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Bureau of Land Management

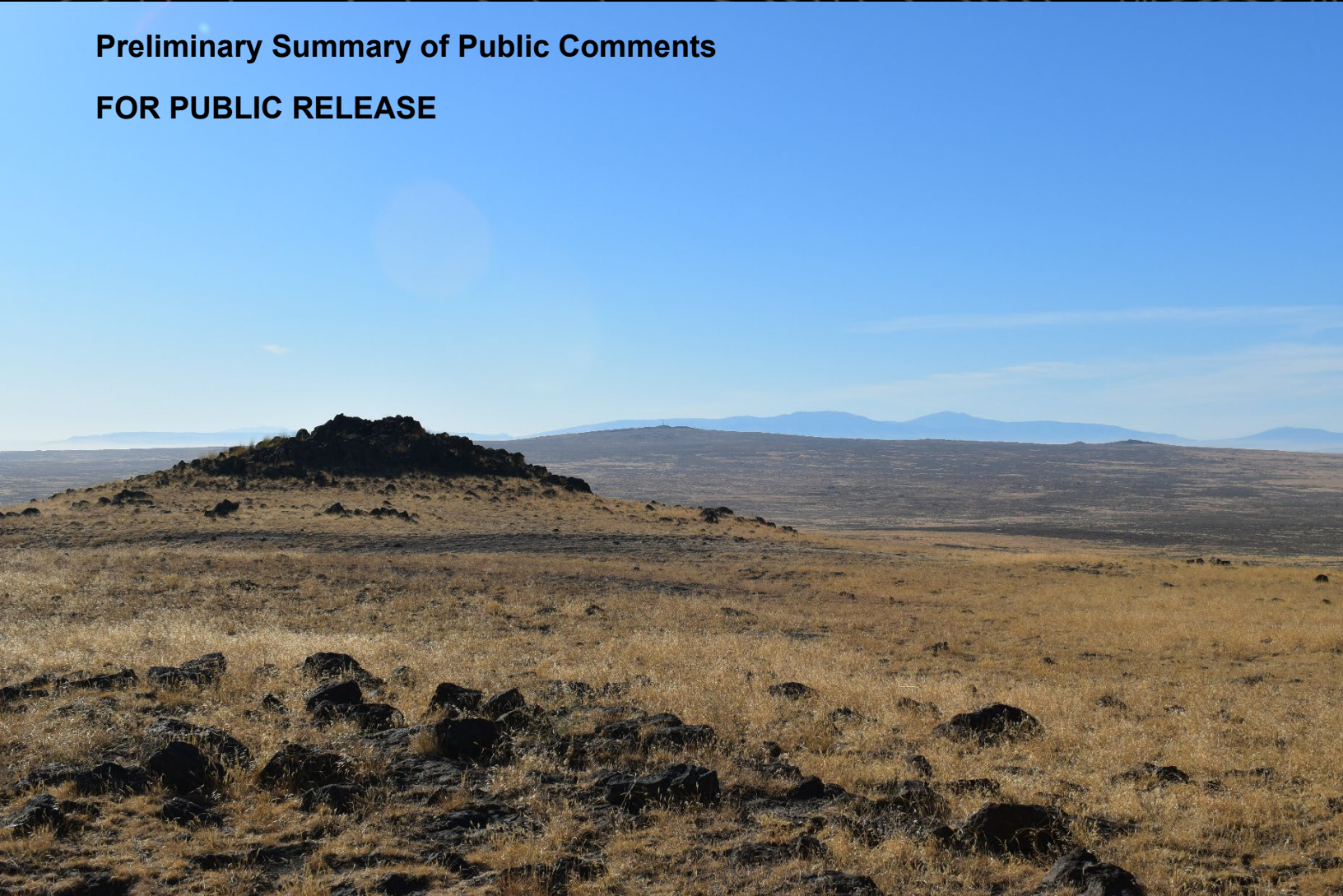
Lava Ridge Wind Project

Draft Environmental Impact Statement

August 2023

Preliminary Summary of Public Comments

FOR PUBLIC RELEASE



Prepared by:

U.S. Department of the Interior
Bureau of Land Management

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.

