

**United States Department of the Interior
BUREAU OF LAND MANAGEMENT**

**RECORD OF DECISION
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Case File Number: IDID-105841803**

**Lava Ridge Wind Project
Final Environmental Impact Statement**

Jerome, Lincoln, and Minidoka Counties, Idaho

U.S. Department of the Interior
Bureau of Land Management
Shoshone Field Office
400 West F Street
Shoshone, Idaho

December 2024

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.

EXECUTIVE SUMMARY

This Record of Decision (ROD or decision) discloses my final decision and rationale to approve the issuance of a Federal Land Policy and Management Act of 1976 (FLPMA) right-of-way (ROW) grant authorizing Magic Valley Energy, LLC (MVE) to construct, operate and maintain, and decommission the Lava Ridge Wind Project (project) on public lands administered by the Bureau of Land Management (BLM) within Jerome, Lincoln, and Minidoka counties, Idaho. I considered MVE's ROW application for the project pursuant to the authority of the Secretary of the Interior to "grant, issue, or renew rights-of-way...for generation, transmission, and distribution of electric energy" (43 United States Code [USC] § 1761(a)(4); 43 Code of Federal Regulations [CFR] Part 2800).

It is my decision to select the Preferred Alternative as described in the Lava Ridge Wind Project final environmental impact statement (EIS), subject to the conditions described as part of the Selected Action in Section 3 of this ROD. As detailed later, the Preferred Alternative represents the culmination of a complicated undertaking by BLM in response to extensive cooperator and stakeholder comments on a variety of competing public interest and resource issues. In essence, it is a rational compromise of these interests and issues that fulfills the BLM's multiple use mandate. The authorization will allow for the installation of up to 231 wind turbines along with related infrastructure and facilities (as described in the final EIS Chapter 2) on the BLM-administered lands shown in Appendix A, Map 3.2.1 and described in Appendix B. The estimated total area of the ROW is 57,447 acres, with all project-related infrastructure and facilities confined within designated siting corridors spanning 38,535 acres of BLM-administered lands.

- Across all land ownerships, the project would disturb 4,492 acres in the short-term (construction phase) and 992 acres in the long-term (operations).
- The total height (height to the tip of the blade at the apex) of turbines will not exceed 660 feet.
- Turbines will be set back 1,000 feet or more from non-participating properties, which are defined as those properties that MVE has not obtained a right to use or encumber.
- Turbines will be set back five times the turbine height from existing residences.
- Turbine locations will utilize micro-siting to avoid effects to existing communication sites, shadow flicker at sensitive locations, and other sensitive and important resources.

The ROW grant will require MVE to develop and operate the project as described in an approved Plan of Development (POD). MVE must comply with terms and conditions, as stated in this ROD and analyzed in the final EIS. The terms and conditions include: required project avoidance and minimization measures as outlined in Appendix C; fulfillment of compensatory mitigation requirements for key resources and values associated with the Minidoka National Historic Site, greater sage-grouse, big game, and birds and bats as detailed in Appendix D; adherence to stipulations, including preparing an Historic Properties Management Plan (HPMP) and Historic Properties Treatment Plans (HPTPs) for specific historic properties as described in Appendix E; and required monitoring as identified in the approved POD, approved compensatory mitigation plans (CMPs), the HPMP, and the HPTPs.

The ROW grant will establish the location of siting corridors for wind turbines, powerlines, project access roads, substations, operation and maintenance facilities, and other associated infrastructure needed for construction and operation of the project. MVE will be required to update and submit the POD with a final infrastructure design for approval by the BLM Authorized Officer. The final POD will include final

engineering route maps and alignment sheets depicting the final designs, locations, and workspace for all facilities and will incorporate design components described throughout this ROD.

MVE will also be required to update the POD with a detailed, phased construction schedule for Authorized Officer review and approval. The construction schedule will be required to identify construction phases with major construction activities being conducted within specific regions of the project area at a time. The phased construction schedule will be designed to provide the necessary timing elements for the BLM and grazing permittees to plan and coordinate grazing operations before and throughout the construction and reclamation periods. Additionally, the phased construction schedule will be required to adhere to seasonal wildlife restrictions and measures.

This decision does not authorize MVE to commence construction of any project facilities for the project or proceed with other ground-disturbing activities on land administered by the BLM until MVE receives a written notice to proceed (NTP) from the Authorized Officer. Prior to issuing an NTP, the BLM will require an executed ROW grant; an approved final POD; fulfillment of all bonding and rent requirements; implementation of applicable provisions of approved CMPs; implementation of applicable provisions of Appendix E; completion of all preconstruction environmental surveys; and acquisition of all necessary non-BLM determinations, authorizations, or permits.

In accordance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) NEPA regulations, the U.S. Department of the Interior's (DOI) NEPA regulations, and other applicable authorities, I have considered all alternatives, information, analyses, and input submitted by the State of Idaho, Tribes, local governments, public commenters, and cooperating agencies in developing the EIS. This decision acknowledges the level of impacts disclosed in the final EIS.

This decision meets the BLM's purpose and need to respond to an application for a ROW to construct, operate and maintain, and decommission a wind energy facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws and policies. 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 ROWs on public lands for systems for generation, transmission, and distribution of electric energy (FLPMA Title V).

I have carefully considered the balance of competing public interests in managing public lands in accordance with the principles of multiple use and other obligations established in FLPMA, including those in Title V. I have evaluated the results of extensive analysis, stakeholder engagement, and strategic planning and have sought to balance the protection of natural, cultural, and socioeconomic resources with the need for renewable energy development. I recognize the conflicting public opinions regarding the important competing interests at play in this decision including those involving the need for renewable energy, Tribal interests, the protection of historic and cultural resources, grazing privileges, and wildlife conservation, among others. This constitutes my determination that the BLM has met its FLPMA responsibility to determine actions in the public interest through a balanced, multi-faceted approach that integrates public involvement, expert consultation, comprehensive environmental analysis, and careful consideration of multiple land uses. For the Lava Ridge Wind Project, I have concluded that the BLM has taken extensive steps to engage stakeholders, assess impacts, and develop mitigation measures, demonstrating a commitment to managing public lands in a manner that serves the public interest. I conclude that implementation of the Selected Action represents a rational compromise that best benefits the public interest, when considered as a whole, because it: (1) provides for renewable energy consistent with the statutory mandate of the Energy Act of 2020, (2) avoids the adverse impacts associated with

other energy sources, (3) implements mitigation to avoid, minimize and when necessary compensate for adverse effects to resources and the environment, and (4) establishes a monitoring and adaptive management scheme to address new or unforeseen impacts.

This decision reflects a comprehensive evaluation of environmental impacts, community input, and the potential benefits of the project. It is also my conclusion that this decision represents a rational compromise between important competing interests under a multiple use mandate as it results in the smallest project footprint on public lands and the lowest number of acres disturbed out of all action alternatives and still advances national directives and policy, such as Section 3104 of the Energy Act of 2020 (codified as 43 USC § 3004), Executive Order 14008 – *Tackling the Climate Crisis at Home and Abroad* (January 27, 2021), and 14057 – *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability* (December 8, 2021), regarding the promotion and expansion of renewable energy on public lands.

My decision provides the best balance of meeting the BLM's purpose and need, allowing the development of renewable energy, and avoiding or minimizing impacts to sensitive natural and cultural resources. This balance comes from the Selected Action's strategic adjustments to the project's siting corridor locations to reduce adverse effects to key resources of concern, the reduced footprint, adjusted design features, avoidance and minimization measures, and required compensatory mitigation that will result in reduced adverse environmental effects while continuing to align with national goals and policies that promote renewable energy development and environmental sustainability. The Selected Action supports the overarching objectives and targets set forth by the Energy Act of 2020, Executive Order 14008, and the DOI's renewable energy policies.

ACRONYMS AND ABBREVIATIONS

ACEC	Area of Critical Environmental Concern
ACHP	Advisory Council on Historic Preservation
AO	BLM Authorized Officer
APE	area of potential effects
APLIC	Avian Power Line Interaction Committee
ARMPA	Approved Resource Management Plan Amendment
ARPA	Archaeological Resources Protection Act
AUM	animal unit month
BESS	battery energy storage system
BGEPA	Bald and Golden Eagle Protection Act
BLM	Bureau of Land Management
BMP	best management practice
BOR	Bureau of Reclamation
CEQ	Council on Environmental Quality
CIC	compliance inspection contractor
CMP	compensatory mitigation plan
CFR	Code of Federal Regulations
DOI	U.S. Department of the Interior
EIS	environmental impact statement
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FLPMA	Federal Land Policy and Management Act
GHMA	general habitat management area
GIS	geographic information system
GW	gigawatt
HAF	habitat assessment framework
HC	Historic Context
HQT	Habitat Quantification Tool
HPMP	Historic Properties Management Plan
HPTP	Historic Properties Treatment Plan

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ICRIS	Idaho State Cultural Resource Information System
IDFG	Idaho Department of Fish and Game
IDL	Idaho Department of Lands
IDWR	Idaho Department of Water Resources
IHMA	important habitat management area
ISGIT	Interagency Sage Grouse Implementation Team
kV	kilovolt
MBTA	Migratory Bird Treaty Act
Minidoka NHS	Minidoka National Historic Site
Minidoka WRC	Minidoka War Relocation Center
MOA	memorandum of agreement
MOU	memorandum of understanding
MVE	Magic Valley Energy, LLC
MW	megawatt
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act
NFWF	National Fish and Wildlife Foundation
NHPA	National Historic Preservation Act
NOA	notice of availability
NPIAS	National Plan of Integrated Airport Systems
NPS	National Park Service
NRHP	National Register of Historic Places
NTP	notice to proceed
OSC	Idaho Governor's Office of Species Conservation
PA	Programmatic Agreement
PHMA	priority habitat management area
POD	Plan of Development
RCE	Reclamation Cost Estimate
RMP	Resource Management Plan
ROD	Record of Decision
ROW	right-of-way

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SHPO	State Historic Preservation Office
SOI	Secretary of the Interior
SWIP	Southwest Intertie Project
TAC	technical advisory committee
USACE	U.S. Army Corps of Engineers
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Service

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1.0 INTRODUCTION

This document constitutes the Bureau of Land Management’s (BLM) Record of Decision (ROD or decision) under the National Environmental Policy Act (NEPA) for approval of the Lava Ridge Wind Project (project). The scope of this decision is limited to the components of the project that occur on BLM-administered public lands in the Shoshone Field Office, within Jerome, Lincoln, and Minidoka counties, Idaho. Access to other lands is subject to landowner approval, and other state and local agencies will process applications for authorizations under their respective jurisdictions and authorities.

The decision in this ROD is based on consideration of the information generated during the analytical and public participation processes required by NEPA; the Federal Land Policy and Management Act (FLPMA); the National Historic Preservation Act (NHPA); the Endangered Species Act (ESA); the Bald and Golden Eagle Protection Act; and the U.S. Department of the Interior’s (DOI) Tribal consultation policies. In making my decision to approve the project, I have carefully considered various aspects of the proposed project and reasonable alternatives, including: potential impacts on environmental and cultural resources; practicable means to avoid, minimize, or mitigate those impacts; and national policy goals. This information was presented and analyzed in the draft and final Environmental Impact Statement (EIS).

Measures considered to avoid, minimize, or mitigate potential environmental and cultural resources impacts include:

- Applicant-committed environmental protection measures;
- mitigation measures developed through the NEPA process; and
- a structured approach to compensatory mitigation.

These measures are described in Appendices C and D to this ROD. Collectively, they represent measures to reduce or eliminate environmental impacts that were identified and considered in the final EIS. This ROD adopts these measures and requires the actions of Magic Valley Energy, LLC (MVE, or Applicant) to be consistent with the language in this ROD and its appendices. The BLM will not issue any notices to proceed (NTPs) for the construction of the project until the BLM determines that MVE has prepared an approved Plan of Development (POD) demonstrating satisfaction of all applicable right-of-way (ROW) grant stipulations, terms, and conditions.

2.0 BACKGROUND

MVE has applied to the BLM for a ROW grant to construct, operate and maintain, and decommission the Lava Ridge Wind Project on public lands within Jerome, Lincoln, and Minidoka counties, Idaho pursuant to 43 United States Code (USC) § 1761(a)(4); 43 Code of Federal Regulations (CFR) Part 2800.

The BLM is the designated lead federal agency and initiated an EIS to evaluate MVE’s ROW application consistent with NEPA. In accordance with NEPA, the Council on Environmental Quality (CEQ) NEPA regulations,¹ the DOI NEPA regulations, and other applicable authorities, the BLM analyzed the environmental effects of the project and a reasonable range of alternatives in the draft and final EIS. The notice of availability (NOA) of the draft EIS was published in the *Federal Register* on January 20, 2023. The notice began a 60-day public comment period, which was extended to 90 days ending on April 20,

¹ This ROD has been prepared under the direction of the 2020 NEPA implementing regulations as modified by the 2022 provisions.

2023. The BLM published the NOA for the final EIS (BLM 2024; hereafter referred to as the final EIS) in the *Federal Register* on June 7, 2024, beginning a 30-day public availability period.

Within the final EIS the BLM analyzed the Preferred Alternative, MVE's proposal, three other action alternatives, and the no action alternative. The Preferred Alternative considered the construction of up to 241 wind turbines, associated infrastructure, and a 500-kilovolt (kV) generation intertie transmission line within identified siting corridors that span across 44,763 acres. The siting corridors considered under the Preferred Alternative are located on public lands, state lands managed by the Idaho Department of Lands (IDL), lands managed by the Bureau of Reclamation (BOR), and lands owned by individuals or companies.

MVE submitted a preliminary POD that was subsequently revised in December 2023 and included in the final EIS as Appendix 1. The final EIS POD with its supporting appendices (hereafter referred to as MVE 2023) describes MVE's proposal, detailing the infrastructure development, construction process, operations and maintenance, and decommissioning actions for final reclamation of the project. The Preferred Alternative maintains general elements that are described in the POD (MVE 2023) but adjusts the location and size of siting corridors, identifies requirements for phasing construction, adds additional avoidance and minimization measures, and refines the Applicant-committed measures. Selecting the Preferred Alternative would require MVE to update the POD and supporting appendices to reflect actions as considered under the Preferred Alternative.

2.1 Project and Infrastructure Location

The project will be located on public lands managed by the BLM's Shoshone Field Office and on state lands in the Idaho counties of Jerome, Lincoln, and Minidoka. Some project access will also occur via existing roads managed by the local highway districts across BOR-administered public lands and private lands. Relative to the surrounding communities, the general area for development will be open rangelands east of Shoshone, north of Eden and Hazelton, and west of Minidoka. Dietrich will be the closest community to the turbines (approximately 6 miles northwest).

All action alternatives sited infrastructure in corridors approximately 0.5 miles wide. Three types of corridors are described based on the type of infrastructure and level of disturbance to which they are associated (see also final EIS Figure 2.4-2):

- Turbine siting corridors include all turbines and associated infrastructure. MVE (2023) identifies these as "combined corridors" because they include turbine siting and all other turbine-related access and infrastructure.
- Ancillary siting corridors include all other infrastructure that falls outside of the 0.5-mile turbine siting corridor (e.g., construction crane paths, access roads, transmission and collector lines, and buildings). MVE (2023) identifies these as "balance of [generation] plant" corridors.
- Range improvement corridors include areas where only range improvements would be implemented (e.g., fencing, water lines, troughs) to minimize potential project impacts to grazing operations.

The project's final design will identify the specific location for all infrastructure within the approved corridors. Most project components will be located on public lands. However, certain elements of the project's electrical generation and transmission facilities could also be located on lands managed by the IDL, and parts of the project's access routes will traverse highway and county road ROWs operated by

local highway districts and crossing private property and lands managed by the BLM and BOR. The development and use of infrastructure on lands managed by IDL would require MVE to obtain authorization from the State of Idaho in accordance with applicable state laws and policy. The development of project infrastructure on public lands managed by the BLM can be implemented independently of the development of infrastructure on lands managed by IDL. Additionally, the use of highways and county roads will be in conformance with existing ROWs and coordinated with the Idaho Transportation Department and local highway departments.

2.2 Preferred Alternative Facility Overview

As analyzed in the final EIS, the Preferred Alternative includes the following facility design components (see the final EIS Appendices 1 and 11 for additional detail).

Wind turbines

- **Turbine Heights** will have hub heights ranging between 260 feet and 380 feet with a maximum height ranging from 390 feet to 660 feet.
- **Turbine foundations** will utilize an inverted T spread footing foundation. The buried foundations are typically octagonal and will have an approximate size of 50 to 75 feet in width and 8 to 12 feet in depth. The concrete pedestal visible above the ground surface will be approximately 20 feet in diameter with anchor bolts for attaching the turbine tower.
- **Turbine transformers** will either be in the nacelle or on the pad adjacent to the tower and would step up the voltage from approximately 690 volts to 34.5 kV.

Electrical System

- **Collection lines:** Each wind turbine will connect via 34.5 kV overhead or underground collector lines to a substation. Overhead lines will be supported by poles 60 to 90 feet in height spaced 300 to 350 feet apart. Underground lines will be installed using open-trench methods, with trenching machines or backhoes, and possibly jackhammers or blasting for bedrock. Lines will be buried where feasible, with final placement determined by geotechnical studies.
- **Collector substations:** The project will include up to four collector substations to combine electricity from turbines and increase the voltage to 230 kV for efficient transport. These substations will feature transformers, circuit breakers, capacitor banks, meters, disconnect switches, and a control house, all supported by concrete foundations. Protection against lightning will be provided by arresters, shield wires, and masts, with the highest structure not exceeding 75 feet in height.
- **230-kV Transmission lines:** A series of 230-kV overhead transmission lines will connect collector substations to a larger substation where the voltage will be increased to 500 kV. The supporting structures will range from 70 to 130 feet in height and span 400 to 1,000 feet. Each structure will support three phases of conductor per circuit and two overhead ground wires for lightning protection.
- **230/500-kV substation:** The project will include a 230/500-kV substation to aggregate 230-kV lines from collector substations and increase the voltage to 500 kV. It will feature transformers, high-voltage circuit breakers, capacitor banks, meters, disconnect switches, and a control house, all supported by concrete foundations. Lightning protection will be provided by arresters, shield

wires, and masts. The substation will use instrument transformers, relays, and a communication network to detect and isolate electrical faults, ensuring safety and reliability per Institute of Electrical and Electronics Engineers standards. Battery backups and possible diesel or propane generators will provide redundancy.

- **500-kV Transmission line:** A 500-kV overhead transmission line will connect the 230/500-kV substation to the Midpoint Substation or an alternative location along the Southwest Intertie Project (SWIP)-North alignment. The line will parallel existing infrastructure where feasible to consolidate utility lines and, if not, prioritize direct alignment to minimize tall structures. The support structures will have heights ranging from 90 to 175 feet and will provide for span lengths of 1,000 to 1,600 feet. Lightning protection will include two overhead ground wires and ground rods.
- **Interconnection substation:** The interconnection substation will connect the 500-kV transmission line to the existing grid. It will link to either the Midpoint Substation operated by Idaho Power Company or a new substation along the SWIP-North alignment. This will require installing additional electrical equipment next to the existing substation.
- **Battery Energy Storage System (BESS):** A BESS will be located next to an on-site project substation. It will include racks of electrochemical batteries in a warehouse-like building, approximately 30 feet tall, supported by concrete foundations. The BESS will have storage potential for thousands of megawatt (MW)-hours, with the exact capacity determined during the final design phase.

Project Access Roads

Access roads will be up to 24 feet wide, with passing lanes every 1,000 feet. Transmission line roads will be 24 feet wide, reclaimed to 16 feet during operation, while 34.5-kV collection system roads will be 14 feet wide, reclaimed to 10 feet. Site-specific conditions may require wider roads, and existing roads will be improved by clearing vegetation, widening curves, re-grading, and installing drainage structures. Turbine component delivery may necessitate expanding intersections.

Project roads will be maintained and open to the public, though access may be restricted during certain activities for safety. Road surfaces will be maintained to ensure safe access and minimize dust. Drainage and erosion-control measures will be inspected and maintained, with snow removal only as needed for safe access for specific maintenance and operation actions.

