

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

**Decision Record
for the
Gateway West Transmission Line Project and Land Use Plan Amendments,
Segments 8 and 9
IDI-35849-01
DOI-BLM-ID-0000-0002-EA**

I. INTRODUCTION

The Bureau of Land Management (BLM) has conducted an environmental assessment (EA) (DOI-BLM-ID-0000-0002-EA) to analyze the environmental effects and document the findings of an application received from Idaho Power Company (IPC) and PacifiCorp (doing business as Rocky Mountain Power), collectively known as the Proponents, for a right-of-way (ROW) grant to use public lands for Segments 8 and 9 of the Gateway West Transmission Line Project (Project). The EA also analyzes the effects of amending the following three BLM land use plans:

- Kuna Management Framework Plan (MFP) (1983);
- Bennett Hills/Timmerman Hills MFP (1980); and
- Jarbidge Resource Management Plan (RMP) (1987) (for areas not covered by the 2015 Jarbidge RMP).

On April 18, 2017, the Interior Board of Land Appeals (IBLA) remanded BLM's January 19, 2017 [Record of Decision](#) (ROD) for segments 8 and 9 of the Project for reconsideration. This Decision Record (DR) documents BLM's approval of a ROW grant for the selected alternative for Segments 8 and 9 of the Project and amends three BLM land use plans that bring the selected alternative into conformance with those plans.

II. BACKGROUND

On May 7, 2007, the Proponents filed a ROW application with the BLM for portions of the Project. The original, approximately 1,000-mile-long Project comprised 10 transmission line segments originating at the Windstar Substation near Glenrock, Wyoming, and terminating at the Hemingway Substation near Melba, Idaho. The BLM published the Final Environmental Impact Statement ([Final EIS](#)) for this Project on April 26, 2013, and issued a ROD on November 14, 2013. In the [ROD](#), the BLM deferred a decision for Segments 8 and 9 to allow additional time for federal, state, and local permitting agencies to examine additional routing options, as well as potential mitigation and enhancement measures for these segments, in part, because Segments 8 and 9 involved resources in and near the Morley Nelson Snake River Birds of Prey National Conservation Area (NCA).

In August 2014, the Proponents submitted a revised ROW application to the BLM and a revised Plan of Development (POD) for the Project for Segments 8 and 9, which the

BLM determined required additional environmental analysis through a Supplemental Environmental Impact Statement (SEIS). On October 7, 2016, the BLM published a [Final SEIS](#) that analyzed seven alternative ROW routes for Segments 8 and 9 and the land use plan amendments needed to accommodate each alternative route. The BLM issued a [ROD](#) on January 19, 2017, selecting the route described as Alternative 5 in the [Final SEIS](#).

Following the decision, the State of Idaho, Owyhee County, Idaho, and three environmental organizations appealed the ROW decision to the IBLA. In a letter to the Secretary of the Interior (Secretary), the Governor of Idaho requested that the BLM reconsider the January 19, 2017, decision and select an alternative with fewer impacts to State and county resources and communities. The Proponents also requested that the BLM reconsider the January 2017 decision and select the alternative proposed in their revised application, as more cost-effective and providing greater system reliability. On April 18, 2017, the IBLA granted the BLM's unopposed Motion to Remand to the BLM the January 19, 2017, ROW decision for reconsideration.

On May 5, 2017, the Morley Nelson Boundary Modification Act (Modification Act) was signed into law which directed the BLM to issue a ROW grant for certain lands described in Sec. (b)(2) for portions of Gateway West Segments 8 and 9 "in alignment with the revised proposed routes for Segments 8 and 9 identified as Alternative 1 in the Supplementary Final Environmental Impact Analysis released October 5, 2016." These lands represent the portions of the Proposed Action from the Final SEIS within the perimeter of the NCA. The Modification Act also removed the lands affected by this ROW from NCA status and stipulated that the BLM would incorporate into the ROW grant the mitigation framework presented in the Final SEIS. As directed by Congress in the Modification Act, the BLM offered this statutory ROW grant to the Proponents on July 26, 2017. However, the Proponents have yet to accept the grant as they wait for a decision on the full extent of the Project.

