will also consult with SHPO on the undertakings listed here to receive concurrence on eligibility and effect determinations, and when disagreements arise.

- 1) No Adverse and Adverse Effect determinations— see Stipulation V.D. and E;
- 2) Surveys less than Class III—see Stipulation V.A.3;
- 3) Land exchanges or land sales;
- 4) Transfers of lands to the State of Idaho, absent an agreement document governing the undertaking;
- 5) Eligibility and adverse effects on traditional cultural properties or properties of religious and cultural significance;
- 6) Land use plans and amendments;
- 7) Disagreements between cultural resource staff and Field Manager regarding eligibility and/or effect that cannot be resolved at the State Office level;
- 8) Unresolved disputes or disagreements internal to BLM concerning an exempt undertaking that cannot be resolved at the State Office level;
- 9) As required by any supplemental procedures and amendments appended to this Protocol to address specific undertakings such as livestock permitting (Appendix H), Fire/ESR treatments and OHV Routes of Travel (in preparation);
- 10) At Field Manager discretion, rather than following a supplemental procedure appended to this Protocol;
- 11) Inadvertent discovery of Cultural Resources—see Stipulation VI.A.

IV. BLM CONSULTATION WITH OTHERS UNDER THIS PROTOCOL

A. Tribal Consultation

BLM emphasizes the government-to-government relationship with Indian tribes and the obligation and importance of consultation on specific undertakings. BLM will follow the procedures and guidelines established in the nPA, BLM Manual 8120 and BLM Handbook 8120-1 (or replacement Manuals), EO 13175, and DOI's Policy on Consultation with Indian Tribes (Secretarial Order 3317), and other applicable authorities, executive orders and policies as outlined previously (Authorities and Responsibilities), in conducting consultation with the American Indian community for undertakings under this Protocol or any of its amendments. BLM supports and encourages the sharing of cultural information with Federally-recognized tribes above and beyond that required for undertaking review under NEPA, NHPA, ARPA and other authorities, when formal agreements or understandings governing such information are

1 executed and implemented.

2
3 Non-Federally recognized Indian communities and individual members will be encouraged to
4 raise issues, express concerns, provide information and identify resources and places they
5 would like the BLM to consider in decision-making. The BLM will solicit such input through
6 opportunities afforded by BLM's land use planning and environmental review processes,
7 government-to-government consultation and the development of Agency/Tribe protocol
8 agreements. BLM will take into account any confidentiality concerns raised by Indian tribes
9 during this process.

10
11 Consultation with Indian tribes underlies all subsequent identification and evaluation activities
12 conducted under this Protocol. The Field Manager will ensure that consultation with tribes
13 takes place at the earliest stages of planning for an undertaking. The Field Manager will be
14 prepared to continue consultation throughout the planning and implementation stages of an
15 undertaking. Guidance for consultation is provided in BLM Manual 8120, BLM Handbook 8120-
16 1, and 36 CFR § 800.2(c)(2). Tribes are encouraged to enter into separate government-to-
17 government consultation protocols, MOUs or MOAs with BLM to insure tribal concerns and
18 input are being effectively considered and addressed.

19 20 **B. Public Participation and Consulting Parties**

21
22 During project planning, BLM will provide adequate opportunity for the public to express views
23 by seeking and considering those views when carrying out actions under this Protocol. BLM will
24 coordinate this public participation requirement with those under NEPA, FLPMA and other
25 pertinent statutes. As part of this coordination, the BLM will make it clear to the public that the
26 agency is seeking views on effects to historic properties under this Protocol and pursuant to the
27 NHPA (36 CFR § 800.2). Interested parties¹ will be invited to consult early in the review process
28 if they have expressed an interest in a BLM undertaking or action subject to this Protocol. Such
29 interested parties include, but are not limited to, local governments; grantees, permittees, or
30 owners of affected lands or land surfaces; Indian tribes, organizations, and individuals; and
31 those seeking to participate as consulting parties in a particular undertaking (see also
32 Stipulation V).

33 34 **C. Advisory Council on Historic Preservation Participation**

35
36 The ACHP may participate on its own initiative or at the request of the BLM, SHPO, an Indian
37 tribe, a local government, an applicant or any other consulting party in any proceeding
38 associated with the BLM's NHPA Section 106 responsibilities under the regulations, the nPA, or
39 this Protocol.

40
41
42

¹ An interested party as used in this document includes Indian tribes, consulting parties and the public.

V. PROCEDURES FOR CONSIDERATION OF EFFECTS TO HISTORIC PROPERTIES FROM BLM UNDERTAKINGS

BLM manages cultural resources on public lands including historic properties as defined below.

Cultural resources or cultural properties are defined as a definite location of human activity, occupation, or use identifiable through field inventory (survey), historical documentation, or oral evidence. The term includes archaeological, historic, or architectural sites, structures, or places with important public and scientific uses, and may include definite locations (sites or places) of traditional cultural or religious importance to specified social and/or cultural groups. Cultural resources are concrete, material places and things that are located, classified, ranked, and managed through the system of identifying, protecting, and utilizing for public benefit. They may be but are not necessarily eligible for the National Register. BLM Manual 8100.

A *historic property* is defined as “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places The term includes properties of traditional religious and cultural importance to an Indian tribe . . . that meet the National Register criteria,” often referred to as Traditional Cultural Properties (TCPs). 36 CFR § 800.16(l)(1).

An *undertaking* is “a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.” 36 CFR § 800.16(y).

BLM will make an up to date schedule of NEPA projects and pending undertakings, including land transfer, subject to this Protocol and/or Section 106 of the NHPA, available via the BLM state website, where NEPA documents will be posted. The NEPA implementing regulations require that agencies coordinate their compliance processes to the extent possible. BLM Idaho uses the NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the NHPA (16 U.S.C. 470(f)) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed undertaking (project/action/approval) will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106. Through the NEPA process we provide an opportunity for public participation and comment pursuant to both the requirements of the NEPA and the NHPA. The website notifies the public and interested parties of proposed undertakings and the opportunity to comment and identify concerns for historic properties. Thirty days is the standard timeline for commenting, however this may vary significantly based on the complexity of the undertaking and resources affected. Fifteen days will be the minimum provided for opportunities to comment.

In order to provide greater efficiency in the review process, a short BLM Inventory Record (Appendix E(1) and (2)) will be used to document most cultural resource investigations

1 completed by BLM cultural resource specialists. Each Field Office will prepare, or update as
2 needed if already prepared, a Cultural Resource Background Document within one year of the
3 signing of this Protocol. This synthesis provides currency in regional research, allowing for
4 more informed treatment of past and present data in identification and evaluation of
5 resources. If the SHPO deems that a Field Office failed to produce an adequate Background
6 Document within the time frame above, the Field Office will complete the SHPO standard long
7 report (Appendix F) when submitting inventory reports.

8
9 The Cultural Resource Background Documents generally provide basic information on topics
10 such as the physical environment, major studies, types and distribution of sites, ethnographic
11 information and important cultural themes, as well as critical research questions addressing
12 regional settlement and subsistence patterns and other important cultural resource issues for
13 each Field Office. This document will be updated when enough new data on the prehistory,
14 ethnography or history of the area has been obtained that changes the information contained
15 in the document and/or as agreed upon by the Field Office and SHPO, and in consultation with
16 tribes or other interested parties. The SHPO, tribes and interested parties will have 30 days to
17 review this document for adequacy from date of receipt. If needed, per SHPO
18 recommendation, the Field Office will have 60 days to revise and resubmit. The Cultural
19 Resource Background Document is intended not only to substitute for background information
20 in short inventory records, but also to provide a synthesis of information for BLM planning
21 documents and SHPO context documents and to serve as training materials for in-coming BLM
22 Field Managers and cultural resource specialists.

23 24 **A. Identification**

25
26 During the earliest feasible planning stage of any undertaking, the BLM will determine the area
27 of potential effect (APE) and the information needed to identify and evaluate cultural
28 resources, including those of religious and cultural significance, situated within the APE. In
29 defining the APE, the BLM will consider potential direct, indirect, and cumulative effects to
30 cultural properties and their associated settings as applicable and in consultation with the
31 SHPO, tribes and interested parties as appropriate. Tribes possess special and unique
32 knowledge concerning historic properties of religious and cultural significance and will be
33 consulted to insure these properties are addressed during the identification process.

34
35 Once the APE is established, BLM will determine whether further investigations are needed to
36 complete the identification of cultural resources. The need for further investigations may be
37 based on information derived from a number of sources including, but not limited to, a file
38 search of the SHPO/BLM cultural resource records (site and survey data) and Geographic
39 Information System (GIS) spatial data, aerial photographs, Government Land Office (GLO)
40 records, BLM land records (including the Cultural Resource Background Document), RMPs,
41 NEPA documents, on-line resources, and information sought and obtained from the SHPO,
42 Indian tribes and interested parties.

43
44 Once the APE is determined, the BLM will perform a Class III inventory of areas not previously

the focus of a cultural resource inventory meeting current standards. During this inventory, BLM will make a reasonable and good faith effort to record cultural resources for identification and evaluation purposes as stipulated in 36 CFR § 800.4, unless the undertaking is exempt pursuant to Stipulation V.A.1-3 or addressed under a Protocol amendment, MOA, or Programmatic Agreement.

In all cases where BLM's Cultural Resource staff determines that less than a Class III inventory is appropriate for an undertaking, a written justification and research design or strategy shall be prepared and reviewed by SHPO, tribes and interested parties as applicable. When Class II inventories (probabilistic field survey or targeted inventory) are deemed appropriate, Field Office Cultural Resource staff shall informally seek the views of the SHPO staff concerning the justification and research design/strategy for the reduced level of inventory. The SHPO may concur with the proposed approach or may determine that formal consultation shall be initiated. Where Amendments to this Protocol apply to a particular undertaking and also address alternative inventory procedures, those alternative inventory procedures will be followed.

1. Exemptions: Under this Protocol, Exempt Undertakings, defined in Appendix C, are evaluated on a case-by-case basis by the Field Office cultural resource specialist and are generally exempt from further review or consultation. Documentation and justification regarding an undertaking's exemption from review under this Protocol will be on file at the Field Office (see Appendix G: Exempt Undertakings) and entered into the annual report. In consultation with the SHPO, Indian tribes, and other interested parties, the list of exemptions may be revised to add, delete, or modify specific exemptions. Depending on project circumstances, a Field Office may elect to review a normally exempted undertaking under the terms of this Protocol or 36 CFR part 800.

2. APE Previously Inventoried with no Historic Properties Affected: The BLM cultural resource specialist may determine that the APE for an undertaking has previously been adequately inventoried for cultural resources. Considering the geomorphology of the inventory area and its effect on exposure of resources, if a Class III inventory meeting current standards (*see BLM Manual 8110*) has been completed and BLM and SHPO have previously agreed that no historic properties will be affected, the BLM will review documentation and present a finding of adequacy. The BLM cultural resource specialist will document the finding in a BLM report to the file (Appendix E) and submit to SHPO the determination via email in a memo format briefly addressing previous investigations and BLM's justification for no further evaluation. SHPO will respond within 15 days if it requires more information regarding BLM's determination. The BLM may proceed with the undertaking within 15 days of SHPO notification if no SHPO response is received.

3. Areas of Low Potential for Historic Properties: The BLM cultural resource specialist may determine specific areas do not need to be inventoried because current information suggests

the area has little or no potential to contain historic properties. Indicators of low probability for historic properties may include severe disturbance, steep slopes with no potential for sites to occur (such as rock art, mining-related features, rock alignments, or rock shelters), and other conditions agreed upon in consultation with SHPO or as defined in guidance developed jointly by BLM and SHPO and attached to this Protocol. BLM may also determine that a less than Class III inventory of the APE may be adequate. In all situations where less than 100% (Class III) inventory is proposed, BLM will provide justification and seek written SHPO concurrence prior to initiating the inventory. SHPO will respond within 15 days of receipt of correspondence or BLM may assume concurrence with the proposed reduction in inventory of the APE and proceed with reduced inventory.

B. Determination of Eligibility

In determining if there are historic properties within the APE, BLM will apply the criteria for evaluation found in 36 CFR § 60.4 and National Register Bulletin 15 to all cultural resources that will be effected, including TCPs and properties of religious and cultural significance. BLM will give consideration to environmental history and the APE's potential to yield eligible properties in evaluating previously recorded sites within the APE. If prehistoric sites determined ineligible in previous investigations were not excavated to evaluate if subsurface deposits were extant, it may be necessary for BLM to reevaluate considering the APE's geology, geomorphology and potential to yield eligible resources.

1. Routine Evaluation: Applying the National Register criteria, the BLM may generally make determinations of eligibility without consultation with the SHPO if no project effects will occur and no TCPs are involved. All determinations will be documented, providing justification, detailing BLM's determination, resources consulted in making the determination, and included in the site record and report. However, any BLM Field Manager or cultural resource specialist may and is encouraged to contact the SHPO or the DPO concerning determinations of eligibility when he or she feels that assistance or additional perspectives related to this decision would be helpful, or, as applicable, and pursuant to 36 CFR §§ 800.4(d)(1), 800.4(d)(2), seek information from Indian tribes and other interested parties.

2. Consultation with SHPO: BLM will consult with the SHPO, and interested parties as appropriate (36 CFR §§ 800.4(d)(1), 800.4(d)(2), regarding eligibility determinations if the undertaking will cause an effect to identified cultural resources or is subject to application of 36 CFR part 800 (Stipulation I.B.).

- a) Disputes on Eligibility: If the BLM and the SHPO cannot concur on the eligibility of a cultural resource, and agreement cannot be reached within 30 days, then the BLM will request a formal determination of eligibility from the Keeper of the National Register of Historic Places (Keeper), pursuant to 36 CFR § 800.4(c)(2). The process to be followed is detailed in 36 CFR part 63 regulations on eligibility for inclusion in the National Register of Historic Places. The Keeper's determination will be final.

C. Determinations of No Effect and No Historic Properties Affected

Upon determining that historic properties are present within the APE, the BLM will apply the criteria of effect (36 CFR §§ 800.4, 800.5) to determine whether those properties may be affected by the undertaking, giving consideration to the views of the interested parties. BLM will consult with the SHPO, and interested parties as appropriate (see Stipulations IV and V.B.1 and 2), regarding determinations of effect if the undertaking will cause an effect to historic properties or is subject to application of the regulations at 36 CFR part 800 (Stipulation I.B.).

1. No Cultural Resources Identified: When no cultural resources of any kind are identified by inventory, or those identified are exempted sites types as defined in Appendix C, BLM will make the determination of “No Effect,” notify interested parties as applicable (Stipulation IV), and proceed with the undertaking. BLM will submit the BLM Inventory Record (Form A: Appendix E(1)) to the SHPO no later than 60 calendar days after making the determination.

2. No Eligible Historic Properties Identified: If the inventory identifies cultural resources that are determined to be ineligible, then the BLM will make the determination of “No Historic Properties Affected,” submit all documentation including the BLM Inventory Record, justifications for all eligibility determinations, and all site forms to the SHPO, and allow SHPO 15 days after receipt to review and comment or request additional review time or information if needed. If no comment or request for additional information or review time from SHPO has been received within this time frame, BLM may presume SHPO concurrence with determinations, notify and give consideration to the views of interested parties as appropriate (Stipulations IV and V.B.1 and 2), and proceed with the undertaking. If the SHPO comments and requests consultation, BLM will consult with the SHPO for 30 days further before proceeding with the undertaking. If disagreements between BLM and the SHPO regarding site eligibility arise and cannot be resolved, the matter will be forwarded to the Keeper pursuant to Stipulation V.B.2(a).

3. No Historic Properties Affected: If historic properties are present but will be avoided or otherwise not affected, as defined under 36 CFR § 800.16(i), by the undertaking, then the BLM will make the determination of “No Historic Properties Affected,” notify tribes, consulting parties and the public and provide documentation as appropriate (Stipulations IV and V.B.1 and 2), prior to proceeding with the undertaking. BLM will submit the BLM Inventory Record (Form B: Appendix E(2)), including a description of effects avoidance measures, to the SHPO no later than 60 calendar days after making the determination.

D. Determinations of No Adverse Effect or Adverse Effect

Upon determining that historic properties are present within the APE and that the undertaking will alter (directly, indirectly, or cumulatively) one or more of the characteristics of a historic property that qualify the property for inclusion in the National Register the BLM will apply the criteria of adverse effect (36 CFR § 800.5). BLM will seek concurrence, from the SHPO and any tribes who attach religious or cultural significance to an affected historic property, in its effect

determination prior to proceeding with the undertaking.

1. No Adverse Effect

If a proposed undertaking will cause effects to a historic property, but the effects will not diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association that make the property eligible for listing in the NRHP, then BLM will make a determination of "No Adverse Effect" as defined in 36 CFR § 800.5(b). BLM will notify Indian tribes and other interested parties pursuant to Stipulations IV and V.B.1 and 2, invite their views and submit the standard SHPO inventory report (Form B: Appendix E(2)) and associated evaluations and site forms to SHPO, and allow SHPO 30 days after receipt to review and comment. If within this time frame, SHPO, Indian Tribes, or any interested party disagrees with the finding and specifies the reasons for the disagreement in the notification, the BLM will consult with the SHPO or party to resolve the disagreement. If resolution cannot be accomplished, BLM will request that the ACHP review the finding.

2. Adverse Effect

If BLM determines that there are historic properties present that will be adversely affected by the undertaking, BLM will seek, in coordination with SHPO, Indian tribes and other interested parties, to resolve the adverse effect through avoidance, mitigation or project redesign to reach a no adverse effect determination. If a no adverse effect determination cannot be reached, BLM will follow the procedures outlined in Stipulation V.E. below.

E. Resolution of Adverse Effects

BLM will consult with SHPO, affected Indian tribes and other interested parties as appropriate to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize, or mitigate adverse effects on historic properties. These alternatives, modifications, and any treatment measures will be outlined in a MOA between BLM and SHPO pursuant to the procedures outlined in 36 CFR § 800.6(b) to resolve the adverse effect(s). Other parties may be invited to sign, or concur with, the stipulations of the MOA. Certain types of undertakings will also require BLM to request ACHP's participation in the MOA process (see Stipulation I.B.).

F. Emergencies

Should BLM find it necessary to implement an emergency undertaking as an immediate response to a declared emergency, or another immediate threat to life or property, in a manner that would preclude the use of this Protocol, BLM will implement, to the extent prudent and feasible, any measures that could avoid or minimize harm to historic properties and will implement rehabilitation measures and evaluations for properties that have been adversely affected.

G. Reporting

1. Report Submittal Within 60 Days: Under this time frame, BLM may make “no effect” and “no historic properties affected” determinations, notify interested parties pursuant to Stipulations IV and V.B.1 and 2 as applicable, proceed with the undertaking, and submit the BLM Inventory Record with all associated documentation, including site evaluations and site forms, to the SHPO no later than 60 calendar days after making the decision, or an extended timeframe as agreed upon by the SHPO. The following class of situations is covered by this time frame:

- a) An undertaking where the APE has been inventoried, the inventory meets current field methods (if previously inventoried), has been evaluated pursuant to Stipulation V.A.2, and no effects are determined;
- b) No cultural resources are identified within the APE, or sites identified have previously been determined ineligible with SHPO concurrence (see Stipulation V.B.); and
- c) Historic properties have been identified within the APE, but they will be avoided or otherwise not affected.

2. Inventory Record Submittal and 15-Day Review: If cultural resources are determined by BLM to be ineligible for inclusion in the National Register, following consultation and review by interested parties, BLM will submit the BLM Inventory Record with all associated documentation, including site evaluations and site forms, to the SHPO upon making the determination and allow SHPO 15 days from receipt, or longer if requested by the SHPO or additional information is needed (see Stipulation V.C.3.), to review and comment before proceeding with the undertaking. Following 15 days, if not notified by the SHPO, BLM may assume SHPO concurrence.

3. Report Submittal and 30-Day Review: If the undertaking requires review under the Regulations, 36 CFR part 800 (see Stipulations I.B. and III.D.), or if the undertaking is a “No Adverse Effect” or an “Adverse Effect,” BLM must submit the standard inventory report and all associated documentation to the SHPO and allow the SHPO 30 days from receipt to review and comment. Interested parties will be notified pursuant to Stipulations IV and V.B.1 and 2 as appropriate, and provided a 30 day period to comment prior to BLM proceeding with the undertaking. Following 30 days, if not notified by the SHPO or interested parties, BLM may assume concurrence with BLM findings.

VI. DISCOVERY SITUATIONS AND HUMAN REMAINS

A. Inadvertent Discovery of Cultural Resources

In the event that properties are discovered during implementation of an undertaking that has been duly considered under the terms of this Protocol and in which the property cannot be protected, BLM will address the discovery in accordance with the provisions of 36 CFR § 800.13(b). All work in the area will be halted until the discovery may be adequately assessed,

effects determined and reasonably avoided or mitigated. In consultation with the SHPO, and any Indian tribe that might attach religious or cultural significance to the affected property, BLM will select the appropriate mitigation option. In the event that properties are discovered during implementation of an undertaking that has been exempted (See Stipulation V.A.), section 800.13(b) provisions will apply to treatment of the discovery.

B. Human Remains

In the event that any human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony as defined in 43 CFR § 10.2(d) are encountered, work in the immediate vicinity of the discovery, other than non-disturbing documentation, will cease and BLM will positively determine land ownership and comply with applicable State laws or NAGPRA (see 43 CFR part 10) and ARPA (see 43 CFR part 7). The parties will ensure that human remains, funerary objects, sacred objects, or objects of cultural patrimony on federal or tribal lands, or located within the areas identified as aboriginal homelands, are treated respectfully. Once determined to be of Native American origins, the BLM or SHPO (on state and private lands) will seek to determine lineal descent and cultural affiliation through consultation in accordance with the consultation requirements articulated in 43 CFR §§ 10.4 and 10.5 or state law (Idaho Code Ch. 5, Sections 27-501-504) as applicable.