Operation and Maintenance Facilities

The project would have up to three operation and maintenance facility locations. The operation and maintenance buildings would include offices, conference room, break room, restrooms, a control room (where staff would monitor and control operation of the facility), and maintenance shops and warehouses (where staff can bring equipment for testing, repairs, or maintenance). Common ancillary components of the operation and maintenance facilities would include parking areas, a distribution power source, a potable water source (such as an on-site well or water line to an existing water source), septic system, storage yards, and communication facilities.

Meteorological (met) Towers

Up to 12 calibration met towers and 12 power performance test met towers will be installed during construction. Four of the performance met towers will remain as permanent met towers throughout the

project's operation, while the rest will be removed 6 to 12 months after confirming turbine performance. Calibration met towers will be installed at up to 12 turbine locations and removed before turbine installation. Permanent met towers will match turbine hub heights (260 to 380 feet) and may use steel monopole or lattice designs, potentially requiring guy wires.

2.3 Project Disturbance

Work areas are defined as the lands needed for the construction and subsequent decommissioning of the project. These areas will experience interim reclamation after construction, although they might be re-disturbed during maintenance activities. These areas are used for construction activities like site clearing, grading, and equipment mobilization, and will be partially reclaimed during operations, with final reclamation occurring post-decommissioning.

Infrastructure disturbance includes the permanent land footprint required by the project components such as turbine foundations, access roads, transmission lines, substations, and other operational facilities. This land will remain disturbed from the start of construction through to the decommissioning phase.

The total anticipated ground disturbance across all locations under the Preferred Alternative includes ground disturbance associated with work areas and project infrastructure that is needed to facilitate the construction, operation, and eventual decommissioning of the wind energy facility. The total disturbance includes:

- work area disturbance - 3,500 acres;
- infrastructure disturbance - 992 acres; and
- total ground disturbance - 4,492 acres.

2.4 Decision to Be Made

The final EIS provides the information and environmental analysis necessary to inform the Authorized Officer and the public about the potential environmental impacts from the project.

The BLM decision to be made will include:

- whether to grant, grant with modification, or deny a ROW to construct, operate and maintain, and decommission the proposed wind energy facility on public lands;
- the most appropriate location for the project on public lands; and
- the terms and conditions (stipulations) for the construction, operation and maintenance, and decommissioning of the wind energy facility on public lands that should be applied to the ROW.

This ROD applies only to public lands managed by the BLM and to the BLM's decision to authorize the Selected Action. Other agencies or local authorities are responsible for issuing and enforcing their own decisions and applicable authorizations for the project. The BLM will require all permits or additional authorizations necessary to implement the project as authorized by the BLM to be obtained prior to an NTP with construction being issued by the BLM Authorized Officer.

The following non-BLM approvals may be necessary to complete the project. The final POD will identify all required approvals based on the final project design, and these approvals will be required to be in place prior to BLM issuing an NTP for construction activities. Additional approvals that may be required include, but are not limited to:

- An incidental take permit issued by the U.S. Fish and Wildlife Service (USFWS).
 - An incidental take permit is required if a project is likely to unintentionally harm, disturb, or kill bald or golden eagles. These permits are solely under the authority of the USFWS, not the BLM. MVE has applied for a permit, and if a permit is issued, the BLM will require MVE to comply fully with its terms and conditions. If the USFWS denies the permit, the BLM will not issue an NTP until MVE demonstrates that project updates will reduce risks to eagles to a negligible level or fully eliminate them, making the permit unnecessary.
- Clean Water Act Section 404 permit issued by the U.S. Army Corps of Engineers as determined applicable for disturbance within jurisdictional waters and wetlands.
- Clean Water Act 401 Water Quality Certification and Water Discharge Permit issued by the Idaho Department of Environmental Quality in coordination with required Clean Water Act Section 404 permit.
- Air Quality Permit issued by the Idaho Department of Environmental Quality for the operation of a concrete batch plant.
- Determination of No Hazard provided by the Federal Aviation Administration for structures exceeding 200 feet above ground level.
- Encroachment Permit from the Idaho Transportation Department and local highway districts for activities or developments within the highway and county road ROWs.
- Approval from the Idaho Department of Water Resources to obtain or transfer a water right authorizing water use on public lands within the project area.

3.0 AGENCY DECISION

3.1 Decision

It is my decision to select the Preferred Alternative as described in the Lava Ridge Wind Project final EIS, subject to the conditions described in this ROD (hereafter referenced as the Selected Action). I have concluded the Preferred Alternative represents a rational compromise of the important competing interests analyzed during the NEPA and FLPMA processes. I find that the Preferred Alternative appropriately responds to resource impact concerns raised by Native American Tribes, cooperating agencies, and the public through the comments received on the draft EIS. At the same time, it is clear to me that the Preferred Alternative still advances national directives and policy, such as Section 3104 of the Energy Act of 2020 (codified as 43 USC § 3004), Executive Order 14008 – *Tackling the Climate Crisis at Home and Abroad* (January 27, 2021), and 14057 – *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability* (December 8, 2021), regarding the promotion and expansion of renewable energy on public lands.

Consistent with the requirements of Title V of FLPMA (43 USC § 1761 et seq.) and the implementing regulations (43 CFR Part 2800), I approve this Selected Action authorizing the BLM to issue a ROW grant to MVE to construct, operate and maintain, and decommission a wind-powered electrical generation facility on public lands within Jerome, Lincoln, and Minidoka counties, Idaho.

In accordance with the CEQ's NEPA implementing regulations at 40 CFR § 1505.2(b) (2021), I certify I have considered all the alternatives, information, analyses, and input submitted by the State of Idaho, Tribes, and local governments and public commenters for consideration by the BLM and cooperating agencies in developing the EIS. I recognize the conflicting opinions regarding this project and have considered those opinions with respect to the BLM's statutory and regulatory obligations along with national directives and policy to promote and expand renewable energy on public lands. This decision acknowledges the level of effects to resources disclosed in the final EIS.

3.2 BLM ROW Grant

Consistent with the direction provided through this ROD and applicable laws and regulations, the BLM will issue MVE a non-exclusive, non-possessory ROW grant with stipulations, to construct, operate and maintain, and decommission a wind-powered electrical generation facility on public lands within Jerome, Lincoln, and Minidoka counties, Idaho. The ROW grant will authorize MVE to develop and operate the project as described in an approved POD, updated consistent with this ROD.

My decision does not authorize MVE to commence any construction of any project facilities for the Lava Ridge Wind Project or proceed with any ground-disturbing activities on public land. Consistent with 43 CFR § 2805.12(c), MVE shall not commence construction of project facilities or proceed with any ground-disturbing activities on public lands until MVE receives a written NTP approved by the BLM's Authorized Officer. Prior to issuing an NTP for construction activities, the BLM will require:

- an executed ROW grant;
- an approved final POD;
- fulfillment of all bonding and rent requirements;
- implementation of applicable provisions of approved compensatory mitigation plans (CMPs);
- implementation of applicable provisions of Appendix E;
- completion of all preconstruction environmental surveys; and
- MVE to obtain all necessary determinations, authorizations, or permits.

The ROW will allow for the installation of up to 231² wind turbines along with related infrastructure and facilities (as described in the final EIS Chapter 2) on the public lands shown in Appendix A, Map 3.2.1 and described in Appendix B. The ROW grant issued by the BLM will require MVE to comply with terms and conditions including project avoidance and minimization measures outlined in Appendix C, fulfill compensatory mitigation requirements detailed in the mitigation frameworks provided in Appendix D, adhere to stipulations specified in Appendix E, and meet any additional requirements, including obtaining additional permits or authorizations, established by federal, state, or local laws.

The ROW area will encompass the public lands delineated and described in Appendices A and B of this ROD. The estimated total area of the ROW is 57,447 acres, with all project-related infrastructure and facilities confined within the designated siting corridors shown in Appendix A, Map 3.2.1. The siting corridors, estimated to be 38,535 acres, limit the location of the project infrastructure to areas considered within the Lava Ridge Wind Project final EIS; however, the final footprint of the project will be smaller

² Of the 25,291 acres of turbine siting corridors included in the Preferred Alternative described in the final EIS, 1,066 acres are located on lands managed by IDL. As the Preferred Alternative allows for up to 241 wind turbines but does not require any specific distribution of the wind turbines within the turbine siting corridors, it is assumed the turbines would be evenly distributed and there would be approximately 10 wind turbines located on lands managed by IDL. The BLM's authorization to MVE only applies to public lands and therefore will only authorize up to 231 turbines.

and consistent with the disturbance area described in the final EIS (the portion of ground disturbance on public lands is estimated to be 3,926 acres). After the final design and construction is complete, BLM will review the existing ROW grant to determine if portions of the ROW that are not required for operation and maintenance or decommissioning activities may be relinquished.

MVE will submit an updated POD that describes in detail the plans to construct, operate and maintain, and decommission the facilities and infrastructure authorized through the ROW grant. The final POD will include final engineering route maps and alignment sheets depicting the final designs, locations, and workspace for all facilities. The final design will be required to identify the specific location of the infrastructure within the siting corridors and will incorporate design components described by the Selected Action. These design components include, but are not limited to:

- A maximum of 231 wind turbines sited on public lands managed by BLM and no more than a total of 241 wind turbines when accounting for turbines sited on lands managed by IDL;
- The total height (height to the tip of the blade at the apex) of turbines will not exceed 660 feet;
- Turbines will be set back 1,000 feet or more from non-participating properties;³
- Turbines will be set back five times the turbine height from existing residences; and
- Turbine locations will utilize micro-siting to avoid effects to existing communication sites, shadow flicker at sensitive locations, and other sensitive and important resources.

Additionally, the updated POD will incorporate the required measures outlined in Appendix C, CMPs consistent with the mitigation frameworks described in Appendix D, and Historic Properties Management Plan (HPMP) and Historic Properties Treatment Plans (HPTPs) consistent with Appendix E. The updated POD will be reviewed, and if appropriate, modified and approved by the BLM Authorized Officer. Once approved by the BLM Authorized Officer, the approved POD will be made a part of the ROW grant. MVE will construct, operate, and maintain the project within the ROW in strict conformity with the approved POD, grant, and terms and conditions of the authorization.

In addition to a detailed final project design, MVE will be required to update the POD with a detailed construction schedule and submit it to the BLM Authorized Officer for review and approval. The construction schedule will be required to identify construction of the project in multiple phases, with major construction activities being conducted within specific regions of the project area at a time. The phased construction will utilize the regions and phases as shown in the final EIS within Figure 2.4-4 and incorporate updates as needed to facilitate the efficient construction of the project. The specified regions within each phase described in the final construction schedule will be identified so that construction activities are planned within specific areas for a specific period and move to other areas in a consistent and organized manner. The phased construction schedule will be established a minimum of 6 months prior to the scheduled turnout date for the following grazing year. The schedule will also be designed to provide the necessary timing elements for the BLM and grazing permittees to plan and coordinate grazing operations before and throughout the construction and reclamation periods to ensure that grazing operations would not be dependent on using pastures during major construction activities or with extensive temporary fencing.⁴ Additionally, the phased construction schedule will be required to adhere to

³ Non-participating properties are properties that MVE has not obtained a right to use or encumber.

⁴ The phased construction schedule will be implemented in coordination with rest pastures and with voluntary non-use of animal unit months (AUMs) as allowed by agreements between MVE and grazing permittees to facilitate uninterrupted grazing operations within each allotment.

seasonal wildlife restrictions and measures aimed at reducing effects to wildlife during crucial time periods. The specific timeframes for these seasonal restrictions are provided in Appendix C.

The ROW grant will expire 30 years after its effective date, unless prior to that date it is relinquished, abandoned, terminated, or modified pursuant to its terms and conditions or any other applicable law or regulation. The ROW may be renewed; if renewed, the ROW will be subject to regulations existing at the time of the renewal and any other terms and conditions that the BLM Authorized Officer deems necessary to protect the public interest.

3.2.1 Bonding

Consistent with 43 CFR § 2805.20, MVE must obtain one or more ROW Surety Performance and Reclamation bond(s). The bond(s) must be submitted to and accepted by the BLM Authorized Officer prior to an NTP being issued. The bond is to cover the construction, operation and maintenance, and reclamation of the project; therefore, the bond will remain in place over the life of the grant. Should the bond held under this grant become unsatisfactory to the BLM Authorized Officer, MVE shall, within 30 calendar days of being notified, furnish a new bond. In the event of non-compliance with the terms and conditions of the grant requiring use of the bond, the BLM will notify MVE that the surety bond is subject to forfeiture and will allow MVE 25 calendar days to respond before action is taken to forfeit the bond and suspend or terminate the ROW authorization.

The bond amount will be determined based on the preparation of a reclamation cost estimate, to be developed by MVE and approved by the BLM Authorized Officer. The cost estimate will include the BLM's cost to administer a third-party reclamation contract, and liability for damages or injuries resulting from the release or discharge of hazardous materials.

3.3 Mitigation

The BLM developed mitigation for this project using the general mitigation hierarchy defined in 40 CFR § 1508.1(s): avoidance, minimization, rehabilitation, restoration, rectification, and compensatory mitigation. The ROW grant will include terms and conditions requiring the implementation of Applicant-committed measures, mitigation required by BLM policy, and additional project-specific avoidance and minimization measures as described in Appendix C, referred to as required measures. Even with the implementation of required measures, the Selected Action has the potential to result in residual effects warranting compensatory mitigation. Table 1 identifies resources that will require compensatory mitigation with implementation of the Selected Action. MVE will be required to develop CMPs in accordance with the compensatory mitigation frameworks for key resources and values associated with the Minidoka National Historic Site (NHS), greater sage-grouse, big game, and birds and bats (see Appendix D).

Once approved plans are in place, MVE will be required to reach key milestones in implementing the compensatory mitigation actions that ensure the residual effects will be addressed and meet the standards set. Only after these key milestones have been met will the construction of the project be allowed to begin.

In addition to the required CMPs, MVE must address adverse effects to historic properties through the implementation of an HPMP and HPTPs as described in Appendix E. Consistent with the HPMP, the BLM will require MVE to prioritize avoidance of adverse effects to historic properties by revising plans of work, applying setbacks, micro-siting proposed infrastructure (including realigning roads, turbines, transmission lines, and buried utility lines), relocating associated facilities and turbines outside historic

property boundaries, and placing temporary protective fencing around boundaries prior to ground-disturbing project activities.

Where complete avoidance cannot be achieved and would not eliminate adverse effects to historic properties, final measures for minimization and designated mitigation of adverse effects will be included in HPTPs for specific historic properties. Measures taken through the implementation of the HPMP and HPTPs to minimize and mitigate adverse effects will range across a variety of approaches. These measures will serve to address physical, non-physical, and cumulative impacts to cultural resources. The designated mitigation included in HPTPs will resolve adverse effects to the historic properties. The incorporation of mitigation of adverse effects to historic properties through the HPMP and HPTPs is utilized as compensatory mitigation as described in the mitigation hierarchy.

Table 1. Resources with Residual Effects Warranting Compensatory Mitigation Under the Selected Action

Primary Affected Resource or Subject	Is Compensatory Mitigation warranted?	Rationale	Measure Description or Location of Description
Historic Properties	Yes, specific determinations for individual historic properties will be completed in conformance with the HPMP and HPTPs.	The BLM has determined that “the effects on historic properties cannot be fully determined prior to approval of [the] undertaking” and therefore an alternate option (i.e., measures stipulated in Appendix E) “for dealing with the potential adverse effects” is appropriate (36 CFR § 800.14(b)(1)(ii), (b)(3)). The Idaho State Historic Preservation Office (SHPO) and Advisory Council on Historic Preservation (ACHP) terminated the Section 106 process and did not execute the draft PA. Consistent with the requirements in the Section 106 regulations, BLM fulfilled its obligations under Section 106 by responding to the ACHP’s termination comments (36 CFR § 800.7(c)(4)). Despite termination concluding the Section 106 process, the BLM is incorporating a process that parallels the negotiated PA into this ROD.	Appendix E addresses cultural resource identification efforts and assessment of effects that could not fully be determined prior to the approval of the undertaking (36 CFR § 800.14(b)(1)(ii)). Where adverse effects to historic properties will result, the effects will be resolved through treatment measures specified under the HPMP and HPTPs (see Appendix E).
Eagles	Yes	The Eagle Permit Rule (50 CFR § 22.80(c)(1)(i)) requires compensatory mitigation for “any permit authorizing take that would exceed the applicable eagle management unit take limits ... [which] must ensure the preservation of the affected eagle species by reducing another form of ongoing mortality by an amount equal to or greater than the unavoidable mortality or increasing the eagle population by a greater amount.”	The USFWS will be responsible for making a decision on MVE’s eagle incidental take permit application and determining any compensatory mitigation necessary to address incidental take arising from collisions with turbines. Compensatory mitigation requirements may be re-evaluated every 5 years by the USFWS and could involve a number of options for the first 5-year permit administrative period (i.e., years 1 through 5), including a pole retrofit program (see Appendix T in MVE [2023] for more detail regarding the compensatory mitigation process and compensatory mitigation options). Additional measures may be identified by the USFWS during the eagle permitting process and would be described in the associated NEPA document.

Table 1. Resources with Residual Effects Warranting Compensatory Mitigation Under the Selected Action

Primary Affected Resource or Subject	Is Compensatory Mitigation warranted?	Rationale	Measure Description or Location of Description
Greater sage-grouse	Yes	BLM (2015a, 2015b) requires compensatory mitigation to account for all direct and indirect effects on greater sage-grouse that will occur as a result of the project and achieve a net conservation gain for greater sage-grouse habitat and populations. See the Greater Sage-grouse Mitigation Framework in Appendix D.	<p>MVE is required to provide compensatory mitigation for disturbance to 542 acres of greater sage-grouse functional habitat and that results in a net conservation gain. The mitigation may be implemented through various mechanisms, including mitigation banks, mitigation exchanges, mitigation funds (e.g., funds managed through agreements with the National Fish and Wildlife Foundation [NFWF] or the Foundation for America’s Public Lands, in-lieu fee programs, or public land user-responsible compensatory mitigation).</p> <p>The number of equivalent acres needed to achieve a net conservation gain will depend on the location where habitat protection or improvement actions are completed. A ratio of 1.5:1—equating to 813 acres—will be used if the actions occur within the local fine-scale Habitat Assessment Framework (HAF). If the actions take place outside the local fine-scale HAF, higher ratios of 2:1 or 3:1 may be required.</p> <p>For further details, refer to the Mitigation Framework for Greater Sage-grouse in Appendix D.</p>

Table 1. Resources with Residual Effects Warranting Compensatory Mitigation Under the Selected Action

Primary Affected Resource or Subject	Is Compensatory Mitigation warranted?	Rationale	Measure Description or Location of Description
Big game	Yes	<p>In accordance with FLPMA, the BLM will require mitigation measures and conservation actions to achieve land-use plan goals and objectives and to provide for a sustained yield of natural resources on public lands while continuing to honor the agency’s multiple-use missions.</p> <p>Further, Secretarial Order 3362 directs the BLM to enhance and improve the quality of big game winter range and migration corridor habitat on federal lands and identifies objectives protecting these areas. The residual effects described in the final EIS would inhibit BLM from fully achieving compliance with these objectives and therefore compensatory mitigation is warranted.</p> <p>BLM (1988) requires big game/upland game species on the public lands be provided habitat of sufficient quantity and quality to sustain identifiable economic and/or social contributions to the American people.</p> <p>Additionally, BLM (2021) states when considering compensatory mitigation for residual effects, the BLM should also take into consideration the management responsibilities and interests of other federal agencies, Tribal, state and/or local governments, such as, Idaho Mule Deer Statewide Management Plan 2020–2025 (Idaho Department of Fish and Game [IDFG] 2019), Idaho Action Plan (IDFG 2022).</p>	<p>MVE is required to provide compensatory mitigation for direct and indirect effects to big game wintering and migratory habitats.</p> <p>Direct effects will be required to be off-set through acquisition of, or providing funds leading to, the acquisition of land parcels or interests in land parcels from willing seller(s) that would be set aside as conservation easements restricting incompatible development and modifications to mule deer and pronghorn winter range habitats. Habitat protections may be located on private or public lands. If located on public lands, a public lands mitigation lease would be the means of securing conservation protections.</p> <p>Mitigation lands would be required to have habitat characteristics needed to support wintering mule deer or pronghorn or would include proposals to complete restoration actions leading to meeting winter habitat requirements. The land will be required to supply habitat equivalent to or greater than 3,962 acres of winter mule deer and/or pronghorn habitat.</p> <p>MVE will be required to off-set indirect effects through the establishment of a funding mechanism (e.g., mitigation fund agreements with NFWF or the Foundation for America’s Public Lands) with objectives to improve migration habitat on and adjacent to public lands through annual payments. Funds would be prioritized for completing work on public lands within or near the project area.</p> <p>See the Mitigation Framework for Big Game in Appendix D.</p>

