

Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)

OFFICE: Rawlins Field Office

TRACKING NUMBER: DOI-BLM-WY-D030-2017-0132-DNA

CASEFILE/PROJECT NUMBER: WYW-167155

PROPOSED ACTION TITLE/TYPE: Phase II Haul Road and Facilities Determination of NEPA Adequacy

LOCATION/LLEGAL DESCRIPTION: Townships 18-20N; Ranges 85-87W

APPLICANT: Power Company of Wyoming LLC (PCW)

A. Description of the Proposed Action and any applicable mitigation measures.

The Phase II Haul Road and Facilities (Phase II Infrastructure) include approximately 6.0 miles of haul road, approximately 50.3 miles of arterial roads, and associated facilities for the Chokecherry Sierra Madre (CCSM) Wind Energy Development Project, including temporary laydown yards, water stations, and water pipelines. The Phase II Infrastructure would be constructed in the eastern portions of the CCSM Project Wind Development Area and would provide the critical infrastructure needed to support the construction, operation, maintenance, and decommissioning of Phase II of the CCSM Project. The Phase II Infrastructure is the first Site-Specific Plan of Development (SPOD 5) for Phase II of the CCSM Project.

The Phase II Infrastructure includes the following components necessary to construct and operate Phase II of the CCSM Project:

- Phase II Haul Road
- Phase II Arterial Roads
- Laydown Yards: Severson, Junction, Sage Creek
- Water Facilities: North Platte River, Rasmussen Reservoir, Kindt Reservoir, and Sage Creek Reservoir pipelines, and the Severson, Junction, Sage Creek, and Rasmussen Water Stations

Appendix D of the CCSM Project FEIS and Appendix A of SPOD 5 provide a summary of all environmental constraints, applicant committed measures, applicant committed best management practices, and proposed mitigation measures.

B. Land Use Plan (LUP) Conformance

LUP Name: Rawlins Resource Management Plan

Date Approved/Amended: December 24, 2008/December 13, 2016

This Proposed Action is subject to the Record of Decision (ROD) and Approved Rawlins Resource Management Plan (RMP), as amended. The Rawlins RMP was recently amended by *The Bureau of Land Management Casper, Kemmerer, Newcastle, Pinedale, Rawlins, and Rock Springs Field Offices Approved Resource Management Plan Amendment for Greater Sage-Grouse* (ARMPA)(September 15, 2015). The Proposed Action is in conformance with the applicable Land Use Plan (LUP), as amended.

Lands and Realty, page 2-16, Management Goal: “Manage the acquisition, disposal, withdrawal and use of public lands to meet the needs of internal and external customers”

Management Objective 6: “Respond to internal and external requests (e.g. pipelines, access roads) for land authorizations”

When formulating the proposed CCSM Project, as analyzed in the CCSM Project Final Environmental Impact Statement (FEIS) (including the Phase II Haul Road and Facilities Site-Specific Plan of Development), the BLM was guided by the policies and procedures in BLM Wyoming Instruction Memorandum (IM) No. 2012-019 relating to Greater Sage-Grouse habitat and sagebrush management. Following publication of the Greater Sage-Grouse Regional ROD, the BLM reviewed the requirements of *The Bureau of Land Management Casper, Kemmerer, Newcastle, Pinedale, Rawlins, and Rock Springs Field Offices Approved Resource Management Plan Amendment for Greater Sage-Grouse* (ARMPA) and determined the CCSM Project was in conformance with all applicable requirements of the Wyoming ARMPA. The Wyoming ARMPA allocated land in General Habitat Management Areas (GHMAs) as open to wind energy development. The CCSM Project is located entirely in GHMAs and is not sited within any Priority Habitat Management Areas (PHMAs). Further, the CCSM Project complies with all other applicable requirements for development within GHMAs, including the Best Management Practices outlined in Appendix C to the Wyoming ARMPA.

The Rawlins RMP and ARMPA can be accessed at: <https://go.usa.gov/xnfn6> and <https://go.usa.gov/xnfns>

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the Proposed Action.

This DNA evaluated environmental impacts of SPOD 5 and determined that they are sufficiently analyzed in the previously approved NEPA documents:

Chokecherry and Sierra Madre Wind Energy Project Final Environmental Impact Statement, June 2012. DOI-BLM-WY-D030-2008-0001-EIS <https://go.usa.gov/xnfEx>

Environmental Assessment for Infrastructure Components: Phase I Haul Road and Facilities, West Sinclair Rail Facility, and Road Rock Quarry. Chokecherry and Sierra Madre Wind Energy Project (EA1), August 2014. DOI-BLM-WY-D030-2014-0149-EA <https://go.usa.gov/xnsTr>

Environmental Assessment for Phase I Wind Turbine Development. Chokecherry and

Memorandum “Phase II Haul Road and Facilities Information for use in BLM’s consideration of a Determination of NEPA Adequacy”. Power Company of Wyoming, November 2017.
<https://go.usa.gov/xnsTW>

D. NEPA Adequacy Criteria

- 1. Is the new Proposed Action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?**