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CONTENTS

1	Draft Environmental Impact Statement Public Involvement Process.....	1
2	Public Comment Overview	1
2.1	Respondent Affiliations	2
2.2	Comment Categories	3
2.3	Identification of Substantive Comments	4

Tables

Table 1-1.	Public Meeting Dates and Locations	1
Table 2-1.	Respondent Affiliations.....	2
Table 2-2.	Comment Categories	4
Table 2-3.	Substantive Comments Received	5

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1 DRAFT ENVIRONMENTAL IMPACT STATEMENT PUBLIC INVOLVEMENT PROCESS

Public involvement is an integral part of the National Environmental Policy Act (NEPA) process and is required in the preparation and implementation of agencies' NEPA procedures. The Bureau of Land Management (BLM) published a notice of availability for the draft environmental impact statement (EIS) for the Lava Ridge Wind Project (the project) in the *Federal Register* on January 20, 2023. The notice is available at <https://www.govinfo.gov/content/pkg/FR-2023-01-20/pdf/2023-00646.pdf>. This began a 60-day public comment period, which was extended to 90 days and ended on April 20, 2023. The BLM held public meetings on the draft EIS in February and March 2023. Meetings were held virtually and in person in Shoshone and Twin Falls, Idaho; Portland, Oregon; and Mercer Island, Washington (Table 1-1).

Table 1-1. Public Meeting Dates and Locations

Meeting	Date	Location
Public orientation meeting	February 1, 2023	Virtual
Public open house meeting #1	February 22, 2023	Shoshone, Idaho
Public open house meeting #2	February 23, 2023	Twin Falls, Idaho
Public open house meeting #3	February 24, 2023	Virtual
Public open house meeting #4	March 1, 2023	Portland, Oregon
Public open house meeting #5	March 2, 2023	Mercer Island, Washington

Details concerning dates, times, and locations of the meetings were announced through local news media, newspapers, email, mail, and the BLM project website. The initial notification at the beginning of the comment period included 2567 direct emails and 255 hardcopy mailers sent via the US Postal Service. Comments on the draft EIS were received by email and by mail, through the BLM project website, and at public meetings. A transcriptionist was present at meetings to document verbal comments for the project record.

The virtual meeting was recorded and made available on the BLM project website: <https://eplanning.blm.gov/eplanning-ui/project/2013782/570>. The virtual meeting presentation slides were used to create posters displayed during the open house meetings. A summary of the project's prior public involvement efforts is in the scoping report available on the BLM project website: https://eplanning.blm.gov/public_projects/2013782/200493266/20052044/250058227/LavaRidgeWindEIS_ScopingReport.pdf.

2 PUBLIC COMMENT OVERVIEW

The BLM received a total of 11,179 submissions during the public comment period. A *submission* is defined as a single email, letter, webform submission, or speaker in written transcripts. Of the submissions, 3,476 were unique (i.e., original submissions that did not have identical or almost identical wording as another submission). The remaining submissions were six form letters (i.e., submissions containing identical content), 887 form letters with slight modifications (e.g., one or two unique sentences added, but otherwise identical to a form letter), or duplicate submissions (i.e., the sender submitted the same submission multiple times). The BLM continues to review and respond to public comments via revisions to the EIS. The counts of unique submissions within this preliminary report are subject to change, as the BLM continues to recognize duplicate submissions were sent via multiple methods.

2.1 Respondent Affiliations

In all, 119 submissions came from commenters who indicated they were representing an organization, business, Tribal Nation or Tribal entity, or government agency. All other submissions came from unaffiliated individuals. Note: individuals who provided their business title or employer information in their letter or testimony but did not state that they were an official representative were counted as unaffiliated individuals. Several organizations provided submissions with comments or signatures from their members. These are included in the submissions count discussed above.

The Tribal Nations/Tribal entities, businesses, organizations, and governmental agencies that submitted comments are shown in Table 2-1.