VII. PROFESSIONAL STAFFING, TRAINING, AND PERFORMANCE REVIEWS

A. Staffing

1. Professional Staff: BLM is committed to employing a professional cultural resource staff. In hiring new full time cultural resource staff, BLM will follow Section 112(a)(1)(B) of the NHPA and seek candidates that meet the Secretary of the Interior's Professional Qualifications Standards. These candidates must meet the education and experience standards set forth in the BLM Manual Series 8150. Each Field Office will have at least one full-time, permanent, professional cultural resource specialist assigned to manage the Field Office's cultural resource program. Field Offices that do not have the services of a BLM cultural resource specialist assigned to them, either on staff or through a shared arrangement, will be evaluated for decertification to work under this Protocol (Stipulation VIII.C).

2. Assistance to Cultural Resource Specialist: The Pathways Program (or succeeding programs), designed for student interns or recent graduates, may be used to recruit new staff that may assist the full time cultural resource specialist in the Field Office. Qualified term and temporary employees may also be employed. Pathways trainees and temporary employees will work under the direct technical supervision of BLM professional cultural resource staff and may not substitute for professional cultural resource staff in making decisions or determinations regarding identification, evaluation, or effect as stipulated in this Protocol or under 36 CFR part 800.

3. Appropriate Expertise: When the BLM is involved in a single undertaking requiring expertise not possessed by available BLM staff, the BLM may request the assistance of the SHPO staff with specific expertise, such as an architectural historian, or may obtain the necessary expertise through contracts, BLM personnel from other states or Field Offices, or cooperative arrangement with other agencies. The BLM may employ other specialists or technical staff that do not have requisite experience. In such instances, individuals who do not meet the Standards, as defined in section A.1. above, will work under the direct technical oversight of BLM professional cultural resource staff and may not substitute for professional cultural resource staff in making decisions or determinations regarding identification, evaluation, and effect as stipulated in this Protocol or in 36 CFR part 800.

B. Professional Development and Training

1. Field Managers: Training and development are key elements in maintaining the effectiveness of this Protocol. Field Managers and others who may act in the role of Field Managers within the scope of this Protocol will receive nPA and Protocol training within 90 days of the beginning of their tenure and periodically thereafter. The SHPO will be offered the opportunity to assist the BLM in Protocol training.

2. Cultural Resource Staff: Cultural resource staff will periodically receive training in the use and implementation of this Protocol including the procedural requirements of 36 CFR part 800 which are to be implemented in instances where this Protocol does not apply. The BLM Idaho DPO will identify and arrange specialized cultural resource training to occur during the annual cultural resource staff meeting.

- a) Professional Development: Field Managers, in consultation with the DPO, are advised to devise professional development plans for their cultural resource staff to ensure that current professional standards in the discipline can be met and maintained, and training needs identified. BLM recognizes that staying current in relevant professional literature and participation of cultural resource staff in professional societies and annual meetings (e.g., Idaho Archaeological Society, Society for American Archaeology, Society for Historical Archaeology, Idaho Professional Archaeological Council, Society of Architectural Historians, etc.) are integral to staying abreast of developments and advances in the discipline, for enhancing professional knowledge and skills, and for providing opportunities for leadership and service to the profession.

3. Certification and Annual Report: Annual participation by Field Managers and appropriate staff in cultural program training and implementation of professional development in appropriate individual development plans for cultural resource staff will be key considerations for continuing certification of individual Field Offices. Training received will be reported as a component of annual reporting (Stipulation II.C.).

C. Field Office Cultural Resource Performance Reviews

Professional review of Field Office program operations is an important component of the BLM's cultural resource program and this Protocol, especially as it pertains to certification (Stipulation VIII). Ensuring that such review takes place is a primary function of the DPO. Reviews may involve any aspect of a program's function. The SHPO, if concerned about a Field Office's performance under this Protocol, may submit a request for a review to the DPO. The intent of such reviews is to improve operations at individual Field Offices and to improve the cultural resource program. Three levels of internal review are available to the DPO. Findings of reviews will be relevant for purposes of assessing certification status of Field Offices.

1. Annual Review: Consistent with provisions of the nPA (Component 9), the DPO will assess annually Field Office cultural resource staff's ability to implement the provisions of this Protocol. The Annual Review will be based primarily on information and data submitted for the Annual Report required in Stipulation II.C of this Protocol. However, other data may be considered.

2. Technical Review. Consistent with provisions of the nPA (Component 9), the DPO will determine whether Field Office cultural resource staff are maintaining an appropriate level of technical capability and performance in particular program elements. Such elements may include, but are not limited to, record-keeping, documentation of Protocol actions, Section 110 actions, curation, inventory documentation, determinations and recommendations, security, budget issues, and findings from Annual Reviews.

3. Program Review. Consistent with provisions of the nPA (Component 9), the DPO will determine whether Field Office cultural resource programs are fully functional in their ability to implement this Protocol. Program reviews are broad-based reviews of the entire cultural resource program at a Field Office, although such a review may focus on particular areas of interest.

Pursuant to Component 9 of the nPA, the DPO may invite the participation in the review of the BLM FPO, DPO(s) from other states, SHPO(s), the ACHP, and the Preservation Board. Should deficiencies be identified, the DPO with the review team will develop corrective recommendations. When such recommendations are reviewed and accepted by the State Director, they will be provided to the SHPO for concurrence. Implementation of such recommendations will become the responsibility of the Field Manager, who will be required to initiate corrective actions within 60 days from the date the recommendations are accepted by the State Director and SHPO. Failure to initiate corrective actions within the specified time or failure to correct the deficiencies will require the State Director to consider, in consultation with the FPO, DPO and the SHPO, actions under Stipulation VIII of this Protocol.

VIII. CERTIFICATION AND DECERTIFICATION

A. Certification

The Preservation Board, in coordination with the appropriate DPO, SHPO, and the ACHP, and with consideration of tribal comments, may choose to review the status of a district or field office's certification to employ this Protocol; or the district or field manager, the state director, the ACHP, or the SHPO, may request that the Preservation Board initiate a review of a district or field office's certification.

The DPO will periodically reconsider the certification status of each Field Office during the review process delineated in Stipulation VII.C of this Protocol.

B. Provisional Status

The DPO or the SHPO may recommend that the State Director place a Field Office on a provisional status based on findings from any of the reviews specified in VII.C of this Protocol. Provisional status may extend from one to two years, although the term of the provisional status will be a matter of agreement between the parties to this Protocol and will reflect the complexity of the deficiencies identified. While on provisional status, a Field Office will have the opportunity to correct deficiencies that have been identified and documented during review of Field Office practices under this Protocol. Upon expiration of the provisional status term, or sooner, the parties to this Protocol will convene to determine whether identified deficiencies have been satisfactorily corrected. Should the parties determine that such deficiencies remain uncorrected, or should new deficiencies that the parties deem significant be identified, the decertification process will be initiated as described in Stipulation VIII.C of this Protocol.

C. Decertification

The Preservation Board may choose to review a Field Office's certification status. The Field Manager, the DPO, or the SHPO may request that the Preservation Board initiate such a review, in which case the Preservation Board will respond under the terms of the nPA (Component 9). If a Field Office is found not to have maintained the basis for its certification (e.g., the professional capability needed to carry out these policies and procedures is no longer available, or the office is not in conformance with this Protocol) and the Field Manager has not voluntarily suspended participation under this Protocol, the Preservation Board will recommend that the State Director decertify the Field Office.

- 1) A Field Office may ask the State Director to review the Preservation Board's decertification recommendation, in which case the State Director will request the ACHP's participation in the review.

- 2) The Preservation Board will notify the SHPO and the ACHP if the status of a certified office changes. In consultation with the SHPO, the DPO will prepare a Plan of Action to address the identified deficiencies.
- 3) When a Field Office is decertified, the responsible manager will follow the procedures of 36 CFR part 800 to comply with Section 106.

D. Recertification

If a decertified Field Office is found to have restored the basis for certification, the Preservation Board will recommend that the State Director recertify the office.

IX. COOPERATIVE PROGRAMS AND ACTIVITIES

A. Preservation Planning and Cooperative Stewardship

1. Cultural Resource Background Document: The Cultural Resource Background Document developed by each Field Office (see Stipulation V) is intended to provide basic information on topics such as the physical environment, major studies, types and distribution of sites, and important cultural themes, as well as critical research questions addressing regional settlement/subsistence patterns and other important cultural resource issues specific to the geographic jurisdiction for that office. As such, the Background Document is a critical document that provides a regional synthesis and assists in preservation planning.

2. Section 110: BLM commits to fulfill the responsibilities outlined in Section 110 of the NHPA. The State Director will implement a Preservation Program supporting proactive management of cultural resources. The Preservation Program will guide BLM in achieving measurable progress toward compliance with Section 110 of the NHPA. Proactive management may include, but will not be limited to, programs of evaluation and National Register nomination, monitoring for historic property condition, stabilization and preservation, inventory, documentation of known but unrecorded properties, research, interpretation, training and professional contributions, and public involvement and outreach in historic preservation activities.

3. Historic Context Development: BLM will assist SHPO in development of the historic context component of the Idaho State Historic Preservation Plan. As funding allows, BLM may coordinate with SHPO to develop historic contexts that help define site eligibility criteria, levels of adequate inventory, site documentation requirements, standards for assessment of effects, or appropriate treatment of historic properties. All historic contexts must be consistent with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716). In accordance with Section 101(b)(3) of NHPA, whereby the SHPO has responsibility for preparing and implementing the state's comprehensive historic preservation plan, the SHPO will review and provide comments on all historic context documents.

B. Public Education and Community Involvement in Preservation

Public outreach and education is a key component of the program to enhance preservation and personal development. The BLM and the SHPO will work cooperatively to promote and enhance public education and outreach in historic preservation and cultural resource management through the following programs:

1. Idaho Archaeology and Historic Preservation Month: The BLM will participate in and support financially, as funding permits, Idaho Archaeology and Historic Preservation Month activities, including public presentations, field tours and projects, exhibits, archaeology fairs, posters, brochures, and educational activities.

2. Project Archaeology: The BLM and SHPO will support Project Archaeology as a component of the educational programs of both agencies. This will include joint support of the development of a school reader and any subsequent activities that facilitate the program.

3. Idaho Archaeological Society and Idaho State Historical Society: BLM is encouraged to work cooperatively with the Idaho Archaeological Society and the Idaho State Historical Society to promote preservation ethics, good science, and professional standards statewide to avocational archaeologists and historians by participating in society meetings, serving as advisors, providing presentations and demonstrations, and other assistance as appropriate.

4. Professional Organizations: BLM is encouraged to participate in and work cooperatively with professional historic preservation organizations (e.g., Idaho Professional Archaeological Council) to promote preservation ethics, good science, professional standards statewide, and open dialogue regarding historic preservation issues.

5. Public Dissemination of Information: When appropriate, the BLM, SHPO, or an undertaking proponent will provide funding for development and distribution of brochures, monographs, interpretive signs or kiosks, or web based digital information media summarizing the results of archaeological investigations or other historic preservation projects for the general public. These can be either part of the Section 106 compliance responsibility or Section 110 research on public lands. Opportunities for public dissemination will especially be sought when research produces information that may be of particular interest to the general public. The BLM and SHPO will cooperate in developing these materials either by BLM and SHPO staff or through contracts. BLM will seek funding and other resources, such as grants and partnerships, for these activities.

6. Historic Preservation Training and Workshops: The BLM and SHPO will cooperate and participate in both the initial training and future on-going training of BLM managers and cultural resource staff, SHPO staff, public land users, and cultural resource contractors relative to the nPA and implementation of this Protocol. Training resources will include, but are not limited to, all facets of the BLM Manual System, planning documents, and statewide historic context documents.

1 7. Cooperative Stewardship: The BLM and the SHPO will cooperate, as funding and staff
2 availability permit, to develop a volunteer site stewardship program to recruit and train
3 members of the public to serve as monitors and stewards of Idaho's cultural resources on
4 public lands. BLM and SHPO will cooperate in efforts to obtain funding and other resources,
5 such as grants and partnerships, for these activities.

6 7 **C. Curation**

8
9 BLM, in accordance with 36 CFR part 79, will submit and maintain their archaeological
10 collections (artifacts and associated field notes and other documents) within the Archaeological
11 Survey of Idaho (ASI) repository system where they will be available statewide for the benefit of
12 public, scientific, and educational purposes. Following BLM archaeological investigations, BLM
13 will track progress of collections from BLM lands and will submit them to the appropriate ASI
14 repository, with funding support, as follow-up studies are complete. BLM will ensure to the
15 greatest extent possible that curation and disposition of all archaeological materials and data
16 from Federal lands conform to BLM Manual 8110 and 8160 and other sections as appropriate,
17 as well as 36 CFR part 79 and ASI curation standards. Management of non-Federal
18 archaeological materials and data will be consistent with applicable laws and professional
19 curation requirements as negotiated with non-Federal landowners or managers. Non-museum
20 collections may be maintained at Field Offices for purposes of education and outreach.

21 22 **D. Information Management and Data Sharing**

23
24 1. BLM Information Management: BLM will maintain complete, current, and permanent
25 records for cultural resource activities, including but not limited to survey areas, effect
26 findings, determinations of eligibility, monitoring and condition reports, images, inventory
27 records, historic property records, archaeological site records, isolate forms and
28 correspondence, to fully document fulfillment of its responsibilities under this Protocol, and
29 other laws, regulations, and policies. Records management will conform to the standards
30 and policies at BLM Manual 8110.5 and standards and procedures developed subsequent to
31 execution of this Protocol.

32
33 Site locational and spatial data will be collected in the field using a Global Positioning
34 System (GPS) and meet BLM's accuracy standards, as described in Appendix 2 of the BLM
35 8110 Manual. GPS coordinate collection and reporting will meet BLM's standards, with
36 coordinates reported in Universal Transverse Mercator (UTM), North American Datum 1983
37 (NAD83). Along with paper archival copy, site records should be maintained electronically
38 in both word processing and Portable Document Format (PDF) for ease of editing, access,
39 management, data transfer, and analytical applications. Polygon features will be maintained
40 for all sites, with point data reserved for isolated finds, and line features will be maintained
41 for linear sites such as trails, roads, canals, flumes, etc. Isolated finds should be maintained
42 as a separate feature class and require a unique identifier to ensure they can be filtered
43 from site data. Undertaking records that document identification and inventory efforts,
44 research designs, peer reviews, assessment of effects and impacts, and use of Exemptions

(Appendix C) will be retained in files under the control of the Field Office cultural resource specialist. Records will include cross references to other files or curated documents that contain information pertaining to individual properties.

2. Inventory Record and Site Form Standards: The BLM cultural resource specialists will document all undertakings, determinations, findings, and recommendations made under this Protocol. Such determinations, findings, and recommendations include, but are not limited to, delineating areas of potential effect, determining National Register eligibility, applying exemptions, findings of effect, and other findings and determinations. BLM will submit to the SHPO copies of all inventory reports and site forms for Section 106 undertaking investigations, including those conducted by contractors, as required in this Protocol (See Stipulation V.G. 1-3). All cultural resource investigations associated with implementing this Protocol, regardless of findings, will be documented to the standards stipulated in BLM Manual 8110, the Secretary of the Interior's Standards and Guidelines, and written guidance of the SHPO. BLM will review the work of permitted contractors and ensure they adhere to the same standards. Section 110 activities will be documented and provided to the SHPO in a timely manner, including inventory reports and site records.

Reports and site records will be submitted to SHPO in paper (1 copy) and electronic PDF format. Cultural resource data will be entered on the ASI Site Inventory Form with attached maps and photograph documentation using the ASI database. An updated ASI site form will be provided for all previously recorded cultural resources. Completion of the ASI site form and updates will follow the guidance provided by the SHPO. As appropriate, data on buildings and structures will be entered on the Idaho Historic Sites Inventory (IHSI) form and database. Site/resource and inventory spatial data will be submitted in standard GIS digital format (e.g., shapefile, geodatabase). SHPO will provide BLM with trinomial designations for newly recorded sites within 30 days of report submittal.

3. Data Sharing: BLM and SHPO will support and maintain compatible and up-to-date databases. BLM has developed and maintains a geodatabase for cultural resources and cultural resource investigations in a GIS in accordance with Section 112(2) of the NHPA and BLM Manual 8110.5. The geodatabase will be updated with newly recorded and re-recorded resource and investigation data. BLM and SHPO will work jointly to implement compatible databases to allow for the electronic submission of spatial data (GIS entities) and tabular records (inventory records, fieldwork reports, and site forms) as needed. BLM and SHPO will work to ensure that any joint efforts meet both agencies' needs. As part of this cooperative effort, SHPO will provide state datasets to BLM at least annually and as agreed upon in a Data Sharing Assistance Agreement (AA). SHPO recognizes BLM's need for polygon data for planning and analytical application and will begin maintenance of polygon datasets for site and inventory data following standards outlined in Stipulation IX.D.1. BLM will support SHPO's management of a statewide inventory by providing assistance through various mechanisms and as agreed upon in the AA. Assistance may be in the form of financial, personnel, and/or hardware and software resources when funding is available.

1 4. Sensitive Information: Non-sensitive cultural resource compliance documents, including
2 findings, determinations, and recommendations, may be disclosed to the public. Under the
3 authority of Section 304 of NHPA (see 36 § CFR 800.11(c)), Exemption 3 of the Freedom of
4 Information Act (5 USC § 552(b)(3)), and consistent with Section 9 of ARPA (see 43 CFR § 7.18),
5 it has been determined that public disclosure of the location and character of cultural resources
6 may risk harm to those resources. Sensitive cultural resource information under the control of
7 BLM and SHPO, regardless of ownership of the resource, will not be disclosed inappropriately.
8 Sensitive information will not be stored in documents or files open to the general public. This
9 determination notwithstanding, the BLM may characterize cultural resources in writing
10 sufficiently for the purposes of required analyses under NEPA, and cultural resource
11 information may be disclosed when such disclosure is deemed to advance management,
12 educational, or scientific purposes. The BLM may allow access to some sensitive data through
13 the execution of specific data sharing agreements.
14
15

16 **X. DISPUTE RESOLUTION PROCEDURES, REVISIONS, AMENDMENTS, AND TERMINATION**

17 **A. Procedure for Resolving Objections**

18
19
20 1. BLM or SHPO Objections: The BLM or the SHPO may object to an action proposed or taken
21 pursuant to this Protocol. The objecting party will notify the other party in writing of the
22 objection. Within seven calendar days following receipt of notification, the parties will begin to
23 consult for a minimum of 30 calendar days to resolve the objection. If the objection is resolved
24 within this time frame, the parties will proceed in accordance with the terms of that resolution.
25 If the objection is not resolved within this time frame, and the parties have not agreed to
26 extend the consultation period, the DPO will refer the objection to the Preservation Board,
27 which will provide the State Director with its recommendations. If the State Director accepts
28 the Board's recommendations, the State Director will promptly notify the SHPO of such
29 acceptance, provide a copy of the Board's recommendations, and afford the SHPO 30 calendar
30 days following receipt of the notification to comment on the recommendations. If the SHPO
31 concurs with the Board's recommendations within this time frame, the State Director and the
32 SHPO will proceed in accordance with the Board's recommendations, and the objection will
33 thereby be resolved. If either the State Director or the SHPO rejects the Board's
34 recommendations after consideration, not to exceed 30 days, the State Director will promptly
35 notify the Board in writing of the rejection, and immediately thereafter submit the objection,
36 including copies of all pertinent documentation, to the ACHP for comment in accordance with
37 Stipulation IV.C. Within 30 calendar days following receipt of any ACHP comments, the State
38 Director will make a final decision regarding resolution of the objection and in writing notify the
39 Board, the SHPO and the ACHP of that decision. The objection will thereupon be resolved. In
40 reaching a final decision regarding the objection, the State Director will take into account any
41 comments received from the Board, the SHPO, and the ACHP pursuant to this stipulation.
42

43 2. Public Objections: If a member of the public or a federally recognized Indian tribe or other
44 American Indian group or individual formally objects in writing at any time to the manner in

1 which this Protocol is being implemented in a specific case, the BLM will consult with the
2 objecting party for a period not to exceed 45 calendar days and, if the objecting party requests,
3 with the SHPO, to resolve the objection. If the objecting party and the BLM resolve the
4 objection within 45 calendar days, the BLM will proceed in accordance with the terms of that
5 resolution. If the objection cannot be resolved, the DPO will refer the objection to the
6 Preservation Board, which will provide the State Director and the objecting party with its
7 recommendations for resolving the objection. If the State Director and the objecting party
8 accept the Preservation Board's recommendations, the State Director will proceed in
9 accordance with these recommendations and the objection will thereby be resolved. If either
10 the State Director or the objecting party rejects the Preservation Board's recommendations for
11 resolving the objection, the State Director may refer the objection to the BLM Director who
12 may request the ACHP's participation in accordance with Stipulation IV.C. Within 30 calendar
13 days following receipt of any ACHP comments, the State Director will take into account any
14 comments received from the Board, the objecting party, the SHPO, and the ACHP and make a
15 final decision regarding resolution of the objection and will, in writing, notify the Board, the
16 objecting party, the SHPO and the ACHP of that decision. The objection will thereupon be
17 resolved. Any objection filed will not prevent the BLM from proceeding with undertaking
18 planning; however, undertaking implementation will be deferred until the objection is resolved.