Documentation of answer and explanation:

Yes, the Proposed Action is essentially similar to the Proposed Action approved in the 2014 Decision Record for EA1. In addition, the Phase II Haul Road and Facilities surface disturbance would be located entirely within the CCSM Project Area analyzed in the CCSM Project FEIS. The cumulative water usage, initial surface disturbance, and long-term surface disturbance estimates identified in SPOD 5 are within the range analyzed in the FEIS. The Haul Road route analyzed in the FEIS is also nearly identical to the route identified in SPOD 5. The conceptual layout analyzed in the FEIS was based on 93 miles of arterial roads and 58 miles of haul road (151 miles total), while the current CCSM Project design, SPODs 1 through 5, calls for 107.5 miles of arterial roads and 42.8 miles of haul road (150.3 miles total). In fact, the reduction of the haul road mileage in favor of more arterial-class roads would result in an overall reduction in surface disturbance from roads.

The Phase II Haul Road and Facilities are also similar to the Phase I Haul Road and Facilities (SPOD 1) in design, construction, mitigation, and methodologies (e.g., road design, erosion control, and reclamation). SPOD 5 adopts the same construction methods, approach to reclamation, and mitigation measures that were developed for SPOD 1. The Phase I Haul Road and Facilities were analyzed by BLM in EA1 and no new significant impacts were identified.

- 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new Proposed Action, given current environmental concerns, interests, and resource values?**

Documentation of answer and explanation:

Yes, the range of alternatives analyzed in the existing, previously approved NEPA documents is appropriate with respect to SPOD 5 given current environmental concerns, interests, and resource values. The CCSM Project FEIS rigorously explored and objectively

evaluated a full range of alternatives, including a no action alternative and four action alternatives.

- 3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?**

Documentation of answer and explanation:

Yes, the analysis in the previously approved NEPA document is still valid. New surveys for cultural, vegetation, soil, and biological resources have been conducted within the CCSM Project Area, including the Phase II Haul Road and Facilities Site, and new information is available for range and water resources. Substantive updates or changes to information or circumstances for the resources analyzed were included in the previously approved NEPA documents listed in Section C above. The information contained in the Memorandum (PCW 2017) confirms that the information presented in the CCSM Project FEIS is consistent with current information and circumstances for the Phase II Haul Road and Facilities. Recent new information would not substantially change the analysis of the Proposed Action.

- 4. Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA documents?**

Documentation of answer and explanation:

Yes, the direct, indirect, and cumulative effects that would result from SPOD 5 are similar (quantitatively and qualitatively) to those analyzed in the previously approved NEPA documents. All resources analyzed in the CCSM Project FEIS were evaluated to determine if the effects of SPOD 5 would be similar (quantitatively and qualitatively) to the effects analyzed in the previously approved NEPA documents. Those resources where new information or circumstances were identified are discussed in the Memorandum (PCW 2017). For resources analyzed in the FEIS where no new information or circumstances were identified, it was concluded that any effects to these resources from SPOD 5 would be similar quantitatively and qualitatively to the effects analyzed in the CCSM Project FEIS because SPOD 5 is a feature of and is substantially similar to Alternative 1A analyzed in the CCSM Project FEIS.

- 5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?**

Documentation of answer and explanation:

Yes, because SPOD 5 is a feature of the selected alternative in the CCSM Project ROD,

the public and interagency reviews associated with the previously approved NEPA documents are adequate and no additional public or interagency review is warranted. The BLM conducted public involvement and interagency review activities for all referenced documents, and these reviews were determined to be adequate for SPOD 5. For each of the NEPA processes, the BLM issued federal register notices (as appropriate), press releases, and contacted the project mailing list regarding public review periods. The BLM coordinated with federal, state, and local government agencies as well tribal governments, holding specific meetings with cooperating agencies. When the FEIS was complete, the BLM held a 30-day protest period and 60-day Governor’s consistency review.

E. Persons/Agencies/BLM Staff Consulted

<u>Name</u>	<u>Title</u>	<u>Resource/Agency Represented</u>
Bonni Bruce	Supervisory Archaeologist	Bureau of Land Management (BLM)
Nancy Baker	Assistant Field Manager, Minerals & Lands	BLM
Timothy Novotny	Assistant Field Manager Renewable Resources	BLM
Maureen Hartshorn	Forester	BLM
Heath Cline	Supervisory Wildlife Biologist	BLM
Sarah Maciel	Realty Specialist	BLM
Susan Foley	NEPA Coordinator	BLM
Andy Mowrey	Outdoor Recreation Planner	BLM
Andy Mowrey	Hydrologist	BLM
Jen Skeldon	Weed Specialist	BLM
Cheryl Newberry	Rangeland Management Specialist	BLM
Ryan Shively	Natural Resource Specialist	BLM
Ray Ogle	Natural Resource Specialist	BLM
Mark Newman	Geologist	BLM
Megan Vasquez	Civil Engineering Technician	BLM
Brad Tribby	Fisheries Biologist	BLM
Gregory Russel	Solicitor	DOI
Philip Lowe	Solicitor	DOI

Note: Refer to the EA for a complete list of the team members involved the preparation of the original environmental analysis or planning documents.