The BLM continued the process of reconsidering the January 19, 2017, decision for those portions of Segments 8 and 9 not included in the statutory ROW grant by preparing an EA to determine whether the changed circumstances, i.e., the Modification Act, and any new information would have new significant environmental impacts not already considered in the 2013 FEIS and 2016 Final SEIS. As described in this DR, the BLM acknowledged the consequence of the statutory ROW grant by narrowing the alternatives analyzed in the EA to only those alternatives from the Final SEIS that reasonably and feasibly connected to the statutory ROW grant. The BLM released the EA and Finding of No New Significant Impact on January 5, 2018.

III. ALTERNATIVES CONSIDERED

A. Proposed Action

The Proposed Action is described in detail in Chapter 2 of the [EA](#). This alternative would authorize a ROW to the Proponents for those portions of Segments 8 and 9 of the Project that are outside the NCA and allow for physical connectivity to the segments of the transmission line authorized through the Modification Act. This alternative was also recommended by the Boise District Resource Advisory Council in 2014 and

identified in the Final SEIS as Alternative 1. The Proposed Action would include the Toana Road Variation 1 (as described on pages 2-22 through 2-23 of the [Final SEIS](#)). The Segment 8 and 9 routes addressed in the Proposed Action are identical to the routes analyzed in Alternative 1 in the [Final SEIS](#). The legal descriptions for the proposed ROW for the long-term developments and temporary construction sites, are presented in the [EA](#), Appendices B and C, respectively.

The Proposed Action alternative would amend the applicable land use plans for the Jarbidge, Shoshone, and Four Rivers Field Offices (FO), to accommodate the ROW segments described above. Below are the applicable land use plan amendments analyzed in the EA:

Bennett Hills/Timmerman Hills MFP (Shoshone FO)

Amendment SEIS-9 amends the Recreation Objective R-4.1 as follows (revisions in italics):

No management activity should be allowed to cause any evident changes in the form, line color or texture that is characteristic of the landscape within this Class II area.

“The VRM Class II area within 3,000 feet to the north of the existing transmission line ROW will be reclassified from VRM II to VRM III (including the existing ROW).”

Amendment SEIS-10 amends Recreation Objective R-14.6 as follows (revisions in italics):

Prohibit all land disturbing developments and uses on archeological sites.

“Manage all cultural resources with applicable law and policy.”

Kuna MFP (Four Rivers FO)

Amendment SEIS-11 amends the Lands Objective as follows (revisions in italics):

“L-4.1– Confine major new utility R/Ws (i.e., 500 KV or larger or 24-inch pipeline) to existing corridors as shown on Overlay L-4. The R/Ws will be subject to reasonable stipulations to protect other resource uses. *Amend Overlay L-4 to add a major transmission line (500-kV) right of way.*”

1987 Jarbidge RMP (Jarbidge FO)

Amendment SEIS-3 amends the Lower Bennett multiple use area (MUA) action as follows (revisions in italics):

MUA-3 Utility avoidance/restricted area – three Paleontological areas (Sugar Bowl, Glens Ferry, & McGinnis Ranch) and Oregon Trail ruts (7,200 acres/22.5 miles) to overhead and surface disturbance and underground utilities.

“The current Lands decision is amended to reclassify the area identified as restricted in Section 35, T. 04 S., R. 09 E. to allow the overhead lines of a 500-kV powerline right of way, while protecting the Oregon Trail ruts.”

Amendment SEIS-4 amends Cultural Resources management as follows (revisions in italics):

“The existing ruts of the main route, north and south alternate routes of the Oregon Trail and Kelton Road will be protected by not allowing incompatible uses to occur within ½ mile corridor of ruts except where visual impacts are already compromised. Protect existing trail ruts from surface disturbance.”