19 20 **B. Review and Revision of this Protocol**

21
22 BLM and SHPO, in consultation with Indian tribes and other interested parties, will review this
23 Protocol on or prior to the tenth anniversary of the date of its execution to determine if
24 amendment or extension is warranted. This Protocol is intended to be responsive to changing
25 circumstances. Therefore, the BLM or the SHPO may propose revision of this Protocol at any
26 time, whereupon the parties will consult with Indian tribes and other interested parties to
27 consider the proposed Revision. "Revision" as used herein refers to the process of review and
28 rewriting of all or portions of this Protocol, including the addition, deletion, or modification of
29 appendices to this Protocol. Revisions will only become effective upon written concurrence of
30 the parties.

31 32 **C. Amendments to this Protocol**

33
34 1. Amendment Initiation: In keeping with the intended responsive nature of this Protocol, the
35 BLM or the SHPO may propose an amendment to this Protocol at any time, whereupon the
36 parties will consult to consider such amendment. "Amendment" as used herein refers to the
37 process of adding supplemental procedures for specific BLM programs when parties to this
38 Protocol wish those procedures to be made explicit. The amendment process culminates in the
39 issuance of Protocol Amendments, which are administratively appended to this Protocol on
40 their effective date. Amendments to this Protocol will only become effective upon signature of
41 both parties. Protocol Amendments will be housed in Appendix H of this Protocol.

42
43 2. Amendment Continuation: The parties to this Protocol agree that upon termination or
44 expiration of this Protocol, any and all supplemental agreements, procedures, or amendments

1 contained in the Protocol appendices may continue in full force and effect, with the written
2 consent of the signatories, and in consultation with Indian tribes and other interested parties
3 subject to the terms of Stipulation X of this Protocol regarding Dispute Resolution Procedures,
4 Revisions, Amendments, and Termination, until a successor Protocol or Programmatic
5 Agreement is executed, not to exceed two years.

6 7 **D. Termination, Automatic Termination, and Review of this Protocol**

8 9 1. Termination of this Protocol or Any Supplemental Agreement, Procedure, or Amendment:

10 The BLM or SHPO may terminate this Protocol or any Supplemental Agreement, Procedure, or
11 Amendment contained in the Appendices. The party proposing termination will notify the
12 other party in writing of its intent to terminate and explain the reasons for proposing
13 termination. Within seven calendar days following receipt of such notification, the parties will
14 begin to consult for a minimum of 90 days to seek alternatives to termination. Should such
15 consultation result in agreement on an alternative to termination, the parties will proceed in
16 accordance with the terms of that agreement. Should such consultation fail to result in
17 agreement on an alternative, the party proposing termination may terminate this Protocol or
18 any Supplemental Agreement, Procedure, or Amendment by providing the other party with
19 written notice of such termination. Termination hereunder will render this Protocol or any
20 terminated Agreement, Procedure, or Amendment without further force or effect.

21
22 2. Resumption of 36 CFR Part 800: In the event of termination of this Protocol, the BLM will
23 comply with the provisions of 36 CFR part 800 for all undertakings covered by this Protocol,
24 with the exception of those supplemental agreements, procedures, or amendments in the
25 appendices of this Protocol which, by written agreement of the signatories, and in consultation
26 with Indian tribes, and other interested parties, may remain in full force and effect. In the
27 event one of these appendices is terminated, BLM will comply with 36 CFR part 800 for the
28 program or practices subsumed under that Agreement, Procedure, or Amendment.

29
30 3. Extension of this Protocol: At midnight of the tenth anniversary of the date of its execution,
31 this Protocol will automatically terminate and have no further force or effect, unless it is
32 extended by written agreement of the parties. Indian tribes, consulting parties and interested
33 publics will be notified prior to extension and provided an opportunity to comment. Should this
34 Protocol not be extended and should no successor agreement document be in place at the time
35 of automatic termination, BLM will comply with 36 CFR part 800, except with regard to those
36 activities addressed in supplemental agreements, procedures, or amendments to the Protocol
37 which the signatory parties in writing agree remain in full force and effect following
38 consultation with Indian tribes and other interested.

39 40 41 **XI. OTHER PROCEDURES**

42
43 BLM will follow procedures and adhere to policies detailed in the BLM 8100 Manual Series
44 along with standards and guidelines promulgated by the SHPO, such as recording requirements.

BLM, in consultation with SHPO, may develop other guidance as necessary and will consider incorporating such guidance as supplemental procedures to this Protocol (X.C.).

XII. ANTI-DEFICIENCY PROVISION

Nothing herein shall, or shall be construed to, obligate BLM to expend, or involve the United States of America in any contract or other obligation for the future payment of, money in excess of appropriations authorized by law and administratively allotted and allocated for the purposes contemplated in this Protocol.

XIII. APPENDICES

Appendix A: National Programmatic Agreement, online at the following link: [nPA](#)

Appendix B: BLM 8100 Manual Series, online at the following link: [8100 Manual Series](#)

Appendix C: Exemptions

Appendix D: Annual Report Format

1) Summary of Cultural Resource Inventories, Exempted Undertakings, Properties and Discoveries. Idaho BLM Annual Cultural Resource Report to Idaho SHPO

2) Field Office Listing of Projects: Idaho BLM Annual Cultural Resource Report to Idaho SHPO

Appendix E: Report Short Form to be used with Background Document

1) Form A: No Effect, No Historic Properties Present

2) Form B: No Historic Properties Affected or No Adverse Effect

Appendix F: Report Format when Background Document not used

Appendix G: Exempt Undertakings Documentation

Appendix H: Amendments and Supplemental Procedures

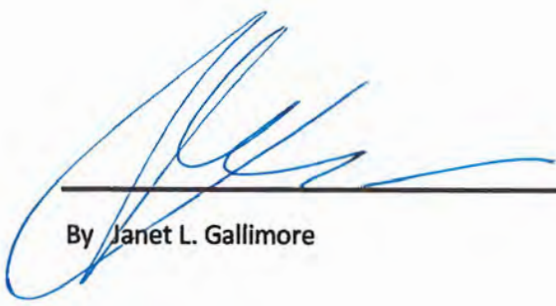
1) Supplemental Procedures for 10 Year Livestock Permit/Lease and Livestock Trailing Authorizations

1 STATE DIRECTOR, BUREAU OF LAND MANAGEMENT, IDAHO
2
3

4 
5 By Timothy M. Murphy

Date: May 28, 2014
6
7

8 STATE HISTORIC PRESERVATION OFFICER, STATE OF IDAHO
9

10 
11 By Janet L. Gallimore
12

Date: May 28, 2014

APPENDIX A



**PROGRAMMATIC AGREEMENT
AMONG
THE BUREAU OF LAND MANAGEMENT,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE NATIONAL CONFERENCE OF STATE HISTORIC
PRESERVATION OFFICERS
REGARDING
THE MANNER IN WHICH THE BLM WILL MEET ITS
RESPONSIBILITIES
UNDER THE NATIONAL HISTORIC PRESERVATION ACT**

February 2012

Online at the following link:

[nPA](#)

APPENDIX B

BLM 8100 Manual Series

Online at the following link:

[BLM Manual](#)

APPENDIX C

Exempted Undertakings, Exempted Sites and Categorically Excluded Resources

APPENDIX C

A. Exempted Undertakings

Included below are BLM undertakings excluded from project specific consultation with the SHPO. The Cultural Resource (CR) Specialist determines the applicability of the exclusions on a case-by-case basis upon review of previous survey work. The CR Specialist, at their discretion, may require an inspection or inventory of the exempt undertaking if they anticipate that historic properties will be disturbed.

The CR Specialist will document the decision that an undertaking is excluded from inventory and consultation in the project file at the BLM District or Field Office. A summary of the number and types of undertakings excluded from inventory and project specific consultation will be included in the annual report prepared by the BLM for the SHPO (Stipulation II.C.).

1. Any revegetation by broadcast seeding that does not involve ground disturbance other than the minor disturbance of placing seeds on the ground.
2. Manual planting using hand-held augers or planting bars if no known historic properties occur within the planting area and probability for site occurrence is low (e.g., steep terrain: see 3. below).
3. Timber management activities where trees are to be removed from areas determined by the CR Specialist to involve slopes exceeding 30%, and where the occurrence of historic properties is exceedingly rare based on a Cultural Resource Background Document (see Stipulation V.).
4. Hand cutting of young, non-old growth juniper less than 100 years old, where access is by foot and limbs are hand scattered across the landscape.
5. Mechanical seeding for habitat restoration on newly acquired lands that have been previously disturbed by historic farming practices, where no disturbance will occur (vertically or horizontally) outside of the historic plow zone.
6. Cadastral landline surveys, boundary marking and corner location, where eligible historic corners and markers will not be disturbed.
7. Core drilling within the constructed prism of existing roads where no disturbance will occur outside of disturbed prism and no evidence of sites or site elements (as exposed by use and maintenance) occur within the prism (e.g., lithic concentrations, hearths as evidenced by ash/charcoal, features, etc.).
8. Seismic surveys conducted on existing roads where no disturbance beyond the vertical and horizontal limits of previous construction or disturbance will occur and no known standing historic or prehistoric structures or rock art sites are within 300 meters.
9. Mineral operating plans that involve work in areas that were previously inventoried to current standards and that do not contain properties that qualify for listing on the National Register of Historic Places.

10. Routine recreation site maintenance involving minimally disturbing activities such as replacement of existing barriers or signs, re-graveling of roads and parking areas when original gravel is not removed, general maintenance of fences, and hazard tree removal when a skidder is not involved.
11. Installation of recreation, road and trail signs where disturbance is limited to post holes.
12. Road closures with the installation of gates and barriers.
13. Replacement or repair of existing water lines, buried utility lines, vault toilets, tank replacement of water collector system and pipeline or similar underground improvements, in exact previous locations when no additional ground disturbance occurs and previous Section 106 compliance and tribal consultation has been completed.
14. Resurfacing, blading, or maintenance of existing roads and trails where disturbance outside the existing constructed prism/tread and existing alignment will not occur and this restriction is reflected in the ROW document.
15. Emplacement of buried utility lines, pipelines, telephone lines and similar linear features where disturbance will not extend beyond the vertical and horizontal limits of previous construction or disturbance (e.g., roads) and previous Section 106 compliance and tribal consultation has been completed and meets current standards.
16. Wildlife and fisheries improvements consisting of hand planting for stream bank stabilization, sediment sampling, installation of fish monitoring devices, and channel blasting sediment control structures in the stream channels when only the stream bed is impacted, no heavy equipment is used, and existing vehicular access is used.
17. Activities limited to stream channels, not including terraces and cut banks.
18. Fence construction and maintenance (where posts are pounded into the ground) and that does not require blading for the fence line or that does not create an area for livestock congregation and heavy trampling, such as cattle guards or spring sites, and there are no adverse effects to historic properties. Congregation areas will be surveyed.
19. Right-of-way amendments that would add another user and related electronic equipment to an approved communication facility or structure, not requiring the expansion of the facilities permit area, with inadvertent discovery provisions in force.
20. Use of existing material source sites where no horizontal expansion of the pit will occur.
21. Issuance of recreation special-use permits (e.g., outfitters, bike races, trail rides, motorized vehicle, etc.) entailing the use of horses, mountain bikes, motorcycles, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs), and other motorized vehicles on existing routes where the potential to cause ground disturbance or affect historic properties is negligible. Periodic monitoring may be conducted to confirm that effects are negligible. Types of projects include but are not limited to:

- a) Well-established trails and other specified areas where use is similar to previous permits for which environmental documents addressing cultural resources have been prepared, and that would not increase the level of use.
 - b) Where uses are consistent with planning decisions, in which cultural resources have been addressed, (e.g., Travel Management Plans) or land allocations, as applicable, and where there will be no new surface disturbance.
- 22. River use permits where use is similar to previous permits for which environmental documents addressing cultural resources have been prepared, that would not increase the level of use, where stipulations prohibiting soil disturbance and protecting cultural resources are attached to the permit, or where landforms, such as sandbars, preclude any possibility of intact historic properties.
 - 23. Placement of monitoring stations where negligible ground disturbance is involved (e.g., stream gauges, fish tracking devices, temporary radio repeaters, wind and RAW stations).
 - 24. Routine or preventive operation and maintenance activities on BLM facilities or lands that do not affect historic structures or previously undisturbed ground.
 - 25. Grants of rights-of-way, leases, or permits for the use of existing roads, facilities (non-historic), improvements, or sites for the same or similar purposes where there will be no new ground disturbance authorized and cultural resources have been previously considered.
 - 26. Withdrawal extensions or modifications that only establish a new time period and entail no change in segregative effect or use.
 - 27. Temporary (not to exceed 90 days) placement of a pipeline above ground, where quality control is ensured through maintenance stipulations in the authorizing permit to avoid leakage or bursts.
 - 28. Herbicide application where it would be unlikely to affect rock art or traditional Native American plant gathering areas.
 - 29. Fire training water drops, entailing dropping water from airplanes and/or helicopters, where water dispersement rates simulate heavy rainfall during a short thunder storm event.
 - 30. Projects such as installation of cattle guards, gates, culverts, where the APE does not extend beyond the vertical and horizontal limits of previous construction or disturbance (e.g., roads) and cultural resources have been previously considered.
 - 31. Issuance of Special Use Permits where no surface or resource disturbance is authorized and where there is no potential to affect access to or use of resources by Native Americans.
 - 32. Authorizing new lines on existing overhead structures when there is no change in pole or tower configuration and no new surface disturbance.

33. Removing modern materials and trash scatters less than 50 years old and not associated with a larger eligible entity. Abandoned vehicles and modern trash dumps are included in this class.
34. Dispersed non-commercial Special Forest Products activities such as Christmas tree cutting, firewood gathering, and pole and post gathering.
35. Acquiring lands and easements that do not entail any ground disturbing activities.
36. Transferring lands or interest in lands to other Federal agencies where future management will be subject to the Section 106 process.
37. Single-pass cross-country travel by rubber-tired vehicles (under 10,000 lbs GVW) engaged in official BLM activities where inventory is completed and appropriate site avoidance measures are in-place.
38. Burning of tree or shrub piles created during timber management or fuels reduction activities in areas where the potential to affect historic properties is negligible, where burning will be conducted in a manner designed to minimize potential for sub-surface soil impacts (e.g., soil sterilization).
39. Abandoned mine openings needing immediate closure because of significant public safety issues, where the potential to affect historic properties is negligible. Periodic monitoring may be conducted to confirm that effects are negligible. Types of closures excluded from project-specific SHPO consultation would be limited to:
 - a) Openings not associated with fragile or unavoidable historic structures (including stacked rock features, historic trails, roads, ditches, or collapsed or partially standing buildings) or associated historic features (including pieces of mining equipment or historic refuse scatters).
 - b) Openings where closure would be made using polyurethane foam (PUF) and/or stacked native materials, where the closure would be recessed so as to maintain the general impression of the adit, without disturbance to any associated historic structures, buildings or features.
 - c) Openings where closure would be made using gates or grates, where the structure would be recessed so as to maintain the general impression of the adit, without disturbance to any associated historic structures, buildings or features.

B. Exempted Site Types

The following list includes sites or features that are redundant and provide limited to no new information, over and above current documentation, about human use of the landscape, and in and of themselves would not warrant listing on the National Register of Historic Places. These sites will be exempted from formal recordation on a site record, but may be briefly described and reported in the inventory report.

1. Mining prospects that have no other associated historic features, artifacts or adjacent features with which to date the prospects or are within the spatial extent of mining district. Includes prospects that have been dug by a backhoe.
2. Mining claim markers.
3. Small (less than 50 items) historic can dumps that are fairly homogeneous and have no other associated historic features, including recent trash (post-1960).
4. Short-term, mobile camps, with no to limited cultural constituents, associated with livestock grazing or recreation that provide no significant information beyond that which is available in written or oral histories.
5. Unassociated historic artifact scatters that cannot be definitively tied to a specific historic theme as defined in the Idaho Comprehensive Historic Preservation Plan. This includes Items such as fence material and piles of barbed wire.
6. Rock piles in agricultural fields that are the obvious result of field clearing where tribal consultation has not provided information about a possible TCP or sacred site.
7. Power poles and lines that research shows have no particular historic importance or significant association to a historic event or district.

C. Categorically Excluded Resources:

Isolated Finds: It is recognized that the recordation of isolated finds exhausts their data potential, as the information they contain and what they can reveal about past human behavior is decidedly limited. Where warranted, isolates may be collected for analytical procedures (e.g., obsidian hydration, sourcing, etc.).

This class of cultural resource is a category lacking data potential and does not provide a statistically viable sample or context to produce further data (e.g., potential for buried deposits). They are locations exhibiting brief episodes of activity that are easily documented at discovery. Isolate manifestations lack artifact density and diversity of artifact classes and features. Features, generally, are not categorized as isolates. The artifacts lack diversity of morphological characteristics and raw material types and are indicative of a single expedient event or action such as core assaying, biface preparation and artifact discard or loss. Artifacts recorded will share similar morphological characteristics or be indicative of a single reduction trajectory and event. In essence isolates portray very short term, task-specific actions of transient human use of the landscape, and their recordation exhausts data potential.

The determination that an entity is an isolate versus a site is largely dependent on context and professional judgment. The recorder must consider the environmental context and potential for buried deposits when considering whether a resource is an isolate or warrants recordation as a site. In the event that a find exhibits the requisite characteristics of an eligible historic property, it should be recorded as a site location and not as an isolate.

Method for recording: For purposes of measure and statistical viability, an isolate is defined as the presence of fewer than 10 artifacts in a 10 m x 10 m area or are found to be re-deposited material that lacks significant locational context, and there are no other associated artifacts or features within a 30 meter radius of the location.

Isolates will be recorded with a GPS location and reported, with a brief description, in an inventory report in table format and with a separate isolated finds location map and using the ASI isolated find form. Metrics will be provided for diagnostic artifacts and if warranted should be drawn or photographed. It is incumbent on the recorder to show that the entity is an “isolate” through full description of the item(s), the environmental context, and event or activity as interpreted during recordation.

Any location with 10 or more artifacts will be recorded as a site. The measure of fewer than 10 items is a general guideline that is applied based on region, context and professional judgment. For instance, in some locations, 1 or 2 items may warrant recordation as a site if subsurface deposits are deemed highly probable or could be considered potentially eligible for listing in the NRHP. For instance, a single item such as a Clovis point may warrant recordation as a site due to data potential and rareness of information.

**ARCHAEOLOGICAL SURVEY OF IDAHO
ISOLATED FIND FORM**

1. Field No: _____ 2. Class: ☐ Prehistoric ☐ Historic 3. County: _____

4. Land owner: _____

5. Project: _____ 6. Report No.: _____

7. Recorder(s): _____

8. Organization: _____ 9. Date: _____

10. Attachments and associated records:

- ☐ Topographic map ☐ Photos with labels/log
☐ Site map ☐ Artifact illustrations

11. Elevation(site datum): _____ (ft)

12. UTM at site datum: Zone _____ m Easting _____ m Northing using the North American Datum of 1983.

13. UTM source: _____

14. Legal description:

Tshp	N/S	Rng	E/W	Section	QuQuQu	QuQu	Quarter

15. USGS 7.5' map reference:

16. Recorder's Definition of Isolated Find:

An isolate is defined as fewer than 10 artifacts in a 10m x 10m area, or re-deposited materials that lack significant context, with no other associated artifacts or features within a 30 meter radius of the location.

17. Describe Artifact(s) and their distribution (surface and the evidence or potential for buried deposits):

18. Phase/period and Justification:

19. Cultural Affiliation and Justification:

20. Artifacts: Collected ☐ Repository: _____

21. Environmental Information (Describe, elevation, landform, slope, soils, vegetation, nearby water source):

22. Why is this isolated find not eligible for the National Register?

APPENDIX D

Idaho BLM Annual Cultural Resource Report to Idaho SHPO

- 1) Summary of Cultural Resource Inventories,
Exempted Undertakings, Properties and Discoveries**
- 2) Field Office Listing of Projects**

Appendix D(1)
Summary of Cultural Resource Inventories,
Exempted Undertakings, Properties and Discoveries
Idaho BLM Annual Cultural Resource Report to Idaho SHPO

Fiscal Year:

Field Office:

I. Inventory

- A. Total project acres for BLM-administered surface which were inventoried at the Class III level:

- B. Total project acres for non-BLM-administered surface which were inventoried at the Class III level:

- C. Total acres inventoried that were not associated with specific projects (Proactive, Section 110 Inventory):

- D. Total number of Undertakings/Projects during the fiscal year:

II. Exempted Undertakings (Stipulation V.A.1., Appendix C)

- A. Number of projects within each exempted category that were not inventoried:

<u>Exemption Category No. *</u>	<u>Number of Projects Exempted from Inventory</u>
---------------------------------	---

*Refer to Appendix C of the Idaho BLM-Idaho SHPO Protocol

- B. Number of projects within each exempted category that were inventoried at the Cultural Resource Specialist's discretion:

<u>Exemption Category No. *</u>	<u>Number of Projects Exempted, but Inventoried</u>
---------------------------------	---

*Refer to Appendix C of the Idaho BLM-SHPO Protocol

III. Inventory Results

- A. Number of projects in which no properties were found:
- B. Number of projects with "no effect" findings:
- C. Number of projects with "no historic properties affected" findings:
- D. Number of projects with "no adverse effect" findings:
- E. Number of projects with "adverse effect" findings:
- F. Number of grazing permit renewals that had cultural resource evaluation and reports prepared pursuant to livestock permitting supplemental procedures (Appendix H(1)):

IV. Properties

- A. Number of properties that were determined eligible for the NRHP:
- B. Number of properties that were nominated to the NRHP:
- C. Number of properties that were determined ineligible for the NRHP:
- D. Number of properties with unresolved or deferred eligibility to the NRHP:

V. Discoveries

- A. Number of unanticipated discoveries found during implementation of BLM undertakings:

VI. Miscellaneous

- A.** Progress on creating cultural resource site and survey area GIS layers in each Field Office:
of Sites Entered in GIS:

of Inventories Entered in GIS:
- B.** Describe involvement of the cultural program in large-scale Land Use Planning projects (include Resource Management Plans, Environmental Impact Statements, sub-basin reviews, watershed analyses, etc.):
- C.** Number and brief description of public education events:
- D.** Number of volunteer efforts that lead to heritage education:
- E.** Number and type of partnerships with other federal or non-federal entities:
- F.** Training and Professional Conferences Attended:

Appendix D(2)
Idaho BLM FY _____

Contact Person:

APPENDIX E

Report Short Form to be used with Background Document

- 1) Form A: No Effect, No Historic Properties Present**
- 2) Form B: No Historic Properties Affected or No Adverse Effect**

**IDAHO BUREAU OF LAND MANAGEMENT
ARCHAEOLOGICAL AND HISTORICAL INVENTORY RECORD
FORM A - NO EFFECT, NO HISTORIC PROPERTIES PRESENT**

BLM Report Number:

Project Title:

Project Description:

Township: Range: Section(s): County:

USGS 7.5' Map Reference:

After performing a thorough record search, the Cultural Resource Specialist has made the following determination:

☐ Previous inventories are adequate to assess effects. (No field inventory was conducted).