CONCLUSION

Based on the review documented above, and the memorandum provide by PCW, I conclude that this proposal conforms to the applicable land use plan, and that the existing NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of NEPA.

/s/Heather Schultz

Signature of Project Lead

/s/Susan Foley

Signature of NEPA Coordinator

/s/Dennis J. Carpenter

Signature of the Responsible Official

March 9, 2018

Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

**DECISION RECORD
Phase II Haul Road and Facilities
Power Company of Wyoming
ROW: WYW-1671550
DOI-BLM-WY-D030-2017-0132-DNA**

Decision

I have reviewed the attached Determination of NEPA Adequacy (DNA), DOI-BLM-WY-D030-2017-0132-DNA, and the referenced previously approved NEPA documents (Chokecherry and Sierra Madre Wind Energy Project Final Environmental Impact Statement (CCSM FEIS), June 2012; Environmental Assessment for Infrastructure Components: Phase I Haul Road and Facilities, West Sinclair Rail Facility, and Road Rock Quarry (EA1), August 2014; and the Environmental Assessment for Phase I Wind Turbine Development (EA2), January 2017). I also reviewed and accepted the submitted Memorandum: Phase II Haul Road and Facilities Information for use in BLM's consideration of a Determination of NEPA Adequacy, November 2017.

It is my decision to authorize the Proposed Action consisting of the construction of approximately 6.0 miles of haul road, approximately 50.3 miles of arterial roads, and associated facilities, including three temporary laydown yards, four water stations, and four water pipelines as described in the Site-Specific Plan of Development (SPOD 5), with the project design features included in the Special Terms and Conditions (Appendix A) along with the Standard Terms and Conditions of the Grant. Appendix D of the CCSM Project FEIS and Appendix A of SPOD 5 also provide summaries of all environmental constraints, applicant committed measures, applicant committed best management practices, and proposed mitigation measures.

Rationale

The Proposed Action, now referred to as the Selected Action, will not result in any new significant effects to the quality of the human environment that were not adequately analyzed in the previous related NEPA documents. The DNA was prepared consistent with the tiering procedures outlined in Appendix C (Section 3.0) to the CCSM Project ROD signed by the BLM's Acting Director on September 28, 2012, and approved by the Secretary of the Interior on October 9, 2012. The CCSM Project ROD was based on the project-level FEIS prepared by the BLM for the CCSM Wind Energy Project. As described in Appendix C of the CCSM Project ROD, tiering uses the coverage of general matters in broader National Environmental Policy Act (NEPA) documents (e.g., the CCSM Project FEIS) in subsequent, narrower NEPA documents.

This DR incorporates by reference the BLM's 2012 CCSM Project FEIS. The analysis for impacts to Greater Sage-Grouse as a result of wind energy development presented in the BLM's 2015 Greater Sage-Grouse RMP amendments is also incorporated by reference.

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

This decision is a step toward implementing the decision "to accept and evaluate future ROW applications for wind energy development and associated facilities on public lands," as described in the selected alternative of the CCSM Project ROD. The Phase I Wind Turbine Development is designed to extract the maximum potential wind energy from the Phase I Wind Turbine Development Site, while avoiding resources of concern to the extent possible and complying with the requirements of the BLM's Selected Alternative in the CCSM Project ROD.

Additionally, in December 2015, Congress passed the Fixing America's Surface Transportation (FAST) Act. Title 41 of the FAST Act ("FAST-41") creates a new entity – the Federal Permitting Improvement Council – to oversee the cross-agency Federal permitting and review process. Other FAST Act provisions addressing the project delivery process and tracking environmental review and permitting milestones, are set out in Title I and Title IX. This Project is covered by the FAST Act. See Memo from Richard Kidd, Executive Director, FPISC, dated September 22, 2016 (designating covered projects). This Project would be constructed on an optimized schedule, efficiently, and cost-effectively.

I am basing this determination on the limits described in the Proposed Action and the project design features, which provide substantial protections for sensitive resource values.

Mitigation and Monitoring Measures:

Terms & Conditions to the ROW grant WYW-1671550 renewal shall be incorporated into the proposed action and implemented. The Rawlins Field Office Staff will monitor the project, as needed and consistent with the BLM's authority, to ensure compliance.

Final Agency Action

It is my decision to approve the wind energy ROW grant to PCW, subject to the terms, conditions, and stipulations, SPOD 5, and environmental protection measures developed by the Department of the Interior and reflected in this Decision Record. This decision is effective on the date this Decision Record is signed. My approval of this decision constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to appeal under Departmental regulations at 43 CFR Part 4. Any challenge to this decision, including the BLM Authorized Officer's issuance of the right-of-way as directed by this decision, must be brought in Federal district court.

Authorizing Official:

/s/Dennis J. Carpenter
Dennis J. Carpenter
Rawlins Field Manager

Date: March 9, 2018