Table 1. Resources with Residual Effects Warranting Compensatory Mitigation Under the Selected Action

Primary Affected Resource or Subject	Is Compensatory Mitigation warranted?	Rationale	Measure Description or Location of Description
Environmental justice, Native American resources	Yes	<p>Consideration of environmental justice issues is mandated by Executive Order 12898, Indian Sacred Sites under the American Indian Religious Freedom Act, Executive Order 13007, and Tribal consultation, including on Tribal treaty rights under Joint Secretarial Order 3403 and the Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights.</p> <p>The residual impacts described in the final EIS would inhibit BLM from achieving full avoidance of Native American resources considered under these mandates, and therefore compensatory mitigation is warranted.</p>	<p>Foreseeable adverse effects to historic properties, cultural resources, big game, vegetation, and avian species have the potential to affect Native American Tribes' ongoing rights as sovereign governments pertaining to cultural resources and their ability to practice unique subsistence lifestyle and maintain Tribal traditions. Residual effects to resources that would result in effects to Native American Tribes' rights are addressed through compensatory mitigation described in Appendix D and Appendix E.</p> <p>The BLM will continue to solicit input from the Shoshone-Bannock Tribes and Shoshone-Paiute Tribes through ongoing Government-to-Government consultation, and will apply that input to avoid, minimize, and mitigate project effects to Native American Tribes, including on important Native American resources such as those related to Treaty Rights and other rights as may relate to sacred places. This consultation will include soliciting input from Native American Tribes on CMPs for which the BLM has included mitigation frameworks in Appendix D to this ROD.</p> <p>In addition to the implementation of required measures (see Appendix C), additional measures to avoid, minimize, or mitigate physical effects to cultural resources will be developed and implemented under the HPMP and HPTPs as described in Appendix E. Where physical effects to cultural resources result, any adverse effects will be resolved through treatment measures specified under the HPMP and HPTPs as described in Appendix E.</p>

Table 1. Resources with Residual Effects Warranting Compensatory Mitigation Under the Selected Action

Primary Affected Resource or Subject	Is Compensatory Mitigation warranted?	Rationale	Measure Description or Location of Description
Environmental justice, cultural resources, Minidoka NHS interpretive purpose	Yes	<p>Public Law 110-229, Section 313, instructs the Secretary of the Interior to interpret the following:</p> <p>(I) the story of the relocation of Japanese Americans during World War II to the Minidoka War Relocation Center (WRC) and other [incarceration sites] across the United States;</p> <p>(II) the living conditions of the [incarceration sites];</p> <p>(III) the work performed by the [incarcerees] at the [incarceration sites]; and</p> <p>(IV) the contributions to the United States military made by Japanese Americans who had been [incarcerated].</p> <p>Because the project will lead to some unmitigable effects to the Minidoka NHS, particularly with respect to visual effects, compensatory mitigation is warranted.</p> <p>Consideration of environmental justice issues is mandated by Executive Order 12898.</p> <p>Effects to distributed environmental justice communities (Japanese American and Minidoka-connected communities) and the Minidoka NHS interpretive purpose were identified through the NEPA process as “resources that are considered important, scarce, sensitive, or having protective legal mandate that are identified through a NEPA process as warranting compensatory mitigation” (BLM 2021).</p>	<p>MVE is required to provide compensatory mitigation for residual effects to key resources and values associated with the Minidoka NHS. MVE is required to continue consultation and coordination with the BLM, Japanese American and Minidoka-connected communities, National Park Service (NPS), and other applicable stakeholders to ensure compensatory mitigation actions implemented are effective for off-setting the residual effects resulting from the project. MVE will prioritize mitigation actions restoring the historic mess hall and the relocation of the existing Hunt-Midpoint transmission line from within the Minidoka NHS. These, in addition to other mitigation actions, are identified in the Mitigation Framework for Key Resources and Values Associated with the Minidoka NHS in Appendix D.</p>

Table 1. Resources with Residual Effects Warranting Compensatory Mitigation Under the Selected Action

Primary Affected Resource or Subject	Is Compensatory Mitigation warranted?	Rationale	Measure Description or Location of Description
Bat populations	Yes, if adaptive management does not reduce fatalities below the adaptive management threshold developed by the technical advisory committee (TAC).	<p>BLM Manual 6840 (BLM 2008b) provides that actions authorized by the BLM shall further the conservation and/or recovery of federally listed species and conservation of BLM sensitive species, and BLM sensitive species will be managed consistent with species and habitat management objectives in land use and implementation plans to promote their conservation and to minimize the likelihood and need for listing under the ESA.</p> <p>Additionally, it instructs the BLM to initiate proactive conservation measures that reduce or eliminate threats to BLM sensitive species to minimize the likelihood of and need for listing of these species under the ESA.</p> <p>Adaptive management measures will be implemented to reduce bat fatalities, and additional bat fatality monitoring will be conducted to assess the effectiveness of these measures. If adaptive management does not reduce fatalities below the adaptive management threshold, compensatory mitigation will be required.</p> <p>Effects to bat populations were identified through the NEPA process as “resources that are considered important, scarce, sensitive, or having protective legal mandate that are identified through a NEPA process as warranting compensatory mitigation” (BLM 2021).</p>	<p>The adaptive management threshold will be informed by the processes described in Appendix D, will be aided by consultation with the TAC,⁵ and will be based on species’ population trends and current meta-analysis of wind energy effect on birds and bats. If adaptive management does not reduce fatalities below the adaptive management threshold, appropriate compensatory mitigation measures will be established as described in Appendix D. Final decisions regarding compensatory mitigation will be the responsibility of the BLM Authorized Officer. Adaptive management and potential compensatory mitigation measures currently under consideration are listed under Compensatory Mitigation Actions in the Mitigation Framework for Birds and Bats in Appendix D.</p>

⁵ The collaborative interagency TAC may include qualified representatives from the BLM, IDFG, the Idaho Governor’s Office of Species Conservation, and USFWS. TAC members will provide insights to MVE and the BLM concerning the development, implementation, and oversight of a comprehensive CMP by exchanging views, information, or advice throughout all phases of the project life cycle (see Section 3.5 and Appendix D of this ROD for additional information).

Table 1. Resources with Residual Effects Warranting Compensatory Mitigation Under the Selected Action

Primary Affected Resource or Subject	Is Compensatory Mitigation warranted?	Rationale	Measure Description or Location of Description
Avian populations	Yes, if adaptive management does not reduce fatalities below the adaptive management threshold developed by the TAC.	<p>BLM Manual 6840 (BLM 2008b) states actions authorized by the BLM shall further the conservation and/or recovery of federally listed species and conservation of BLM sensitive species, and BLM sensitive species will be managed consistent with species and habitat management objectives in land use and implementation plans to promote their conservation and to minimize the likelihood and need for listing under the ESA.</p> <p>Additionally, it instructs the BLM to initiate proactive conservation measures that reduce or eliminate threats to BLM sensitive species to minimize the likelihood of and need for listing of these species under the ESA.</p> <p>Adaptive management measures will be implemented to reduce avian fatalities; additional avian fatality monitoring will be conducted to assess the effectiveness of these measures. If adaptive management does not reduce fatalities below the adaptive management threshold, compensatory mitigation will be required.</p> <p>Effects to avian populations were identified through the NEPA process as "resources that are considered important, scarce, sensitive, or having protective legal mandate that are identified through a NEPA process as warranting compensatory mitigation" (BLM 2021).</p>	<p>The adaptive management threshold will be developed by the TAC and will be based on species' population trends and current meta-analysis of wind energy effect on birds. If adaptive management does not reduce fatalities below the adaptive management threshold, appropriate compensatory mitigation measures will be identified by the TAC and will be based on the best available science and technology at that time. Final decisions regarding compensatory mitigation will be the responsibility of the BLM Authorized Officer. Adaptive management and potential compensatory mitigation measures currently under consideration are listed under Compensatory Mitigation Actions in the Mitigation Framework for Birds and Bats in Appendix D.</p>

3.4 Monitoring

3.4.1 Environmental Compliance Monitoring

MVE will be required to implement the POD's Environmental Compliance and Monitoring Plan (MVE 2023: Appendix V), as updated to be consistent with this ROD (see Appendix G for additional detail), to ensure that environmental conditions are monitored and required measures are implemented during the construction, operation, and decommissioning phases. A third-party compliance inspection contractor, selected by the BLM and reportable to the BLM, will be responsible for compliance monitoring of the terms and conditions of the federal grants and authorizations. The BLM is responsible for enforcement of the federal grants and authorizations allowed for under this ROD.

3.4.2 Resource Monitoring

In addition to the required environmental compliance monitoring, MVE will also be required to implement postconstruction monitoring to evaluate actual effects to specific resources as described in approved CMPs, HPMP, HPTPs, and Appendix G. Monitoring resources as outlined in the plans will be utilized to inform adaptive management and assess effectiveness of mitigation actions. Required monitoring will include objectives, methodologies, and reporting requirements.

Adaptive management thresholds will be identified through coordination with the TAC (defined below) and will establish trigger responses to substantial impairments in migratory corridors or unexpectedly high mortality levels. The adaptive management actions will be informed by the best science and technology available at the time, which may include curtailment plans that adjust turbine operations during peak risk periods. These strategies can be model-driven, based on correlations between bat activity and weather conditions, or informed by real-time observations using SMART (Self-monitoring, Analysis, and Reporting Technology) devices.

3.5 Establishment of a Technical Advisory Committee

The BLM will coordinate with cooperating agencies and MVE to establish a TAC for the purpose of providing the BLM Authorized Officer with insights concerning effects to birds, bats, and big game species during implementation of the project. The TAC will also facilitate coordination on project-specific elements using the best available science to establish adaptive management measures necessary and appropriate to address impacts based on postconstruction monitoring, incidental reporting, industry research, and new regulatory developments. The TAC may include, but is not limited to, resource specialists from the BLM, USFWS, IDFG, and the Idaho Governor's Office of Species Conservation. TAC members will coordinate with the BLM and have duties and responsibilities including but not limited to:

- providing technical knowledge and information based on best available science and technology to address specific issues resulting from the project;
- providing insights and information so the BLM Authorized Officer and MVE have sufficient flexibility to adapt as more is learned about the project and strategies that reduce effects to avian and bat species;
- reviewing initial protocols and any subsequent revised protocols for fatality monitoring;
- reviewing results of fatality monitoring;
- coordinating on the development of appropriate mitigation measure(s) for consideration by the BLM Authorized Officer in the event that a significant or unique event occurs;

- reviewing annual reports on the status of compliance with mitigation measures and permit conditions and coordinating with the BLM Authorized Officer, as necessary;
- developing and coordinating on additional mitigation measures or research with the BLM Authorized Officer if predetermined mitigation measures become outdated or are deemed ineffective or if unexpected fatalities occur;
- evaluating the effectiveness of mitigation measures implemented for the project and coordinating with the BLM Authorized Officer; and
- coordinating with the BLM Authorized Officer on developing compensatory mitigation measures, if determined necessary, such as off-site habitat enhancement or species protection/conservation measures for birds and/or bats.

The TAC will be established prior to BLM issuing an NTP and will terminate when the BLM Authorized Officer determines that it is no longer a necessary pathway to reduce impacts. The TAC will hold its first meeting prior to the beginning of construction. Thereafter, the TAC will meet annually, unless data reveal that mortality triggers for adaptive management have been exceeded.

4.0 MANAGEMENT CONSIDERATIONS AND RATIONALE

4.1 Rationale for the Decision

The Selected Action reflects careful balancing of competing public interests in managing public lands in accordance with the principles of multiple use and other obligations established in FLPMA, including those in Title V. It is my conclusion that the Selected Action represents a rational compromise between these competing public interests. The Selected Action results in the smallest project footprint on public lands and the lowest number of acres disturbed out of all alternatives and still advances national directives and policy, such as Section 3104 of the Energy Act of 2020 (codified as 43 USC § 3004), Executive Order 14008 – *Tackling the Climate Crisis at Home and Abroad* (January 27, 2021), and 14057 – *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability* (December 8, 2021), regarding the promotion and expansion of renewable energy on public lands. As authorized by Congress, Section 3104 the Energy Act of 2020 directed the Secretary of the Interior to establish national goals for renewable energy production on federal lands. Specifically, Section 3104 the Energy Act of 2020 mandates that the Secretary of the Interior “shall seek to permit at least 25 gigawatts (GW) of electricity from wind, solar, and geothermal projects by 2025.” In response, the Secretary of the Interior has established that “(t)he Department of Interior shall seek to permit at least 25 GW of renewable energy production on public lands by 2025” (Secretarial Order 3399). The Lava Ridge Wind Project will contribute to meeting or exceeding this target and will expand the renewable energy capacity across the region.

As a result of cooperating agency and stakeholder feedback on the draft EIS, the BLM examined adjustments to multiple alternatives, including blending elements from different alternatives, to balance potential effects on resources while meeting the technical requirements for an economically viable project that aligns with renewable energy goals. The development of the Preferred Alternative was a complex, iterative process that required careful consideration of siting corridor placement, visibility from the Minidoka National Historic Site, potential effects on big game and sage-grouse, conflicts with grazing operations, impacts on public and private land uses, the location of wind resources, and the efficient use of public lands.

This process involved evaluating which project elements were responsible for potential impacts and identifying what adjustments could avoid or minimize those effects. Additionally, the BLM had to determine whether changes to reduce impacts on one resource might create new impacts on another or render the project infeasible. The focus was on identifying siting corridor adjustments that could reduce multiple resource impacts or land use conflicts while maintaining operational feasibility. Once siting adjustments were refined, design criteria were applied to further avoid and minimize impacts, such as height limits, setbacks, and adaptive management measures.

Through this iterative effort with MVE and cooperating agencies, the BLM was able to prepare a Selected Action that avoids unnecessary impacts and ensures the effective and efficient use of public lands. This decision reflects a balanced approach to resource protection and renewable energy development, supporting the Nation's energy needs while addressing environmental and land use concerns.

Consequently, the Selected Action includes siting corridors that have been strategically placed to reduce adverse effects to key resources of concern. The Selected Action also imposes a maximum height of 660 feet for all turbines, whereas all other action alternatives allow turbine heights up to 740 feet. I have determined that the reduced footprint, the strategically located siting corridors, and a reduced turbine height provide an alternative that is best suited to avoid and minimize potential effects while balancing the use of public lands to generate electricity. Additionally, the Selected Action also provides the best scenario for implementing mitigation that adopts all practicable means to avoid, minimize, or eliminate environmental harm from adverse effects to resources. The following sections describe the factors and considerations taken for the Selected Action.

4.1.1 Meeting the BLM's Purpose and Need

The BLM's purpose is to respond to MVE's application for a ROW to construct, operate and maintain, and decommission a wind energy facility on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws and policies. 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 ROWs on public lands for systems for generation, transmission, and distribution of electric energy (FLPMA Title V).

It is my conclusion that approval of the ROW grant for the Selected Action meets the BLM's purpose and need, in part, by responding to MVE's application pursuant to FLPMA, consistent with the BLM's multiple-use mandate and ROW objectives outlined in 43 CFR § 2801.2. Additionally, the Selected Action meets the BLM's purpose and need of advancing legislative and policy goals by allowing MVE to use federal lands to construct, operate and maintain, and decommission a wind energy facility that will generate renewable energy.

4.1.2 Factors Considered

In compliance with 40 CFR § 1502.2(b), the final EIS has discussed effects in proportion to their significance and only briefly discusses other important issues; **however, all the issues and effects described in the EIS, whether they are analyzed in detail or in brief, were considered in making this decision.** The factors considered below are those found to be substantive through effects analysis, were central to the BLM's decision-making process and selection of the Selected Action, or are issues that were emphasized through public comments. That said, I relied upon the full extent of the final EIS and incorporate here in full whether I specifically mention portions of the final EIS or not.

In making the decision to authorize the use of public lands as described in the Selected Action, the BLM has considered factors to ensure the decision aligns with its multiple-use mission, meets regulatory

objectives, and advances national policy objectives. The Selected Action is a product of extensive analysis, stakeholder engagement, and strategic planning. In fact, the Selected Action is a direct response to comments made by cooperators and stakeholders on the draft EIS. The BLM has sought to reach a rational compromise of competing public interests by balancing the need for renewable energy development with the protection of natural, cultural, and socioeconomic resources.

Key factors also included balancing impacts to the Minidoka NHS, avoiding and minimizing impacts to big game migration and winter habitat, maintaining the continuity of grazing operations alongside the wind project, and addressing the effects on historic properties and environmental justice communities. As one example further detailed below, due to strategic placement and increased distance from the Minidoka NHS, the wind turbines will now only occupy about 15% of the total horizon and result in reducing visible impacts from major to moderate or minor. By thoroughly evaluating these factors and incorporating stakeholder feedback, the BLM has prepared a decision that upholds its mandate to protect public lands to the extent necessary while supporting the development of renewable energy infrastructure.

In addition to minimizing and avoiding impacts through the Selected Action's design and implementation of required measures, a critical aspect of the BLM's decision is the integration of required compensatory mitigation measures. The compensatory mitigation measures are designed to offset unavoidable impacts to key resources such as wildlife habitats, cultural sites, and local communities. The BLM has undertaken extensive consultations with Native American Tribes, local governments, and other stakeholders to identify and address concerns but recognizes residual impacts will occur. By incorporating compensatory mitigation, the BLM ensures that adverse effects are minimized and that a no loss or net conservation gain standard, as applicable, is met. This holistic approach underscores the BLM's commitment to sustainable development and stewardship of public lands, demonstrating that renewable energy projects can coexist with environmental conservation and cultural preservation.

4.1.2.1 Maintaining Important Visual Aspects of the Environmental Setting at Minidoka NHS

As alluded to above, significant factor considered in the decision to select the Selected Action for the Lava Ridge Wind Project is the project's ability to be implemented while maintaining an environmental setting that preserves the existing elements that convey the Minidoka NHS's remote setting with open views of fields and distant mountains. The project's potential effects on cultural resources at the Minidoka NHS, Japanese American and Minidoka-connected environmental justice communities, and the NHS's interpretive purpose are closely related. These effects are associated with the degree of visual change in landscape character and the addition of noise to the soundscape affecting the environmental setting surrounding the Minidoka NHS. By increasing the project's distance from the Minidoka NHS, the Selected Action reduces the degree of visual change in the landscape character, addressing the underlying source of effects to these interconnected concerns (EIS Section 3.19).

The Japanese American and Minidoka-connected communities, the NPS, and other organizations have highlighted many aspects of the Minidoka NHS that make it a nationally important historic property and an important site of conscience and healing. A prominent concern is the potential for the project to affect the unobstructed views that contribute to the site's sense of isolation and its environmental setting (EIS Section 3.16.1). The Selected Action is the result of the BLM's consultation with and extensive comments from the Japanese American and Minidoka-connected communities, other organizations, and the NPS. The Selected Action strategically avoids placing turbines within unobstructed viewing directions and maintains the significant setbacks from the Minidoka NHS. Instead, I find that the Selected Action largely places turbines within viewing directions already obstructed by preexisting infrastructure and disturbance.

As a consequence, this alternative results in the lowest levels of visual change in landscape character compared to other action alternatives (EIS Section 3.19).