Inventories:

☐ A field inventory was conducted by ☐ to assess effects. No historic properties were found.

Dates of Record Search: Dates of Field Work:

Acres Inventoried: Intensive ☐ BLM ☐ State ☐ Private

Reconnaissance ☐ BLM ☐ State ☐ Private

Field Methods:

Number of non-eligible properties in Area of Potential Effect (APE): ☐ (Attach Site Forms)

Site No.

Site Type

Conclusion:

Recommendation:

Field Office Archaeologist

Date

Field Manager

Date

**IDAHO BUREAU OF LAND MANAGEMENT
ARCHAEOLOGICAL AND HISTORICAL INVENTORY RECORD
FORM B - NO HISTORIC PROPERTIES AFFECTED OR NO ADVERSE EFFECT
HISTORIC PROPERTIES PRESENT**

BLM Report Number:

Project Title:

Project Description:

Township: Range: Section(s): County:

USGS 7.5' Map Reference:

Results of Records Review and Field Examination:

Dates of Record Search:

Dates of Field Work:

Acres Inventoried: Intensive ____ BLM ____ State ____ Private

Reconnaissance ____ BLM ____ State ____ Private

Fieldwork Conducted By:

Field Methods:

Number of Cultural Resources in the APE: (Attach Forms)

<u>Site No.</u>	<u>Site Type</u>	<u>Not Eligible*</u>	<u>Unevaluated</u>	<u>Eligible*</u>	<u>Listed</u>
-----------------	------------------	----------------------	--------------------	------------------	---------------

(* Note appropriate NRHP criterion [a-d])

Rationale for "No Historic Properties Affected" or justification and proposed course of action taken to warrant a "No Adverse Effect" determination:

Conclusion:

Recommendation:

Field Office Archaeologist	Date
-----------------------------------	-------------

Field Manager	Date
----------------------	-------------

Idaho State Historic Preservation Officer	Date
--	-------------

APPENDIX F



Report Format

No Background Document Used

Appendix F

Report Format When Background Document Is Not Used

ARCHAEOLOGICAL AND HISTORICAL SURVEY REPORT
ARCHAEOLOGICAL SURVEY OF IDAHO
IDAHO STATE HISTORIC PRESEVATION OFFICE

All surveys completed for review under Section 106 of the National Historic Preservation Act must include textual or checked responses to each element below. A failure to include all elements and required attachments will result in a rejection of the report for review purposes until the missing data are supplied. Surveys not 106-related must include all elements except those specified for 106.

A. KEY INFORMATION

1. Project name:
2. Report number or associated federal project number (if appropriate):
3. Agency name (if 106-related):
4. Report author (and principal investigator if different):
5. Date:
6. County:
7. Township, range, section (each township and associated sections listed separately):
8. Acres Surveyed: _____ intensive (30-meter or less transect interval)
_____ reconnaissance (greater than 30-meter transect interval,
intuitive, or statistical sample)

B. PROJECT DESCRIPTION (for 106-related surveys)

1. Description of project and potential direct and indirect impacts to known or suspected historic properties:
2. Description of Area of Potential Effects (APE) with reference to attached map:
3. Project acres:
4. Owner(s) of land in project area: (Key to map.)

C. STATEMENT OF OBJECTIVES FOR SURVEY

(Describe area to be investigated. Note the amount and kinds of archival and field information to be gathered with reference to historic contexts and property types that are expected. Be specific.)

D. LOCATION AND GENERAL ENVIRONMENTAL SETTING

1. USGS topographic map(s):

2. Setting: (Describe landforms, topography, elevation, water, flora, fauna, mineral resources, etc. as they relate to human use.)

E. PRE-FIELD RESEARCH

SHPO Record Search Number (provided by SHPO at the time of record search): _____

1. Sources of information checked:

☐ Overviews

☐ Historical records/maps (list)

☐ National Register

☐ Archaeological site records/maps

☐ Individuals/groups with special knowledge (list)

☐ Architectural site records/maps

☐ Survey records

☐ Other (list)

☐ Ethnographic studies

2. Summary of previous studies in the general area: (Include titles, authors, year, report numbers, and study results. Relate to contextual themes where appropriate.) ☐ None

3. Description and evaluation of projects in E.2 with regard to survey design, methods, personnel, and results:

F. EXPECTED HISTORIC AND PREHISTORIC LAND USE AND SITE SENSITIVITY

1. Are cultural properties known in this area? ☐ No ☐ Yes (List site numbers and provide brief description of cultural theme represented by known cultural properties. Key to map.)

2. Are cultural properties expected? ☐ Yes ☐ No (Why?)

3. What cultural themes/contexts are expected within the survey area? Check at least one theme in first two columns and at least one time period in the third column.

<u>Theme</u>		<u>Time Period</u>
<input type="checkbox"/> Prehistoric Archaeology	<input type="checkbox"/> Military	<input type="checkbox"/> Prehistoric
<input type="checkbox"/> Agriculture	<input type="checkbox"/> Mining Industry	<input type="checkbox"/> Historic Native American
<input type="checkbox"/> Architecture	<input type="checkbox"/> Native Americans	<input type="checkbox"/> Exploration: 1805-1860
<input type="checkbox"/> Civilian Conserv. Corp.	<input type="checkbox"/> Politics/Government	<input type="checkbox"/> Settlement: 1855-1890
<input type="checkbox"/> Commerce	<input type="checkbox"/> Public Land Mngt/Conserv.	<input type="checkbox"/> Phase I Statehood: 1890-1904
<input type="checkbox"/> Communication	<input type="checkbox"/> Recreation/Tourism	<input type="checkbox"/> Phase II Statehood: 1904-1920
<input type="checkbox"/> Culture and Society	<input type="checkbox"/> Settlement	<input type="checkbox"/> Interwar: 1920-1940
<input type="checkbox"/> Ethnic Heritage	<input type="checkbox"/> Timber Industry	<input type="checkbox"/> Pre-Modern: 1940-1958
<input type="checkbox"/> Exploration/Fur Trapping	<input type="checkbox"/> Transportation	<input type="checkbox"/> Modern: 1958-present
<input type="checkbox"/> Industry	<input type="checkbox"/> Other (list)	

4. Brief description of where cultural properties associated with expected themes might be found with respect to landforms, water, vegetation, slope, fauna, and historical documentation:

G. FIELD METHODS

(Be specific and complete.)

1. Areas examined and type of coverage: (Describe actual methods used including transect interval and transect routes as shown on attached map. Justify any non-intensive survey.)

2. Description of ground surface conditions: (Describe surface and subsurface visibility and factors such as vegetation or snow obscuring visibility. Specify percentage of surface that was visible.)

4. Areas not examined and reasons why: (Key to map.)

5. Names of personnel participating in the survey in the field:

6. Dates of survey:

7. Problems encountered: ☐ None

H. RESULTS

1. Listing of all cultural properties (including previously recorded) in this area: (Fully describe each on attached site forms and indicate precise location on attached USGS map.) ☐ None

<u>Field No.</u>	<u>Site No.</u>	<u>Type of Property</u>	<u>Artifacts/Features</u>
------------------	-----------------	-------------------------	---------------------------

2. Summary of important characteristics of properties listed above: (Consider property type, integrity, age, cultural affinity of occupants, function, depth, and size.)

3. Recommendations for National Register eligibility of each cultural property: (Specify both appropriate National Register criteria and contexts listed in F. Justify on attached site forms.)

<u>Site No.</u>	<u>Eligibility</u>	<u>Criteria</u>	<u>Context</u>
-----------------	--------------------	-----------------	----------------

4. Recommendations for further investigations needed to evaluate cultural properties:

5. Cultural properties noted but not formally recorded: (Key to map.) ☐ None

<u>Field No.</u>	<u>Description</u>	<u>Reason not Recorded</u>
------------------	--------------------	----------------------------

I. CONCLUSIONS AND RECOMMENDATIONS

1. Brief summary of relevance of cultural properties to contexts listed under F, discussing potential contributions to these contexts:

2. Discussion of potential threats to the integrity of the cultural properties and recommendations for future investigations or protective actions:

3. For 106-related surveys, discussion of relationship of each cultural property to direct and indirect project impacts. Specifically state project's effect (no effect, no adverse effect, or adverse effect) upon each cultural property: ☐ No properties

4. For 106-related surveys affecting cultural properties, discussion of avoidance or mitigation options for each property:

5. For 106-related surveys, recommendations for additional information gathering or survey, avoidance measures, monitoring, mitigation, and future management: ☐ None

J. ATTACHMENTS

(The following is only a checklist. All survey reports must include maps of the survey area showing survey transects, precise locations of all cultural properties, and, if 106-related, area of potential effects. All survey reports must include attached completed site forms [ASI or equivalent forms for archaeological sites and ISHS forms for structures and buildings] for each cultural property.)

1. Appropriate forms attached for each site? ☐ Yes
2. Maps attached? ☐ Yes
3. Other attachments? (List) ☐ Yes

K. REPOSITORY

(Copies of all survey reports and site forms are located at the Idaho SHPO office. List where original survey records and attendant data will be located.)

L. CERTIFICATION OF RESULTS

I certify that this investigation was conducted and documented according to Secretary of Interior's Standards and guidelines and that the report is complete and accurate to the best of my knowledge.

Signature of Reporter

Date

APPENDIX G

Exempt Undertakings Documentation

**IDAHO BUREAU OF LAND MANAGEMENT
ARCHAEOLOGICAL AND HISTORICAL INVENTORY RECORD
EXEMPTED UNDERTAKINGS**

**Under the terms of the 2014 State Protocol Agreement between Idaho SHPO and BLM
STIPULATION V.A.1. and APPENDIX C**

The following undertaking is excluded from case-by-case review with SHPO as per Stipulation V.A.1., Appendix C of the 2014 State Protocol Agreement (SPA) between Idaho BLM and the Idaho State Historic Preservation Office. This form should be kept on file at the Field Office with the project NEPA analysis file as supporting documentation.

Project Title:

BLM Project Number:

Project Description:

Township: Range: Section(s): County:

USGS 7.5' Map Reference:

The Cultural Resource Specialist has documented that this undertaking is excluded from inventory and consultation under Stipulation V.A.1., Appendix C of the following exempted undertakings:

Inadvertent and Late Discoveries: If at any time during project implementation cultural resources are discovered all work in the area must cease until a BLM archaeologist can evaluate the resources.

The following may be used in your EA to cover the discussion on cultural resources:

The proposed undertaking is an exempt undertaking and excluded from case-by-case review with Idaho SHPO as per Stipulation V.A.1., Appendix C of the 2014 the State Protocol Agreement between Idaho BLM and the Idaho State Historic Preservation Office. This project would have no effect to historic properties.

Field Office Archaeologist

Date

APPENDIX H

Amendments and Supplemental Procedures

1) Supplemental Procedures for 10 Year Livestock Permit/Lease and Livestock Trailing Authorizations

SUPPLEMENTAL PROCEDURES FOR 10 YEAR LIVESTOCK GRAZING PERMIT/LEASE AND TRAILING AUTHORIZATIONS

A CULTURAL RESOURCES AMENDMENT
TO
THE STATE PROTOCOL AGREEMENT

BETWEEN

IDAHO BUREAU OF LAND MANAGEMENT
AND
THE IDAHO STATE HISTORIC PRESERVATION OFFICER

The purpose of this Amendment to the State Protocol Agreement (Protocol) is to address the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*) (NHPA), Section 106 compliance procedures for processing 10 year grazing permit/lease (permit) applications and livestock trailing permits in Idaho. This Amendment shall cover grazing permit renewals for livestock as defined in 43 CFR § 4100.0-5 as “....domestic livestock – cattle, sheep, horses, burros, and goats.” The following procedures will allow for renewal and issuance of the permits while maintaining compliance with the NHPA. The procedures herein represent a “reasonable and good faith effort,” as defined under 36 CFR § 800.4(b)(1), to identify and address the nature and extent of potential effects to historic properties.

This Amendment shall only apply to grazing permit/lease authorizations and livestock trailing permits. This Amendment shall not apply to grazing permits issued under an appropriations rider. All new proposed undertakings for range improvements shall follow the established procedures within the Protocol

Alternative approaches to this Amendment may be developed by individual Field Offices, but such approaches shall fall under the provisions of the Protocol or Section 106 regulations of the NHPA (36 CFR part 800) and require individual Field Office consultation with the SHPO, Indian tribes, and other interested parties.

Procedures

The following steps and methods will be used when executing these supplemental procedures.

I. Planning

Cultural resource compliance will be completed when processing grazing and trailing permits. Compliance includes scheduling for inventory, evaluation, treatment, and monitoring of cultural resources as addressed in this Amendment.

II. Evaluation Methodology

Records Search:

A Class I records search will be accomplished to identify previous cultural resources investigations and to quantify inventory acreage and sites recorded within each allotment. BLM's cultural resources GIS database and the Archaeological Survey of Idaho (ASI) Access database will allow for these analyses. Sites determined eligible or potentially eligible for listing in the National Register of Historic Places (NRHP) and that are determined to be located within livestock congregation areas that have not been previously inventoried, will be considered for evaluation to determine actual grazing impacts and develop mitigation measures where necessary.

Congregation areas are defined as those areas where livestock concentrate for limited or extended periods of time, which may result in measurable subsurface disturbance due to trampling and wallowing. This concentrated use can displace and damage archaeological artifacts and features. Congregation areas can include unfenced springs, perennial water courses, ponds, lakes, and range improvements such as troughs, stock ponds and salting areas. Also, sheltered areas located in rock shelters, overhangs and along rock faces with rock art may serve as congregation areas. Springs and accessible perennial water sources are generally understood to be areas of potential high sensitivity for cultural resources, while shelters, troughs and salting areas may be in lower sensitivity areas depending on relationship to water resources.

Targeted Inventory:

To address the impacts of grazing on cultural resources, and following the Class I and GIS analyses, a Class II sampling or targeted survey strategy shall be developed by the cultural resource specialist in consultation with range staff that focuses inventory efforts on areas where livestock are known to congregate and coincidental to areas of high sensitivity for cultural resource site locations. A GIS strategy incorporating aerial or satellite imagery will be used as a form of visual verification of congregation areas to assist in determining sample design of areas to be targeted for inventory.

In general, fence lines are not viewed as congregation areas but rather as trailing areas with impacts limited to cattle trailing along a one meter wide swath along either side of the fence. Impacts to cultural resources are generally restricted to this corridor; therefore existing linear improvements will not be inventoried. Exceptions would include circumstances in which portions of fence lines are in association with congregation areas such as corrals, gates, water gaps and pasture corners, and/or are within areas of known high sensitivity for the occurrence of cultural resource sites and have not been previously inventoried, and Class I and GIS analyses indicate a need for further evaluation.

Following analyses, existing range improvements that have created livestock congregation, such as troughs, spring developments, stock ponds, river access points, and/or that are within areas of high sensitivity for the occurrence of cultural resource sites, shall be inventoried if not previously subjected to Section 106 review. Salting locations will be assessed by the cultural resource specialist in consultation with range staff and the permittee. Locations will be inventoried if they occur in areas where the probability for the occurrence of cultural resources is high. Livestock loading and unloading areas and corral areas will also be inventoried within areas of high sensitivity for the location of cultural resources if not previously subjected to Section 106 review.

Field Inventory Methods:

All areas identified and targeted for inventory shall be covered intensively using BLM Class III standards with transect spacing no greater than 30 meters. Targeted range improvements, such as troughs, that have not been surveyed will be completely inventoried within a 100 meter diameter (50 meter radius) of the location. Known perennial spring locations that are accessible and used by livestock will also be fully inventoried within a 100 meter diameter of the spring if terrain allows. A sample inventory will be completed along livestock accessible perennial water courses, targeting areas where impacts are occurring or areas with a high probability for significant resources and congregation areas. Within the sampling area, a 50 meter corridor on each side of the water course will be evaluated.

Recordation:

Within the sample area all unrecorded site locations will be recorded, and previously recorded sites updated. A report of findings for each allotment will be completed, describing proposed mitigation measures if employed, using the standard format provided in Appendix H1 of this amendment. These investigations shall only address public lands administered by BLM. Private, state and county in-holdings will not be evaluated.

III. Tribal and Interested Party Consultation

Field Offices will be responsible for contacting and consulting with Tribes and interested parties as outlined in the Protocol, 36 CFR § 800.2 and the 8120 Manual guidelines and for meeting BLM government-to-government responsibilities for consultation pursuant to regulations, executive orders and policies. This consultation can be coordinated with NEPA scoping, but tribal concerns should be formally addressed through government-to-government consultation.

IV. Determinations of Eligibility

Determinations of eligibility for inclusion in the NRHP shall only be undertaken on sites or properties where it can be reasonably ascertained that range activities are likely to continue to adversely impact a site's integrity and those elements that contribute to the site's NRHP eligibility. Sites whose surface components lack the requisite qualities and integrity for listing in the NRHP will only be further evaluated for NRHP eligibility if livestock use is creating subsurface disturbance below 10 cm. Site surface is defined as the top 10 cm of soil.

V. Effect

When an adverse effect is determined further consultation with SHPO will be required to devise mitigation strategies or to obtain concurrence on application of standard protective measures as outlined in Section VI.

Range undertakings where historic properties are avoided or otherwise not affected may be implemented under the Protocol without prior consultation with SHPO. These undertakings shall be documented utilizing the reporting form in Appendix H1 and submitted to SHPO as well as summarized in the Protocol Annual Report using the reporting table in Appendix H2.

Range undertakings where historic properties are identified within the area of potential effect (APE) and are adversely effected by project activities will require consultation with SHPO pursuant to Stipulation V.D.2. to resolve or mitigate adverse effects. For other determinations, procedures under Stipulation V of the State Protocol Agreement will be followed.

VI. Mitigation

Standard Protective/Mitigation Measures (SPMs) can include but are not limited to:

- A. Fencing or enclosure of concentrated livestock use from the cultural resource sufficient to ensure long-term protection, according to the following specifications:
 - 1. the area within the enclosure must be inventoried to locate and record all cultural resources (this does not apply to gap fencing); and
 - 2. the enclosure (i.e., fence) should not divide a cultural resource so that a portion is outside of the fence unless, in consultation with the SHPO, the area is determined to lack integrity and/or not contribute to the site's eligibility; and
 - 3. the size of the enclosure will be sufficient to protect the cultural resource from disturbance.
- B. Relocation of livestock management facilities/improvements at a distance from cultural resources sufficient to ensure resource protection from concentrated grazing use.
- C. Decommissioning of facilities/improvements such as troughs, wind mills and stock reservoirs to remove congregation that is affecting eligible resources.
- D. Removal of natural attractants of livestock to a cultural resource when such removal, based on the judgment of the cultural resource specialist, will create no disturbance or other adverse effect to the cultural resource (e.g., removing vegetation that is providing shade).
- E. Removal of the area(s) containing concentrations of eligible cultural resources from grazing use through land use planning or amendments.

- F. Adjusting grazing practices, which may include adjusting livestock numbers and/or herding away from eligible cultural resource sites.
- G. Using salting, trough placement, or other permitted livestock attractants as a tool to move concentrations of livestock away from eligible cultural resource sites.
- H. Locating sheep bedding grounds away from known eligible cultural resource sites.
- I. Other protective measures established in consultation with and accepted by SHPO.

The SPMs defined above may be used to address damage to cultural resources. If the SPM can be effectively applied, and SHPO concurs, then no evaluation or further consultation with SHPO on effects will be necessary. The adopted SPM may be added to grazing permit's "Terms and Conditions" as appropriate for each grazing permit issued or reissued as fully processed permits (completed NEPA analysis, consultation, and decision).

VII. Evaluation of Treatment Measures

SPMs and/or other agreed upon treatment measures will be addressed in the decision record. Standard language may be included in the "Terms and Conditions" of the grazing permit to allow for addition to or removal of SPMs for a specific allotment, when monitoring indicates either SPMs are no longer required or additional SPMs are needed to protect historic properties.

A. To determine and document the effectiveness of treatment measures, the following guidelines are provided:

- 1. when treatment measures are put in place, following the first year of implementation, documentation will be submitted to SHPO to describe whether and how the prescribed mitigation measures are effective .

B. When SPMs are effective:

- 1. after documenting effectiveness, and when no additional degrading damage will likely occur because the SPMs or other treatment measures are adequate to prevent further damage from rangeland management activities, further SHPO consultation is not required.