Amendment SEIS-5 amends VRM direction for VRM Class I objectives as follows (revisions in italics):

The visual or scenic values of the public lands will be considered whenever any physical actions are proposed on BLM lands. The Degree of alterations to the natural landscape will be guided by the criteria established for the four Visual Resource Management Classes as outlined in BLM 8400. VRM Classes will be managed as shown on Map 9.

“The VRM decisions and Map 9 are amended to accommodate a major powerline R/W. These VRM boundaries are modified according to the new manual to reclassify the VRM Class I area associated with Oregon Trail and the Proposed 500-kV line as VRM Class IV.”

Amendment SEIS-14 amends VRM Class II management as follows (revisions in italics):

“The VRM decision and Map 9 are amended to accommodate a major powerline R/W. The VRM Classification is amended to change the VRM Class II to VRM Class III, adjacent to the proposed line, where the towers would be visible and dominate the landscape.”

B. No Action

Under the No Action Alternative, the current decision that resulted from the January 19, 2017, [ROD](#) would remain. That decision selected Alternative 5 from the [Final SEIS](#). If the BLM were to reaffirm that decision, a ROW grant would be pursuant to the January 19, 2017 ROD. In addition, the January 2017 [ROD](#) approved various land use plan amendments. These amendments will remain in place whether or not the decision selecting Alternative 5 is reaffirmed. This Alternative would be inconsistent with the intent of the Modification Act, but would still meet the Proponents’ need for a ROW grant for the Project.

C. No Development

The No Development Alternative would deny the Proponents’ application for a ROW for those portions of Segments 8 and 9 outside the perimeter of the NCA, and rescind the January 19, 2017 ROD. This would result in the ROW mandated by the Modification Act being left isolated and without connection to the Project segments authorized in 2013.

IV. PLAN CONFORMANCE AND CONSISTENCY

The following BLM land use plans guide management of Public Lands where Segments 8 and 9 of the Project are proposed:

- Cassia RMP (1985)
- Monument RMP (1984)
- Twin Falls MFP (1988)
- Snake River Birds of Prey RMP (2008)
- Jarbidge RMP (2015)
- Jarbidge RMP (1987)
- Bennett Hills/Timmerman Hills MFP (1980)
- Kuna MFP (1983)

The [Final SEIS](#) identified 17 amendments to BLM land use plans needed to authorize the Proposed Action. The January 2017 decision approved two amendments to the Twin Falls MFP and one amendment to the Snake River Birds of Prey RMP that would also be necessary to authorize the Proposed Action. Although the IBLA remanded the January decision back to the BLM for reconsideration, these approved plan amendments remain in effect and are not being reconsidered at this time. In addition, the Modification Act superseded the need for seven plan amendments to the Snake River Birds of Prey RMP associated with the Proposed Action analyzed in the [EA](#).

The Proposed Action is in conformance with the following:

Cassia RMP (1985) – Public Utilities (page 7): Generally, public lands may be considered for the installation of public utilities except where expressly closed by law or regulation. The Proposed Action is not located in an area closed by law or regulation nor is it within a Wilderness Study Area (WSA). It is not within an exclusion or restricted area as designated by the RMP management areas.

Monument RMP (1984) – Public Utilities (page 29): Public lands may be considered for the installation of public utilities except where expressly closed by law or regulation. In the Monument Planning Area, rights-of-way in common will be used whenever possible. Utility developments would be prohibited in WSAs recommended suitable for designation. The Proposed Action is not located in an area closed by law or regulation nor is it within a WSA.