The Selected Action has the smallest siting corridor footprint of all action alternatives and eliminates all turbine strings from the immediate-foreground (0-2 miles) and all but one string from the foreground (2-10 miles) from the Minidoka NHS. Compared to Alternatives B, C, and D, the degree of visual changes for viewers at the Minidoka NHS is reduced from major to moderate or minor (see EIS Table 3.19-2). Under the Selected Action, turbines would be 9 or more miles away from the Minidoka NHS visitor center, with approximately 70% being more than 12 miles away (EIS Section 3.19.2.6). Compared to all action alternatives, turbines within the Selected Action are visible in the smallest range of vision (in a 55-degree arc) and across up to 12 miles of the horizon, occupying less than half of the human field of vision (120-degrees) when looking in the direction of the project and only about 15% of the total horizon. The increased distance from the Minidoka NHS to the wind turbine siting corridors reduces the apparent size of each turbine, better fitting within the existing landscape. Additionally, the lower maximum turbine height and strategic placement of siting corridors reduce the visual prominence of the turbines. The turbines will be spread across a limited portion of the horizon, further minimizing visual impacts (EIS Section 3.16.1). This strategic placement helps to ensure that the essential visual elements of the Minidoka NHS, which contribute to its historical and cultural significance, are preserved while accommodating renewable energy development (EIS Section 3.19).

The Selected Action carefully locates siting corridors so that they will be visually intermixed with existing development; will not be in locations that obstruct distant mountains, i.e., the Albion, Soldier, and Pioneer Mountains, or the open fields and rolling hills located within the extent of the historical residential area; and will be a distance that limits the visual intrusion. Although visual effects to the Minidoka NHS's environmental setting will potentially diminish the visitor experience when viewing in a direction where the integrity of the resource has already been lost, the effects will not significantly affect essential NHS physical elements or values as the elements that are existing and contributing to an expansive unobstructive view and a sense of remoteness and isolation are maintained under the Selected Action. As a result, I conclude that the Selected Action avoids and minimizes impacts and is balanced with advancing renewable energy goals.

4.1.2.2 Maintaining Big Game Migration and Wintering Habitats

A factor considered in the decision to select the Selected Action for the Lava Ridge Wind Project is the project's ability to be implemented while maintaining mule deer and pronghorn access to migration habitats and use of winter habitats. In reviewing the final EIS, it is clear that impacts to big game migration and wintering habitats are largely attributed to the project footprint. Alternative B represents the largest ground-disturbance footprint (9,114 acres) and involves the most new and improved access roads and fencing. The siting corridors would span a greater portion of the relatively undeveloped land in the center of the analysis area. And critical for this resource, Alternative B would substantially fragment remaining wildlife habitat, reduce habitat connectivity, and could greatly impair the ability of wildlife to move through the analysis area.

Alternative C reduces the project footprint to 6,953 acres and Alternative D further reduces the acres to 4,838. As a result, each of these alternatives requires fewer new or improved roads and fences. Alternative C would concentrate development in the eastern siting corridors and limit impacts in relatively undeveloped areas. Alternative D would go further and result in fewer impacts in areas with relatively intact native vegetation and as such, appears to have the fewest impacts to wildlife movement.

In contrast, Alternative E reduces the ground disturbance from Alternative B to 5,136 acres and involves similar road and fencing impacts as Alternative D. However, siting corridors would still occur in the east where native vegetation is still relatively intact. As such, the BLM concluded in the final EIS that this alternative would have fewer impacts than Alternative B and Alternative C but greater impacts than Alternative D and the Preferred Alternative.

The Selected Action has the smallest ground disturbance footprint of all the action alternatives. Furthermore, the Selected Action further minimizes impacts by strategically locating siting corridors to reduce overlap with primary migration pathways and stopover habitat. The construction and decommissioning schedule under this action focuses major construction activities within specific regions. This phased approach reduces the total footprint of the project's infrastructure and the extent of ground and noise disturbance to winter habitat occurring at one time, thus reducing the potential impacts on big game (EIS Section 3.18.2.2.6, Table 3.18-2).

The Selected Action's phased construction schedule helps to limit the amount of human activity occurring across the entire project area at one time. This approach significantly reduces the potential for habitat disruption and displacement of pronghorn and mule deer during construction and operation of the project. By strategically locating siting corridors to avoid primary migration pathways and stopover habitats, the Selected Action ensures that the disturbance within these critical areas is minimized, with less than one acre of disturbance due to work areas and infrastructure (EIS Section 3.18.2.2.6).

In addition to minimizing the project's footprint, the Selected Action incorporates various mitigation measures to further reduce potential impacts on big game. These measures include prohibiting construction and decommissioning activities between January 1 and April 15, avoiding maintenance and repair activities between November 15 and April 30, and reducing vehicle traffic on project access roads (Appendix C.) These measures help to reduce the potential for mid- to late-winter and spring migratory displacement. The implementation of these measures, combined with the reduced seasonal noise and vegetation disturbance of winter habitat, ensures that the impacts on wintering Owinza mule deer and pronghorn populations are minimized (EIS Section 3.18.2.2.6).

Furthermore, achieving renewable energy goals through the Lava Ridge Wind Project contributes to the broader effort of mitigating climate change. Reducing greenhouse gas emissions helps to stabilize climate patterns, which is beneficial for maintaining healthy ecosystems and wildlife habitats. Climate change poses significant threats to big game populations by altering their habitats and food availability and increasing the frequency and intensity of extreme weather events. By generating clean, renewable energy, the Lava Ridge Wind Project helps to combat these threats, thereby supporting the long-term conservation of mule deer and pronghorn habitats. According to research, renewable energy projects play a crucial role in reducing carbon emissions and mitigating climate change impacts, which is vital for preserving wildlife habitats and biodiversity.

It is my determination that the Selected Action's smaller footprint, reduced area of overlap with migration pathways and stopover habitats, and strategic construction phasing demonstrates the most balanced approach of all the alternatives for achieving renewable energy goals while maintaining critical wildlife habitats. By carefully considering the location and timing of construction activities and incorporating comprehensive mitigation measures, the Selected Action aims to balance the need for renewable energy development with the conservation of important wildlife habitats. As such, I conclude that the Selected Action represents the best option for supporting the Department's renewable energy goals while minimizing impacts to big game migration and wintering habitats.

3.1.2.3 Greater Sage-Grouse Habitat

The decision to authorize the development of the Lava Ridge Wind Project as described in the Selected Action was guided by multiple factors, especially those related to sage-grouse protection while also minimizing effects on the Minidoka NHS and achieving renewable energy goals. The Selected Action balances these objectives to ensure effective use of public lands, both in terms of habitat and historic resource conservation and balancing the need to authorize energy production.

Sage-grouse are dependent on sagebrush habitats throughout the year, though they also exhibit some seasonal differences in habitat use. In the proposed siting corridors, sagebrush habitat generally occurs in the north and east where it is interspersed with herbaceous communities. The land surrounding the eastern, southern, and western portions of the siting corridors is mostly cultivated cropland. The BLM found that mature sagebrush habitat covers only 33% of the analysis area. The BLM also found that approximately 91% of the proposed siting corridors is located within general habitat management area (GHMA). The remainder is not part of any habitat management area.

The BLM evaluated habitat assessments along with aerial and ground surveys to assess sage-grouse population and distribution. An example of the methodology used by the BLM can be found in the final EIS with respect to known occupied leks 4L152, 4L159, and 4L160. These occupied leks were surveyed in March and April 2020 and 2021, and displaying males were confirmed at leks 4L152 and 4L159 in 2020. No males were reported near lek 4L160 in 2020 during surveys but were reported near this lek in 2019. However, the BLM did report a sighting of displaying males on this lek in late March 2020. Actively displaying males were confirmed at leks 4L152, 4L159, and 4L160 during each round of surveys in 2021. Furthermore, IDFG recorded actively displaying males at these leks in 2022, and at lek 4L159 in 2023. The BLM concluded in the final EIS that these three leks remained occupied.

An additional example can be found in BLM's conclusion in the final EIS that seven of the eight previously undetermined leks (as defined by IDFG) identified in the draft EIS are now unoccupied and therefore do not warrant further consideration for BLM management. The BLM noted in the final EIS Section 3.3.4.1.2 that:

This conclusion is supported by additional lek count data from 2022 and 2023 and the following data: It has been approximately 70 years since sage-grouse were observed displaying in leks 2J010, 2J011, 2J012, 2J013, 2J014, 2J017, and 2J021. These same leks have had three to six repeated counts of zero since 2000; leks 2J012, 2J013, 2J014 also had a count of zero in 1972. In addition, these seven leks occur in a fragmented landscape with little remaining sagebrush cover. In all, 12% to 45% of the area within a 3.1-mile radius of these leks has sagebrush cover greater than 5% (Rigge et al. 2023). Landscape-scale sagebrush cover, proportion of agriculture, and proportion of habitat dominated by annual grass (which affects fire frequency in sage-grouse habitat) are important for lek persistence. Occupied leks typically have more than 40% sagebrush cover within a 3.1-mile radius (Knick et al. 2013). The area around these seven leks is also dominated by high annual grass cover within a 3.1-mile radius around the leks, with 24% to 71% of the area having 20% or more annual grass cover. The area within a 3.1-mile radius around leks 2J011, 2J013, 2J014, 2J017, and 2J021 includes 14% to 45% agriculture, which is outside of the normal average for sage-grouse leks across their historic range, as presented in Knick et al. (2013). The area within a 3.1-mile radius around leks 2J010 and 2J012 includes 9% agriculture for each, which is within the normal average. The area within a 3.1-mile radius around leks 2J011, 2J014, 2J017, and 2J021 includes 3% to 5% of developed land, which is also outside of the normal average for sage-grouse leks across their historic range as presented in Knick et al.

(2013). The area within a 3.1-mile radius around leks 2J010, 2J012, and 2J013 is within the normal average of 0% to 2%. Since these seven leks have limited sagebrush across the landscape, have high annual grass cover, and are within a landscape further fragmented by agriculture and other land uses, and the leks have had numerous counts of zero over the past 20 plus years, the BLM's independent determination of these seven leks is that they are unoccupied.

One of the eight previously undetermined leks identified in the draft EIS (4L008) had four counts of zero between 2014 and 2022, and it has been over 40 years since it was occupied. However, lek 4L008 is within 3 and 5 miles of two occupied leks, 4L159 and 4L152, respectively, both with up to 20 birds, and the kernel density, similar to breeding bird density, is medium to high in this area, partly due to several occupied leks to the north and northeast. Kernel density is derived from 1) breeding bird density calculated from the 5-year maximum male count within 10 [kilometers] of leks with two or more males from 2018 to 2022, and 2) summarizing overlapping 5-year maximum male count values from breeding bird density within 5 [kilometers] of the aforementioned leks. Habitat characteristics around lek 4L008 are similar to those around leks 4L152 and 4L159. All three of these leks have low landscape sagebrush cover (< 15%) and high annual grass cover (> 40%) due to fires but are within 2 to 3 miles of larger contiguous patches of sagebrush cover. Furthermore, there are telemetry locations around leks 4L152 and 4L159 and to the north of 4L008. Due to the counts and recent change in lek definitions, IDFG no longer considers 4L008 a lek. However, the BLM's independent determination is to consider lek 4L008 as occupied. Because of the proximity and similar characteristics of occupied leks 4L152 and 4L159, kernel density or breeding bird density, and telemetry locations in the area, there is insufficient information for the BLM to consider lek 4L008 as unoccupied under BLM (2015a). Therefore, the BLM would err on the side of caution for sage-grouse conservation and treat lek 4L008 as occupied.

The above represent just two examples of the high level of analysis performed by BLM as evidenced in the final EIS.

The project, in any form, will have impacts to sage-grouse habitat and cause sage-grouse to avoid lek sites due to increased human activity and noise, potentially leading to a reduction in lek activity or abandonment. Ultimately, this could reduce lek density in the project area. It is clear from the final EIS that Alternative B would have significant impacts on sage-grouse as there would be permanent functional habitat loss of 786.2 acres. Alternative B would add ground disturbance, roads, fences, overhead lines, turbines, water troughs, human activity, and traffic in GHMA. Moreover, the use of leks 4L152, 4L159, and 4L160 is likely to decline, and there is an increased risk of loss. There would also likely be a reduction in connectivity with Idaho leks/populations to the south and northeast that serve as hubs for local and range-wide genetic.

Alternative B (Proposed Action with Additional Measures) through Alternative E (Reduced Southern Corridors) all attempt to reduce impacts to resources, including sage-grouse. For example, Alternative C (Reduced Western Corridors) would reduce impacts on use and possible loss of leks 4L152, 4L159, and 4L160 due to seasonal restrictions for all phases of the project and would reduce the risk of population decline in the analysis area. Likewise, Alternative E (Reduced Southern Corridors) would have fewer siting corridors and related infrastructure and human disturbance compared to Alternative C, but infrastructure would be sited in areas with better late-brood-rearing suitability and higher breeding bird densities, which would be more impactful on sage-grouse than placing infrastructure in the western siting corridors. Alternative E would also pose the same risk of declining use and loss of leks 4L152, 4L159, and 4L160, and of population decline, as Alternative C.

Alternative D would likely have fewer impacts on sage-grouse than all other action alternatives. This alternative avoids placing project infrastructure near sage-grouse leks 4L152, 4L159, and 4L160. This would greatly decrease the risk of declining use and loss of lek 4L160 compared to all other action alternatives and decrease the risk of population declines in the analysis area. Connectivity with Idaho leks/populations to the south and northeast that serve as hubs for local and range-wide genetic connectivity would be affected to a lesser extent than all other action alternatives. On the other hand, while Alternative D requires less new infrastructure in GHMAs than Alternative B and Alternative C, it requires more new infrastructure in GHMAs than Alternative E and the Preferred Alternative.

However, the impacts that any of the action alternatives will have on sage-grouse cannot be considered in isolation. Even though Alternative D would result in fewer effects to functional sage-grouse habitat, it would cause significantly more effects on the Minidoka NHS than the Preferred Alternative. The primary element that would help reduce impacts to the Minidoka NHS is increasing the distance of the siting corridors to the NHS; however, there are other elements to avoid and minimize impacts outside of moving the siting corridors away from sage-grouse habitat. Alternative D would not effectively minimize impacts to both resources, whereas the Preferred Alternative reduced impacts to the Minidoka NHS while also minimizing impacts to sage-grouse.

The Selected Action will disturb fewer acres in areas with higher sagebrush cover than all other action alternatives except Alternative D. However, more acres of GHMA would be disturbed than with Alternatives C, D, and E. The Selected Action poses the same risk of declining use and loss of leks 4L152, 4L159, and 4L160 as Alternatives C and E. Connectivity issues would be the same as Alternatives C and E, even with the slight reduction in infrastructure around lek 4L160. The Preferred Alternative results in the second-smallest area of permanent functional habitat loss, with more acres lost than Alternative D and less than all other action alternatives (524.4 acres).

The project is anticipated to cause sage-grouse to avoid lek sites due to increased human activity and noise, potentially leading to a reduction in lek activity or abandonment. This could reduce lek density in the project area. Specifically, the lek (4L160) that will have significant infrastructure developed around it under the Selected Action may cease to exist. However, adjustments in the Selected Action provides an opportunity for connection with other habitats outside the 3.1-mile buffer, potentially mitigating these effects (EIS Section 3.3.4). Additionally, removing proposed infrastructure north of Highway 24 and specific turbine siting corridors from consideration in the Selected Action aims to maintain connectivity between lek sites and multiple seasonal use areas (EIS Section 3.3.4). This strategic approach with seasonal use restrictions helps facilitate natural behaviors and migration patterns facilitating movement without significant disruption, which is crucial for maintaining the ecological connectivity necessary for sage-grouse populations.

Additionally, the Selected Action includes compensatory mitigation requirements to ensure a net conservation gain for sage-grouse. Despite the unavoidable disturbances to sage-grouse habitat, compensatory mitigation will involve developing and implementing comprehensive actions to restore or protect nearby areas with greater potential to support expanding sage-grouse populations (Appendix D: Mitigation Framework for Greater Sage-grouse). This approach ensures that the BLM meets its management obligations for sage-grouse conservation under the 2015 ARMPA.

The Selected Action for the Lava Ridge Wind Project was chosen based on a comprehensive analysis of environmental, ecological, and cultural factors. There is no doubt that the Selected Action will have an impact on sage-grouse and its habitat. However, by incorporating seasonal restrictions, designing siting corridors to maintain lek buffers and habitat connections, implementing required design features, and

employing compensatory mitigation, the Selected Action aims to balance renewable energy development with the necessary protections for sage-grouse habitats. Additionally, as this project adds to the renewable energy projects necessary for meeting BLM's renewable energy goals, it will be part of the bigger goal of reducing carbon emissions and lead to benefits through maintaining a functioning sagebrush steppe ecosystem. The Selected Action supports broader conservation goals while recognizing the need for renewable energy, ensuring a sustainable and environmentally responsible project implementation.

4.1.2.4 Managing Bird and Bat Fatalities and Effects to Habitats

Among the factors that I considered in selecting the Selected Action is the project's ability to be implemented while continuing to take steps to manage fatalities and habitat effects to birds and bats. Implementing requirements established by the Selected Action will avoid and minimize potential bird and bat fatalities and effects to habitat compared to all other action alternatives. The final EIS provides evidence that the BLM has carefully evaluated various factors to balance the use of public lands for renewable energy goals with the need to maintain bird and bat populations. A key component of this balance is the implementation of the mitigation framework outlined in Appendix D (also Appendix 4 in the Final EIS), which includes a monitoring and adaptive management approach.

4.1.2.4.1 Birds

According to the final EIS, the avian populations within the Lava Ridge Wind Project area include special-status species, including USFWS birds of conservation concern, BLM special-status species, and IDFG species of greatest conservation need. MVE conducted avian surveys identifying 67 bird species within the siting corridors and an additional 12 species nearby. Large diurnal raptors are notably at high risk of population-level effects due to turbine collisions. Although direct mortality from collisions is unlikely to threaten most avian populations, species with small or declining populations, long lifespans, and low reproductive rates are particularly vulnerable. The EIS analyzes four special-status avian species in detail: ferruginous hawk, long-billed curlew, short-eared owl, and western burrowing owl, based on their presence in the corridors, collision risk, and susceptibility to increased mortality.

The BLM estimated bird fatalities utilizing information from postconstruction monitoring at existing wind energy fatalities with a focus on data from Bird Conservation Region 9. From this data the analysis considered the average and maximum bird fatalities based on the project's generation capacity. This provided an estimate of potential bird fatalities for each action alternative. Other analysis considered species-specific risk, spatial and temporal variability throughout the year, and recognized uncertainties in predicting fatality rates for large-scale projects. With these analysis steps the BLM has information on each action alternative related to potential fatalities of all birds and a closer assessment at species that could see population level effects.

The project, under any of the action alternatives, will have impacts on avian populations, particularly special-status species such as the ferruginous hawk, long-billed curlew, short-eared owl, and western burrowing owl. Turbine collisions, noise, and increased human activity during construction and operation phases are expected to lead to fatalities and disturbances, potentially resulting in population declines. Alternative B would have the most significant impacts due to the highest generation capacity, leading to the highest expected bird fatalities and risks of population-level effects on these vulnerable species. Generation capacity is determined by the number of wind turbines and the size of each turbine. Despite mitigation measures such as postconstruction monitoring and adaptive management, there is a substantial potential for adverse impacts on these bird populations. In reaching my decision, I exercised a balanced approach of facilitating renewable energy development to meet established goals, while maintaining crucial protections for bird populations.

It is clear from my reading of the final EIS that there is a correlation between the project's generation capacity and the impacts on birds. In other words, the more energy that is generated, the greater the impact on bird populations. Alternatives C (Reduced Western Corridors) through E (Reduced Southern Corridors) attempt to reduce impacts on avian species. For instance, Alternative C would lower the risk of fatalities by reducing the project's generation capacity by 26%, thus lessening the impact on ferruginous hawks and other special-status birds by implementing seasonal restrictions during all project phases. Similarly, Alternatives D and E, which reduce capacity by greater than 49%, would further decrease the risk of bird fatalities and potential population declines. The Preferred Alternative, having the lowest but still significant, generation capacity, would pose the least risk to avian populations. Therefore, I have determined that the selection of the Selected Action evidences the best approach to balancing the facilitation of renewable energy development with avian conservation needs.

