



Greenlink West Project

June 14, 2024

Note to Readers:

Introduction

The Final Environmental Impact Statement(EIS)/Proposed Resource Management Plan Amendments (RMPA) was revised from the Draft EIS/RMPA, in part, to comply with the amendments to the National Environmental Policy Act (NEPA) enacted through the Fiscal Responsibility Act of 2023 June 3, 2023 (codified at 42 USC 4336a). These amendments restrict EISs to 150 pages *of text* except for proposed agency actions of “extraordinary complexity.” (42 USC 4336a(e)(1)(A)-(B)). Although Congress enacted this new statutory requirement after the publication of the Draft EIS/RMPA, these amendments to NEPA did not offer any exceptions or waivers to the mandatory page limits. Consequently, the Bureau of Land Management (BLM) has determined that the size, scope, and scale of the proposed agency action is of “extraordinary complexity” and has reorganized the Final EIS/Proposed RMPA to meet the 300 page limit *of text* mandated by the statute and resulted in the creation of new Appendices AA and AB.

The BLM’s reorganization of the Final EIS/Proposed RMPA focused on those resources and issues that would inform the reasoned choices by the decision-maker between the range of the alternatives and have the potential to be significantly affected by this project consistent with the Council on Environmental Quality’s NEPA regulations.¹ See 40 CFR 1502.1, 1502.2, 1502.15. The BLM relocated into Appendix AB those resources and issues identified as not informing the decision-maker and the public of the choices between the alternatives or determined to not be significantly impacted by this action alternatives for this project. The BLM did not delete this relocated content between the Draft EIS/RMPA and the Final EIS/Proposed RMPA; the BLM analyzed all resources and issues for potential direct, indirect and cumulative effects for this project regardless whether the impact is significant or not.

Specifically, the BLM’s approach in meeting the page limit relied on the following provisions in the NEPA regulations:

- 40 CFR 1502.1 “[EIS] shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses.”
- 40 CFR 1502.2(b) “Environmental impact statements shall discuss impacts in proportion to their significance. There shall be only brief discussion of other than significant issues. As in a finding of no significant impact, there should be only enough discussion to show why more study is not warranted.”
- 40 CFR 1502.2(c) “Environmental impact statements shall be analytic, concise, and no longer than necessary to comply with NEPA and with the regulations in this subchapter. Length should be proportional to potential environmental effects and project size.”
- 40 CFR 1502.15 “Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced.”

The BLM’s reorganization also is consistent with the BLM’s NEPA Handbook - H-1790-1 at page 41 (2008).

- As noted above, the BLM determined this project is “extraordinarily complex” due to the size, scope, and scale of the project. Factors considered in reaching this determination include:
- Analysis of 12 transmission alternatives, five substation alternatives, two microwave alternatives and rationale on 22 other alternatives not fully analyzed.
- Evaluation of multiple plan amendments.
- A 90-day comment period and 30-day protest period on the planning actions.

¹ The BLM acknowledges that CEQ published revisions to the NEPA regulations on May 1, 2024, which take effect on July 1, 2024. Although the citations in this document (and the Final EIS/Proposed RMPA) refer to the regulations in effect prior to May 1, 2024, the recently published revisions to the regulations for the cited provisions offer substantially the same support for the BLM’s approach to reorganizing the Final EIS/Proposed RMPA.

- NEPA/NHPA Substitution- the EIS includes all evaluation and effects to cultural resources and resolution of adverse effects rather than separate Memorandum of Agreement or Programmatic Agreement.
- Five federal agencies of jurisdiction.
- Section 7 of the Endangered Species Act consultation on nine listed species.

The BLM’s calculation of the page limits relied on the NEPA regulations and recently issued guidance by the Department of the Interior’s Office of Environmental Policy & Compliance (OEPC). The NEPA regulations define “page” to mean “500 words and does not include explanatory maps, diagrams, graphs, tables, and other means of graphically displaying quantitative or geospatial information.” 40 CFR 1508.1(v). OEPC’s guidance describes the interpretation of the page limits as: “All pages of the following sections count toward the page limit: (1) purpose and need, (2) alternatives, and (3) affected environment and environmental consequences (40 CFR 1502.7).” OEPC Frequently Asked Questions at Question 14 (April 9, 2024). Prior to publication of the Final EIS/Proposed RMPA, the BLM preformed a page count in Microsoft Word of the text and determined that the Final EIS/Proposed RMPA is under 300 pages of text in compliance with this legal requirement.

Reorganization

The following content was relocated into new Appendices AA and AB for the Final EIS/Proposed RMPA as follows:

Heading	Draft EIS/RMPA	Final EIS/Proposed RMPA
Alternatives Considered but Eliminated from Detailed Analysis	Section 2.3, pages 2-36 to 2-42.	Appendix AA.
Alternatives Raised During Public Scoping Considered but Eliminated from Detailed Analysis	Section 2.4, pages 2-42 to 2-47.	Appendix AA.
General Vegetation	Section 3.2, pages 3-41 to 3-50.	Appendix AB, pages AB-1 to AB-10.
Bald and Golden Eagles	Section 3.4, pages 3-96 to 3-105.	Appendix AB, pages AB-10 to AB-19.
General Wildlife	Section 3.5, pages 3-105 to 3-114.	Appendix AB, pages AB-19 to AB-28.
Earth Resources	Section 3.9, pages 3-191 to 2-209.	Appendix AB, pages AB-28 to AB-46.
Air Quality, Climate Change, and Greenhouse Gas Emissions	Section 3.10, pages 3-209 to 3-215.	Appendix AB, pages AB-46 to AB-52.
Land Use, Realty, Indian Trust Assets	Section 3.13, pages 3-258 to 3-302.	Appendix AB, pages AB-52 to AB-92.
Water Resources	Section 3.14, pages 3-302 to 3-323.	Appendix AB, pages AB-92 to AB-114.
Socioeconomic Resources and Environmental Justice	Section 3.16, pages 3-384 to 3-427.	Appendix AB, pages AB-114 to 154.
Public Health and Safety	Section 3.17, pages 3-427 to 3-435.	Appendix AB, pages AB-154 to AB-162.