Twin Falls MFP (1988) – *Amendment SEIS-1*: Revises the “Land 4.1” decision to allow the development of this Project. The new “Land 4.1” decision states: “Allow future major power transmission lines (line of at least 46-138 kV which originate and terminate outside of the MFP area) to be constructed within the recommended corridors. Also allow construction of transmission lines between the corridors. Do not permit power lines to the west or the east of the two corridors. Allow a 500-kV transmission line ROW outside existing corridors. Exempt service lines from restriction.”

Amendment SEIS-2: Amends the VRM direction in the Twin Falls MFP and 1989 Plan Amendment regarding the management of the Salmon Falls Creek Area of Critical Environmental Concern (ACEC) as follows: “The Class I and II areas adjacent to the Roseworth Corridor (established by the 2015 Jarbidge RMP) will be reclassified to match the VRM classes in the Jarbidge RMP. Allow a 500-kV transmission line to cross

Salmon Falls Canyon through the ACEC, consistent with the corridor established in the Jarbidge 2015 RMP.”

Snake River Birds of Prey NCA RMP (2008) – Amendment SEIS-8: Amends the Sensitive Species decision as follows: “Sensitive Plant Habitat: Include in all BLM authorizations permitting surface disturbing activities (nongrazing), requirements that (1) affected areas be reseeded with a perennial vegetative cover, and (2) surface disturbing activities be located at least 1/2 mile from occupied sensitive plant habitat. The Gateway West transmission line and ancillary facilities will be allowed within 0.5 mile of occupied, sensitive plant habitat, with appropriate mitigation to protect sensitive plants, including slickspot peppergrass.”

Amendment SEIS-13: Amends the Utility and Communications Corridors Management action to allow development of this Project as follows: “Restrict major utility developments to the two utility corridors identified (Lands Map 3) and allow additional major powerline ROWs as applicable with laws and values for which the NCA was designated. Allow two additional 500 kV transmission line ROWs to leave the designated WWE corridor and exit the NCA due south of Bruneau Dunes State Park.”

Jarbidge RMP (2015) – Land Use Authorizations (page 50): Provide for the development of renewable energy resources, transportation routes, utility corridors, transmission lines, communication sites and other uses with consideration for resource objectives. The proposed action is not located in a designated exclusion area.

Idaho and Southwestern Montana Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPA) (2015) – The ARMPA and ROD were signed on September 21, 2015. The Project is one of a limited number of Presidential priority projects that were well underway before the development of the Greater Sage-Grouse (GRSG) ARMPAs and associated EISs. Through the Project-specific National Environmental Policy Act (NEPA) and decision making process, the BLM determined that mitigating impacts to GRSG and their habitat would be necessary and any new decision granting a ROW will be consistent with the mitigation analysis contained within the Final SEIS. In coordination with the Proponents and Cooperating Agencies, the BLM identified conservation measures for GRSG similar to those in the GRSG ROD and ARMPA for Idaho.

V. COMPLIANCE WITH MAJOR LAWS AND POLICIES

The Proposed Action meets the standards and direction of applicable laws, regulations, and directives, including Title V of the Federal Land Policy and Management Act of 1976, as amended (FLPMA) (43 United States Code [U.S.C.] 1761). The BLM has complied with all applicable laws, including but not limited to, NEPA (42 U.S.C. 4321 et seq.), the regulations issued by the Council on Environmental Quality and the Department of the Interior (DOI) (40 Code of Federal Regulations [CFR] 1500-1508 and 43 CFR 46), guidance documents including DOI requirements contained in Departmental Manual 516, Environmental Quality (BLM 1980), guidelines listed in the BLM NEPA Handbook, H-1790-1 (BLM 2008b), and Guidelines for Assessing and Documenting Cumulative Impacts (BLM 1994).

Table 1.4-1 (Section 1.4) of the [Final EIS](#) and Table 1.5-1 (Section 1.5) of the [Final SEIS](#) lists the major federal, state, and local permits, approvals, and consultations identified for the construction and operations of the portion of the Project along Segments 8 and 9. The Proponents would be responsible for obtaining all permits and approvals required to implement the Project regardless of whether they appear in the tables.