4.1.2.4.2 Bats

Seventeen bat species have been documented in Idaho, all potentially present in the analysis area. Acoustic monitoring detected calls from 13 species, including one unexpected in Idaho. Hoary bats were the most active species recorded, followed by silver-haired and western small-footed bats. Bat activity varied seasonally, peaking in the fall. The monitoring indicated concentrated foraging activity along irrigation canals, highlighting the significance of water resources in bat activity within the siting corridors.

The assessment conducted by MVE evaluated potential bat roosting sites, including four caves, four lava tubes, six lava vents, and a lava crater. The lava vents had no noticeable aboveground features, making them unlikely to be used by bats. The lava tubes and rock outcrops assessed could serve as night roosts, while the lava crater may provide suitable habitat for migratory stopovers and summer maternity use by *Myotis* species. However, none of the caves qualified as significant hibernacula or maternity roosts, with no bats or signs of bats observed at the entrances. Some caves showed signs of human disturbance, reducing their likelihood of being important roosts. Acoustic monitoring near two unnamed caves confirmed low bat activity, suggesting they are not significant roosting sites. The single lava crater included in the assessment had the highest potential for roosting. Despite the limited major roosting locations identified, other suitable roosting habitats like structures, rock piles, and trees are likely present in the analysis area.

To estimate the potential effects of the alternatives on bat populations, the BLM applied the mean bat fatality for the EPA North American Deserts Level I Ecoregion (1.5 bat fatalities per MW per year) to the estimated generation capacity under each alternative. An estimated maximum bat fatality rate was also calculated based on the highest mean bat fatality rate reported for the regions (7.40 bat fatalities per MW per year) (EIS Section 3.3.1). Additionally, recent data from postconstruction monitoring at wind energy facilities considered in the EIS analysis have shown a wide range of bat fatality rate estimates, from less than 1 fatality per turbine per year to as many as 16 fatalities per turbine per year, with two-thirds of projects reporting less than 8 fatalities per turbine per year. Higher fatality rates at more recently constructed facilities suggest that larger turbines, which operate at lower wind speeds when bats are most active, may increase collision risk for bats.

Alternative B would result in the largest ground disturbance footprint, potentially impacting bat roosting features like rock piles and trees. It would also pose a significant collision risk to bats, with an estimated fatality rate of 1,800 to 3,141 bat fatalities per year based on mean rates observed at existing wind facilities. The actual fatality rate could be as high as 15,496 bat fatalities per year under worst-case scenarios, primarily affecting migratory species like hoary bats and silver-haired bats. This alternative

includes several mitigation measures, such as turbine feathering and postconstruction monitoring, but significant effects on bat populations, particularly for special-status species, cannot be entirely ruled out (EIS Section 3.3.1). Alternatives C, D, E, and the Preferred Alternative would have progressively fewer impacts consistent with reduction in ground disturbance and the number/size of wind turbines. Additionally, these action alternatives would introduce additional required measures that further reduce impacts through monitoring and adaptive management. Much like with birds, the Preferred Alternative would have the lowest minimum generation capacity and, therefore, the lowest estimated bat fatality rate among the action alternatives. I find this to be true, in part, because there are fewer siting corridors, which reduces the potential for significant impacts on bat roosting features and foraging routes. The BLM estimated that fatality rates for this alternative range from 1,085 to 1,808 bat fatalities per year based on mean rates, with a maximum estimate of up to 8,917 fatalities per year. In addition, the Preferred Alternative emphasizes extensive mitigation measures, including avoiding turbine placement near known roost sites and implementing a robust postconstruction monitoring plan to ensure adaptive management measures are effectively reducing fatalities (EIS Section 3.3.1). Again, I conclude that the Selected Action will represent the most balanced approach to renewable energy development when considered in concert with bat conservation.

4.1.2.4.3 Adaptive Management

The Selected Action requires comprehensive monitoring requirements and implementation of adaptive management strategies to mitigate the impacts on avian and bat species. Postconstruction monitoring is designed to estimate fatalities attributable to project operations over a minimum of two years. This involves systematic carcass searches at 30% of the turbines, carcass persistence trials to gauge how long carcasses remain detectable, and searcher efficiency trials to determine the proportion of discovered carcasses. Statistical analysis adjusts these estimates for accuracy, and annual reports are produced to summarize findings and guide adaptive measures.

Adaptive management is particularly useful for managing the potential effects of wind projects because it allows for flexibility and responsiveness. As new information and technologies become available, adaptive management enables the integration of innovative solutions to reduce wildlife fatalities. For example, if postconstruction monitoring indicates higher than expected bird or bat mortality, the TAC members can recommend modifications to turbine operations, such as changing cut-in speeds or implementing deterrent technologies, to mitigate these impacts.

4.1.2.4.4 Conclusion

The analysis in the EIS identifies that there is a potential for fatality rates to birds and bats that could contribute to population declines, but it is also understood predicting fatalities involves uncertainty, and new and emerging technologies and processes could provide additional opportunities to reduce fatalities. The Selected Action has a smaller footprint than other action alternatives and requires the implementation of monitoring and adaptive management to ensure fatalities of birds and bats continues to be assessed and measures are taken to address high fatality rates.

My selection of the Selected Action reflects a balanced approach to facilitating renewable energy development while maintaining crucial protections for bird and bat populations. This approach leverages rigorous preconstruction surveys, targeted habitat reclamation, and adaptive management to minimize impacts and ensure compliance with environmental regulations. Adaptive management, in particular, is a valuable tool that allows for continuous learning and improvement, ensuring that wind energy projects can coexist with wildlife conservation goals.

4.1.2.5 Minimizing and Resolving Adverse Effects to Historic Properties

A factor I considered in the decision to select the Selected Action is the project's ability to be implemented while also maintaining an approach that facilitates minimizing and resolving adverse effects to historic properties. The factors considered rely on the implementation of measures described in Appendix E. The Selected Action provides the greatest reduction of physical and non-physical effects to cultural resources and historic properties compared to the other action alternatives.

With the smallest siting corridor acreage and ground disturbance acreage, the Selected Action minimizes the area of potential physical effects (APE), thereby reducing the likelihood of encountering cultural resources and historic properties. By reducing ground disturbance acreage, it also lessens the impact on Tribal treaty areas and resources within siting corridors (EIS Section 3.5.4.2.6). Non-physical effects, such as visual and auditory impacts, are also minimized under the Selected Action due to fewer turbines and a height limitation of 660 feet. This results in a significant reduction in visual and auditory changes, preserving the setting, feeling, and association of cultural resources (EIS Section 3.5.5.2.6, Appendix E).

The smaller footprint of the Selected Action enhances the potential for successful implementation of the measures in Appendix E by reducing disturbances in both physical and non-physical APEs. This decreased likelihood of encountering historic properties allows for more focused and effective identification, consultation, and mitigation efforts. The thorough and collaborative identification process, involving consulting parties and Tribes, ensures that any potential adverse effects are identified early and addressed through targeted measures, including comprehensive surveys and assessments. Additionally, the smaller footprint allows for prioritizing the avoidance of adverse effects to historic properties through work plan revisions, micro-siting of infrastructure, and establishing protective buffers. Where complete avoidance is not possible, minimization and mitigation measures, as detailed in the HPMP and HPTPs, will be implemented in consultation with Tribes and consulting parties to ensure a comprehensive approach to resolving adverse effects.

4.1.2.6 Minidoka-connected Communities and Native American Tribes

I considered various factors related to environmental justice communities, with a focus on minimizing and avoiding impacts to these communities. These environmental justice communities include the Japanese American and Minidoka-connected communities, as well as Native American Tribes, each with distinct concerns and connections to the project area.

4.1.2.6.1 Japanese American and Minidoka-Connected Communities

The Japanese American and Minidoka-connected communities have a profound connection to the Minidoka NHS. This site is not only a historical landmark but also a sacred space for healing rituals and practices, offering opportunities for members of these communities to process and heal from past traumas.

The BLM acknowledges that the landscape setting and character of the Minidoka NHS is a critical component of the visitor and survivor experience, emphasizing remoteness, isolation, abandonment, and injustice. The potential for the project to alter this landscape could impact the psychological well-being of the community and diminish their ability to benefit from healing practices centered around the Minidoka NHS.

In response to these concerns, the Selected Action incorporates several key elements aimed at reducing impacts to the Minidoka NHS:

- **Project Footprint and Turbine Location:** The Selected Action has the smallest siting corridor footprint compared to other action alternatives. It strategically avoids placing turbines within

unobstructed viewing directions from the Minidoka NHS and WRC, thereby preserving the visual and auditory environment critical to the visitor experience.

- **Setbacks from the Minidoka NHS:** The Selected Action maintains the greatest setbacks of turbines from the Minidoka NHS, further reducing potential visual and noise effects.
- **Compensatory Mitigation:** The implementation of CMPs addresses residual impacts that cannot be avoided or minimized, ensuring compliance with environmental laws and policies while respecting the cultural significance of the Minidoka NHS.

These elements of the Selected Action reduce the potential for visual and noise effects to the Minidoka NHS, thereby limiting effects on the overall visitor experience and supporting the psychological and spiritual healing processes of the Japanese American and Minidoka-connected communities.

4.1.2.6.2 Native American Tribes

Native American Tribes have deep-rooted connections to the lands within the project area, which include historic properties, big game, eagles, and Treaty-protected Rights. The BLM has considered these connections and the potential impacts on these resources with great care.

Historic Properties - The project area contains historic properties that hold cultural, religious, and spiritual significance for Native American Tribes. The Selected Action includes specific measures to avoid and minimize impacts on these properties:

- **Surveys and Consultations:** Comprehensive preconstruction surveys and ongoing consultations with Tribes ensure that historic properties are identified and protected. Adjustments to project design and implementation are made based on Tribal input to avoid or mitigate impacts.

Big Game - Big game, such as mule deer and pronghorn, are vital for the subsistence and cultural practices of Native American Tribes. The Selected Action addresses potential impacts on big game through:

- **Habitat Protection and Restoration:** The project design incorporates measures to avoid critical habitats and migratory corridors for big game. Postconstruction habitat restoration efforts aim to mitigate any disruptions caused by the project.

Eagles and Other Birds - Eagles, particularly bald and golden eagles, hold significant cultural and spiritual importance for Native American Tribes. The Selected Action includes robust measures to protect these species:

- **Eagle Conservation Plan ([ECP], MVE 2023: Appendix T):** The ECP outlines strategies to minimize impacts on eagle populations, including micro-siting of turbines, seasonal curtailment, and compensatory habitat enhancement projects. The ECP is developed in consultation with the USFWS and includes adaptive management to respond to new information and changing conditions.
- **Bird and Bat Conservation Strategy (MVE 2023: Appendix M):** This plan includes curtailment strategies, habitat restoration, and creation of alternative habitats to reduce collision risks for birds and bats.

Treaty-Protected Rights - Native American Tribes have Treaty-protected Rights to hunt, fish, and gather within the project area. The Selected Action respects these rights through:

- **Avoidance and Minimization Measures:** The project design incorporates measures to avoid impacts on areas critical to the exercise of Treaty Rights through ensuring access to key hunting

grounds, fishing areas, and gathering sites and avoiding and minimizing impacts through selecting a smaller project footprint with strategically located siting corridors.

- **Compensatory Mitigation:** Where impacts cannot be fully avoided, CMPs are implemented to offset residual effects, ensuring that the rights and resources protected by treaties are preserved and ensuring the Native American Tribes will have input on compensatory mitigation actions related to resources of concern.

Compensatory Mitigation Plans - A significant factor in the decision to select the Selected Action is the requirement to prepare and implement CMPs. Compensatory mitigation is essential when residual effects prevent compliance with laws and policies, ensuring that the project can move forward while addressing unavoidable impacts. The BLM's approach to compensatory mitigation is comprehensive and designed to provide measurable environmental benefits and will be consulted on with the Native American Tribes.

The preparation and approval of each CMP establishes the mitigation standard for effects warranting compensatory mitigation and outlines specific actions that are commensurate, timely, and additional to the reasonably foreseeable residual effects. The implementation of these plans in combination with the reduced effects of the Selected Action provides a balanced approach to using public lands to facilitate renewable energy while maintaining values important to environmental justice communities.

4.1.2.7 Increased Ability to Successfully Implement Coordination with Livestock Operations and Project Construction

Livestock grazing plays a vital economic and social role in southern Idaho. It is a cornerstone of the region's commerce, with many families and communities relying on it for their livelihoods (Lewin et al. 2019). The ranching community and their use of BLM public lands within the project area have deep roots in the livestock industry, maintaining a tradition of grazing since the late 1860s. These factors were considered in the decision to select the Selected Action as I have concluded that it fully balances the continued use of public lands for grazing operations with developments anticipated to help meet the renewable energy goals and needs of the United States.

A BLM grazing permit is required for commercial livestock use on BLM public lands. A grazing permit provides an authorization to use public lands for a singular purpose but does not provide a right to possess public lands. The project would intersect up to eight BLM public land grazing allotments depending on the action alternative. The AUM concept is the most widely used way to determine stocking for grazing animals on rangelands and is used for BLM grazing permits to determine allotment stocking rates. An AUM is the "amount of forage necessary for the sustenance of one cow/calf pair or its equivalent for a period of 1 month" (43 CFR § 4100.0-5 (2005)). The final EIS details the number of AUMs authorized for each of the allotments.

Under Alternative B, all eight of the allotments would have reduced forage availability during project phases and post-project. Forage reductions, which are evidenced by AUM reductions in the final EIS, can have socioeconomic impacts on the livestock community. MVE developed and included a Grazing Coordination Plan in the POD (MVE 2023: Appendix S) to minimize impacts to rangeland and grazing permittee operations. The Grazing Coordination Plan outlines how the project would coexist with the grazing operations and implement measures to minimize impacts from the project.

The final EIS demonstrates that Alternative B would result in minor long-term (1.3% or less) and permanent (less than 1%) reductions in acreage of eight allotments due to infrastructure disturbance. There would be temporary, long-term, and permanent reduced forage availability, which would vary in magnitude for individual permittees (from 0% to 34.9%). Notably, other than the Sid Butte Allotment, the

other seven allotments would only experience forage reductions of 5% or less, with four allotments experiencing less than a 1% reduction. Even so, the BLM recognized in the final EIS that under Alternative B, there is the potential for reduced income, profitability, and economic stability for grazing permittees.

Alternative C would result in reduced forage availability in five allotments instead of eight under Alternative B. The impacts to the Sid Butte Allotment would be the same, and there would be less acres affected in the Star Lake Allotment. However, there would be a reduced magnitude of impacts to grazing permittees and the livestock grazing community as a whole compared to Alternative B (impacts would be lessened by 9% during construction and decommissioning, 22% during operation and final reclamation, and 24% post project).

Alternative D would reduce impacts to the eight allotments as a whole by approximately 69% during construction and decommissioning and 40% during operation and final reclamation, when compared to Alternative B. The majority of this reduction would be seen in the Sid Butte Allotment. However, in selecting an alternative, I must consider all of the impacted resources. Even though Alternative D would result in fewer effects to the grazing community based on forage availability, it would cause significantly more effects on the Minidoka NHS than the Preferred Alternative.

The final EIS indicates that Alternative E would have effects in five allotments, with significant reductions to forage availability in the Star Lake Allotment. There would be a reduced magnitude of impacts to grazing permittees and the livestock grazing community compared to Alternative B (lessened by 17% during construction and decommissioning and 41% during operation and final reclamation). BLM ultimately concluded that Alternative E would have the second least amount of impacts to the grazing community of all the action alternatives. However, when balanced against the impacts to sage-grouse, Alternative E would result in infrastructure sited in areas with better late-brood-rearing suitability and higher breeding bird densities.

The Selected Action will authorize project infrastructure within four grazing allotments (Camp I, North Milner, Sid Butte, and Star Lake) and approve road improvements along Highway 24 within the Wildhorse Allotment. This alternative has the smallest total disturbance of all action alternatives, especially within the Star Lake Allotment. Key features of the Selected Action include reducing the total project footprint to ensure effective coordination of construction and operation and implementing a phased construction approach, localizing construction activities while allowing the remainder of the allotment pastures to be available for livestock operations without major disruptions.

Additionally, the Selected Action ensures successful reclamation to restore forage availability, implements a Grazing Coordination Plan that will ensure the availability of permitted AUMs and continuity of grazing operations, and maintains a low percentage of disturbed areas within allotments. These measures collectively support the continuation of the same level of grazing within the project area that currently exists. MVE has entered into agreements with permittees to manage AUMs in the Star Lake and Sid Butte allotments. These agreements provide flexibility during construction and reclamation, supporting continued rest-rotation management and limiting temporary fencing. For example, the Star Lake arrangements allow voluntary non-use of up to 6,007 AUMs, and Sid Butte allows voluntary non-use of up to 2,192 AUMs during construction and restoration. Other permittees can use their active AUMs without reductions resulting from project activities.

The Selected Action includes a phased construction schedule, focusing construction and restoration activities in specific regions of the project area. This schedule ensures coordination with grazing operations so major construction does not occur in pastures actively being used for grazing. Construction

in the Star Lake Allotment will be phased into North, South, and West subphases to minimize conflict with grazing operations. Temporary or virtual fencing will be used to exclude livestock from active construction areas. Once construction and interim reclamation are complete, temporary fencing will be removed, and previously excluded areas will again be available for grazing.

The Grazing Coordination Plan describes multiple actions to limit and mitigate impacts to livestock grazing during construction and operation. Phased construction zones will limit interruptions to livestock grazing operations/areas or otherwise require areas to be temporarily unavailable. MVE will employ a Rangeland Coordinator to act as a single point of contact for grazing permittees, ensuring advance notification of construction plans and resolution of project-related conflicts. MVE will work with permittees to address additional feed source needs, including potential arrangements for range forage within the analysis area or other locations. Mitigation measures will be refined through ongoing coordination with grazing permittees. The Grazing Coordination Plan will be finalized before project construction.

Ultimately, under the Selected Action, grazing operations can continue to operate at the same level and in the same areas as authorized through existing permits. The combination of a reduced footprint phased construction, relocation of water facilities, temporary fencing, and agreements between MVE and grazing permittees will allow grazing operations to continue. There will not be a significant loss of forage availability leading to a reduction in permitted grazing under any action alternative. The total reduction in forage availability is small relative to the total forage available within each allotment. The Grazing Coordination Plan, phased construction, and agreements with permittees will prevent net impacts to livestock forage availability and provide for coordinated use of the public lands.

I recognize that impacts to livestock grazing generated a significant number of comments throughout the NEPA process for this project. Concerns included restrictions/reductions in grazing within allotments, inadequate analysis of grazing impacts, and lack of mitigation measures. I note that it is evident in the final EIS that BLM put in a significant amount of effort in addressing these concerns through the action alternatives. The final EIS discloses the anticipated grazing restrictions/reductions to grazing from the action alternatives along with recognizing the socioeconomic impacts of each alternative. With respect to mitigation, MVE developed and included a Grazing Coordination Plan that is designed to minimize impacts to rangeland and grazing permittee operations. The Grazing Coordination Plan outlines how the project would coexist with the grazing operations and implement measures to minimize impacts from the project.

The Selected Action will have impacts on livestock grazing. However, the BLM is charged with managing the public lands for multiple use and sustained yield. Livestock grazing and renewable energy development represent two of those multiple uses. The BLM's analysis in the final EIS indicates that the effects to livestock grazing will be minimal because there will not be a significant loss of available forage under the Selected Action. When weighing the impacts to livestock grazing against the goal of facilitating renewable energy development, I find the Selected Action represents a balanced approach to promoting sustained yield from multiple uses.

4.1.2.8 Implementation of a Full Suite of Avoidance and Minimization Measures and Establishing Compensatory Mitigation Requirements

My decision to choose the Selected Action considered its requirement to prepare and implement CMPs. This requirement underscores the BLM's commitment to balancing renewable energy development with the protection of vital natural resources. The mitigation frameworks detailed in Appendix D are central to this balance, using a hierarchical approach to mitigate impacts effectively. As outlined in this ROD, MVE

will be required to prepare CMPs for sage-grouse, big game, key resources and values associated with the Minidoka NHS, and birds and bats (as determined by monitoring and adaptive management).

