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

DECISION RECORD (DR)

FOR PHASE I WIND TURBINE DEVELOPMENT

**Chokecherry and Sierra Madre (CCSM)
Wind Energy Project (EA 2)
DOI-BLM-WY-D030-2016-0046-EA**

January 2017

**U.S. Bureau of Land Management
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The BLM's multiple use and sustained yield mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

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Phase I Wind Turbine Development

I. Introduction

This Decision Record (DR) documents the Bureau of Land Management's (BLM) decision on the wind energy right-of-way (ROW) application for Phase I wind turbine development at the Chokecherry and Sierra Madre Project submitted by the Power Company of Wyoming LLC (PCW). This Decision Record is based on the "Environmental Assessment for Phase I Wind Turbine Development for the Chokecherry and Sierra Madre (CCSM) Wind Energy Project" (EA 2) and the Finding of No New Significant Impact (FONNSI).

The CCSM Project Record of Decision (ROD) allows the BLM the flexibility to issue multiple ROW grants. The Phase I infrastructure components, the Phase I Haul Road and Facilities, the West Sinclair Rail Facility, and the Road Rock Quarry were analyzed previously in EA 1, include a separate DR and FONNSI, and are part of the CCSM Project.

The authority for these decisions is contained in the Federal Land Policy and Management Act of 1976 (FLPMA), 43 U.S.C. 1701–1787, including Title V of FLPMA, which authorizes the issuance of rights-of-way on the public lands.

II. Alternatives Considered

In addition to the Proposed Action (Alternative B), the BLM also analyzed a No Action Alternative in detail. Under the No Action Alternative, the BLM Authorized Officer would deny approval of a ROW grant for the site-specific Plan of Development (SPOD) filed by PCW for the Phase I Wind Turbine Development. The No Action Alternative would not support the Federal goals and objectives for developing domestic renewable energy projects on public lands.

A. Proposed Action

The Proposed Action is described in detail in Chapter 2 of EA 2. The Phase I Wind Turbine Development consists of 500 wind turbine generators and supporting facilities: roads, wind turbine sites, foundations, wind turbine generators, collection system, substations, internal transmission system, buildings, meteorological towers, utilities, and temporary construction features. The Proposed Action comprises the Phase I Wind Turbine Development for the CCSM Project described in the Phase I Wind Turbine Development SPOD filed by PCW with the BLM. The Phase I Wind Turbine Development will occur in the western portions of the Chokecherry and Sierra Madre Wind Development Areas (WDAs) and will provide half of the electricity (approximately 1,500 megawatts [MW]) expected from the CCSM Project. Phase I of the Sierra Madre WDA will be constructed first, followed by Phase I of the Chokecherry WDA. PCW plans to install 229 wind turbine generators in 2019 and 271 wind turbine generators in 2020. The CCSM Project is located south of the City of Rawlins, WY (refer to Map 1-1 in EA 2), predominantly within the bounds of the Overland Trail Ranch. The Overland Trail Ranch is situated within an area of alternating sections of private and federal lands commonly referred to as the "checkerboard." The vast majority of the private lands are owned by The Overland Trail Cattle Company LLC (TOTCO), and the federal lands are administered by the BLM Rawlins Field Office. A small percentage of the land within the Overland Trail Ranch is owned by the State of Wyoming and is

administered by the State Board of Land Commissioners. PCW has a special use lease from the State of Wyoming, Board of Land Commissioners to use certain state lands for the CCSM Project. Anadarko Land Corporation also owns some sections located on the periphery of the northwest boundary of the Overland Trail Ranch. PCW and Anadarko have executed agreements relating to Anadarko lands where facilities associated with the CCSM Project would be located.

B. No Action

Under the No Action Alternative, the BLM Authorized Officer would deny approval of a ROW grant for PCW's Phase I Wind Turbine Development SPOD. Notwithstanding such a denial, PCW would have the opportunity to resubmit a revised Phase I Wind Turbine Development SPOD addressing the BLM's reasons for not issuing a ROW grant as anticipated in the CCSM Project ROD (BLM 2012a). Selection of the No Action Alternative would not meet one of the purposes of the CCSM Project, which is to support the Federal goals and objectives for the development of domestic renewable energy projects on public lands.