C. When SPMs or Treatment Measures are ineffective:

- 1. when additional degrading damage will likely occur and the SPMs, or other treatment measures, are either ineffective or cannot be utilized, mitigation of adverse effects shall be addressed on a case-by-case basis, pursuant to 36 CFR §§ 800.5 and 800.6.

VIII. Disagreements

When agreement cannot be reached within the Field Office on the level of inventory, evaluation, monitoring, and application of SPMs, then the Field Manager shall consult with the State Office Chief of Resources and Sciences to assist in resolving disagreements. If the concerns resulting in a lack of agreement on procedures continue, the Field Manager shall initiate consultation with the SHPO.

IX. Reporting

A. Under this Protocol amendment, allotment evaluations will be reported and submitted to SHPO using the report format in Appendix H1, following the reporting timelines in Stipulation V.G. of the Protocol.

B. Each participating Field Office shall report annually a summary of activities carried out under this amendment during the fiscal year. The reporting shall be included in the Protocol Annual Report to the SHPO using the reporting format in Appendix H2 of this amendment.

C. Annual reports may contain recommendations for new or revised treatment measures.

X. Amending

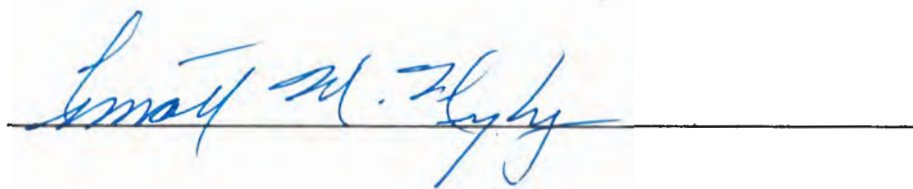
In keeping with the intended responsive nature of this Protocol Amendment, the BLM or the SHPO may propose further amendment of provisions herein at any time, whereupon the parties shall consult with Indian tribes and other interested parties to consider such amendment. The amendment process will culminate in the issuance of new provisions under the amendment, which will only become effective upon signature of both parties.

XI. Termination

The BLM or SHPO may terminate this Protocol Amendment. The party proposing termination shall notify the other party in writing of its intent to terminate and explain the reasons for proposing termination. Within seven calendar days following receipt of such notification, the parties shall have up to 90 days to consult to seek alternatives to termination. Should such consultation result in agreement on an alternative to termination, the parties shall proceed in accordance with the terms of that agreement. Should such consultation fail to result in agreement on an alternative, the party proposing termination may terminate this Protocol Amendment by providing the other party with written notice of such termination. Termination hereunder shall render the terminated Protocol Amendment without further force or effect.

In the event this amendment is terminated, BLM shall comply with the Protocol.

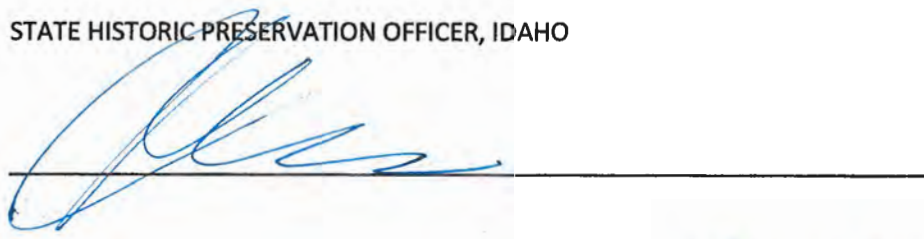
STATE DIRECTOR, BUREAU OF LAND MANAGEMENT, IDAHO

A handwritten signature in blue ink, appearing to read "Timothy M. Murphy", is written over a horizontal line.

By Timothy M. Murphy

Date: May 28, 2014

STATE HISTORIC PRESERVATION OFFICER, IDAHO

A handwritten signature in blue ink, appearing to read "Janet L. Gallimore", is written over a horizontal line.

By Janet L. Gallimore

Date: May 28, 2014

Appendix H1:

IDAHO BUREAU OF LAND MANAGEMENT ARCHAEOLOGICAL
AND HISTORICAL INVENTORY RECORD
FOR GRAZING AND TRAILING PERMIT AND LEASE RENEWALS

IDAHO BUREAU OF LAND MANAGEMENT
ARCHAEOLOGICAL AND HISTORICAL INVENTORY RECORD
FOR GRAZING AND TRAILING PERMIT AND LEASE RENEWALS

BLM Report Number:

Allotment Name:

Allotment Number:

BLM Acres:

Proposed AUMs:

Type of Action:

County:

Township, Range, Section(s): (* denotes the allotment falls in a portion of the section only)

USGS 7.5' Map Reference: (all 7.5' USGS quads.)

BACKGROUND RESEARCH RESULTS

PREVIOUS INVENTORIES: (total acreage includes only surveys performed after 1984, * denotes that the inventory falls in a portion of another)

Total Acres Inventoried: _____ acres

PREVIOUSLY RECORDED SITES: (E= Eligible; NE= Not Eligible; UN= Unevaluated)

Date(s) of Record Search:

TARGETED INVENTORY

Targeted Acres Inventoried and Findings (indicate type, e.g., known site location, trough, spring, perennial watercourse, etc. and attach map with new survey and site locations):

Date(s) Targeted Inventory Conducted:

Targeted Inventory				
Type	Acres	Legal Description	Findings	Comments/Mitigation

CONCLUSIONS AND RECOMMENDATIONS

Effects Determination:

Recommendations:

Conclusions:

Archaeologist

Date

State Historic Preservation Officer

Date

Appendix H2:

IDAHO BUREAU OF LAND MANAGEMENT

GRAZING PERMIT LEASE RENEWALS SUMMARY REPORT TABLE

FIELD OFFICE:
GRAZING PERMIT LEASE RENEWALS SUMMARY REPORT TABLE FY2014

Allotment	Acres	Previous Inventory Acres	Previously Recorded Sites	New Acres Inventoried	New Sites Recorded	Sites Affected	Sites Mitigated

APPENDIX #9

USDI-BLM, Lava Ridge Wind Project, DEIS, January 2023 (Excerpts)

(9 pages)



U.S. Department of the Interior
Bureau of Land Management

Lava Ridge Wind Project

Draft Environmental Impact Statement

January 2023

VOLUME 1

Executive Summary

Chapter 1. Introduction

Chapter 2. Proposed Action and Alternatives

Chapter 3. Affected Environment and Impacts



Prepared by:

U.S. Department of the Interior
Bureau of Land Management

In Cooperation with:

National Park Service
U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
State of Idaho
Jerome County
Lincoln County
Minidoka County

Mission

The Bureau of Land Management's mission is to sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations.

U.S. Department of the Interior
Bureau of Land Management
400 West F Street
Shoshone, Idaho 83352

DOI-BLM-ID-T030-2021-0015-EIS

LAVA RIDGE WIND PROJECT DRAFT ENVIRONMENTAL IMPACT STATEMENT

Bureau of Land Management Responsible Official, Lead Agency	Codie Martin, Shoshone Field Manager
Cooperating Agencies	National Park Service U.S. Army Corps of Engineers U.S. Fish and Wildlife Service State of Idaho Jerome County, Idaho Lincoln County, Idaho Minidoka County, Idaho
For More Information:	Kasey Prestwich, Project Manager Bureau of Land Management Shoshone Field Office 400 West F Street Shoshone, Idaho 83352 (208) 732-7204

Abstract: Magic Valley Energy, LLC (MVE), is seeking authorization to use Bureau of Land Management (BLM) public lands in southern Idaho to construct, operate and maintain, and decommission the Lava Ridge Wind Project (the project). The project as proposed would consist of up to 400 wind turbines and associated infrastructure, including new and improved roads, powerlines for collection and transmission of electricity, substations, operation and maintenance facilities, and a battery storage facility. The project would have a generation capacity of 1,000 megawatts or more. The draft environmental impact statement (EIS) analyzes the five following alternatives:

- Alternative A – No Action, in which the BLM would not authorize construction, operation and maintenance, and decommissioning of the project
- Alternative B – Proposed Action, which as described by MVE would span 197,474 acres and would have a maximum of 400 wind turbines
- Alternative C – Reduced Western Corridors, which has a project area of 146,389 acres and a maximum of 378 wind turbines
- Alternative D – Centralized Corridors, which has a project area of 110,315 acres and a maximum of 280 wind turbines
- Alternative E – Reduced Southern Corridors, which has a project area of 122,444 acres and a maximum of 269 wind turbines

The BLM has identified Alternatives C and E as the agency's preferred alternatives. Information acquired during the public comment period could identify an alternative that blends elements of the agency's preferred alternatives, incorporates elements of any of the alternatives, or selects any of the five alternatives as the preferred alternative in the final EIS. Public comments will be accepted for 60 calendar days following the U.S. Environmental Protection Agency's publication of the notice of availability in the *Federal Register*. Comments may be provided in the following ways:

- ePlanning website: <https://eplanning.blm.gov/eplanning-ui/project/2013782/510>
- Email: BLM_ID_LavaRidge@blm.gov
- Mail: Lava Ridge Wind Project EIS, BLM Shoshone Field Office, Attn: Kasey Prestwich, 400 West F Street, Shoshone, Idaho 83352



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352-5284
(208) 732-7200



Dear Reader:

Enclosed for your review and comment is the draft environmental impact statement (EIS) for the Lava Ridge Wind Project (project). The draft EIS was prepared by the U.S. Department of the Interior, Bureau of Land Management (BLM), pursuant to the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act of 1969. Magic Valley Energy, LLC (the Applicant), submitted an application to the BLM Shoshone Field Office on February 21, 2020, to request a right-of-way on public land. The project as proposed would consist of up to 400 wind turbines and associated infrastructure, including new and improved roads, powerlines for collection and transmission of electricity, substations, operation and maintenance facilities, and a battery storage facility. The project's 500-kilovolt transmission line would interconnect at Idaho Power Company's existing Midpoint Substation or at a new substation within the right-of-way corridor of the northern portion of the Southwest Intertie Project.

In preparing the draft EIS, the BLM developed a range of alternatives to address resource conflicts by considering 1) issues raised through the public scoping period and consultation and coordination with participating and cooperating agencies and American Indian Tribes, 2) issues raised by agency resource specialists, and 3) applicable planning criteria. The BLM identified three alternatives to analyze in detail in addition to the Proposed Action and No Action alternatives.

The BLM identified Alternatives C and E as the agency's preferred alternatives. In selecting preferred alternatives, the BLM aims to focus stakeholder review of the draft EIS while retaining the ability to consider project elements that balance energy production with reducing the potential for adverse impacts.

The BLM decision maker may select various components from each of the alternatives analyzed in the draft EIS that best meet the purpose and need for the project. The decision maker considers the identified impacts, public comments, and information from cooperating agencies and consulting parties to make a decision that considers resource values and provides for multiple uses.

The BLM encourages the public to review and provide comments on the draft EIS related to the adequacy of the alternatives, analysis of effects, and any new information that would help the BLM disclose potential impacts of the project in the final EIS.

The draft EIS is available on the project website at: <https://eplanning.blm.gov/eplanning-ui/project/2013782/510>. Virtual and in-person public meetings will be held to provide the public with opportunities to submit comments and seek additional information. The locations, dates, and times of these meetings will be announced at least 15 days prior to the first meeting via a press release and on the project website. Draft EIS hard copies will also be available for public review at the Shoshone Field Office, 400 West F Street, Shoshone, Idaho 83352-5284.

Public comments will be accepted for 60 calendar days following the U.S. Environmental Protection Agency's publication of the notice of availability in the *Federal Register*. Comments may be provided in the following ways:

- ePlanning website: <https://eplanning.blm.gov/eplanning-ui/project/2013782/510>
- Email: BLM_ID_LavaRidge@blm.gov

- Mail: Lava Ridge Wind Project EIS, BLM Shoshone Field Office, Attn: Kasey Prestwich, 400 West F Street, Shoshone, Idaho 83352

Before including your address, telephone number, email address, or other personal identifying information in your comment, be advised that your entire comment, including your personal identifying information, may be made publicly available at any time. Although you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Thank you for your continued interest in the Lava Ridge Wind Project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Codie Martin", followed by a large, loopy flourish.

Codie Martin
Field Manager

EXECUTIVE SUMMARY

Introduction

Magic Valley Energy, LLC (MVE), has applied for a right-of-way (ROW) grant to construct, operate and maintain, and decommission the Lava Ridge Wind Project (the project), a wind energy facility and ancillary facilities primarily on Bureau of Land Management (BLM) public land in Jerome, Lincoln, and Minidoka Counties, Idaho (Figure ES-1). The project would be located approximately 25 miles northeast of Twin Falls, Idaho, in the area managed by the BLM Shoshone Field Office (SFO). The project would consist of up to 400 wind turbines and associated infrastructure and a 500-kilovolt (kV) generation intertie transmission line that would interconnect at Idaho Power's existing Midpoint Substation or at a new substation along the permitted Southwest Intertie Project (SWIP) northern portion (SWIP-North) 500-kV transmission line. MVE submitted their application and a preliminary plan of development (POD) in February 2020. Through coordination with the BLM and cooperating agencies, MVE revised their POD and resubmitted it to the BLM in August 2022 (MVE 2022) (EIS Appendix 1)¹.

The project's environmental impact statement (EIS), prepared under the National Environmental Policy Act of 1969 (NEPA; 42 United States Code [USC] Section 4321, et seq.), analyzes and discloses the potential environmental impacts of MVE's proposed project and alternatives for BLM decision making.

The BLM is the lead agency for the EIS. Seven government entities are participating as cooperating agencies: National Park Service, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, State of Idaho, Jerome County, Lincoln County, and Minidoka County.

Purpose and Need

The BLM's purpose is to respond to MVE's application for a ROW grant to construct, operate and maintain, and decommission a wind energy facility on public lands in compliance with Federal Land Policy and Management Act (FLPMA), BLM ROW regulations, and other applicable federal laws and policies (summarized below and detailed in EIS Appendix 2). The need for this action arises from FLPMA, which requires the BLM to manage public lands for multiple use and sustained yield and authorizes the BLM to issue ROW grants on public lands for systems for generation, transmission, and distribution of electric energy (FLPMA Title V). The BLM will review the Proposed Action and other alternatives and decide whether to approve, approve with modifications, or deny MVE's application, and may include any terms, conditions, and stipulations it determines to be in the public interest.

¹ The entirety of the POD and all its appendices are provided as Appendix 1 of this EIS. The POD is referred to as MVE (2022) throughout the EIS.

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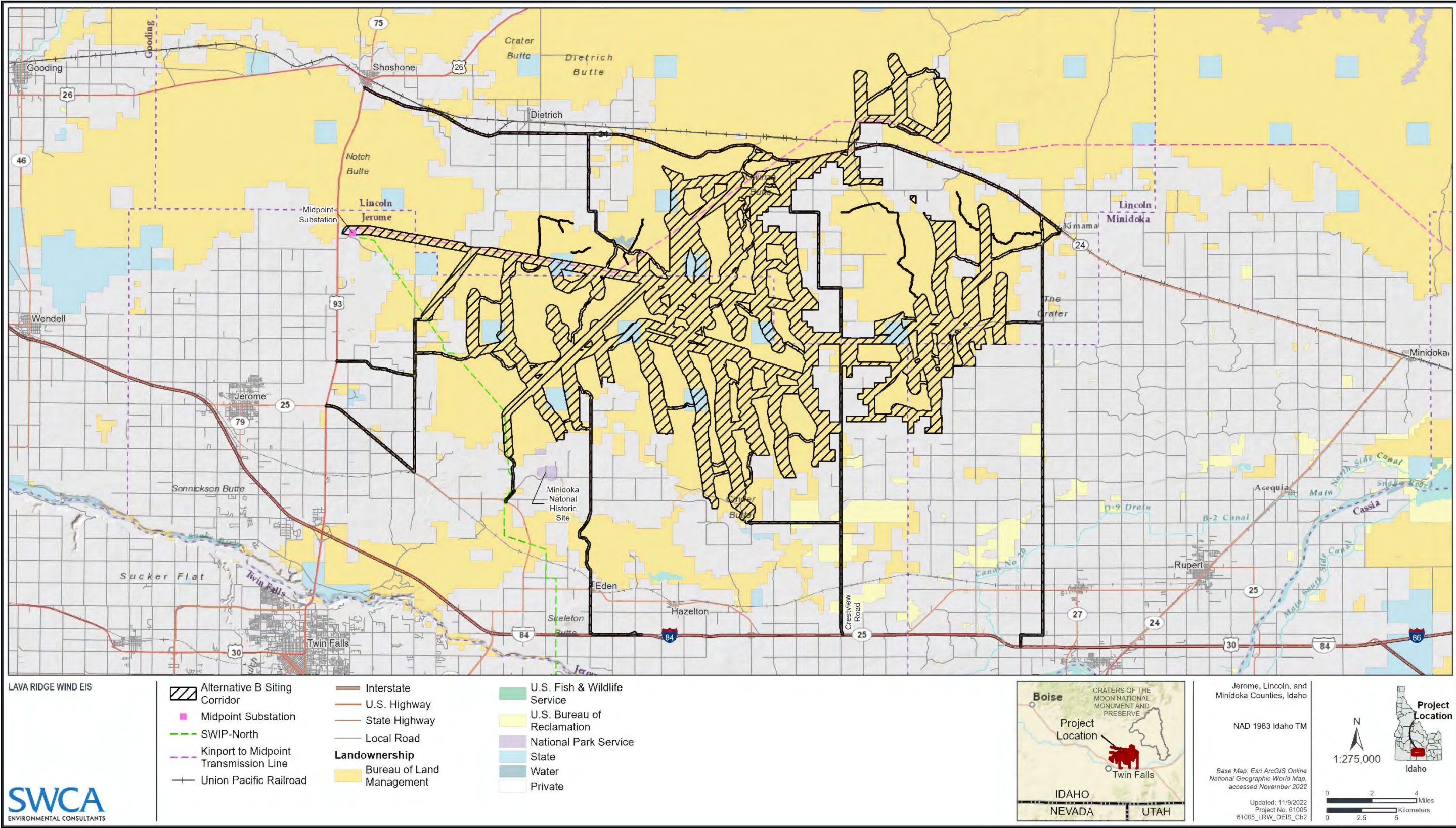


Figure ES-1. Alternative B (Proposed Action) siting corridors.

APPENDIX #10

USDI-BLM, Letter dated April 28, 2023, as to “Geotechnical Testing” as related to the Lava Ridge Wind Project

(3 pages)



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352-5284
(208) 732-7200



In Reply Refer To:
2920/ IDI-39174-01 (IDT030) P

Dear Interested Parties,

On April 08, 2022, Magic Valley Energy, LLC (MVE) filed an application for a land use permit with the Bureau of Land Management (BLM), Shoshone Field Office requesting geotechnical sampling on public lands in Jerome, Lincoln, and Minidoka Counties, Idaho. The requested land use permit would authorize MVE to access soil sampling sites via existing two-track roads, existing dirt roads, and specific overland routes to excavate and/or drill approximately 53 test holes, perform seismic surveys, and earth resistivity testing within a 2.10 acre work area to gather information on the sites suitability for (e.g., aggregate for concrete, roadway surface, base course, etc.), stiffness, depth, and subsurface materials, and inform the design of the Project's electrical grounding system. If authorized, the land use permit would be issued for up to three years.

Excavations (Borings and Test Pits)

Boring is anticipated to be 30 to 50 feet below the existing ground surface. Drillers would use a drill head anywhere from (4 to 8.25-inch) in diameter depending on the soil. Following the completion of the drilling operations, the drillers would backfill each bore with soil cuttings in accordance with state regulations. If needed, bentonite chips would be added to supplement the soil cuttings.

Test pit excavations would occur adjacent to a select number (6 to 8) of the boring sites, within the same work area associated with the borings. The approximate dimensions of each test pit would be 3 (+ or -) feet wide, 10 to 15 feet long, and up to 12 feet deep. After data and sample collection, the excavated material would be used to backfill the test pit to the original grade.

Earth Resistivity Testing (Non- Intrusive)

At four of the identified 53 sampling sites (locations to be determined), earth resistivity testing, a non-intrusive geophysical survey technique, would be performed to determine depth to bedrock and to estimate the corrosivity of the soil. This method involves taking readings from a four-point ground resistance meter connected to electrodes equally spaced along a test transect. The electrodes are buried 2 to 24 inches deep. Each test site consisting of two intersecting arrays/transects would be positioned in a cross shape. Spacing along the array/transect typically ranges from 0.5 to 300 feet totaling a transect or array length of up to 900 feet in each direction.

Seismic Surveys (Non-Intrusive)

The one-dimensional multi-channel surface wave survey (1-DMASW) would be used at four locations to measure the stiffness of subsurface materials. This survey involves temporarily placing 24 vertically oriented geophones at 5 feet intervals along a transect of 115 feet long. A data recording device (Geode Seismograph) would measure the shear wave velocity and depths of artificial seismic waves (Raleigh waves) generated by striking the ground surface with a sledgehammer.

The 2-D non-intrusive seismic refraction survey would occur at three locations (to be determined). A seismic refraction survey would be conducted to measure the depth/thickness and stiffness of subsurface layers. The field equipment setup for the seismic refraction survey is the same as that for the 1-DMASW survey as stated above.

Access to Sampling Sites

Equipment rigs and support vehicles would access the sites by existing two-tracks, dirt roads, and specific overland routes shown in the map. No new improvements would be constructed or authorized as part of the geotechnical testing.

Conclusion

Please advise this office by May 31, 2023, if you have any comments and/or would like to continue to receive information concerning this proposed permit. In all correspondence, please refer to IDI-39174-01, Lava Ridge Geotechnical Testing.