A. Endangered Species Act

Under Section 7 of the Endangered Species Act (ESA), a Federal agency that authorizes, funds, or carries out a project that “may affect” a listed species or its critical habitat must consult with the U.S. Fish and Wildlife Service (USFWS). The USFWS served as a Cooperating Agency for the 2013 EIS, 2016 SEIS, and the 2018 [EA](#).

The BLM has fulfilled its requirement to conduct ESA Section 7 consultation with the USFWS. In a memo to the USFWS, the BLM concluded that the effects on the relevant ESA-listed species from Alternative 1 assessed in the [Final SEIS](#) and 2018 [EA](#) would be the same, reduced, or non-existent in comparison to the Agency Preferred Alternative routes assessed in the 2013 [Final EIS](#)/Biological Assessment (BA). In the [USFWS response memo](#) dated December 21, 2017, the USFWS acknowledged the BLM’s ESA determinations and confirmed the 2013 Conference Opinion as the Biological Opinion on the effects of Segments 8 and 9 on slickspot peppergrass. Additionally, all environmental protection measures (EPMs) related to ESA listed species and enumerated in the 2013 [Final EIS](#), 2016 [Final SEIS](#), and 2018 [EA](#) and required in the 2017 [ROD](#) and this 2018 Decision Record will be implemented for Alternative 1 when a Plan of Development and Notice to Proceed (NTP) are approved.

B. Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, and Executive Order (EO) 13186

The BLM coordinated with the USFWS concerning requirements of the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and EO 13186. The Proponents’ programmatic Avian Protection Plans ([Appendix D](#) of the 2013 ROD) address the take of all migratory birds, including raptors, and identify Project-wide steps required to ensure that migratory bird impacts are mitigated to the greatest extent possible including, but not limited to, ongoing surveys, impact monitoring, and facility design. Based on USFWS recommendations, the BLM will require the Proponents to develop a Migratory Bird Habitat Conservation Plan prior to issuing any NTP for construction activities.

C. Clean Air Act, as Amended

The emissions calculations disclosed in the [Final SEIS](#) indicate that none of the Project facilities are to be considered stationary sources during construction, nor will they be large enough subsequent to construction to trigger the Prevention of Significant Deterioration or New Source Review requirements of the Clean Air Act. The [Final SEIS](#) further concludes that emissions from the construction and operation of the Project in nonattainment areas will be below the conformity thresholds for pollutants as specified in 40 CFR 93.153 (b) and therefore, the Project is exempt from comprehensive

conformity analysis. In addition, violations of the National Ambient Air Quality Standards (40 CFR 50) resulting from construction and operation are not anticipated.

D. Clean Water Act, Executive Order 11988 and Executive Order 11990

The U.S. Army Corps of Engineers (USACE), a Cooperating Agency for the [Final SEIS](#), determines whether authorization of proposed activities by nationwide permits is appropriate or whether certain activities require an individual permit evaluation. The USACE anticipates issuance of Section 404 Nationwide Permits that will allow Project construction in jurisdictional waters of the United States.

E. National Historic Preservation Act – Section 106 Consultation

In accordance with 36 CFR 800.14(b), the BLM executed a Programmatic Agreement (PA) ([Appendix E](#), 2013 ROD) in consultation with the Advisory Council on Historic Preservation, the Idaho State Historic Preservation Office (SHPO), and other interested parties, including Native American Tribes. The SHPO was a Cooperating Agency for the SEIS and [EA](#). The PA outlines stipulations concerning the identification, assessment, and treatment of cultural resources for the Project through the Historic Properties Treatment Plan and provides for site-specific historic properties treatment plans to be reviewed and approved by the BLM prior to issuance of a NTP for that work element.

F. Executive Order 12898 (Environmental Justice)

As discussed in Section 3.5 of the [Final SEIS](#), the Project overall does not appear to exhibit systematic bias toward placement in minority or low-income communities. Potential environmental justice populations are therefore not expected to be disproportionately affected by the impacts associated with the Project..