Collectively, the five aspects of mitigation—avoid, minimize, rectify, reduce/eliminate over time, and compensate—are referred to as the mitigation hierarchy. As described in the final EIS, the BLM has employed specific measures and a range of reasonable alternatives to apply the mitigation hierarchy, prioritizing the avoidance and minimization of effects. However, not all effects can be eliminated. Compensatory mitigation is required when residual effects prevent compliance with laws and policies.

The Selected Action includes implementing the mitigation hierarchy as detailed in Section 2.4, Appendix C, and Appendix D of this ROD. By implementing the full mitigation hierarchy, the BLM ensures that the project's design and execution follow a set of avoidance and minimization measures to reduce potential effects as much as possible. Additionally, the requirements for preparing and implementing CMPs will address residual effects that inhibit compliance with laws and policies, land use plan objectives, and the management of resources that are important, scarce, sensitive, or legally protected.

The CMPs required by the Selected Action are crucial for addressing residual effects that affect compliance with environmental regulations, land use objectives, and the management of sensitive or legally protected resources. These plans will follow established mitigation standards commensurate with the residual effects and outline specific, timely actions that address reasonably foreseeable effects. The BLM Authorized Officer with consultation of subject matter experts, other agencies, and Tribes will ensure the CMPs incorporates a detailed design and implementation plan to offset residual environmental impacts by providing measurable environmental benefits.

Once approved plans are in place, MVE will be required to reach key milestones in implementing the compensatory mitigation actions that ensure the residual effects will be addressed and meet the standards set. Only after these key milestones have been met will the construction of the project be allowed to begin.

Establishing compensatory mitigation and ensuring its implementation are factors that I considered and am confident will lead to a balanced approach to facilitating renewable energy development while maintaining important resources.

5.0 CONFORMANCE DETERMINATIONS

5.1 FLPMA's Requirement for Land Use Plan Conformance

The BLM's Monument Resource Management Plan (RMP), established in 1986 and since amended, guides the management of public lands within the Lava Ridge Wind Project area. Initially, the Monument RMP did not allocate specific areas for renewable energy projects but designated the project area as a moderate use area. This designation indicates that the area is "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" (BLM 1986:4). Moreover, the plan states that there are "no special limitations or restrictions on the type or intensity of resource use" within moderate use areas (BLM 1986:6). After review of the final EIS and consideration of the above, I have determined that the project constitutes a moderate use as defined under the RMP.

In 2015, the Monument RMP was amended by the Idaho and Southwestern Montana Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPA). This amendment designated public lands within the project area as GHMA for sage-grouse and identified these areas as open for wind energy

projects. The ARMPA outlines specific requirements for wind developments within GHMA, including required design features, sage-grouse lek buffers, and the net conservation gain standard for compensatory mitigation (BLM 2015b). After review of the sage-grouse analysis in the final EIS, which I incorporated herein, I have concluded that the project conforms with the ARMPA.

The Monument RMP also established guidelines for managing conflicts within moderate use areas, stating that “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” (BLM 1986:4). It further asserts that “valid uses will be allowed subject to environmental review and stipulations or special conditions to protect resources” (BLM 1986:6).

The Selected Action for the Lava Ridge Wind Project aligns with the guidelines of the Monument RMP by meeting the requirements for moderate use areas, which allow for a broad range of resource uses, including energy development, provided that any conflicts are resolved through consideration of environmental, social, and economic factors. In accordance with the RMP’s conflict management guidelines, the final EIS assessed potential conflicts with other resources and uses and identified specific stipulations and conditions necessary to protect sensitive values. These measures ensure compliance with federal and state laws governing environmental protection and land management.

Furthermore, the project adheres to the requirements outlined in the ARMPA for development within GHMA. It complies with design features, maintains sage-grouse lek buffers, and implements compensatory mitigation measures designed to achieve the net conservation gain standard. These mitigation efforts are consistent with the ARMPA’s intent to safeguard sage-grouse habitat while allowing for responsible wind energy development.

By incorporating these specific design elements, environmental safeguards, and mitigation strategies, the Selected Action demonstrates conformance with both the Monument RMP and the ARMPA. This alignment ensures that public lands are managed in a way that balances the development of renewable energy with the protection of key resources, supporting sustainable land management goals outlined in these guiding documents.

Therefore, I conclude the Selected Action for the Lava Ridge Wind Project conforms to the Monument RMP, as amended by the ARMPA, ensuring balanced management of public lands and protection of key resources.

5.2 FLPMA Public Interest

FLPMA (Sections 102(a)(7), 103(c), 202(c), and 309) requires the BLM to manage public lands for multiple uses, protect environmental values, engage in public participation, coordinate with other government entities, and base decisions on land use plans. These principles collectively ensure that the management of public lands serves the public interest. Throughout the assessment of the Lava Ridge Wind Project the BLM has taken the following steps, as further detailed in the final EIS, to meet the public interest principles established by FLPMA:

- **Completing extensive public outreach** by engaging with local communities, stakeholders, and elected officials through public meetings, comment periods, and ongoing consultation, in the form of public and cooperating agency outreach. These efforts resulted in receiving over 11,000 public comments during the draft EIS public comment period and utilizing the information received to update and analyze alternatives in the final EIS.

- **Conducting environmental and socioeconomic analyses** providing a comprehensive environmental assessment that evaluates effects on wildlife, cultural resources, and local socioeconomic conditions. The EIS analyzed action alternatives designed to reduce potential adverse impacts and incorporated feedback from stakeholders.
- **Ensuring environmental impacts are thoroughly assessed and mitigated** by developing required measures and detailed mitigation frameworks to address residual impacts on critical resources such as big game habitats and cultural sites, including the Minidoka NHS.

I have concluded, as detailed in the final EIS and incorporated herein, that the BLM has met its FLPMA responsibility to determine actions in the public interest by applying a balanced, multi-faceted approach that integrates public involvement, expert consultation, comprehensive environmental analysis, and careful consideration of multiple land uses. For the Lava Ridge Wind Project, the BLM has taken extensive steps to engage stakeholders, assess impacts, and develop mitigation measures, demonstrating a commitment to managing public lands in a manner that serves the public interest. After review of the analysis in the final EIS, I conclude that implementation of the Selected Action is in the public interest because it: (1) provides for renewable energy consistent with the statutory mandate of the Energy Act of 2020 while balancing impacts to resources; (2) avoids the adverse impacts associated with other energy sources; (3) implements mitigation to avoid, minimize, or compensate for adverse impacts; (4) establishes a monitoring and adaptive management scheme to address new or unforeseen impacts; (5) is the least impactful of the action alternatives when considering all resources; (6) would not cause unnecessary or undue degradation to public lands; and (7) represents the environmentally preferred alternative.

In analyzing the alternatives for the Lava Ridge Wind Project, the BLM has identified the location that best accommodates production of wind energy while avoiding, minimizing, and compensating for impacts to other resources and uses, such as the Minidoka NHS, big game, greater sage-grouse, and grazing. Consistent with the BLM's obligations under FLPMA and approach to prioritizing evaluation of proposed wind and solar energy projects in accordance with 43 CFR § 2804.35, the agency prioritizes applications with the greatest potential for approval and implementation, and, in considering future development and in assessing future applications, the BLM considers adverse impacts and use conflicts avoided, minimized, and otherwise mitigated in connection with the Lava Ridge Wind Project. The BLM will monitor the impacts from the construction and operation of the Lava Ridge Wind Project, including the success of mitigation measures and completion of compensatory mitigation, in particular. While the BLM continues to evaluate the monitoring results and to manage public lands in the public interest, in light of the presence of the potential resource conflicts on the lands adjacent to the approved Lava Ridge Wind Project site, the BLM will defer future wind and solar energy ROW project applications located within the 212,735-acre area analyzed as part of this EIS, as depicted in Appendix A on Map 5.2.1. Such an approach to prioritizing future applications in this area is consistent with the BLM's obligations under FLPMA and the BLM's criteria identified in 43 CFR § 2804.35. The BLM may reconsider and re-prioritize applications in this area based on the results of the mitigation for Lava Ridge Wind Project.

5.3 National Park Service Organic Act

The National Park Service Organic Act mandates the preservation of park resources and values for future generations. This includes the protection of scenic, natural, cultural, and historical resources. Specifically, Section 54 USC § 100101(a) and (b)(2) directs the NPS to manage park resources in a way that does not impair their integrity. Public Law 110-229, Section 313 expanded the Minidoka Internment National Monument and officially designated the site as the Minidoka NHS. Additionally, this law emphasized the interpretation of the history of Japanese American relocation, the living conditions at the Minidoka site, and the contributions of Japanese Americans to the U.S. military. The Selected Action would authorize the

construction of wind turbines and associated infrastructure on public lands managed by the BLM that are located approximately nine miles from the Minidoka NHS. This contrasts with the Applicant's Proposed Action, which would site turbines within 1.1 miles of the developed portion of the NHS and 0.6 miles from the undeveloped portion (EIS:ES-26).

The BLM invited the NPS to be a cooperating agency and consulting party so that perspectives and subject matter expertise of the NPS could be integrated into the NEPA and Section 106 processes. The NPS has coordinated with the BLM from the beginning of the preliminary NEPA stages through the development of the final EIS. The primary focus of coordination with NPS has been related to potential effects resulting from changes to visual elements of the environmental setting surrounding the Minidoka NHS. On this subject, the NPS coordinated through regular discussions to inform and provide feedback on the effects analysis, to provide insights on how to consider these changes in relation to important park resources and values, to provide insights and participate in engagement with stakeholders, and to help develop the mitigation framework. The information gained through coordination with the NPS and stakeholders provided key insights that helped inform the analysis in the EIS and elements of the Selected Action.

My decision to approve the Selected Action considers the potential effects to the interpretive purpose of the Minidoka NHS described within the final EIS Chapter 3, Section 3.19. As the project would not be located within or physically disturb areas within the 388-acre Minidoka NHS, the focus of the analysis is on potential visual changes and how those will affect the NPS's interpretive purpose and environmental setting, particularly the visitor's experience of remoteness, isolation, abandonment, reflection, and healing.

The Minidoka NHS retains fragmented landscape elements of the Japanese American incarceration site, such as natural systems, spatial organization, topography, and cultural traditions. These include remnants of the original camp's agricultural, political, and social features, such as rock structures, Japanese-style gardens, swimming holes, root cellars, circulation systems, building foundations, and rock-lined walkways. These elements are located within the immediate-foreground (0 to 2 miles) of the NHS. Also, within the immediate-foreground and foreground (2 to 10 miles) of the NHS are transportation and utility infrastructure and modern agricultural development that has incrementally impacted the environmental setting of the site over time. The NPS has identified that although the landscape as a whole has lost integrity, the extant landscape features help to convey the historic character and contribute to the NHS (NPS 2007). These extant landscape features are part of the environmental setting capturing the remote location in the high desert of Idaho that provides an immersive setting that has been identified as fundamental to the visitor experience. Views of open fields (situated within the immediate-foreground and foreground) and distant mountains create a sense of isolation on a vast landscape where the Minidoka WRC once stood.

The Selected Action carefully locates siting corridors for wind turbines, access roads, and other ancillary infrastructure to minimize visual intrusions on the Minidoka NHS. Under the Selected Action, access roads and other ancillary infrastructure would not be visible from the Minidoka NHS. The closest wind turbines will be located approximately nine miles or more away, with approximately 70% of all wind turbines being greater than 12 miles from the Minidoka NHS (i.e., beyond the immediate-foreground and foreground). Wind turbines will be located northeast of the Minidoka NHS spread across approximately 55 degrees of the 360-degree horizon. The locations of the wind turbines are strategically placed so that they will be visually intermixed with existing development and will not be located in locations that obstruct distant mountains, i.e., the Albion, Soldier, and Pioneer Mountains, or the open fields and rolling hills located within the extent of the historical residential area and the greater Minidoka WRC. The

distance in combination with a reduced wind turbine height and strategic placement of siting corridors reduces the strength of line, texture, and contrast elements. This results in a degree of visual change at key observation points within the Minidoka NHS as moderate and minor (EIS Sections 3.16 and 3.19) with wind turbines being visible but not strongly attracting attention or dominating the visual setting. The visual effects to the NHS's environmental setting will potentially diminish the visitor experience when viewing in a direction where the integrity of the resource has already been lost but will not significantly affect essential NHS physical elements or values as the elements that are currently existing and contributing to an expansive unobstructive view and a sense of remoteness and isolation are maintained under the Selected Action. As a result, I conclude that the Selected Action will not impair the integrity of the Minidoka NHS as that term is used in the National Park Service Organic Act and the specific legislation designating the NHS itself.

5.4 BLM's Trust/Treaty Responsibilities

The BLM's consultation process (see Section 7.3 for additional detail) for the Lava Ridge Wind Project aligns with Executive Order 13175, which requires federal agencies to engage in meaningful consultation with Tribal governments and to respect Tribal sovereignty and self-governance. From the onset of the project in 2020, the BLM initiated early discussions with Native American Tribes and has maintained ongoing coordination with Tribes throughout the NEPA process. This has included consultations and meetings to discuss potential impacts and gather feedback on the project and its alternatives. The engagement has played a critical role in understanding and addressing Tribal concerns and upholding trust responsibilities. Continued consultation will also be required as an element of the Selected Action to ensure Tribal needs are met throughout the development and implementation of CMPs and HPTPs.

The BLM has taken steps in consultation with Tribes to identify and mitigate impacts on cultural resources and sacred sites important to Native American Tribes. The Selected Action was designed, in part, to address Tribal concerns provided through comments and consultation. The Selected Action includes specific required measures that protect big game, vegetation, and cultural resources ensuring these resources remain available to the Tribes, which are integral to Tribal heritage and Treaty Rights. The BLM has also considered Tribal concerns regarding wildlife and habitat, particularly species that are culturally significant or subject to treaty hunting rights (i.e., eagles and big game). The Selected Action has been designed to reduce the project's footprint, as a result, minimizing effects on cultural sites, wildlife habitats, and other resources important to Tribes. The BLM has developed mitigation frameworks that describe how impacts to key resources, including those significant to Tribes, will be avoided, minimized, rectified, reduced over time, and compensated. These frameworks are detailed in Appendices C, D, and E and include specific measures for cultural resources and wildlife habitats.

I have concluded that the BLM's consultation steps as detailed in the final EIS satisfy the agency's Trust/Treaty Responsibilities. Through early and ongoing consultation, the incorporation of Tribal feedback, the development of robust mitigation measures, and adherence to legal and policy directives, the BLM has balanced project development with the protection of Tribal interests and resources. The approach taken underscores the agency's commitment to respectful and meaningful engagement with Native American Tribes, ensuring that their rights and concerns are adequately addressed in the decision-making process. I conclude that the BLM meaningfully engaged with Tribal governments as directed by Executive Order 13175.

5.5 Fiscal Responsibility Act of 2023

The Fiscal Responsibility Act of 2023 (Public Law No. 118-5, Section 321(e)(1)(B), 137 Stat. 10 and 41-42) amended several NEPA provisions. As relevant here, the Act established page limits and review timelines for EISs. The 2020 NEPA regulations at 40 CFR § 1508.1(v) define a “page” as 500 words, not including “explanatory maps, diagrams, graphs, tables, and other means of graphically displaying quantitative or geospatial information.” The 2023 NEPA amendments also require agencies to review programmatic EISs that are more than five years old “to ensure reliance on the analysis remains valid.”

I conclude that the geographic extent of the project, the effect the proposal will have on a wide range of resources, especially the impact on Tribal interests, the Japanese-American community and wildlife, the duration of the project and the importance of developing a national renewable energy infrastructure, justifies a finding that the EIS supporting the BLM’s action is of “extraordinary complexity,” thus warranting a 300-page EIS, not including citations or appendices. The final EIS for this project is less than 300 pages, exclusive of maps, diagrams, graphs and tables. In addition, the BLM consulted with MVE to establish a deadline that provided only [as] much additional time as is necessary to complete [the EIS], consistent with the exception to the two-year deadline found in NEPA Section 107(g)(2). Finally, the record demonstrates that the BLM reviewed the 2005 Wind Energy Programmatic EIS, tiering to that EIS only to the extent its analysis remains valid.

5.6 Considering Elements of the Public Lands Rule

In June 2024, the BLM’s Public Lands Rule (89 *Federal Register* 40308) took effect. The rule codifies existing policies regarding the identification and consideration of areas proposed for an Area of Critical Environmental Concern (ACEC) designation. It also modified the policy to allow the BLM to consider ACEC designations that are proposed during the course of evaluating specific projects proposed for public lands. In addition, the Public Lands Rule established a new classification of authorizations to promote landscape-scale ecosystem resiliency and restoration. As explained below, while the rule permits consideration of ACEC designations when evaluating site-specific proposals, in this case it is more appropriate to defer consideration until more data is developed to support it. Moreover, while the Selected Action is informed by the themes of ecosystem resiliency and restoration, I conclude that the Selected Action neither significantly alters the existing conditions within the project area, nor provides an opportunity for effective restoration efforts as the lands within the project area are already substantially altered by natural events, such as repeated wildfire and human intervention.

5.6.1 Evaluating ACEC Nominations Outside of a Planning Process

The Public Lands Rule provides in relevant part, that when ACEC nominations are received outside of a land use planning process, the BLM may either consider a proposed ACEC during a project application process or defer evaluating the nomination to an upcoming planning process. If the BLM finds the area meets the criteria for ACEC designation and determines that the relevant and important values could be irreparably harmed if not protected, then the BLM may implement temporary protections that could maintain the condition of identified resources until a potential ACEC can be fully evaluated through land use planning.

During the comment period for the draft EIS, the BLM received an ACEC nomination for the Greater Minidoka ACEC. The BLM prepared a preliminary evaluation of the relevant, important, and special management criteria for the proposed ACEC and subsequently prepared a preliminary evaluation of an internally proposed nomination for the Minidoka WRC ACEC (final EIS Appendix 13). The information provided in the preliminary evaluations were considered in the final EIS for the Lava Ridge Wind Project

with a focus on how or if the project would be compatible with any recommended interim management. The Selected Action does not include any infrastructure or uses that would conflict with the recommended interim management as described in the preliminary evaluations.

5.6.1.1 Preliminary Evaluation of the proposed Greater Minidoka ACEC

The BLM prepared a preliminary evaluation of a proposal from the Friends of Minidoka to establish a 224,400-acre ACEC. The proposed ACEC encompasses the entirety of the Applicant's proposed project area and lands that are not managed by the BLM. The BLM's evaluation focused on determining if the proposed area met both relevance and importance criteria required for ACEC designation. The proposed values included cultural resources, caves, visual quality, migratory birds, and several federally threatened and endangered wildlife species. The BLM's evaluation process involved reviewing existing information about the proposed area to determine the presence and significance of the values in question. In the preliminary evaluation, the BLM described the criteria used for relevance and importance, which include significant historic, cultural, or scenic values, fish and wildlife resources, natural processes or systems, and the area's fragility, sensitivity, rarity, or uniqueness. The BLM concluded that many of these values either were not present on the public lands or did not meet both the relevance and importance criteria. Although some values, such as the viewshed from the Minidoka WRC, met the relevance criteria, they failed to meet the importance criteria. Likewise, the Snake River physa, an endangered aquatic species, which proponents of the ACEC cited as a relevant and important value, does not inhabit the project area, and the threats to the species result from slack water conditions in the Snake River and not from the BLM's management. In addition, the BLM concluded that no special management under an ACEC designation for Native American ancestral sites such as cold lava tubes, Clovis kill/butchery sites, and other undocumented cultural sites is needed, leading to the decision not to recommend the proposed ACEC for interim management. Although the ACEC was not recommended for interim management, it can be reconsidered in a future land management planning process.

5.6.1.2 Preliminary Evaluation of the Proposed Minidoka WRC ACEC

After concluding that the Greater Minidoka ACEC failed to meet the two-pronged test to qualify as an ACEC, the BLM Shoshone Field Office staff conducted a preliminary evaluation of designating the Minidoka WRC as an ACEC. This area encompassed approximately 15,417 acres managed by the BLM and was a component of the Greater Minidoka ACEC recommended by the Friends of Minidoka. This evaluation was initiated in response to concerns raised by the Friends of Minidoka regarding the sensitivities of the Minidoka NHS. The review found that approximately 61% of the BLM public lands within the WRC boundary had been previously inventoried, identifying four historic sites associated with the Japanese American incarceration during World War II. Based on the presence of these sites, the WRC was preliminarily deemed to meet the relevance and importance criteria required for ACEC designation. While those sites were deemed relevant and important, supporting an ACEC designation in the future, the BLM concluded no special protections are needed to preserve the viewshed to or from those sites, as they possess little or no intrinsic visual qualities.