Please note: the Lava Ridge Geotechnical testing is a separate request from the Lava Ridge Wind Development Project. The permit, if authorized, could provide MVE with additional information as they continue to evaluate specific locations for sitting turbines, powerlines, roads, and other associated infrastructures. If an authorization is issued the permit would allow for the specific actions described for geotechnical sampling and wouldn't authorize any additional development or set a precedent for authorization of additional permits or right-of-way. Any other proposed actions would be required to be evaluated on their own merits.

A map describing the land use permit area is enclosed for your review. Additional information is contained in casefile IDI-39174-01, which is available at the BLM, Shoshone Field Office, located at 400 West F. Street Shoshone, Idaho 83352. If you have any questions, you may contact the Realty Specialist, Michael Houser, by e-mail at mhouser@blm.gov or by phone at (208) 732-7337.

Sincerely,

A handwritten signature in black ink, appearing to read 'Codie Martin', followed by a long horizontal flourish.

Codie Martin
Field Manager

Enclosure:
1- Map

IDI-39174-01

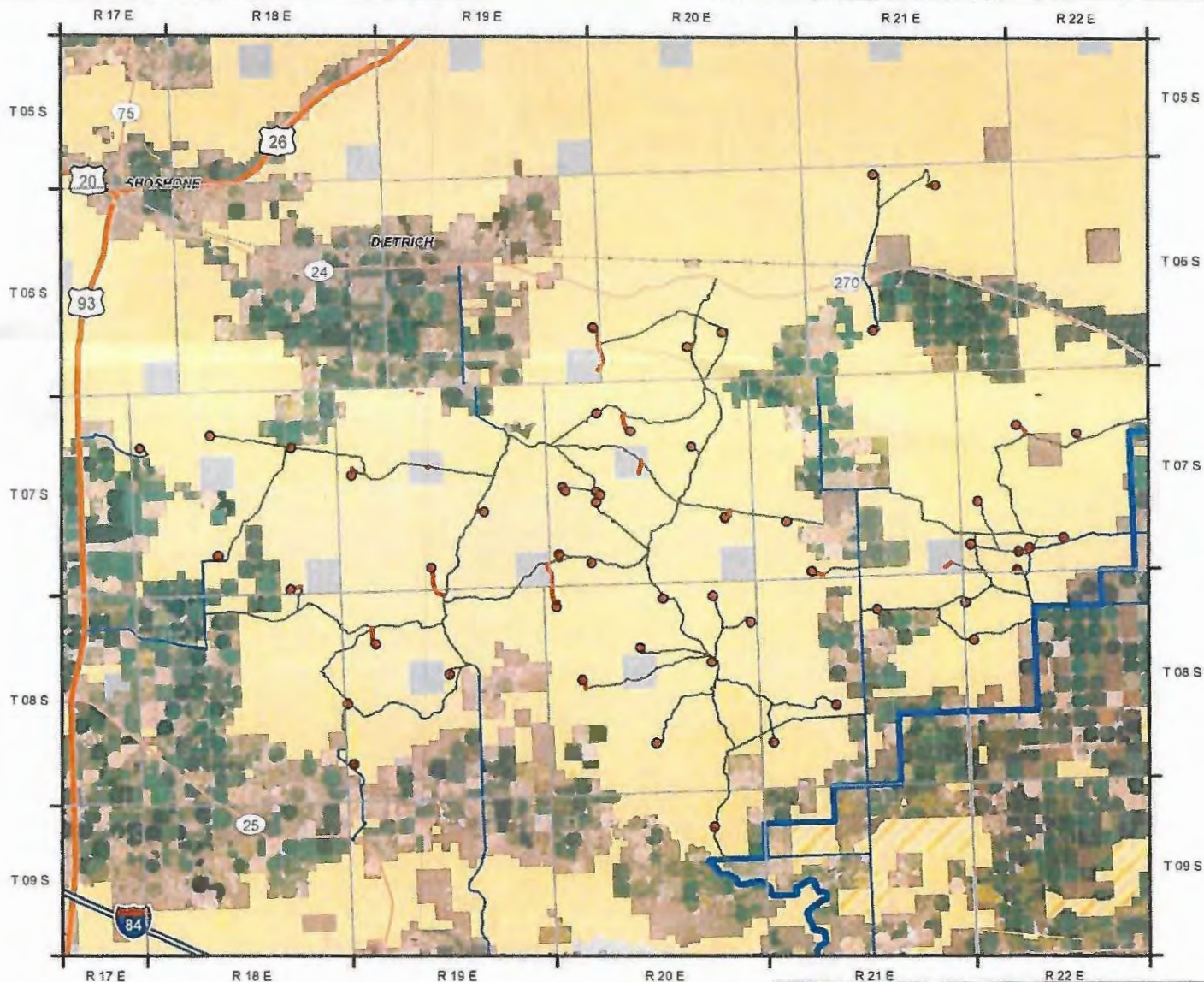
Magic Valley Energy

Geo-Testing

Exhibit A



No warranty is made by the Bureau of Land Management. The accuracy, reliability, or completeness of this data for individual user aggregate use with other data is not guaranteed. This map cannot be made Section 508 compliant. For help with its data or information, please contact the BLM Idaho State Office webmaster at (208) 373-4000.



Legend

• Points

Name

— Existing Roads

— Overland

— Roads with ITD or Local Hwy Jurisdiction

Bureau of Land Management

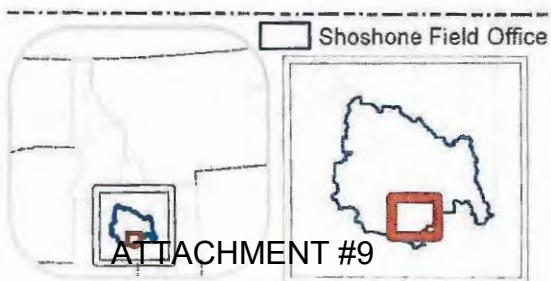
BOR

Forest Service

National Park Service

State

Private



Main Map Extent:

0 0.75 1.5 3 4.5 6
Miles Miles

1:290,372

Date Created: 4/27/2022

Created By: mhouser

NAD 1983 UTM Zone 11N



ATTACHMENT #9

316

APPENDIX #11

USDI-BLM, Record of Decision, Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments, dated December 15, 2005.

(43 pages)

RECORD OF DECISION

Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments

DECEMBER 2005

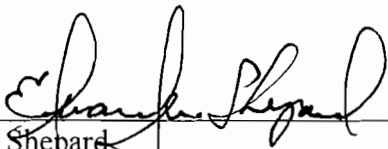
U.S. Department of the Interior
Bureau of Land Management
Washington, D.C.



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DEC 15 2005

Date



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Date

RECORD OF DECISION

Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments

1 INTRODUCTION

The U.S. Department of the Interior (DOI), Bureau of Land Management (BLM), is responsible for the development of wind energy resources on BLM-administered public lands. Currently, about 500 megawatts (MW) of installed wind capacity occurs under right-of-way (ROW) authorizations administered by the BLM in accordance with the requirements of the Federal Land Policy and Management Act of 1976 (FLPMA).

This document records the decision that the BLM reached to implement a comprehensive Wind Energy Development Program in 11 western states, excluding Alaska, and to amend 52 BLM land use plans to adopt the new program. The elements of the Wind Energy Development Program and the associated land use plan amendments were evaluated through the preparation of the *Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States* (BLM 2005a). This Programmatic Environmental Impact Statement (PEIS) was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA) and the FLPMA. The U.S. Department of Energy (DOE) cooperated in the preparation of the PEIS in support of the BLM's proposed action.

The BLM prepared a Programmatic Biological Assessment (BA) evaluating the potential effects of wind energy development that could occur on BLM-administered public lands as a result of the proposed land use plan amendments (BLM 2005b). Specifically, the Programmatic BA considered the potential effects to federally listed threatened and endangered species and candidate species, and to their critical habitats, that have the potential to be present at locations where wind energy projects may be developed within the planning areas affected by the proposed land use plan amendments. The BLM submitted the Programmatic BA to the U.S. Fish and Wildlife Service (USFWS) on July 27, 2005, for formal consultation. The USFWS issued a Biological Opinion (BO) on November 30, 2005, (USFWS 2005). For each of the nine species listed as likely to be adversely affected in the Programmatic BA, the USFWS concluded that the program is not likely to jeopardize the species or destroy or adversely modify any federally listed threatened and endangered species critical habitat. The USFWS further recommended that the BLM coordinate with the appropriate USFWS field office prior to planning the construction of any site-specific wind energy project to obtain the most current information on the distribution of listed species in the site-specific area.

2 DECISION

The decision is hereby made to implement a comprehensive Wind Energy Development Program to administer the development of wind energy resources on BLM-administered public

lands in 11 western states: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The decision establishes policies and best management practices (BMPs) for the administration of wind energy development activities and establishes minimum requirements for mitigation measures. The policies and BMPs were evaluated in the Final Wind Energy PEIS (BLM 2005a) and are included in Attachment A. With the decision to implement the Wind Energy Development Program, the BLM Interim Wind Energy Policy (BLM 2002) will be replaced by a new policy that incorporates the programmatic policies and BMPs evaluated in the PEIS. Elements of the Interim Policy addressing applications, authorizations, competitive interests, and due diligence will not be changed by the new program requirements.

In addition, this decision amends 52 BLM land use plans in 9 of the states in the study area: Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The land use plan amendments, identified in Attachment B, include the adoption of the Wind Energy Development Program policies and BMPs and, in a few instances, the identification of specific areas where wind energy development will be excluded.

3 ALTERNATIVES, INCLUDING THE PROPOSED ACTION

The Final Wind Energy PEIS (BLM 2005a) analyzed three alternatives. It analyzed the potential impacts associated with the BLM's proposed action to implement a Wind Energy Development Program. It also assessed potential impacts associated with two alternatives to the proposed action, which present different management options for wind energy development on BLM-administered public lands. The alternatives were defined as follows:

- *Proposed action: implement a Wind Energy Development Program.* Under this alternative, the BLM proposed to implement a comprehensive program to address issues associated with wind energy development on BLM-administered public lands under a maximum potential development scenario (MPDS). The program will establish policies and BMPs to address the administration of wind energy development activities and identify minimum requirements for mitigation measures. These programmatic policies and BMPs will be applicable to all wind energy development projects on BLM-administered public lands. Site-specific concerns, and the development of additional mitigation measures, will be addressed in project-level reviews, including NEPA analyses, as required. To the extent appropriate, future project-specific analyses will tier from the analyses conducted in the PEIS and the decisions in this Record of Decision (ROD) to allow project-specific analyses to focus just on the critical, site-specific issues of concern. In addition, under this alternative, a number of BLM land use plans will be amended to address wind energy development, including adoption of the programmatic policies and BMPs and identification of exclusion areas.
- *No action alternative.* Under this alternative, the BLM would continue administering wind energy development ROW authorizations in accordance

with the terms and conditions of the Interim Wind Energy Development Policy (BLM 2002). Analysis and review of wind energy development, including NEPA analyses and development of required mitigation measures, would be conducted on a project-by-project basis. Individual land use plan amendments would occur on a plan-by-plan basis without the benefit of the overarching, comprehensive analysis provided by the PEIS.

- *Limited wind energy development alternative.* Under this alternative, additional wind energy development on BLM-administered public lands would occur only in areas where it currently exists, is under review, or was approved for development prior publication of this ROD. For the purposes of establishing an upper bound on the potential impacts of this alternative, it was assumed that all proposed wind energy projects on BLM-administered public lands under review during preparation of the PEIS would be approved for development by the time this ROD was published. Future expansion of wind energy development would be allowed at existing project areas; however, no additional BLM-administered public lands would be made available for development. Under these restrictions, development would be limited to locations where development currently exists: Palm Springs, California; Ridgecrest, California; and Arlington, Wyoming; and locations where it is currently being reviewed: the Table Mountain Wind Generating Facility, Nevada; Cotterel Mountain Wind Farm Project, Idaho; and Walker Ridge, California.

Potential adverse impacts to natural and cultural resources could occur during each phase of wind energy development (i.e., site monitoring and testing, construction, operation, and decommissioning) if effective mitigation measures are not implemented. The nature and magnitude of these impacts would vary by phase and would be determined by the project location and size. Potential direct impacts would include use of geologic and water resources; creation or increase of geologic hazards or soil erosion; water quality degradation; localized generation of airborne dust; generation of noise; alteration or degradation of wildlife habitat or sensitive or unique habitat; interference with resident or migratory fish or wildlife species, including protected species; alteration or degradation of plant communities, including the occurrence of invasive vegetation; land use changes; alteration of visual resources; release of hazardous materials or wastes; increased traffic; increased human health and safety hazards; and destruction or loss of paleontological or cultural resources. More limited, potential indirect impacts also could occur to cultural and ecological resources.

Effective mitigation measures can be implemented to address many of the direct and indirect adverse impacts that could occur. For some resources, minimum requirements can be established that would effectively mitigate impacts at all potential development sites. For other resources, however, such as ecological and visual resources, mitigation will be better defined at the project level to address site-specific concerns.

The potential impacts of wind energy development on local and regional economies will be largely beneficial, depending upon the size of the project and the resultant wind power capacity.

The proposed action and its alternatives present options for the management of wind energy development on BLM-administered public lands. The proposed action, implementing the Wind Energy Development Program, was determined through the Final Wind Energy PEIS (BLM 2005a) to be the “environmentally preferable” alternative because it will establish a comprehensive set of policies and BMPs. The policies will identify specific lands on which wind energy development will not be allowed; establish requirements for public involvement, consultation with other federal and state agencies, and government-to-government consultation; define the need for project-level environmental review; establish requirements for the scope and content of the site-specific project Plan of Development (POD); and incorporate adaptive management strategies. The BMPs will establish environmentally sound and economically feasible mechanisms to protect and enhance natural and cultural resources. They identify the issues and concerns that must be addressed by project-specific plans, programs, and stipulations during each phase of development. Mitigation measures protecting these resources will be required to be incorporated into project PODs; this will include incorporation of specific programmatic BMPs as well as the incorporation of additional mitigation measures contained in other, existing and relevant BLM guidance, or developed to address site-specific or species-specific concerns. The no action and limited development alternatives do not provide the same level of assurance that comprehensive mitigation measures will be implemented across the 11 states.

In addition, in terms of facilitating wind energy development, implementation of the proposed action is expected to minimize some of the delays that currently occur for wind energy development projects, ensure consistency in the ROW application and authorization process, and reduce costs. These benefits will be realized as a result of the emphasis on site-specific concerns during the project-level environmental analyses, the amendment of numerous land use plans to address wind energy development, and the opportunity to tier future NEPA analyses from the Final Wind Energy PEIS (BLM 2005a) and decisions in this ROD. The no action and limited development alternatives do not provide these benefits in terms of facilitating wind energy development.

4 MANAGEMENT CONSIDERATIONS

On May 18, 2001, the President issued Executive Order (E.O.) 13212, “Actions to Expedite Energy-Related Projects,” which established a policy that federal agencies should take appropriate actions, to the extent consistent with applicable law, to expedite projects to increase the production, transmission, or conservation of energy. In that same month, the President’s National Energy Policy Development Group (NEPDG) recommended to the President, as part of the National Energy Policy, that the Departments of the Interior, Energy, Agriculture, and Defense work together to increase renewable energy production (NEPDG 2001). In July 2001, the Departments created an interagency task force to address the issues associated with increasing renewable energy production on federal lands (DOE and DOI 2002). The task force

developed a Memorandum of Understanding (MOU) among the U.S. Department of Energy (DOE), U.S. Department of the Interior (DOI), U.S. Department of Agriculture (USDA), U.S. Environmental Protection Agency (EPA), Council on Environmental Quality (CEQ), and the members of the Western Governors' Association to establish a framework for cooperation between western states and the federal government to address energy problems facing the West and to facilitate renewable energy production.

To address increased interest in wind energy development and to implement the National Energy Policy recommendation to increase renewable energy production, the BLM undertook efforts to evaluate wind energy potential on public lands and establish a wind energy policy. In 2002, the BLM issued an Interim Wind Energy Development Policy (BLM 2002) that establishes requirements for processing applications for wind energy site testing and monitoring and commercial wind energy development projects. To further support wind energy development on public lands and also to minimize potential environmental and sociocultural impacts, the BLM decided to build on the interim policy and establish a comprehensive Wind Energy Development Program. The BLM initiated preparation of the PEIS in October 2003 and published the PEIS in June 2005. On August 8, 2005, the President signed into law the Energy Policy Act of 2005 (P.L. 109-58). Section 211 of the Act states, "It is the sense of the Congress that the Secretary of the Interior should, before the end of the 10-year period beginning on the date of enactment of this Act, seek to have approved non-hydropower renewable energy projects located on the public lands with a generation capacity of at least 10,000 megawatts of electricity."

The Wind Energy Development Program and the amendment of multiple land use plans to adopt the program will effectively support the directives of E.O. 13212, the recommendations of the National Energy Policy, and congressional direction provided in the Energy Policy Act of 2005 regarding renewable energy development on public lands. On the basis of the impact analyses presented in the Final Wind Energy PEIS (BLM 2005a), it appears that the proposed action will present the best approach for managing wind energy development on BLM-administered public lands. The Wind Energy Development Program is likely to result in the greatest amount of wind energy development over the next 20 years, at the lowest potential cost to industry. Simultaneously, the proposed action will provide the most comprehensive approach for ensuring that potential adverse impacts are minimized to the greatest extent possible. And, finally, the proposed action is likely to provide the greatest economic benefits to local communities and the region as a whole.

5 MITIGATION AND MONITORING

A primary purpose of the Wind Energy Development Program is the establishment of policies and BMPs to ensure that potential adverse impacts associated with the development of wind energy resources on BLM-administered public lands are minimized to the greatest extent possible. The policies and BMPs, included in Attachment A, address all identified issues associated with the administration of wind energy development and mitigation of potential impacts; these issues are either addressed directly in the policies and BMPs, or through requirements that they will be addressed as needed during site-specific reviews.

The program will establish specific monitoring requirements that must be met throughout all phases of development. The requirement for the BLM and operators of wind energy projects on BLM-administered public lands to adopt adaptive management strategies will further ensure that potential environmental impacts will be kept to a minimum. This includes requirements for periodic review and revision of programmatic policies and BMPs; comprehensive site monitoring programs, including metrics for measuring impacts; and protocols for incorporating monitoring observations and new mitigation measures into standard operating procedures and project-specific stipulations.

The amendment of 52 BLM land use plans to adopt the program ensures that the program will have a maximum effect. Additional land use plan amendments and revisions are expected to follow the issuance of this ROD in those remaining areas with potentially developable wind energy resources through ongoing and future land use planning efforts.

6 PUBLIC INVOLVEMENT

The “Notice of Intent to Prepare a Programmatic Environmental Impact Statement (EIS) to Evaluate Wind Energy Development on Western Public Lands Administered by the BLM” (the NOI) was published in Volume 68, page 201, of the *Federal Register* (68 FR 201) on October 17, 2003. This initiated the public scoping period, which lasted from October 17 to December 19, 2003. During that period, the BLM invited the public and interested groups to provide information and guidance on the scope of the PEIS and alternatives to the proposed action, suggest issues that should be examined, and express their concerns and opinions on resources in the western United States that wind energy development might impact. Public scoping meetings were held in Sacramento, California; Salt Lake City, Utah; Cheyenne, Wyoming; Las Vegas, Nevada; and Boise, Idaho.

An estimated 5,000 people participated in the scoping process by attending public meetings, providing comments, requesting information, or visiting the Wind Energy Development PEIS Web site (<http://windeis.anl.gov>). All comments received equal consideration in developing the alternatives and analytical issues evaluated in the PEIS. The results of the scoping process were documented in a report issued in January 2004 (BLM 2004) that summarizes and categorizes the major themes, issues, and concerns of the written and verbal comments. The scoping summary report and copies of the individual letters, facsimiles, and comments received electronically during scoping are available on the Wind Energy Development PEIS Web site.

In addition to public scoping, government-to-government consultation was initiated with all Tribal entities with a potential interest in wind energy development on BLM-administered public lands.

The Notice of Availability (NOA) of the Draft PEIS was published on September 10, 2004, (69 FR 175). This began a 90-day public comment period on the Draft PEIS, which lasted from September 10 to December 10, 2004. During this period, the BLM invited the public and interested groups to comment on the content of the Draft PEIS.

The Draft PEIS was posted in its entirety on the Wind Energy Development PEIS Web site. Printed copies of the document and CDs containing the electronic files comprising the document were mailed upon request. More than 120 people and organizations participated in the public comment process by providing Internet-based comments or postal letters. Approximately 718 individual comments were received. The BLM reviewed all comments and made changes to the PEIS, as appropriate. Responses to comments are provided in Volume 3 of the Final Wind Energy PEIS (BLM 2005a). The 30-day public protest period resulted in no protests.

In addition, on June 24, 2005, the BLM initiated a 90-day Governors Consistency Review of the PEIS in accordance with BLM planning regulations. The results of the review were favorable in that none of the Governors objected to the proposed plan amendments.

7 REFERENCES

BLM 2002, "Instruction Memorandum No. 2003-020, Interim Wind Energy Development Policy," issued by the Director of the BLM, Washington, D.C., Oct. 16.

BLM, 2004, *Summary Report of Scoping Comments Received on the BLM Wind Energy Development Programmatic Environmental Impact Statement*, prepared by Argonne National Laboratory, Argonne, Ill., for the BLM, Lands and Realty Group, Washington, D.C., Jan.

BLM, 2005a, *Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States*, prepared by Argonne National Laboratory for BLM, Washington, D.C., June.