VI. ENVIRONMENTAL CONSTRAINTS, APPLICANT COMMITTED MEASURES, AND MITIGATION MEASURES

The ROW grant approved by this DR includes terms and conditions outlined in the 2013 Final EIS and ROD, the 2016 Final SEIS, the Biological Opinion, the PA, and other applicable Federal rules and regulations. Additionally, the Proponents must comply with environmental protection measures (EPMs) of the Project (described in Chapter 3 of the Final SEIS and included in the POD Appendix B to the [Final EIS](#)), monitoring, as well as measures to mitigate effects, which are a condition of the decision to grant the ROW, as well as incorporated into the Project implementation plans.

This decision to issue a ROW grant does not authorize the Proponents to commence construction of any Project facilities or proceed with other ground-disturbing activities in connection with the Project on Federal lands until the BLM, in accordance with 43 CFR 2807.10, issues a written NTP, which will consist of separate work authorizations (issued as separate NTPs).

Before the BLM issues an NTP, the Proponents must prepare, among other items, a final Project POD that includes final engineering and design drawings. Based on the final engineering and design drawings, the Proponents also must complete: 1) project-wide practices and requirements in the Project POD, 2) the PODs for specific

construction spreads, 3) final mitigation plans associated with Greater sage-grouse , migratory birds, wetlands, cultural resources, recreation and the NCA and 4) Migratory Bird Habitat Conservation Plan

The Project POD will demonstrate satisfaction of the required mitigation identified in this DR and consistent with mitigation guidance and application of the mitigation hierarchy identified by the CEQ (40 CFR 1508.20). Measures considered to avoid, minimize, or mitigate potential environmental and cultural resource impacts include Proponent-committed EPMs and mitigation measures developed through the NEPA process. These EPMs are described in the 2013 POD. Collectively, they represent measures to eliminate or reduce environmental impacts that were identified and considered in the [Final SEIS](#). This DR adopts these measures and requires Proponents' actions to be consistent with the language in this EA, including the Project POD.

The Project POD will be further developed by the Proponents following final engineering design. The resulting final Project POD must demonstrate means to fulfill the mitigation requirements described in this DR and will be subject to review and acceptance by the BLM and other agencies with regulatory authority over impacted resources. It will include provisions for site-specific mitigation and monitoring during construction, operation, maintenance, and decommissioning of the Project.

The terms and conditions of the decision include the following Project-wide mitigation plans and apply to the Proposed Action:

- The Greater Sage-Grouse Habitat Mitigation Plan (Appendix J in the 2013 [Final EIS](#), also see Section 3.11 of the [Final SEIS](#));
- The Migratory Bird Habitat Mitigation Plan ([Appendix D](#) to the 2013 ROD, also see Sections 3.10 and 3.11 of the [Final SEIS](#));
- The Historic Properties Treatment Plan (Appendix C-1 to the 2013 [Final EIS](#));
- The Programmatic Agreement Regarding Compliance with the National Historic Preservation Act ([Appendix E](#) to the 2013 ROD; also see Sections 3.1 and 3.3 of the [Final SEIS](#)); and
- The Framework for Compensatory Mitigation for and Monitoring of Unavoidable Impacts to Waters of the U.S. (Appendix C-2 in the 2013 [Final EIS](#)).

As part of their Proposed Action, the Proponents included EPMs designed to avoid or minimize environmental impacts, which are incorporated into the decision. The current POD contains a list of EPMs (see Appendix B of [Final EIS](#)) covering the following topics:

- Construction, operations, and maintenance;
- Visual resources;
- Cultural and paleontological resources;
- Plant and wildlife resources, including threatened, endangered, and sensitive species;
- Geologic hazards and soil resources;

- Water resources;
- Safety measures;
- Reclamation of construction disturbances;
- Land use and agriculture;
- Traffic and transportation management;
- Air quality;
- Electrical environment;
- Public safety; and
- Noise.