Table 2-1. Respondent Affiliations

Organization Type	Organizations
Tribe Nations/Tribal entities	Shoshone-Bannock Tribes Upper Snake River Tribes Foundation
Businesses and organizations	A select group of livestock permittees within the Star Lake Allotment A&B Irrigation District Action for the Climate Emergency Audubon Rockies Bainbridge Island Japanese American Community Bainbridge Island Japanese American Exclusion Memorial Association Basin and Range Watch Big Wood Canal Company and American Falls Reservoir District No. 2 BlueRibbon Coalition Boise Valley Japanese American Citizens League Casey Stevenson Farms Cassia County Noxious Weed Control Clean Energy Opportunity for Idaho Coalition to Protect America's National Parks Crop Jet Aviation DENSHO, The Japanese American Legacy Project Dietrick Quick Response Unit, Inc. Eubanks & Associates, PLLC c/o Stop Lava Ridge, Inc. Friends of Minidoka Gooding-Lincoln County Farm Bureau Grow Show Heart Mountain Wyoming Foundation High Desert Pointing Dog Club Idaho Agricultural Aviation Association Idaho Cattle Association Idaho Chukar Foundation Idaho Conservation League Idaho Energy Freedom Advisory Council Japanese American Museum of Oregon Japanese Ancestral Society Jerome County Airport Advisory Board Jerome County Farm Bureau KG Land & Livestock Inc Kirton McConkie Law Laborers' Union Local #155 Latah County Historical Society Legalectric, Inc. Magic Valley ATV Riders Inc. Minidoka Pilgrimage Planning Committee National Parks Conservation Association National Trust for Historic Preservation Northside Canal Company, Ltd. Oneida Farms Inc. Oregon Physicians for Social Responsibility Oregon-California Trails Association Portland Japanese American Citizens League Prairie Falcon Audubon Prescott Land & Livestock Preservation Idaho Red Baron Agricultural Service Inc. Robert Jones Realty, Inc. Sawtooth Conservation & Recreation Alliance, Inc. Silver Creek Community Preservation Initiative Southern Idaho Regional Communications Center Sportsmen for Fish and Wildlife Stop Lava Ridge Stop Lava Ridge Community Committee The Idaho Association of Noxious Weed Control Superintendents The Nature Conservancy The Park Professional, LLC Trout Unlimited, Angler Conservation Program

Organization Type	Organizations	
	Idaho Falconers Association	Tsuru For Solidarity / Friends of Minidoka
	Idaho House	Tule Lake Committee
	Idaho Noxious Weed Control Association	Tuna Canyon Detention Station Coalition
	Idaho Wildlife Federation	Twin Cities Japanese American Citizens League
	Idaho Wool Growers Association	Walsworth & Associates
	J N Livestock	Western Watersheds Project
	Japanese American Citizens League	Westlake Associates, Inc.
	Japanese American Citizens League, DC Chapter	Wildlands Defense
	Japanese American Citizens League, Idaho Falls	
	Japanese American Community	
Government agencies and government officials	A&B Irrigation District	Raul R. Labrador, State of Idaho, Attorney General
	Boise National Forest, Idaho City Ranger District	Representative Mike Simpson, U.S. House of Representatives
	Cassia County Board of Commissioners	Representative Steven Miller, Idaho House of Representatives, District 26A
	City Council of Bainbridge Island	Representative Ted Hill, Idaho House of Representatives
	City of Eden, Idaho	
	Dietrich Highway District #5	Richard Stover, State of Idaho, Office of Energy and Mineral Resources*
	Gooding County Board of Commissioners	Senator Glenneda Zuiderveld, Idaho State Senator
	Governor Brad Little, State of Idaho	Senator James E. Risch, U.S. Senate
	Hillsdale Highway District	Senator Mike Crapo, U.S. Senate
	Idaho House of Representatives, District 26A	Shoshone Highway District #2
	Idaho Transportation Department Division of Aeronautics	State of Idaho House of Representatives
	Jason Parker, Tri-County Noxious Weed Control	State of Idaho Office of Energy and Mineral Resources*
	Jerome County Board of Commissioners*	Twin Falls County Board of Commissioners
	Kimama Highway District	Twin Falls County Republican Central Committee
	Kitsap County Board of Commissioners	U.S. Environmental Protection Agency, Region 10
	Kitsap County Board of Commissioners	Washington County Board of Commissioners
	Lieutenant Governor Scott Bedke, State of Idaho	
	Lincoln County Board of Commissioners*	
	Minidoka County Board of Commissioners*	
	Minidoka County Highway District	
	National Park Service*	

* Cooperating agency.