BLM, 2005b, *Programmatic Biological Assessment for the BLM's Proposed Land Use Plan Amendments to Adopt the Proposed Wind Energy Development Program*, BLM, Washington, D.C., July.

DOE and DOI (U.S. Department of Energy and U.S. Department of the Interior), 2002, *White House Report in Response to the National Energy Policy Recommendations to Increase Renewable Energy Production on Federal Lands*, Washington, D.C., Aug.

NEPDG (National Energy Policy Development Group), 2001, *National Energy Policy, Reliable, Affordable, and Environmentally Sound Energy for America's Future*, Washington, D.C., May.

USFWS (U.S. Fish and Wildlife Service), 2005, *Biological Opinion for BLM Wind Energy Program*, Washington, D.C., Nov.

ATTACHMENT A

**BLM WIND ENERGY DEVELOPMENT PROGRAM
POLICIES AND BEST MANAGEMENT PRACTICES (BMPS)**

ATTACHMENT A

BLM WIND ENERGY DEVELOPMENT PROGRAM POLICIES AND BEST MANAGEMENT PRACTICES (BMPS)

The BLM's Wind Energy Development Program will establish a number of policies and BMPs, provided below, regarding the development of wind energy resources on BLM-administered public lands. The policies and BMPs will be applicable to all wind energy development projects on BLM-administered public lands. The policies address the administration of wind energy development activities, and the BMPs identify required mitigation measures that would need to be incorporated into project-specific Plans of Development (PODs) and right-of-way (ROW) authorization stipulations. Additional mitigation measures will be applied to individual projects, in the form of stipulations in the ROW authorization as appropriate, to address site-specific and species-specific issues.

These policies and BMPs were formulated through preparation of the Final Wind Energy PEIS (BLM 2005). The PEIS included detailed, comprehensive analysis of the potential impacts of wind energy development and relevant mitigation measures; reviews of existing, relevant mitigation guidance; and reviews of comments received during scoping and public review of the Draft PEIS.

A.1 Policies

- The BLM will not issue ROW authorizations for wind energy development on lands on which wind energy development is incompatible with specific resource values. Lands that will be excluded from wind energy site monitoring and testing and development include designated areas that are part of the National Landscape Conservation System (NLCS) (e.g., Wilderness Areas, Wilderness Study Areas, National Monuments, NCAs,¹ Wild and Scenic Rivers, and National Historic and Scenic Trails) and Areas of Critical Environmental Concern (ACECs).² Additional areas of land may be excluded from wind energy development on the basis of findings of resource impacts that cannot be mitigated and/or conflict with existing and planned multiple-use activities or land use plans.
- To the extent possible, wind energy projects shall be developed in a manner that will not prevent other land uses, including minerals extraction, livestock grazing, recreational use, and other ROW uses.

¹ Wind energy development is permitted in one NCA, the California Desert Conservation Area (CDCA), in accordance with the provisions of the *California Desert Conservation Area Plan 1980, as Amended* (BLM 1999).

² Although the MPDS developed for this PEIS (Section 2.2.1 and Appendix B) did not exclude all of these lands at the screening level, they will be excluded from wind energy development.

- Entities seeking to develop a wind energy project on BLM-administered lands shall consult with appropriate federal, state, and local agencies regarding specific projects as early in the planning process as appropriate to ensure that all potential construction, operation, and decommissioning issues and concerns are identified and adequately addressed.
- The BLM will initiate government-to-government consultation with Indian Tribal governments whose interests might be directly and substantially affected by activities on BLM-administered lands as early in the planning process as appropriate to ensure that construction, operation, and decommissioning issues and concerns are identified and adequately addressed.
- Entities seeking to develop a wind energy project on BLM-administered lands, in conjunction with BLM Washington Office (WO) and Field Office (FO) staff, shall consult with the U.S. Department of Defense (DoD) regarding the location of wind power projects and turbine siting as early in the planning process as appropriate. This consultation shall occur concurrently at both the installation/field level and the Pentagon/BLM WO level. An interagency protocol agreement is being developed to establish a consultation process and to identify the scope of issues for consultation. Lands withdrawn for military purposes are under the administrative jurisdiction of the DoD or a military service and are not available for issuance of wind energy authorizations by the BLM.
- The BLM will consult with the U.S. Fish and Wildlife Service (USFWS) as required by Section 7 of the Endangered Species Act of 1973 (ESA). The specific consultation requirements will be determined on a project-by-project basis.
- The BLM will consult with the State Historic Preservation Office (SHPO) as required by Section 106 of the National Historic Preservation Act of 1966 (NHPA). The specific consultation requirements will be determined on a project-by-project basis. If programmatic Section 106 consultations have been conducted and are adequate to cover a proposed project, additional consultation may not be needed.
- Existing land use plans will be amended, as appropriate, to (1) adopt provisions of the BLM's Wind Energy Development Program, (2) identify land considered to be available for wind energy development, and (3) identify land that will not be available for wind energy development.
- The level of environmental analysis to be required under NEPA for individual wind power projects will be determined at the FO level. For many projects, it may be determined that a tiered environmental assessment (EA) is appropriate in lieu of an EIS. To the extent that the PEIS addresses anticipated issues and

concerns associated with an individual project, including potential cumulative impacts, the BLM will tier off of the decisions embedded in the PEIS and limit the scope of additional project-specific NEPA analyses. The site-specific NEPA analyses will include analyses of project site configuration and micro-siting considerations, monitoring program requirements, and appropriate mitigation measures. In particular, the mitigation measures discussed in Chapter 5 of the PEIS may be consulted in determining site-specific requirements. Public involvement will be incorporated into all wind energy development projects to ensure that all concerns and issues are identified and adequately addressed. In general, the scope of the NEPA analyses will be limited to the proposed action on BLM-administered public lands; however, if access to proposed development on adjacent non-BLM-administered lands is entirely dependent on obtaining ROW access across BLM-administered public lands and there are no alternatives to that access, the NEPA analysis for the proposed ROW may need to assess the environmental effects from that proposed development. The BLM's analyses of ROW access projects may tier off of the PEIS to the extent that the proposed project falls within the scope of the PEIS analyses.

- Site-specific environmental analyses will tier from the PEIS and identify and assess any cumulative impacts that are beyond the scope of the cumulative impacts addressed in the PEIS.
- The Categorical Exclusion (CX) applicable to the issuance of short-term ROWs or land use authorizations may be applicable to some site monitoring and testing activities. The relevant CX, established for the BLM in the DOI Departmental Manual 516, Chapter 11, Sec. 11.5, E(19) (DOI 2004), encompasses "issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition."
- The BLM will require financial bonds for all wind energy development projects on BLM-administered public lands to ensure compliance with the terms and conditions of the rights-of-way authorization and the requirements of applicable regulatory requirements, including reclamation costs. The amount of the required bond will be determined during the rights-of-way authorization process on the basis of site-specific and project-specific factors. The BLM may also require financial bonds for site monitoring and testing authorizations.
- Entities seeking to develop a wind energy project on BLM-administered public lands shall develop a project-specific Plan of Development (POD) that incorporates all BMPs and, as appropriate, the requirements of other existing and relevant BLM mitigation guidance, including the BLM's interim off-site mitigation guidance (BLM 2005a). Additional mitigation measures will be

incorporated into the POD and into the ROW authorization as project stipulations, as needed, to address site-specific and species-specific issues. The POD will include a site plan showing the locations of turbines, roads, power lines, other infrastructure, and other areas of short- and long-term disturbance.

- The BLM will incorporate management goals and objectives specific to habitat conservation for species of concern (e.g., sage-grouse), as appropriate, into the POD for proposed wind energy projects.
- The BLM will consider the visual resource values of the public lands involved in proposed wind energy development projects, consistent with BLM Visual Resource Management (VRM) policies and guidance. The BLM will work with the ROW applicant to incorporate visual design considerations into the planning and design of the project to minimize potential visual impacts of the proposal and to meet the VRM objectives of the area.
- Operators of wind power facilities on BLM-administered public lands shall consult with the BLM and other appropriate federal, state, and local agencies regarding any planned upgrades or changes to the wind facility design or operation. Proposed changes of this nature may require additional environmental analysis and/or revision of the POD.
- The BLM's Wind Energy Development Program will incorporate adaptive management strategies to ensure that potential adverse impacts of wind energy development are avoided (if possible), minimized, or mitigated to acceptable levels. The programmatic policies and BMPs will be updated and revised as new data regarding the impacts of wind power projects become available. At the project-level, operators will be required to develop monitoring programs to evaluate the environmental conditions at the site through all phases of development, to establish metrics against which monitoring observations can be measured, to identify potential mitigation measures, and to establish protocols for incorporating monitoring observations and additional mitigation measures into standard operating procedures and project-specific stipulations.

A.2 Best Management Practices (BMPs)

The BMPs will be adopted as required elements of project-specific PODs and/or as ROW authorization stipulations. They are categorized by development activity: site monitoring and testing, development of the POD, construction, operation, and decommissioning. The BMPs for development of the POD identify required elements of the POD needed to address potential impacts associated with subsequent phases of development.

A.2.1 Site Monitoring and Testing

- The area disturbed by installation of meteorological towers (i.e., footprint) shall be kept to a minimum.
- Existing roads shall be used to the maximum extent feasible. If new roads are necessary, they shall be designed and constructed to the appropriate standard.
- Meteorological towers shall not be located in sensitive habitats or in areas where ecological resources known to be sensitive to human activities (e.g., prairie grouse) are present. Installation of towers shall be scheduled to avoid disruption of wildlife reproductive activities or other important behaviors.
- Meteorological towers installed for site monitoring and testing shall be inspected periodically for structural integrity.

A.2.2 Plan of Development Preparation

General

- The BLM and operators shall contact appropriate agencies, property owners, and other stakeholders early in the planning process to identify potentially sensitive land uses and issues, rules that govern wind energy development locally, and land use concerns specific to the region.
- Available information describing the environmental and sociocultural conditions in the vicinity of the proposed project shall be collected and reviewed as needed to predict potential impacts of the project.
- The Federal Aviation Administration (FAA)-required notice of proposed construction shall be made as early as possible to identify any air safety measures that would be required.
- To plan for efficient use of the land, necessary infrastructure requirements shall be consolidated wherever possible, and current transmission and market access shall be evaluated carefully.
- The project shall be planned to utilize existing roads and utility corridors to the maximum extent feasible, and to minimize the number and length/size of new roads, lay-down areas, and borrow areas.
- A monitoring program shall be developed to ensure that environmental conditions are monitored during the construction, operation, and

decommissioning phases. The monitoring program requirements, including adaptive management strategies, shall be established at the project level to ensure that potential adverse impacts of wind energy development are mitigated. The monitoring program shall identify the monitoring requirements for each environmental resource present at the site, establish metrics against which monitoring observations can be measured, identify potential mitigation measures, and establish protocols for incorporating monitoring observations and additional mitigation measures into standard operating procedures and BMPs.

- “Good housekeeping” procedures shall be developed to ensure that during operation the site will be kept clean of debris, garbage, fugitive trash or waste, and graffiti; to prohibit scrap heaps and dumps; and to minimize storage yards.

Wildlife and Other Ecological Resources

- Operators shall review existing information on species and habitats in the vicinity of the project area to identify potential concerns.
- Operators shall conduct surveys for federal and/or state-protected species and other species of concern (including special status plant and animal species) within the project area and design the project to avoid (if possible), minimize, or mitigate impacts to these resources.
- Operators shall identify important, sensitive, or unique habitats in the vicinity of the project and design the project to avoid (if possible), minimize, or mitigate impacts to these habitats (e.g., locate the turbines, roads, and ancillary facilities in the least environmentally sensitive areas; i.e., away from riparian habitats, streams, wetlands, drainages, or critical wildlife habitats).
- The BLM will prohibit the disturbance of any population of federal listed plant species.
- Operators shall evaluate avian and bat use of the project area and design the project to minimize or mitigate the potential for bird and bat strikes (e.g., development shall not occur in riparian habitats and wetlands). Scientifically rigorous avian and bat use surveys shall be conducted; the amount and extent of ecological baseline data required shall be determined on a project basis.
- Turbines shall be configured to avoid landscape features known to attract raptors, if site studies show that placing turbines there would pose a significant risk to raptors.

- Operators shall determine the presence of bat colonies and avoid placing turbines near known bat hibernation, breeding, and maternity/nursery colonies; in known migration corridors; or in known flight paths between colonies and feeding areas.
- Operators shall determine the presence of active raptor nests (i.e., raptor nests used during the breeding season). Measures to reduce raptor use at a project site (e.g., minimize road cuts, maintain either no vegetation or nonattractive plant species around the turbines) shall be considered.
- A habitat restoration plan shall be developed to avoid (if possible), minimize, or mitigate negative impacts on vulnerable wildlife while maintaining or enhancing habitat values for other species. The plan shall identify revegetation, soil stabilization, and erosion reduction measures that shall be implemented to ensure that all temporary use areas are restored. The plan shall require that restoration occur as soon as possible after completion of activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
- Procedures shall be developed to mitigate potential impacts to special status species. Such measures could include avoidance, relocation of project facilities or lay-down areas, and/or relocation of biota.
- Facilities shall be designed to discourage their use as perching or nesting substrates by birds. For example, power lines and poles shall be configured to minimize raptor electrocutions and discourage raptor and raven nesting and perching.

Visual Resources

- The public shall be involved and informed about the visual site design elements of the proposed wind energy facilities. Possible approaches include conducting public forums for disseminating information, offering organized tours of operating wind developments, and using computer simulation and visualization techniques in public presentations.
- Turbine arrays and turbine design shall be integrated with the surrounding landscape. Design elements to be addressed include visual uniformity, use of tubular towers, proportion and color of turbines, nonreflective paints, and prohibition of commercial messages on turbines.
- Other site design elements shall be integrated with the surrounding landscape. Elements to address include minimizing the profile of the ancillary structures, burial of cables, prohibition of commercial symbols, and lighting. Regarding

lighting, efforts shall be made to minimize the need for and amount of lighting on ancillary structures.

Roads

- An access road siting and management plan shall be prepared incorporating existing BLM standards regarding road design, construction, and maintenance such as those described in the BLM 9113 Manual (BLM 1985) and the *Surface Operating Standards for Oil and Gas Exploration and Development* (RM RCC 1989) (i.e., the Gold Book).

Ground Transportation

- A transportation plan shall be developed, particularly for the transport of turbine components, main assembly cranes, and other large pieces of equipment. The plan shall consider specific object sizes, weights, origin, destination, and unique handling requirements and shall evaluate alternative transportation approaches. In addition, the process to be used to comply with unique state requirements and to obtain all necessary permits shall be clearly identified.
- A traffic management plan shall be prepared for the site access roads to ensure that no hazards would result from the increased truck traffic and that traffic flow would not be adversely impacted. This plan shall incorporate measures such as informational signs, flaggers when equipment may result in blocked thoroughways, and traffic cones to identify any necessary changes in temporary lane configuration.

Noise

- Proponents of a wind energy development project shall take measurements to assess the existing background noise levels at a given site and compare them with the anticipated noise levels associated with the proposed project.

Noxious Weeds and Pesticides

- Operators shall develop a plan for control of noxious weeds and invasive species, which could occur as a result of new surface disturbance activities at the site. The plan shall address monitoring, education of personnel on weed identification, the manner in which weeds spread, and methods for treating infestations. The use of certified weed-free mulching shall be required. If trucks and construction equipment are arriving from locations with known

invasive vegetation problems, a controlled inspection and cleaning area shall be established to visually inspect construction equipment arriving at the project area and to remove and collect seeds that may be adhering to tires and other equipment surfaces.

- If pesticides are used on the site, an integrated pest management plan shall be developed to ensure that applications would be conducted within the framework of BLM and DOI policies and entail only the use of EPA-registered pesticides. Pesticide use shall be limited to nonpersistent, immobile pesticides and shall only be applied in accordance with label and application permit directions and stipulations for terrestrial and aquatic applications.

Cultural/Historic Resources

- The BLM will consult with Indian Tribal governments early in the planning process to identify issues regarding the proposed wind energy development, including issues related to the presence of cultural properties, access rights, disruption to traditional cultural practices, and impacts to visual resources important to the Tribe(s).
- The presence of archaeological sites and historic properties in the area of potential effect shall be determined on the basis of a records search of recorded sites and properties in the area and/or, depending on the extent and reliability of existing information, an archaeological survey. Archaeological sites and historic properties present in the area of potential effect shall be reviewed to determine whether they meet the criteria of eligibility for listing on the *National Register of Historic Places* (NRHP).
- When any rights-of-way application includes remnants of a National Historic Trail, is located within the viewshed of a National Historic Trail's designated centerline, or includes or is within the viewshed of a trail eligible for listing on the NRHP, the operator shall evaluate the potential visual impacts to the trail associated with the proposed project and identify appropriate mitigation measures for inclusion as stipulations in the POD.
- If cultural resources are present at the site, or if areas with a high potential to contain cultural material have been identified, a cultural resources management plan (CRMP) shall be developed. This plan shall address mitigation activities to be taken for cultural resources found at the site. Avoidance of the area is always the preferred mitigation option. Other mitigation options include archaeological survey and excavation (as warranted) and monitoring. If an area exhibits a high potential, but no artifacts were observed during an archaeological survey, monitoring by a qualified archaeologist could be required during all excavation and

earthmoving in the high-potential area. A report shall be prepared documenting these activities. The CRMP also shall (1) establish a monitoring program, (2) identify measures to prevent potential looting/vandalism or erosion impacts, and (3) address the education of workers and the public to make them aware of the consequences of unauthorized collection of artifacts and destruction of property on public land.

Paleontological Resources

- Operators shall determine whether paleontological resources exist in a project area on the basis of the sedimentary context of the area, a records search for past paleontological finds in the area, and/or, depending on the extent of existing information, a paleontological survey.
- If paleontological resources are present at the site, or if areas with a high potential to contain paleontological material have been identified, a paleontological resources management plan shall be developed. This plan shall include a mitigation plan for collection of the fossils; mitigation could include avoidance, removal of fossils, or monitoring. If an area exhibits a high potential but no fossils were observed during survey, monitoring by a qualified paleontologist could be required during all excavation and earthmoving in the sensitive area. A report shall be prepared documenting these activities. The paleontological resources management plan also shall (1) establish a monitoring program, (2) identify measures to prevent potential looting/vandalism or erosion impacts, and (3) address the education of workers and the public to make them aware of the consequences of unauthorized collection of fossils on public land.

Hazardous Materials and Waste Management

- Operators shall develop a hazardous materials management plan addressing storage, use, transportation, and disposal of each hazardous material anticipated to be used at the site. The plan shall identify all hazardous materials that would be used, stored, or transported at the site. It shall establish inspection procedures, storage requirements, storage quantity limits, inventory control, nonhazardous product substitutes, and disposition of excess materials. The plan shall also identify requirements for notices to federal and local emergency response authorities and include emergency response plans.
- Operators shall develop a waste management plan identifying the waste streams that are expected to be generated at the site and addressing hazardous waste determination procedures, waste storage locations, waste-specific management and disposal requirements, inspection procedures, and waste

minimization procedures. This plan shall address all solid and liquid wastes that may be generated at the site.

- Operators shall develop a spill prevention and response plan identifying where hazardous materials and wastes are stored on site, spill prevention measures to be implemented, training requirements, appropriate spill response actions for each material or waste, the locations of spill response kits on site, a procedure for ensuring that the spill response kits are adequately stocked at all times, and procedures for making timely notifications to authorities.

Storm Water

- Operators shall develop a storm water management plan for the site to ensure compliance with applicable regulations and prevent off-site migration of contaminated storm water or increased soil erosion.

Human Health and Safety

- A safety assessment shall be conducted to describe potential safety issues and the means that would be taken to mitigate them, including issues such as site access, construction, safe work practices, security, heavy equipment transportation, traffic management, emergency procedures, and fire control.
- A health and safety program shall be developed to protect both workers and the general public during construction, operation, and decommissioning of a wind energy project. Regarding occupational health and safety, the program shall identify all applicable federal and state occupational safety standards; establish safe work practices for each task (e.g., requirements for personal protective equipment and safety harnesses; Occupational Safety and Health Administration [OSHA] standard practices for safe use of explosives and blasting agents; and measures for reducing occupational electric and magnetic fields [EMF] exposures); establish fire safety evacuation procedures; and define safety performance standards (e.g., electrical system standards and lightning protection standards). The program shall include a training program to identify hazard training requirements for workers for each task and establish procedures for providing required training to all workers. Documentation of training and a mechanism for reporting serious accidents to appropriate agencies shall be established.
- Regarding public health and safety, the health and safety program shall establish a safety zone or setback for wind turbine generators from residences and occupied buildings, roads, rights-of-ways, and other public access areas that is sufficient to prevent accidents resulting from the operation of wind turbine generators. It shall identify requirements for temporary fencing

around staging areas, storage yards, and excavations during construction or decommissioning activities. It shall also identify measures to be taken during the operation phase to limit public access to hazardous facilities (e.g., permanent fencing would be installed only around electrical substations, and turbine tower access doors would be locked).

- Operators shall consult with local planning authorities regarding increased traffic during the construction phase, including an assessment of the number of vehicles per day, their size, and type. Specific issues of concern (e.g., location of school bus routes and stops) shall be identified and addressed in the traffic management plan.
- If operation of the wind turbines is expected to cause significant adverse impacts to nearby residences and occupied buildings from shadow flicker, low-frequency sound, or EMF, site-specific recommendations for addressing these concerns shall be incorporated into the project design (e.g., establishing a sufficient setback from turbines).
- The project shall be planned to minimize electromagnetic interference (EMI) (e.g., impacts to radar, microwave, television, and radio transmissions) and comply with Federal Communications Commission [FCC] regulations. Signal strength studies shall be conducted when proposed locations have the potential to impact transmissions. Potential interference with public safety communication systems (e.g., radio traffic related to emergency activities) shall be avoided.
- The project shall be planned to comply with FAA regulations, including lighting regulations, and to avoid potential safety issues associated with proximity to airports, military bases or training areas, or landing strips.
- Operators shall develop a fire management strategy to implement measures to minimize the potential for a human-caused fire.