EPMs are required on Project segments authorized in the 2013 ROD (Segments 1-7 and 10), as appropriate to site-specific circumstances, and will be similarly required on the segments authorized in this DR (Segments 8 and 9). Relevant EPMs and their expected effects are discussed in the resource subsections of Chapter 3 of the [Final SEIS](#). Additional mitigation and monitoring measures to mitigate resource impacts were developed through the NEPA process. This decision also requires as a condition of the ROW grant that the Proponents satisfy additional mitigation and monitoring measures that will be developed in accordance with the mitigation plans identified above, addressed in the Final SEIS, and required by the Modification Act based on the final engineering design, which will be required as a condition of the ROW grant that will be added to the Final Project POD.

If the Proponent proposes to modify the ROWs approved for this Project or other requirements in this DR, NTP(s) for the Project will be issued only after examining the existing environmental analysis and determining whether any additional environmental analysis would be needed for full NEPA compliance.

VII. RATIONALE FOR DECISION

The Proposed Action, now referred to as the Selected Alternative, will not result in any new significant effects to the quality of the human environment that were not adequately analyzed in the Gateway West 2013 [Final EIS](#) and the 2016 [Final SEIS](#). A project-specific EIS is not required, as found in the Finding of No New Significant Impact issued on January 5, 2018, which is incorporated by reference. This DR also incorporates by reference the 2013 [Final EIS](#), 2016 [Final SEIS](#) and the Modification Act in its entirety.

Approval of the ROW for the Selected Alternative responds to the BLM's purpose and need for the Project by processing the Proponents' application under Title V of FLPMA (43 U.S.C. 1761) for a ROW grant to construct, operate, maintain, and terminate two 500-kV electric transmission lines, fiber optical regeneration sites, distribution lines to power substations, access roads, and other appurtenant facilities on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws.

This decision contributes to fulfilling the Administration's priority of "Making America Safe through Energy Independence" by "streamlining ROW processing for pipelines,

transmission lines, and solar/wind projects.” In addition, it meets the Secretary of Interior’s priority of modernizing America’s infrastructure.

This decision supports multiple use management of public lands in accordance with the FLPMA, balancing energy development that can occur concurrently with other resource uses. The Project has been analyzed, the public has been involved, and appropriate stipulations will be included in the ROW grant to prevent undue and unnecessary degradation of resources, to reduce effects to the environment, and to respond to the public’s concerns.

The Selected Alternative is authorized by Title V of the FLPMA (43 U.S.C. 1761-1771) and complies with Title 43 CFR Part 2800 regulations. Specifically, the BLM finds that granting the ROW will protect the natural resources in the project area and prevent unnecessary and undue degradation to the public lands, consistent with the objectives of BLM’s ROW program listed at 43 CFR § 2801.2.

The approved ROW grant meets BLM’s purpose and need including satisfying the requirements of FLPMA and Congress’s implicit direction of authorizing the statutorily directed ROW. The terms and conditions that BLM analyzed in the Final EIS, Final SEIS, and EA appropriately mitigate the environmental effects of the Project.

The development of the [Final EIS](#), [Final SEIS](#), and [EA](#) was the result of years of coordination with Cooperating Agencies, other government officials, and members of the public to identify issues and concerns with the Project. Throughout the process, the BLM conducted consultation with Native American Tribes and groups that may have knowledge of the cultural resources within the proposed project area, in accordance with Section 106 of the NHPA, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archaeological Resources Protection Act, and their associated EOs.

Granting the ROW as described in the DR and with the enumerated terms and conditions meant to reduce impacts and protect other resources is in the public interest and represents multiple-use balancing in the Project area that will allow the Project to proceed while protecting other existing resources. None of the factors found at 43 CFR § 2804.26(a)(1-4) warrant not granting the ROW.