2.2 Comment Categories

Within each submission, individual comments (i.e., stand-alone comments that relate to a single issue, idea, or conclusion) were identified and grouped into one or more of the following categories listed in Table 2-2. Comment categories were either defined by individual resources that may be affected by the project, individual elements of the project, or specific phases and aspects of the EIS or NEPA process (see Table 2-2). Categories are intended to describe the main topic or resource that is discussed in the comment, regardless of whether the comment is expressing opposition or support for the project as it relates to that topic. Any comments identified in form letters were categorized only once and counted as a single comment no matter how many form letters with that same comment were submitted.

Table 2-2. Comment Categories

Category	Topics	
Issue or resource topics	Air quality Avian and bat species, including greater sage-grouse and eagle species Aviation Climate and greenhouse gases Cultural resources and Native American concerns Environmental justice and socioeconomic Fire and fuels management Geology and mineral resources Hazardous materials and solid waste Human health and safety Issues not considered in detail Land use and realty Livestock grazing	Minidoka War Relocation Center and Minidoka National Historic Site Noise Paleontological resources Pollinators and insects, including BLM special-status bumble bees, St. Anthony sand dune tiger beetle, and monarch butterfly Recreation Soils Transportation Vegetation Visual resources Water and wetland resources Wildlife, including big game, pygmy rabbit, amphibians, general wildlife, and special-status species
Project element topics	Mitigation or minimization Applicant's interests and objectives	Plan of development – Appendix 1
EIS/NEPA process topics	Alternatives Consultation and coordination Cumulative effects Decision process	Decision process for the National Park Service Legal or policy compliance Public and stakeholder involvement Purpose and need

2.3 Identification of Substantive Comments

The BLM considered comments within each submission and determined if comments were substantive or non-substantive. In performing this analysis, the BLM relied on Section 6.9.2, Comments, in the BLM NEPA Handbook H-1790-1 (2008) to determine what constituted a substantive comment. The BLM NEPA Handbook is available at https://www.blm.gov/sites/blm.gov/files/uploads/Media_Library_BLM_Policy_Handbook_h1790-1.pdf.

Substantive comments do one or more of the following:

- Question, with reasonable basis, the accuracy of information in the EIS;
- Question, with reasonable basis, the adequacy of, methodology for, or assumptions used for the environmental analysis;
- Present new information relevant to the analysis;
- Present reasonable alternatives other than those analyzed in the EIS;
- Cause changes or revisions in one or more of the alternatives.

Additionally, the BLM NEPA Handbook identifies the following types of substantive comments:

- Comments on the adequacy of the analysis: Comments that express a professional disagreement with the conclusions of the analysis or assert that the analysis is inadequate are considered substantive; they may or may not lead to changes in the final EIS. Interpretations of analyses should be based on professional expertise. Where there is disagreement within a professional

discipline, a careful review of the various interpretations is warranted. In some cases, public comments may necessitate a reevaluation of analytical conclusions. If, after reevaluation, the BLM Authorized Officer responsible for preparing the EIS does not think that a change is warranted, the response should provide the rationale for that conclusion.

- Comments that identify new impacts, alternatives, or mitigation measures: Public comments on a draft EIS that identify impacts, alternatives, or mitigation measures that the draft did not address are considered substantive. This type of comment requires the BLM Authorized Officer to determine if it warrants further consideration; if so, he or she must determine if the new impacts, new alternatives, or new mitigation measures should be analyzed in the final EIS, in a supplement to the draft EIS, or in a completely revised and recirculated draft EIS.
- Disagreements with significance determinations: Comments that directly or indirectly question, with a reasonable basis, determinations on the severity of impacts are considered substantive. A reevaluation of these determinations may be warranted and may lead to changes in the final EIS. If, after reevaluation, the BLM Authorized Officer does not think that a change is warranted, the BLM’s response should provide the rationale for that conclusion.