A.2.3 Construction

General

- All control and mitigation measures established for the project in the POD and the resource-specific management plans that are part of the POD shall be maintained and implemented throughout the construction phase, as appropriate.
- The area disturbed by construction and operation of a wind energy development project (i.e., footprint) shall be kept to a minimum.

- The number and size/length of roads, temporary fences, lay-down areas, and borrow areas shall be minimized.
- Topsoil from all excavations and construction activities shall be salvaged and reapplied during reclamation.
- All areas of disturbed soil shall be reclaimed using weed-free native grasses, forbs, and shrubs. Reclamation activities shall be undertaken as early as possible on disturbed areas.
- All electrical collector lines shall be buried in a manner that minimizes additional surface disturbance (e.g., along roads or other paths of surface disturbance). Overhead lines may be used in cases where burial of lines would result in further habitat disturbance.
- Operators shall identify unstable slopes and local factors that can induce slope instability (such as groundwater conditions, precipitation, earthquake activities, slope angles, and the dip angles of geologic strata). Operators also shall avoid creating excessive slopes during excavation and blasting operations. Special construction techniques shall be used where applicable in areas of steep slopes, erodible soil, and stream channel crossings.
- Erosion controls that comply with county, state, and federal standards shall be applied. Practices such as jute netting, silt fences, and check dams shall be applied near disturbed areas.

Wildlife

- Guy wires on permanent meteorological towers shall be avoided, however, may be necessary on temporary meteorological towers installed during site monitoring and testing.
- In accordance with the habitat restoration plan, restoration shall be undertaken as soon as possible after completion of construction activities to reduce the amount of habitat converted at any one time and to speed up the recovery to natural habitats.
- All construction employees shall be instructed to avoid harassment and disturbance of wildlife, especially during reproductive (e.g., courtship and nesting) seasons. In addition, pets shall not be permitted on site during construction.

Visual Resources

- Operators shall reduce visual impacts during construction by minimizing areas of surface disturbance, controlling erosion, using dust suppression techniques, and restoring exposed soils as closely as possible to their original contour and vegetation.

Roads

- Existing roads shall be used, but only if in safe and environmentally sound locations. If new roads are necessary, they shall be designed and constructed to the appropriate standard and be no higher than necessary to accommodate their intended functions (e.g., traffic volume and weight of vehicles). Excessive grades on roads, road embankments, ditches, and drainages shall be avoided, especially in areas with erodible soils. Special construction techniques shall be used, where applicable. Abandoned roads and roads that are no longer needed shall be recontoured and revegetated.
- Access roads and on-site roads shall be surfaced with aggregate materials, wherever appropriate.
- Access roads shall be located to follow natural contours and minimize side hill cuts.
- Roads shall be located away from drainage bottoms and avoid wetlands, if practicable.
- Roads shall be designed so that changes to surface water runoff are avoided and erosion is not initiated.
- Access roads shall be located to minimize stream crossings. All structures crossing streams shall be located and constructed so that they do not decrease channel stability or increase water velocity. Operators shall obtain all applicable federal and state permits.
- Existing drainage systems shall not be altered, especially in sensitive areas such as erodible soils or steep slopes. Potential soil erosion shall be controlled at culvert outlets with appropriate structures. Catch basins, roadway ditches, and culverts shall be cleaned and maintained regularly.

Ground Transportation

- Project personnel and contractors shall be instructed and required to adhere to speed limits commensurate with road types, traffic volumes, vehicle types,

and site-specific conditions, to ensure safe and efficient traffic flow and to reduce wildlife collisions and disturbance and airborne dust.

- Traffic shall be restricted to the roads developed for the project. Use of other unimproved roads shall be restricted to emergency situations.
- Signs shall be placed along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. To minimize impacts on local commuters, consideration shall be given to limiting construction vehicles traveling on public roadways during the morning and late afternoon commute time.

Air Emissions

- Dust abatement techniques shall be used on unpaved, unvegetated surfaces to minimize airborne dust.
- Speed limits (e.g., 25 mph [40 km/h]) shall be posted and enforced to reduce airborne fugitive dust.
- Construction materials and stockpiled soils shall be covered if they are a source of fugitive dust.
- Dust abatement techniques shall be used before and during surface clearing, excavation, or blasting activities.

Excavation and Blasting Activities

- Operators shall gain a clear understanding of the local hydrogeology. Areas of groundwater discharge and recharge and their potential relationships with surface water bodies shall be identified.
- Operators shall avoid creating hydrologic conduits between two aquifers during foundation excavation and other activities.
- Foundations and trenches shall be backfilled with originally excavated material as much as possible. Excess excavation materials shall be disposed of only in approved areas or, if suitable, stockpiled for use in reclamation activities.
- Borrow material shall be obtained only from authorized and permitted sites. Existing sites shall be used in preference to new sites.

- Explosives shall be used only within specified times and at specified distances from sensitive wildlife or streams and lakes, as established by the BLM or other federal and state agencies.

Noise

- Noisy construction activities (including blasting) shall be limited to the least noise-sensitive times of day (i.e., daytime only between 7 a.m. and 10 p.m.) and weekdays.
- All equipment shall have sound-control devices no less effective than those provided on the original equipment. All construction equipment used shall be adequately muffled and maintained.
- All stationary construction equipment (i.e., compressors and generators) shall be located as far as practicable from nearby residences.
- If blasting or other noisy activities are required during the construction period, nearby residents shall be notified in advance.

Cultural and Paleontological Resources

- Unexpected discovery of cultural or paleontological resources during construction shall be brought to the attention of the responsible BLM authorized officer immediately. Work shall be halted in the vicinity of the find to avoid further disturbance to the resources while they are being evaluated and appropriate mitigation measures are being developed.

Hazardous Materials and Waste Management

- Secondary containment shall be provided for all on-site hazardous materials and waste storage, including fuel. In particular, fuel storage (for construction vehicles and equipment) shall be a temporary activity occurring only for as long as is needed to support construction activities.
- Wastes shall be properly containerized and removed periodically for disposal at appropriate off-site permitted disposal facilities.
- In the event of an accidental release to the environment, the operator shall document the event, including a root cause analysis, appropriate corrective actions taken, and a characterization of the resulting environmental or health and safety impacts. Documentation of the event shall be provided to the BLM authorized officer and other federal and state agencies, as required.

- Any wastewater generated in association with temporary, portable sanitary facilities shall be periodically removed by a licensed hauler and introduced into an existing municipal sewage treatment facility. Temporary, portable sanitary facilities provided for construction crews shall be adequate to support expected on-site personnel and shall be removed at completion of construction activities.

Public Health and Safety

- Temporary fencing shall be installed around staging areas, storage yards, and excavations during construction to limit public access.

A.2.4 Operation

General

- All control and mitigation measures established for the project in the POD and the resource-specific management plans that are part of the POD shall be maintained and implemented throughout the operational phase, as appropriate. These control and mitigation measures shall be reviewed and revised, as needed, to address changing conditions or requirements at the site, throughout the operational phase. This adaptive management approach would help ensure that impacts from operations are kept to a minimum.
- Inoperative turbines shall be repaired, replaced, or removed in a timely manner. Requirements to do so shall be incorporated into the due diligence provisions of the rights-of-way authorization. Operators will be required to demonstrate due diligence in the repair, replacement, or removal of turbines; failure to do so could result in termination of the rights-of-way authorization.

Wildlife

- Employees, contractors, and site visitors shall be instructed to avoid harassment and disturbance of wildlife, especially during reproductive (e.g., courtship and nesting) seasons. In addition, any pets shall be controlled to avoid harassment and disturbance of wildlife.
- Observations of potential wildlife problems, including wildlife mortality, shall be reported to the BLM authorized officer immediately.

Ground Transportation

- Ongoing ground transportation planning shall be conducted to evaluate road use, minimize traffic volume, and ensure that roads are maintained adequately to minimize associated impacts.

Monitoring Program

- Site monitoring protocols defined in the POD shall be implemented. These will incorporate monitoring program observations and additional mitigation measures into standard operating procedures and BMPs to minimize future environmental impacts.
- Results of monitoring program efforts shall be provided to the BLM authorized officer.

Public Health and Safety

- Permanent fencing shall be installed and maintained around electrical substations, and turbine tower access doors shall be locked to limit public access.
- In the event an installed wind energy development project results in EMI, the operator shall work with the owner of the impacted communications system to resolve the problem. Additional warning information may also need to be conveyed to aircraft with onboard radar systems so that echoes from wind turbines can be quickly recognized.

A.2.5 Decommissioning

General

- Prior to the termination of the rights-of-way authorization, a decommissioning plan shall be developed and approved by the BLM. The decommissioning plan shall include a site reclamation plan and monitoring program.
- All management plans, BMPs, and stipulations developed for the construction phase shall be applied to similar activities during the decommissioning phase.
- All turbines and ancillary structures shall be removed from the site.

- Topsoil from all decommissioning activities shall be salvaged and reapplied during final reclamation.
- All areas of disturbed soil shall be reclaimed using weed-free native shrubs, grasses, and forbs.
- The vegetation cover, composition, and diversity shall be restored to values commensurate with the ecological setting.

ATTACHMENT B

**BLM LAND USE PLAN AMENDMENTS TO ADOPT THE
WIND ENERGY DEVELOPMENT PROGRAM**

ATTACHMENT B

BLM LAND USE PLAN AMENDMENTS TO ADOPT THE WIND ENERGY DEVELOPMENT PROGRAM

The Final Wind PEIS (BLM 2005) evaluated all BLM land use plans within the 11-state study area. The decision has been made to amend 52 land use plans in 9 of those states: Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. The amendments include (1) adoption of the Wind Energy Development Program policies and best management practices (BMPs), and (2) identification of specific areas where wind energy development will not be allowed.

Some plans within the 11-state study area were excluded from amendment in this Record of Decision (ROD) for a variety of reasons, including (1) if developable wind resources are not present in the planning area, (2) if the plan was previously amended or revised to adequately address wind energy development, (3) if the plan currently is being amended or revised in a separate National Environmental Policy Act of 1969 (NEPA) review and that amendment or revision will address wind energy development, or (4) if some other reason(s) exist(s) to exclude the plan from amendment under the PEIS (e.g., a plan revision is scheduled in the foreseeable future).

None of the land use plans in Arizona or California are included for amendment in this ROD. Ongoing and upcoming land use plan amendments being conducted will address wind energy development in these states for areas where developable wind resources are present.

Table B-1 provides information describing the amendment change for each land use plan that is amended in this ROD. The rationale for the change also is provided.

TABLE B-1 Changes and Rationales for Land Use Plan Amendments^a

Plan/Field Office	Change	Rationale
<i>Colorado</i>		
Royal Gorge RMP, Royal Gorge Field Office	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The current RMP does not address wind energy development, and the Field Office has received two recent inquiries about wind energy development. The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
San Luis RMP, includes La Jara, Saguache, and Del Norte Field Offices and the San Luis Valley Public Lands Center	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The current RMP does not address wind energy development, and the Field Office has received two recent inquiries about wind energy development. The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in the planning area.
<i>Idaho</i>		
Cascade RMP, Four Rivers Field Office	Wind energy development will be restricted from wildlife habitat where adverse effects could not be mitigated.	Restricted areas are not appropriate for wind energy development because of resource management conflicts.
	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The BMPs are appropriate for wind energy development in this planning area.
Challis RMP, Challis Field Office	Wind energy development will be restricted from wildlife habitat where adverse effects could not be mitigated.	Restricted areas are not appropriate for wind energy development because of resource management conflicts.
	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The BMPs are appropriate for wind energy development in this planning area.

B-3

TABLE B-1 (Cont.)

Plan/Field Office	Change	Rationale
Jarbidge RMP, Jarbidge Field Office	Wind energy development will be restricted from wildlife habitat where adverse effects could not be mitigated.	Restricted areas are not appropriate for wind energy development because of resource management conflicts.
	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The BMPs are appropriate for wind energy development in this planning area.
Kuna MFP, Four Rivers Field Office	Wind energy development will be restricted from wildlife habitat where adverse effects could not be mitigated.	Restricted areas are not appropriate for wind energy development because of resource management conflicts.
	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The BMPs are appropriate for wind energy development in this planning area.
Lemhi RMP, Salmon Field Office	Wind energy development will be restricted from wildlife habitat where adverse effects could not be mitigated.	Restricted areas are not appropriate for wind energy development because of resource management conflicts.
	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The BMPs are appropriate for wind energy development in this planning area.
Owyhee RMP, Owyhee Field Office	Wind energy development will be restricted from wildlife habitat where adverse effects could not be mitigated.	Restricted areas are not appropriate for wind energy development because of resource management conflicts.
	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The BMPs are appropriate for wind energy development in this planning area.
Twin Falls MFP, Burley Field Office	Wind energy development will be restricted from wildlife habitat where adverse effects could not be mitigated.	Restricted areas are not appropriate for wind energy development because of resource management conflicts.
	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.

B-4

TABLE B-1 (Cont.)

Plan/Field Office	Change	Rationale
<i>Montana</i>		
Billings RMP, Billings Field Office	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted with restrictions as indicated in the PEIS.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area. The Billings RMP is scheduled for revision in 2007; however, Billings also has an active wind testing and monitoring permit (MTM92391) with an effective date of September 28, 2003. If this potential project goes to full field development, it is doubtful that the RMP revision would be completed in time to address wind energy development on public lands. The current RMP does not address wind energy development.
Garnet RMP, Missoula Field Office	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
	RMP MA 9 will be identified as an exclusion area where wind energy and its associated development will be prohibited.	Wind energy development would be inconsistent with the BLM's management decisions and objectives.
	RMP MAs 1, 4, 10, and 11 will be identified as avoidance areas where wind energy and its associated development will be discouraged.	These areas contain important riparian areas; threatened and endangered species habitat; big game winter range; and/or recreation, and historic and cultural sites where wind energy development would be inconsistent with the BLM's management decisions and objectives.
Headwaters RMP, Butte Field Office	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Judith-Valley-Phillips RMP, Lewistown Field Office	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.

B-5

TABLE B-1 (Cont.)

Plan/Field Office	Change	Rationale
Judith-Valley-Phillips RMP, Malta Field Office	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
	Wind energy development will be excluded from large reservoirs/waterfowl complexes.	Development will be restricted within 2 mi (3 km) of these sites because of the potential for bird/tower strikes.
	Wind energy development will be excluded from Montana Air National Guard Training sites.	This area is in S. Phillips County and within the Hays Military Operations Area. Wind energy development would conflict with training missions.
	Wind energy development will be excluded from developed recreation sites.	Development within viewsheds will be restricted within 1 mi (2 km) unless topography can screen the project.
West Hi Line RMP, Lewiston FO	Wind energy development will be excluded from backcountry byways.	Development should not be seen within the viewshed of the byway.
	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
<i>New Mexico</i>		
Carlsbad RMP, Carlsbad FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate in some areas for wind energy development activities in this planning area.
	Wind energy development will be restricted in those areas along the face of the Guadalupe Mountains located in the western portion of the planning area and grassland areas in the northwestern portion of the planning area.	This area provides critical habitat for Kuenzlers cactus and Aplamado falcon. Wind energy development in this area would be inconsistent with the BLM's management decisions and objectives for the critical habitat.

B-6

TABLE B-1 (Cont.)

Plan/Field Office	Change	Rationale
Carlsbad RMP, Carlsbad FO (Cont.)	Wind energy development will be restricted in those areas within the viewshed of Carlsbad Caverns National Park.	Carlsbad Caverns National Park receives heavy tourist traffic throughout the year. Because of the significance of the park, wind energy development in the viewshed for the park would be inconsistent with the BLM's management decisions and objectives as well as those of the National Park Service.
	Wind energy development will be restricted in those areas that are within known cave/karst areas within the planning area.	Much of the known cave/karst areas have been designated as "high wind resource levels"; however, wind energy development in this area would have to be restricted because of the numerous cave/karst features in the area.
	Wind energy development will be restricted in those areas that are within the Guadalupe National Backcountry Byway and the Guadalupe Escarpment Scenic Area.	Any wind development in these areas would have a negative impact on the VRM ratings for these areas, which would be inconsistent with current BLM management decisions and objectives.
	Wind energy development will be restricted in designated Special Management Areas.	Wind development in these areas would be inconsistent with BLM management decisions and objectives.
Mimbres RMP, Las Cruces FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Roswell RMP, Roswell FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
White Sands RMP, Las Cruces FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.

B-7

TABLE B-1 (Cont.)

Plan/Field Office	Change	Rationale
<i>Nevada</i>		
Elko RMP, Elko FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Las Vegas RMP, Las Vegas FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Paradise-Denio MFP, Winnemucca FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Shoshone-Eureka RMP, Battle Mountain FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Sonoma-Gerlach MFP, Winnemucca FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Tonopah RMP, Battle Mountain FO, Tonopah Field Station	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Wells RMP, Elko FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.

B-8

TABLE B-1 (Cont.)

Plan/Field Office	Change	Rationale
<i>Oregon</i>		
Andrews/Steens RMP, Andrews/Steens FO	Wind energy development will be restricted from ROW, realty use, and renewable energy avoidance and exclusion zones as identified in the RMP and the portion of the Steens Mountain CMPA in the planning area.	Wind energy development would be incompatible with the purposes and objectives of the special designations (ACECs, WSAs, RNAs, and ONAs) that were identified as avoidance and exclusion areas in the RMP. Although the RMP does not designate the portion of the Steens Mountain CMPA in the planning area as an avoidance/exclusion zone, the restrictions on facility development contained in the language of the Steens Mountain CMPA exclude wind energy development in this area.
Brothers/LaPine RMP, Deschutes and Central Oregon FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Coos Bay RMP, Coos Bay FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Eugene RMP, Eugene FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
John Day RMP, Central Oregon FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Medford RMP, Medford FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Salem RMP, Salem FO	BMPs and automatic avoidance/exclusion zones included in the Wind Energy Development Program will be adopted.	The BMPs and automatic avoidance/exclusions zones included in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.

B-9

TABLE B-1 (Cont.)

Plan/Field Office	Change	Rationale
Southeast Oregon RMP, Malheur and Jordan Resource Areas	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Three Rivers RMP, Three Rivers FO's	It will be clarified that wind energy development is allowable on a case-by-case basis in areas outside rights-of-way and land use authorization avoidance and exclusion zones.	The RMP does not contain any explicit discussion on wind energy development, although the plan designates avoidance and exclusion areas for rights-of-way and land use authorizations.
	Wind energy development will be restricted from rights-of-way and land use authorization avoidance and exclusion zones identified in the RMP and the portion of the Steens Mountain CMPA in the planning area.	Wind energy development would be incompatible with the purposes and objectives of the special designations (ACECs, WSAs, RNA, and ONAs) that were identified as avoidance and exclusion areas in the RMP. Although the RMP does not designate the portion of the Steens Mountain CMPA in the planning area as an avoidance/exclusion zone, the restrictions on facility development contained in the language of the Steens Mountain CMPA exclude wind energy development in this area.
	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Two Rivers RMP, Deschutes and Central Oregon Field Offices	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Upper Deschutes RMP, Deschutes FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.

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TABLE B-1 (Cont.)

Plan/Field Office	Change	Rationale
<i>Utah</i>		
Cedar-Beaver-Garfield-Antimony RMP, Cedar City FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Escalante MFP, Kanab FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Paria MFP, Kanab FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Pinyon MFP, Cedar City FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Randolph MFP, Salt Lake FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
St. George RMP, St. George FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Vermillion MFP, Kanab FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Zion MFP, Kanab FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.

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TABLE B-1 (Cont.)

Plan/Field Office	Change	Rationale
<i>Washington</i>		
Spokane RMP, Wenatchee and Border Field Offices	BMPs and automatic avoidance/exclusion zones included in the Wind Energy Development Program will be adopted.	The BMPs and automatic avoidance/exclusion zones included in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
<i>Wyoming</i>		
Buffalo RMP, Buffalo FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Cody RMP, Cody FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Grass Creek RMP, Worland FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Green River RMP, Rock Springs FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Lander RMP, Lander FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.
Newcastle RMP, Newcastle FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.

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TABLE B-1 (Cont.)

Plan/Field Office	Change	Rationale
Washakie RMP, Worland FO	Programmatic policies and BMPs in the Wind Energy Development Program will be adopted.	The programmatic policies and BMPs in the Wind Energy Development Program are appropriate for wind energy development activities in this planning area.

- ^a Abbreviations: ACEC = Area of Critical Environmental Concern; BMP = best management practice; CMPA = (Steens Mountain) Cooperative Management and Protection Area; MA = management area; MFP = Management Framework Plan; ONA = Outstanding National Area; RMP = Resource Management Plan; RNA = Research Natural Area; ROW = right-of-way; VRM = Visual Resource Management; WSA = Wilderness Study Area.
- ^b The Andrews/Steens RMP is currently being revised; upon completion, it will replace the Andrews MFP and revise part of the Three Rivers RMP. The amendments listed in this table will be applied to whatever plans are in existence at the time the Record of Decision (ROD) is issued.
- ^c The Upper Deschutes RMP is currently being revised; upon completion, it will replace a portion of the Brothers/LaPine RMP. The amendments listed in this table will be applied to whatever plans are in existence at the time the ROD is issued.