VIII. SCOPING AND PUBLIC INVOLVEMENT

The BLM initiated the public scoping process for reconsideration of the January 19, 2017, ROD, including proposed land use plan amendments associated with the Jarbidge, Shoshone, and Four Rivers Field Offices, with the publication in the Federal Register of a Notice of Intent (NOI) to prepare an EA. (82 FR 165, pg. 40797 (Aug. 28, 2017)). The BLM also published the Federal Register Notice on the agency’s ePlanning website for public review to solicit comments as well as on the Project website <https://www.blm.gov/gatewaywest>.

On August 28, 2017, the BLM published the draft [EA](#) on the BLM ePlanning website and sent an electronic Project newsletter to 2,655 interested publics to solicit comments on the Project. A news release was sent to select Idaho and national media outlets to notify the public of the 30-day comment period. The BLM received 11 letters commenting on the

EA. Appendix F of the draft [EA](#) contains a table with all the scoping comments and responses. All comments which were received during the scoping efforts were carefully considered and incorporated into the [EA](#), where appropriate.

On January 5, 2018, the BLM published the final [EA](#) and signed the [Finding of No New Significant Impact](#) for the Proposed Action on the BLM's ePlanning website. An e-newsletter was sent to 2,608 people. The release of the final [EA](#) initiated a 30-day protest period for the proposed land use plan amendments for any person who previously participated in the planning process.

A. Governor's Consistency Review

The BLM's planning regulations (43 CFR 1610.3-2(e)) provide governors of states where plan amendments are proposed a 60-day consistency review period to "identify any known inconsistencies with State or local plans, policies or programs" with regard to the proposed plan amendments. The Governor's consistency review period for the EA began on January 5, 2018.

On February 8, 2018, the Idaho Governor's Office submitted a Governor's Consistency Review letter to the BLM Idaho Acting State Director stating that there are no inconsistencies between the proposed land use plan amendments and any officially approved or adopted laws or land use plans of the State or local governments of Idaho.

B. Protest and Resolution

The BLM received one formal protest letter within the 30-day protest period. The filing was resolved (dismissed) on March 14, 2018, allowing approval of the proposed land use plan amendments. The issues raised in the protest letter and BLM responses are contained in the Director's Protest Resolution Report, available [online](#).

The protesting party received a response letter from the BLM Director conveying the Director's decision on their filings.

IX. FINAL AGENCY ACTION

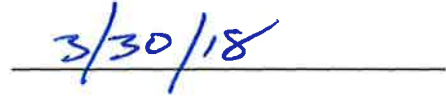
After careful consideration of the Proposed Action and the Alternatives and based on analyses in DOI-BLM-ID-0000-0002-EA, Final EIS, Final SEIS, and Modification Act, and pursuant to the authority in Title V of the FLPMA, as amended, and the BLM regulations at 43 CFR Part 2800, I hereby approve a transmission line ROW grant to the Proponents for the Project, subject to the terms, conditions, stipulations, POD, and EPMs developed by the Department of the Interior and as reflected in this DR. The [EA](#), [Final EIS](#), and [Final SEIS](#) associated with this decision fully analyze the impacts of the Project. It is my decision to select the Proposed Action as described in the [EA](#), and authorize a ROW grant to the Proponents for the construction, operation, and maintenance of the Segments 8 and 9 of the Gateway West Transmission Line Project.

In addition, it is my decision to amend the Bennett Hills/Timmerman Hills MFP, Kuna MFP, and the 1987 Jarbidge RMP to bring the Selected Alternative into conformance with the management objectives in these land use plans.

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 ROW grant as directed by this decision, must be brought in Federal district court within the timeframe allowed under Title 41 of the FAST Act (FAST-41; 42 U.S.C. 4370m-6(a)(1)).



Joseph R. Balash
Assistant Secretary
Land and Minerals Management



Date