Because of the importance of preserving the resource values associated with the Minidoka NHS, including its viewshed, and the BLM's responsibility to manage historic sites on public lands, the BLM has determined that the Minidoka WRC potential ACEC, depicted in Appendix A on Map 5.6.1, has relevant and important values, and that special management attention is required. Therefore, the BLM has determined that the public lands in this potential ACEC merit temporary management until the BLM can complete a land use planning process. The temporary management includes a 100-foot height limit on new vertical structures.

The BLM will continue to evaluate the presence of relevant and important values, and the need for special management attention, within and around the current boundary of the potential ACEC and may adjust the boundary and temporary management measures based on the ongoing evaluation. The ongoing evaluation will take into account information related to the Japanese American incarceration at Minidoka, including the elements and character of the landscape, and may be further informed by data provided by the NPS or otherwise received by the BLM. If the BLM adjusts the boundaries or measures of temporary management, the BLM will notify the public.

5.6.2 Considering Ecosystem Resilience

The Public Lands Rule provided direction for consideration of the impact of management actions on ecosystem resilience. It defined ecosystem resilience as “the capacity of ecosystems (e.g., old-growth forests and woodlands, sagebrush core areas) to maintain or regain their fundamental composition, structure, and function (including maintaining habitat connectivity and providing ecosystem services) when affected by disturbances such as drought, wildfire, and nonnative invasive species” (43 CFR § 6101.4(d)). It also requires the BLM to seek opportunities to restore or protect ecosystem resilience where lands have been degraded and thus justify a decision that may impair ecosystem resilience (43 CFR § 6102.5(b)).

5.6.2.1 Capacity of Existing Ecosystems

The project area encompasses diverse habitats, including pronghorn and mule deer migratory corridors and wintering areas, seasonal habitats for sage-grouse, sagebrush steppe ecosystems, and other habitats that support a variety of wildlife species and ecological processes. However, the ecosystem components within the project area currently do not function with the same capacity and resilience as old-growth forests, woodlands, or sagebrush core areas.

Over many years, the ecosystem within the project area has experienced significant degradation due to a combination of historic grazing and vegetation management practices, the introduction of invasive annual grasses such as cheatgrass, frequent and large wildfires, and agricultural developments on adjacent lands. Additionally, the establishment of energy corridors and transmission lines have been developed that further fragment the landscape. Changes to plant communities have occurred since mapping in 2013, with several wildfires between 1980 and 2022 leading to the introduction of nonnative plants and subsequent alterations to native vegetation communities (EIS Section 3.15). These areas now predominantly consist of disturbed vegetation and nonnative grasses.

The analysis in the EIS shows that only 1% of the mapped native upland vegetation communities remain unaffected by land use conversions and other trends, with approximately 36% of the analysis area dominated by nonnative species or converted to agricultural or urban uses (EIS Section 3.15). Additionally, 56% of the analysis area has undergone changes due to wildfire, vegetation treatments, and seeding projects, which often lead to grassland dominance (both native and nonnative).

The data from Assessment, Inventory, and Monitoring (AIM) plots further confirm the predominance of nonnative grasses, with cheatgrass cover reaching up to 82.7% in some areas. The presence of native sagebrush is limited, with significant portions of the sagebrush steppe ecosystem already replaced by nonnative species and disturbed vegetation. As highlighted, full recovery of mature sagebrush communities varies widely from 9 to 120 years depending on the site and species, indicating a long-term recovery process that is not feasible under the current conditions (EIS Section 3.15).

Thus, the degraded ecosystem within the project area has lost integrity over many years, and any remaining intact native sagebrush communities are now unique and valuable yet fragmented and

vulnerable. The cumulative impacts of historical and ongoing disturbances, combined with the projected future trends, underscore the limited integrity and resilience of these ecosystems.

5.6.2.2 Net Neutral Effect on Ecosystem Resilience

The additional development and use of public lands associated with the Selected Action will not contribute to improved ecosystem resiliency. However, development under the Selected Action includes avoidance and minimization measures, interim and final reclamation of disturbed areas, and compensatory mitigation. With these requirements, the ecosystems would not be further degraded.

The required measures outline several measures to minimize the impact of the project on ecosystems. For instance, the required measures include minimizing the area of permanent disturbance by restricting construction-related activities to designated areas and using existing roads to the maximum extent possible and the implementation of the Noxious Weed Management Plan (MVE 2023: Appendix R) to control invasive species and enhance the establishment of native plants (Appendix C).

Additionally, the Reclamation Plan (MVE 2023: Appendix E) outlines goals and objectives to restore disturbed areas to a condition similar to the surrounding undisturbed areas. Interim reclamation will involve re-contouring, soil stabilization, and seeding with a BLM-approved seed mixture, aiming for the re-establishment of native vegetation and minimizing erosion. Final reclamation, post-decommissioning, includes removing infrastructure and re-vegetating the disturbed areas to match the native vegetation cover and composition. The success of reclamation efforts will be evaluated against control sites, ensuring that reclaimed areas exhibit healthy, reproducing vegetation comparable to undisturbed sites.

The project will include an Environmental Compliance and Monitoring Plan (MVE 2023: Appendix V) to ensure all mitigation measures are effectively implemented and monitored. This plan involves regular site inspections and compliance checks during construction, operations, and decommissioning phases, ensuring that environmental conditions are maintained or improved (Appendices C and G). If initial reclamation efforts do not meet success criteria, adaptive management procedures will be employed to address revegetation challenges and ensure long-term sustainability (MVE 2023: Appendix E).

For residual impacts that cannot be avoided or minimized, compensatory mitigation measures will be implemented to achieve no net loss and potentially a net gain of biodiversity and ecosystem services. These measures include the restoration of degraded habitats and the improvement of marginal habitats to benefit the same or similar species impacted by the project (Appendix D).

By implementing these comprehensive avoidance, minimization, reclamation, and compensatory mitigation measures, the Selected Action aims to prevent further degradation of the ecosystems within the project area. Moreover, compensatory mitigation has the potential to conserve fragmented areas of quality habitat or contribute to the improvement of better-quality habitat outside of the project boundaries. The combination of these efforts ensures that the project will not interfere with the natural processes needed to regain ecosystem resilience, resulting in a net neutral effect on the overall ecological integrity of the region. I conclude that the avoidance, minimization, and compensatory mitigation measures incorporated into this ROD comports with the direction in the Public Lands Rule (43 CFR § 6102.5(b)) that the BLM consider opportunities to improve ecosystem resilience.

5.7 Consolidated Appropriations Act of 2024

Section 441 of the Consolidated Appropriations Act of 2024 (Public Law No. 118-42) states that “none of the funds made available by this Act may be obligated...for the Lava Ridge Wind Project unless or until the Secretary...has analyzed, in consultation with local elected officials and stakeholders, action

alternatives designed to reduce impacts to wildlife, cultural resources, transportation, hunting, wetlands, and connected surface and ground waters. The Secretary shall complete such consultations and seek feedback regarding the action alternatives, not later than September 30, 2024.”

The BLM has engaged with stakeholders and local officials throughout the evaluation of the Lava Ridge Wind Project. An overview of the BLM’s outreach is detailed in Appendices 10 and 14 of the final EIS. The BLM initiated early discussions with stakeholders, commenced consultation with Native American Tribes, coordinated with MVE to hold open houses, and established cooperating agencies and consulting parties prior to initiating the formal NEPA process. This early coordination helped identify potential issues and prepare for public communication.

During the NEPA process, the BLM engaged with cooperating agencies and interested parties, receiving feedback from local Native American Tribes, 12 federal and state agencies, three counties, 119 organizations, and numerous individuals. A Resource Advisory Council subcommittee also provided extensive research, public testimony, and a comprehensive set of comments.

During the 90-day draft EIS public comment period (January 2023 – April 2023), the BLM held in-person public meetings in Portland, Oregon, and Seattle, Washington, to facilitate participation from Japanese American and Minidoka NHS-connected communities. The BLM received over 11,000 public comments, which significantly shaped the alternatives and analysis in the final EIS. In fact, the above outlined consultation and engagement is the direct cause of the development of the Preferred Alternative.

Given the NEPA process’s extensive analysis and consultation, the requirements of the Consolidated Appropriations Act, 2024 were met. However, to ensure BLM was responsive to Congress’s direction, the BLM held additional meetings with stakeholders, local officials, and state agencies. In these meetings BLM staff described the framework for compensatory mitigation for big game habitat, the inclusion of setbacks from lands managed by IDL, potential economic effects, impacts to irrigation infrastructure, aviation resources, health effects on livestock, conservation surrounding the Minidoka NHS, and the importance of the Minidoka NHS to Japanese American communities.

The final EIS includes specific mitigation frameworks, setback requirements, and assessments of socioeconomic impacts, irrigation infrastructure, aviation resources, and livestock health. The EIS also evaluates the proposed ACECs and potential land conservation within compensatory mitigation frameworks. Additionally, the BLM continues to consult with the NPS and Japanese American communities to ensure a decision on the project considers the values and key resources related to the Minidoka NHS. I conclude that these efforts effectively implement the Congressional direction set out in Section 441(a) of the Consolidated Appropriations Act of 2024. I recognize that certain cooperators, stakeholders, and interested parties may not be satisfied with the outcome of consultations but that does not equate to BLM not meeting its consultation obligations.

5.7.1 Actions Taken in Compliance with Section 441(b) of the Consolidated Appropriations Act of 2024 (Public Law No. 118-42)

Section 441(b) requires the Secretary of the Interior to provide periodic briefings to the U.S. House of Representatives and Senate Committees on Appropriations on the status of consultations required under subsection 441(a), and once the consultations are complete, to inform the committees on the action alternatives and the feedback of local elected officials and stakeholders prior to granting, issuing, or renewing a ROW grant for the project. The Secretary is committed to providing on-going briefings regarding the status of the consultations and issuing a report to the committees regarding the consultations and the feedback received prior to issuing the ROW grant for the project.

6.0 ALTERNATIVES CONSIDERED IN THE FINAL EIS

Six alternatives were analyzed in detail in the final EIS, including the Applicant's Proposed Action/Alternative B, the BLM's Preferred Alternative and the No Action Alternative/Alternative A. An additional five alternatives were considered but were not analyzed in detail. The alternative development process focused on issues identified during internal and external scoping. A detailed description of the alternatives considered and evaluated is provided in Chapter 2 of the final EIS. Summaries of project components, access roads, and traffic for the action alternatives evaluated and maps of those alternatives are also displayed in Chapter 2 of the final EIS.

6.1 Alternative A, No Action

Under Alternative A, the BLM would deny MVE's application for construction, operation and maintenance, and decommissioning of the project. The project facilities would not be built, and existing land uses and present activities in the area would continue. The land would continue to be available to other uses that are consistent with BLM (1986) and its amendments, including other potential wind developments proposed by MVE or other entities. Federal and regional renewable energy goals would have to be met using other alternative energy projects at other locations.

6.2 Alternative B, Proposed Action

Under Alternative B, the BLM would authorize (with terms and conditions) the wind energy facility as proposed by MVE. Alternative B would authorize up to 400 wind turbines with maximum heights up to 740 feet. The general project area would span across 197,474 acres with siting corridors being located on 84,051 acres. The development of access roads, electrical collection lines, substations, operation and maintenance facilities, temporary construction yards, etc. would disturb approximately 9,114 acres with interim reclamation required on 6,740 acres and a project infrastructure footprint of 2,374 acres. Alternative B would have a generation capacity between 1,200 and 2,094 MW depending on the total number and size of wind turbines.

6.3 Alternative C, Reduced Western Corridors

Alternative C would reduce the project's overall extent by eliminating development within specific corridors. The general project area would span across 146,389 acres with siting corridors located on 65,215 acres. Alternative C would allow up to 378 wind turbines and would maintain the same maximum height at 740 feet. The development of access roads, electrical collection lines, substations, operation and maintenance facilities, temporary construction yards, etc. would disturb approximately 6,953 acres with interim reclamation required on 5,142 acres and a project infrastructure footprint of 1,811 acres. Alternative C would have a generation capacity between 1,134 and 1,554 MW depending on the total number and size of wind turbines.

Alternative C would not include siting corridors nearest to and in the most prominent viewing directions of Wilson Butte Cave and the Minidoka NHS. Siting corridors proposed in Alternative B located north of Highway 24 are also not included in Alternative C. These changes are intended to minimize effects to cultural resources and reduce the potential for fragmenting wildlife habitats.

6.4 Alternative D, Centralized Corridors

Like Alternative C, Alternative D would reduce the project's overall extent by eliminating specific siting corridors from development. The general project area would span across 110,315 acres with siting

corridors located on 48,597 acres. Alternative D would allow up to 280 wind turbines and would maintain the same maximum height at 740 feet. The development of access roads, electrical collection lines, substations, operation and maintenance facilities, temporary construction yards, etc. would disturb approximately 4,838 acres with interim reclamation required on 3,714 acres and a project infrastructure footprint of 1,124 acres. Alternative D would have a generation capacity between 840 and 1,074 MW depending on the total number and size of wind turbines.

Also similar to Alternative C, Alternative D would focus on minimizing fragmentation of wildlife habitat and potential effects to Wilson Butte Cave, the Minidoka NHS, and the communities that have connections to these places. The intent of Alternative D is to avoid development in areas that have higher sagebrush cover and protect functional sage-grouse habitat. The reduced overall project footprint would also avoid or minimize effects to other resources and areas of concern.

6.5 Alternative E, Reduced Southern Corridors

Alternative E would avoid and minimize potential effects to the Minidoka NHS and Japanese American communities associated with the site. Alternative E builds off of Alternative C but would further avoid and minimize potential effects to the setting and feeling of the Minidoka NHS by removing additional siting corridors from development. Removing additional siting corridors would also reduce potential effects to the ability of descendant communities and the general public to experience the Minidoka NHS.

Alternative E would have a general project area that would span across 122,444 acres with siting corridors located on 50,680 acres. Alternative E would allow up to 269 wind turbines and would maintain the same maximum height at 740 feet. The development of access roads, electrical collection lines, substations, operation and maintenance facilities, temporary construction yards, etc. would disturb approximately 5,136 acres with interim reclamation required on 3,734 acres and a project infrastructure footprint of 1,402 acres. Alternative E would have a generation capacity between 807 and 1,164 MW depending on the total number and size of wind turbines.

6.6 Agency Preferred Alternative

The BLM identified a Preferred Alternative based on a combination of elements of Alternatives B, C, D and E, which the BLM examined in the draft EIS. The Preferred Alternative responds to resource effect concerns raised by cooperating agencies, stakeholders, and the public through the public comments received on the draft EIS. The Preferred Alternative would reduce visual effects to the Minidoka NHS and Wilson Butte Cave by having the greatest distance between these two sites and turbine siting corridors, reduce disturbance to big game migration routes and winter concentration areas, reduce effects to Jerome County Airport and agricultural aviation uses, and reduce effects to non-participating private landowners. The combination of elements from Alternatives B through E for the Preferred Alternative included siting corridor and infrastructure adjustments to avoid or minimize effects while balancing development of the wind resource. To identify the Preferred Alternative, the BLM considered, in part, the following information: results of the analysis of potential effects prepared for the draft EIS; agency, stakeholder, and public feedback on the draft EIS; recommendations from the BLM Idaho Resource Advisory Council's Lava Ridge Wind Project Subcommittee; new wildlife datasets provided by IDFG; and publicly available wind speed information for the project area.

The Preferred Alternative's general project area would span across 103,864 acres with siting corridors located on 44,768 acres. This alternative would allow up to 241 wind turbines but would reduce maximum turbine heights to 660 feet. The development of access roads, electrical collection lines, substations, operation and maintenance facilities, temporary construction yards, etc. would disturb

approximately 4,492 acres with interim reclamation required on 3,500 acres and a project infrastructure footprint of 992 acres. The Preferred Alternative would have a generation capacity between 723 and 1,205 MW depending on the total number and size of wind turbines.

6.7 Alternatives Considered but Not Analyzed in Detail

Five alternatives were considered by the BLM during alternatives development but are not analyzed in detail in the final EIS. Refer to Section 2.9 in the final EIS for a description of the five alternatives and rationale for why they were not carried forward for detailed analysis.

6.8 Environmentally Preferred Alternative

6.8.1 Selection of the Environmentally Preferred Alternative

Pursuant to NEPA, an agency must specify the environmentally preferred alternative or alternatives in the ROD (40 CFR § 1505.2(a)(2)) (2021).

The BLM has identified the Selected Action as the environmentally preferred alternative because it provides the best balance of meeting the BLM's purpose and need, allowing the development of renewable energy, and avoiding impacts to sensitive natural and cultural resources. This balance comes from the Selected Action's adjustments to the project's siting corridor locations, the total footprint, design features, avoidance and minimization measures, and required compensatory mitigation that will result in reduced adverse environmental effects while continuing to align with national goals and policies that promote renewable energy development and environmental sustainability. The Selected Action supports the overarching objectives set forth by the Energy Act of 2020, Executive Order 14008, and the DOI's renewable energy policies.

The Selected Action aligns with:

- The Energy Act of 2020, Section 3104 by contributing to the national goal of approving 25 GW of electricity from wind, solar, and geothermal energy projects on public lands by 2025 and encouraging renewable energy projects that minimize environmental effects and promote sustainability.
- Executive Order 14008 by supporting a carbon pollution-free electricity sector by 2035, contributing significant renewable energy capacity and positioning the United States as a leader in clean energy transition and climate action.
- The DOI's renewable energy policies through authorizing the use of public lands that efficiently and responsibly develop renewable energy while minimizing environmental effects.

By aligning with these laws, executive orders, and policies, the Selected Action plays a crucial role in advancing the nation's transition to a clean energy future, promoting environmental sustainability, and fostering economic growth while reducing carbon pollution. While the No Action Alternative would involve no direct effects, it would produce 0 MW of renewable electricity, which would have no environmental benefits in terms of reducing greenhouse gas emissions or promoting renewable energy development.

6.8.2 Environmental Considerations

The Selected Action is designed to maximize environmental benefits while minimizing adverse effects. Key environmental advantages summarized here include:

- **Reduction in Greenhouse Gas Emissions:** By generating electricity from wind, the project will significantly reduce reliance on fossil fuels, decreasing greenhouse gas emissions and contributing to climate change mitigation. This aligns with Executive Order 14008's goal of a carbon pollution-free electricity sector by 2035.
- **Wildlife Protection:** The phased construction schedule and adherence to seasonal wildlife restrictions will minimize disturbances to local wildlife populations and their habitats. The implementation of required compensatory mitigation will further promote the reduction of residual effects to these species.
- **Sustainable Land Use:** The project's design incorporates avoidance and minimization measures to protect sensitive environmental areas and cultural resources, ensuring sustainable use of public lands.
- **Environmental Justice:** The Selected Action has been designed to minimize potential disproportionate and adverse effects on communities with environmental justice concerns, and the implementation of required compensatory mitigation will further promote the reduction of residual effects in consultation with these communities.
- **Preservation of Historic and Cultural Resources:** The project includes provisions to protect and preserve cultural, Tribal, and natural resources, respecting the rights of Tribal Nations reserved through treaties, statutes, or Executive Orders.

The Selected Action not only supports the transition to a clean energy economy but also ensures environmental protection and sustainable development. Through the selection of this alternative, the project will support the BLM's commitment to responsible stewardship of public lands and the advancement of renewable energy for future generations.

7.0 CONSULTATION AND COORDINATION

7.1 U.S. Fish and Wildlife Service Consultation

7.1.1 Endangered Species Act Section 7

Under provisions of Section 7(a)(2) of the ESA, a federal agency that carries out, permits, licenses, funds, or otherwise authorizes an activity must consult with the USFWS as appropriate, to ensure the action is not likely to jeopardize the continued existence of any species listed as threatened or endangered, and not likely to result in the destruction or adverse modification of designated critical habitat. To comply with this requirement, the BLM and the USFWS met during reoccurring meetings between July 2020 and May 2024 to discuss the potential effects to ESA-listed species from activities authorized in this ROD.