The BLM continues to review and respond to public comments via revisions to the EIS. To-date, 3,303 total individual substantive comments were identified from the various submissions and were categorized, as shown in Table 2-3. Two thirds of all comments (66%) fell into the following top 11 categories: concerns about the project affecting the Minidoka War Relocation Center (WRC) or Minidoka National Historic Site (NHS), potential impacts to wells and the aquifer, mitigation or minimization, environmental justice, socioeconomics, the plan of development, avian and bat impacts, legal or policy compliance, requests for extension of the public comment period or public involvement, alternatives, general wildlife, and comments out of scope of this project’s evaluation. The counts of substantive comments described within this preliminary report are subject to change, as the BLM continues EIS revisions in response to public comments.

Table 2-3. Substantive Comments Received

Comment Category	No. Comments Received	% Total Comments
Minidoka War Relocation Center and Minidoka National Historic Site	464	14%
Water and wetland resources	258	8%
Out of scope	205	6%
Plan of development – Appendix 1	203	6%
Mitigation	200	6%
Avian and bat species	195	6%
Environmental justice, socioeconomics, and Areas of Critical Environmental Concern	168	5%
Legal or policy compliance	138	4%
Public and stakeholder involvement	138	4%
Wildlife	104	3%
Alternatives	105	3%
Cultural resources and Native American concerns	87	3%
Livestock grazing	85	3%
Aviation	84	3%
Visual resources	66	2%

Comment Category	No. Comments Received	% Total Comments
Greater sage-grouse	62	2%
Cumulative effects	56	2%
Geology and minerals	54	2%
Human health and safety	48	1%
Noise	47	1%
Transportation	47	1%
Editorial	46	1%
Recreation	43	1%
Attention	42	1%
Big game species	37	1%
Climate and greenhouse gases	39	1%
Eagles	35	1%
Pollinators and insects	35	1%
Vegetation	34	1%
Fire and fuels management	27	< 1%
Hazardous materials and solid waste	25	< 1%
Air quality	20	< 1%
Land use and realty	20	< 1%
Issues not considered in detail	17	< 1%
Consultation and coordination	16	< 1%
Purpose and need	16	< 1%
Applicant's interests and objectives	15	< 1%
Soils	10	< 1%
Decision process	6	< 1%
Decision process for the National Park Service	4	< 1%
Paleontological resources	2	< 1%
Total	3,303	100.00%

In response to substantive comments, the BLM could do the following:

- Modify alternatives, including the proposed action;
- Develop and evaluate alternatives not previously given detailed consideration by the agency;
- Supplement, improve, or modify its analyses;
- Make factual corrections;
- Explain why the comments do not warrant further agency response, citing appropriate sources or authorities.

The final EIS will include all substantive comments with a BLM response for each substantive comment. The responses will be informed by subject matter expert review; recommended additional studies, data, or scientific literature; and changes to the EIS made between draft and final.

Within each submission, there could be substantive comments and non-substantive comments. Comments that merely expressed an opinion for or against the project were not identified as requiring a response because they meet the BLM NEPA Handbook definition for a non-substantive comment. Though not substantive, there were 1,910 comments in opposition to the project and 976 in support of the project.

Many comments received throughout the comment analysis process expressed personal opinions or preferences, did not provide relevance to the adequacy or accuracy of the draft EIS, or represented commentary on management actions that are outside the scope of the EIS. These comments did not provide specific information to assist the BLM in making a change to the existing action alternatives, did not suggest new alternatives, and did not take issue with methods used in the draft EIS.

Comments that are not considered substantive include the following:

- Comments in favor of or against the proposed action or alternatives without reasoning that meets the criteria listed above (such as “we disagree with Alternative B and believe the BLM should select Alternative A.”).
- Comments that only agree or disagree with BLM policy or resource decisions without justification or supporting data that meet the criteria listed above (such as “more grazing should be permitted.”).
- Comments that do not pertain to the project area or the project (such as “the government should eliminate all dams” when the project is about a grazing permit).
- Comments that take the form of vague, open-ended questions.

The BLM read, analyzed, and considered all comments of a personal or philosophical nature and all opinions, feelings, and preferences for one element or one alternative over another. Because such comments were not substantive, the BLM will not respond to them. It is also important to note that although the BLM reviewed and considered all comments, none were counted as votes. The NEPA public comment period is neither an election nor does it result in a representative sampling of the population. Therefore, public comments are not appropriate to be used as a democratic decision-making tool or as a scientific sampling mechanism.