The BLM requested a species list from the USFWS's Information for Planning and Consultation database on January 25, 2024 (Project Code: 2202-0074366). The list identified two species that may occur within the project area and/or may be affected by the project: Banbury Springs limpet (*Idaholanx fresti*) (ESA Endangered) and monarch butterfly (*Danaus plexippus*) (ESA Candidate for listing).

The BLM prepared a biological assessment to evaluate the potential effects to Banbury Springs limpet. Based on Idaho Fish and Wildlife Information System data, the nearest Banbury Springs limpet habitat on BLM land is more than 20 miles from the project area. The biological assessment determined the project would have no effect on Banbury Springs limpet or its habitat (Appendix F). To reduce effects to monarch butterfly, the BLM included the USFWS's recommended conservation measures in the final EIS (Appendix C).

During discussions with the USFWS, the BLM determined the possibility for yellow-billed cuckoo (*Coccyzus americanus*) to migrate through the project area could not be completely discounted. The BLM initiated informal Section 7 consultation for this species on March 26, 2024. On June 21, 2024, the BLM received a letter of concurrence from the USFWS on a may affect but is not likely to adversely affect determination for the species and acknowledged the BLM's determination of no effect for its critical habitat (FWS/R1/ES/IFWO/2022-0074366). These consultation documents can be found in Appendix F.

The BLM also evaluated the potential for the Lava Ridge project to affect other ESA-listed species such as the North American wolverine (*Gulo gulo*), Canada lynx (*Lynx canadensis*) and its critical habitat, Snake River physa (*Physella natricina*), and Bliss Rapids snail (*Taylorchocha serpenticoila*). Biological assessments documenting a no effect determination for these species and habitats are included in the project record.

7.1.2 Bald and Golden Eagle Protection Act

Additionally, the Eagle Permit Rule (50 CFR § 22.80(c)(1)(i)) requires compensatory mitigation for “any permit authorizing take that would exceed the applicable eagle management unit take limits ... [which] must ensure the preservation of the affected eagle species by reducing another form of ongoing mortality by an amount equal to or greater than the unavoidable mortality or increasing the eagle population by a greater amount.” As described in measure 197, Appendix C to this ROD, the USFWS will be responsible for issuing a decision on MVE's eagle incidental take permit application and determining any compensatory mitigation necessary to address incidental take arising from collisions with turbines. Compensatory mitigation requirements may be re-evaluated every 5 years by the USFWS and could involve a number of options for the first 5-year permit administrative period (i.e., years 1 through 5), including a pole retrofit program (see MVE 2023: Appendix T for more detail regarding the compensatory mitigation process and compensatory mitigation options). Additional measures may be identified by the USFWS during the eagle incidental take permitting process and would be described in the associated NEPA document.

7.2 National Historic Preservation Act Section 106 Consultation

The BLM prepared the final EIS in coordination with the requirements of the NHPA, as amended (54 USC § 300101 *et seq.*). Under Section 106 of the NHPA (54 USC § 306108), the BLM is obligated to consider the effects of its undertakings on historic properties listed in, or eligible for, the National Register of Historic Places. This process mandates consultation with state historic preservation offices, Tribal historic preservation offices, Native American Tribes, and other interested parties. In accordance with Section 106 regulations (36 CFR Part 800), the BLM initiated consultation with the consulting parties listed in Table App10-1 in the final EIS, as well as individuals from or supporting the Japanese American community.

As part of the Section 106 compliance process, the BLM prepared and consulted on a Programmatic Agreement (PA) to address the identification, evaluation, and resolution of adverse effects prior to the development and throughout the operation of the project. Between July 2021 and April 2024, the BLM held more than 50 meetings with consulting parties. Through these meetings, several key actions were accomplished:

- **Determination of Programmatic Agreement:** The BLM and consulting parties, consistent with 36 CFR § 800.14(b)(3), determined that a PA was appropriate to address potential effects associated with the project.

- **Definition of APEs:** Discussions and field visits with consulting parties led to the definitions for the physical and non-physical APEs.
- **Discussion of Agreement Elements:** The BLM and consulting parties discussed various elements of the PA, including the identification process, evaluation, and resolution of effects.

7.2.1 Framework for Preservation of Historic Properties

The BLM has engaged in an extensive and collaborative consultation process throughout the review of the project. This process involved significant coordination with a range of stakeholders, including the Idaho SHPO, the ACHP, Native American Tribes, Japanese American and Minidoka-connected communities, MVE, and other consulting parties, to ensure that the effects to historic properties were thoroughly addressed under Section 106 of the NHPA. This effort culminated in the development of a draft PA aimed at guiding preservation and mitigation actions throughout the project area.

On August 9, 2024, the SHPO terminated its participation in the Section 106 consultation process, citing overwhelming public opposition to the undertaking. In communicating its decision, the SHPO acknowledged the undertaking's broad impact on cultural and historic resources and noted that its termination was not due to procedural errors by the BLM in the Section 106 process. In accordance with section 800.7(a)(2) of the Section 106 implementing regulations, the BLM asked the ACHP to execute the PA as a two-party agreement. On September 6, 2024, the ACHP declined to execute a two-party agreement and terminated consultation, citing the inability of the ACHP to appropriately resolve the undertaking's adverse effects to historic properties. The ACHP could not replace the role of the SHPO to provide localized expertise that would be needed to implement the draft PA over the span of several decades.

Pursuant to the Section 106 regulations (36 CFR § 800.7(c)), the ACHP identified its intention to receive input from the BLM, consulting parties, and the public and prepare its final termination comments. On October 17, 2024, the ACHP provided its final comments to the BLM. The ACHP's comments provided a summary of the facts and process leading to termination, as well as findings that adequately reflected the BLM's considerable effort to consult with all consulting parties in good faith to analyze the potential adverse effects of the project, among other findings. Further, the ACHP offered one recommendation relating to the Section 106 process for the project, i.e., if the BLM chooses to proceed with the undertaking as described, the BLM should commit to carrying out mitigation measures as proposed in the draft PA. As required by 36 CFR § 800.7(c)(4), the BLM responded to ACHP's termination comments by substantially adopting the ACHP's recommendation of incorporating as a condition of approval of the ROW nearly all of the terms and process set forth in the draft PA. The BLM provided this response to the ACHP via a letter with copies sent to the consulting parties; this letter is also publicly available. The BLM's response and its incorporation of the process as a condition in this decision constitutes the completion of and compliance with the BLM's procedural obligations in the Section 106 process as outlined in 36 CFR §§ 800.3 – 800.13.

While the formal Section 106 process is concluded with the BLM's consideration and response to ACHP's final comments, the agency's obligations for responsible management of cultural resources continues. In alignment with the framework established in this ROD, the BLM will pursue the following strategies as proposed and consulted on in the draft PA and included in Appendix E:

1. **Ongoing Identification:** The BLM will require MVE to undertake Class III intensive surveys in the physical APE and to use a phased approach that had been previously agreed to in the draft PA to identify and evaluate potential historic properties from the built environment within the non-physical APE. If resources cannot be fully evaluated for eligibility under the National Register of

Historic Places criteria, they will be treated as eligible until proper evaluation is completed. The BLM will offer to share these data with the Idaho SHPO and interested Tribes.

2. **Determination of Eligibility and Assessment of Effect:** The BLM will continue to work with MVE, consulting parties, Tribal governments, and other experts through a project-specific process that parallels Section 106 to assess potential eligibility of, and effect to, identified resources. Properties of traditional religious and cultural importance will be given equal consideration.
3. **HPMP and HPTPs:** The BLM has carried over from the draft PA the concept of the HPMP as an umbrella document that consists of multiple documents (e.g., Native American Graves Protection and Repatriation Act plan of action, monitoring plan, non-physical effects assessment methodology) that will guide the preservation of historic properties throughout the project's lifespan. The HPMP will also include HPTPs for adversely affected historic properties which will document the nature of the property and the project's effects on it. HPTPs will also include the conditions the BLM will require MVE to follow to avoid, minimize, and mitigate adverse effects. The BLM views the HPMP and associated HPTPs as a dynamic tool that will allow the BLM, Tribes, and consulting parties to ensure historic preservation measures are being carried out appropriately.
4. **Government-to-Government Consultation with Tribes:** The BLM remains committed to consulting with Native American Tribes on a Government-to-Government basis, recognizing their unique expertise in identifying and evaluating properties of traditional religious and cultural significance that conventional cultural resource methods can fail to take into account. The BLM recognizes the millennia-old relationship between the Tribes and this landscape, and the agency views their participation in this process as vital to developing and implementing mitigation frameworks that reflect their interests.
5. **Mitigation Measures Tailored to Resolve Adverse Effects:** Specific measures, such as setback modifications, visual effect mitigation, and strategic siting of project infrastructure, have already been integrated into the project to minimize effects. Where avoidance is not possible, the BLM will work with consulting parties to develop meaningful mitigation efforts.
6. **Ongoing Consulting Party Engagement:** The BLM will engage in continuous dialogue with consulting parties, including the NPS and the Japanese American community. The BLM will provide the consulting parties with opportunities to review and comment on documents associated with the project (e.g., monitoring plans, HPTPs, and evaluations of eligibility). Consulting parties will also be invited to participate in meetings to assist the BLM in assessing project effects on historic properties, developing mitigation strategies, and updating elements of the HPMP as needed. Cultural resource activity reports submitted to the BLM and shared with consulting parties will provide transparency and ensure that the project adheres to the terms consulted on in the draft PA.

7.3 Government-to-Government Tribal Consultation

The United States has an important legal relationship with Native American Tribes, as established by the U.S. Constitution, treaties, executive orders, federal statutes, and federal and Tribal policies. Federal agencies are required by both statute and regulation to consult with Native American Tribes on a Government-to-Government basis on federal actions or undertakings that may affect "trust assets," including cultural and natural resources of concern to Tribes.

The BLM contacted the following Native American Tribes to provide information on the project and the Section 106 process and to inquire about engaging in future consultations: the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation (Shoshone-Paiute Tribes); the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation (Shoshone-Bannock Tribes); the Northwestern Band of the Shoshone Nation (Northwestern Band); the Nez Perce Tribe of Idaho; the Te-Moak Tribe of Western Shoshone including the Battle Mountain Band, the Elko Band, the South Fork Band, and the Wells Band; and the Confederated Tribes of the Goshute Reservation. The Shoshone-Paiute Tribes, the Shoshone-Bannock Tribes, and the Northwestern Band of the Shoshone Nation chose to consult with the BLM and participated in the Section 106 process, including development of the elements of the PA now captured in Appendix E.

The venue for Government-to-Government consultation for the project has followed the established form of contact preferred by each Tribe. Consultation has generally involved formal letters and submission of material via U.S. Postal Service Certified Mail, telephone and email contact, and in-person and virtual meetings. Government-to-Government consultation with the Shoshone-Paiute Tribes has consisted almost exclusively of in-person or virtual meetings. The Shoshone-Bannock Tribes have participated in Section 106 consulting party meetings as well as in staff-to-staff meetings. Government-to-Government consultation with the Northwestern Band has been primarily through email and formal letters. Table 2 provides a summary of staff-to-staff and Government-to-Government consultation meetings; these meetings are in addition to opportunities to participate in meetings with other consulting parties and written communications.

The consultation with Native American Tribes has ensured that Tribal perspectives and concerns are integrated into the alternatives and analysis in the final EIS and has fostered greater respect for Tribal sovereignty and cultural heritage. The engagement has allowed for the identification and adjustments in alternatives to avoid and minimize effects to culturally significant sites. The collaboration has facilitated the development of stipulations within Appendix E ensuring Tribal monitors are included in survey and identification of historic properties. Additional consultation will continue through preconstruction, construction, and operation of the project. Overall, this consultative process has strengthened relationships between the BLM and Native American Tribes, promoting transparency, trust, and mutual respect, which are crucial for the successful and culturally sensitive implementation of the Lava Ridge Wind Project.

Table 2 – Consultation Meetings with Native American Tribes

Consultation	Native American Tribe	Dates
Staff-to-Staff and Government-to-Government consultation	Shoshone-Bannock Tribes	January 28, 2021
		August 31, 2021, site tour
		January 27, 2022
		February 10, 16 & 24, 2022
		March 24, 2022
		May 26, 2022
		July 27 & 28, 2022
		October 16, 2022
		January 20, 2023
		October 19, 2023
May 21, 2024		
Staff-to-Staff and Government-to-Government consultation	Shoshone-Paiute Tribes	May 5, 2021
		June 3, 2021
		August 18, 2021

October 6, 2021
December 8, 2021
January 6, 2022
February 2, 2022
March 9, 2022
May 4, 2022
June 23, 2022
September 7, 2022
October 7, 2022
December 7, 2022
January 19, 2023
June 8, 2023
July 13, 2023
September 14, 2023
November 9, 2023
February 2, 2024
April 11, 2024
June 13, 2024

8.0 AGENCY AND PUBLIC INVOLVEMENT

8.1 Cooperating Agencies

In accordance with Section 107(a)(3) of NEPA, any federal, state, Tribal, or local agency that has jurisdiction by law may be a cooperating agency upon request of the lead agency. In addition, any federal, state, Tribal, or local agency that has special expertise with respect to any environmental issue that should be addressed in the Lava Ridge Wind Project EIS may be a cooperating agency upon request of the lead agency.

The BLM solicited input from cooperating agencies during the planning, scoping, and EIS analysis phases. Input that has been received from cooperating agencies was incorporated into the final EIS analysis. Final EIS Appendix 10 describes the jurisdiction or expertise for each cooperating agency.

The following agencies with jurisdiction, special expertise, or interest in the project agreed to participate in the EIS process as cooperating agencies:

- Federal agencies: National Park Service, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service.
- State agencies: Idaho State Department of Agriculture, Idaho Department of Environmental Quality, Idaho Department of Fish and Game, Idaho Department of Lands, Idaho Governor’s Office of Energy and Mineral Resources, Idaho Governor’s Office of Species Conservation, Idaho State Historical Society.
- Local agencies: Jerome, Lincoln, and Minidoka counties.

The BLM followed the public involvement requirements documented in the CEQ NEPA-implementing regulations (40 CFR § 1501.9 for scoping and 40 CFR § 1506.6 for public involvement). The BLM also followed the public involvement requirements described in the BLM’s NEPA Handbook H-1790-1 (BLM 2008a).

8.2 Scoping

Internal scoping was conducted among the BLM interdisciplinary team and cooperating agencies to identify issues prior to public scoping. The BLM also held meetings with existing ROW holders, grazing permittees, and adjacent landowners to discuss the project. Public scoping for the project was initiated on August 20, 2021, when the BLM published a notice of intent to prepare an EIS in the *Federal Register*. The project scoping report and the BLM's consultation and coordination documentation are available on the BLM's ePlanning website. The 60-day scoping period ended on October 20, 2021.

Pursuant to NEPA requirements, the scoping meetings were advertised in a variety of formats beginning at least two weeks prior to their scheduled dates. In each format, the advertisements provided logistics, explained the purpose of the public meetings, explained how to give substantive comments, gave the schedule for the (scoping) public comment period, outlined additional ways to comment, and provided methods for obtaining additional information. Letters were mailed to 355 organization addresses, 79 individuals, and 25 Tribal representatives. Email notices were sent to 203 and 200 recipients on August 23 and September 3, 2021, respectively. The BLM hosted two virtual public scoping meetings on September 8 and 9, 2021. Newspaper notices were published in the *Twin Falls Times-News* on August 26 and September 7, 2021.

Members of the public were afforded several methods for providing comments during the scoping period, including the BLM's ePlanning website, email, and hardcopy mail. In total, 1,478 submittals were collected during public scoping, 44 of which were identified as duplicate submittals. Two different form letters were identified, accounting for 953 of the 1,478 submissions, or approximately 64%. One form letter was submitted by 36 individuals and primarily raised concerns related to public access and outdoor recreation opportunities that may be affected by the project. The other form letter, submitted by 917 individuals, expressed concerns related to NPS properties near the project, including Craters of the Moon National Monument and Preserve and the Minidoka NHS.

Because of the high proportion of scoping interest regarding the potential for effects to the Minidoka WRC and Minidoka NHS, the BLM and the Office of Collaborative Action and Dispute Resolution implemented proactive approaches to solicit input on the draft EIS from interested parties, including members of the Japanese American community. These parties were also included in NHPA Section 106 consultation, as described in the Consultation and Coordination section in EIS Appendix 10. See also EIS Section 3.5 (Cultural Resources) and Section 3.6 (Environmental Justice and Socioeconomics) for EIS analyses regarding potential project effects to cultural resources and environmental justice communities.

8.3 Draft EIS Public Comment Period

The BLM published an NOA for the draft EIS in the *Federal Register* on January 20, 2023. This began a 60-day public comment period, which was extended to 90 days and ended on April 20, 2023. The BLM held six public meetings on the draft EIS in February and March 2023. Meetings were held virtually and in person in Shoshone and Twin Falls, Idaho. To facilitate participation from the Japanese American community outside of Magic Valley, two in-person meetings were held in Portland, Oregon and Mercer Island, Washington. The virtual meeting was recorded and made available on the BLM's ePlanning website. 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 BLM received a total of 11,194 submissions during the draft EIS public comment period. Of the submissions, 3,489 were unique (i.e., original submissions that did not have identical or almost identical

wording as another submission). Approximately 69% of the submittals received were part of organized letter writing campaigns. 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. Appendix 14 of the final EIS describes the BLM's analysis of the comments, includes the substantive comments received, and provides the agency responses to these comments in tabular format.

8.4 Consideration of Public Comments and Concerns

Comments received during scoping were categorized as issues associated with resource topics, issues associated with BLM policy (and therefore not addressed in the EIS), or out-of-scope comments. Substantive issues within the scope of the EIS that were identified through internal and external scoping and used to develop alternatives are addressed in EIS Chapter 3, Affected Environment and Effects, and summarized in EIS Table 1.4-1. Substantive issues were identified as those that could have significant effects to resources in the area; are necessary to make a reasoned choice among alternatives; or are needed to address points of disagreement, debate, or dispute regarding an anticipated effect from the project.

Following publication of the draft EIS, and in response to public comments and concerns raised during the public comment period for the draft EIS, the BLM made revisions to the EIS, which are summarized in the final EIS Appendix 10. Responses to public comments are provided in Appendix 14 of the final EIS. Key changes to the EIS include the identification of a Preferred Alternative, an extended construction schedule including seasonal restrictions, revisions to Alternative B, updated greater sage-grouse and visual resources analyses, additions to the EIS analysis, and a further refined mitigation approach. The additional issue statements that the BLM examined included discussions on existing groundwater wells, groundwater quality, the Minidoka NHS interpretive purpose, regional airports, aerial agricultural operations, and potential areas of critical environmental concern.

9.0 CONTACT PERSON

For further information, please contact:

Bureau of Land Management Shoshone Field Office
Attn: Kasey Prestwich
400 West F Street
Shoshone, Idaho 83352

10.0 REFERENCES

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11.0 FINAL AGENCY ACTION

11.1 Right-of-Way Authorization

In accordance with CEQ NEPA implementing regulations 40 CFR § 1505.2, I hereby certify that the BLM has considered all of the alternatives, information, analyses, and objections submitted by the State of Idaho, Tribal and local governments, and public commenters for consideration by the BLM and cooperating agencies in developing the EIS. It is my decision to approve a right-of-way for the construction, operation and maintenance, and decommissioning of a wind energy facility on public lands, including siting corridors for wind turbines, powerlines, project access roads, substations, operation and maintenance facilities, and other infrastructure needed for consultation and operation of the project, and as reflected in this Record of Decision. This decision is effective on the date this Record of Decision is signed.

Approved by:

Date

Tracy Stone-Manning
Director
Bureau of Land Management

11.2 Secretarial Approval

I hereby approve this decision. My approval 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 approved by this decision, must be brought in federal district court.

Approved by:

Date

Steven H. Feldgus
Principal Deputy Assistant Secretary,
Land and Minerals Management