III. Plan Conformance and Consistency

The CCSM Project, including the Phase I Wind Turbine Development SPOD, is subject to and is in conformance with, the BLM Rawlins 2008 Resource Management Plan (RMP), approved on December 24, 2008, as amended by the CCSM Project ROD and the Greater Sage-Grouse ROD and Approved RMP Amendments for the Rocky Mountain Region, including the Greater Sage-Grouse Sub-Regions of Lewiston, North Dakota, Northwest Colorado, Wyoming and the Approved RMPs for Billings, Buffalo, Cody, HiLine, Miles City, Pompeys Pillar National Monument, South Dakota, Worland (BLM 2015a) (Regional ROD), which includes Approved RMP Amendments for Wyoming (Wyoming ARMPA). Consistent with the Council on Environmental Quality and the Department of the Interior regulations implementing the National Environmental Policy Act (NEPA) (40 C.F.R. 1508.28 and 1502.21, and 43 C.F.R. 46.140(c)), EA 2 tiers to, and incorporates by reference, the information and analysis contained in the CCSM Wind Energy Project Final Environmental Impact Statement (FEIS) and ROD, approved on October 9, 2012. In addition, this DR incorporates by reference analyses presented in the U.S. Fish and Wildlife Service's (USFWS) 2016 CCSM Eagle Take Permit FEIS. Finally, the analysis for impacts to Greater Sage-Grouse as a result of wind energy development presented in the BLM's 2015 Greater Sage-Grouse RMP amendments is also incorporated by reference.

The Proposed Action has been reviewed based on the process set out in the CCSM Project ROD (BLM 2012a) for issuing ROW grant(s). The ROD states that "[a]fter the U.S. Fish and Wildlife Service (USFWS) issues letters of concurrence for the avian protection plans (APPs) and eagle conservation plans (ECPs), BLM will incorporate those measures into subsequent NEPA analyses and ROW grants." See CCSM Project ROD at 1-2. The USFWS issued a letter of concurrence on the ECP and the APP (now referred to as the Bird and Bat Conservation Strategy, or BBCS) on January 13, 2017. The direct take of an eagle from the Phase I Wind Turbine Development is anticipated and as such, PCW applied for eagle take permits (ETPs) from the USFWS. In December 2016, the USFWS published the Phase I Wind Turbine Development ETP FEIS (USFWS 2016). The USFWS approved the issuance of ETPs relating to Phase I Wind Turbine Development on January 12, 2017.

IV. Compliance with Major Laws and Policies

The Proposed Action and the No Action Alternative meet the standards and direction of applicable laws, regulations, and directives, including the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1701). The BLM complied with all applicable laws, including but not limited to, NEPA, 42

U.S.C. 4321 et seq., the regulations issued by the Council on Environmental Quality and the Department of the Interior (DOI), 40 C.F.R. 1500–1508 and 43 C.F.R. part 46, guidance documents including DOI requirements contained in Department Manual 516, Environmental Quality (BLM 1980), Department Manual 600 DM 6, Landscape-Scale Mitigation Policy (USDOI 2015), Secretarial Order No. 3330, Improving Mitigation Policies and Practices of the Department of the Interior (USDOI 2013), Presidential Memorandum: Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment (White House 2015), guidelines listed in the BLM NEPA Handbook, H-1790-1 (BLM 2008b), and Guidelines for Assessing and Documenting Cumulative Impacts (BLM 1994).

A. Endangered Species Act (ESA)

The BLM conducted programmatic consultation with the USFWS under Section 7 of the ESA as part of the CCSM Project EIS process. The BLM initiated formal consultation by submitting a Biological Assessment to the USFWS. The USFWS concluded consultation by signing the Biological Opinion on September 5, 2012. The Proposed Action falls within the scope of the programmatic consultation; therefore, consultation is considered complete. For documentation of this process and additional information, refer to the Final Biological Opinion (Appendix F of the CCSM Project ROD [BLM 2012a]).

In addition, the BLM is a cooperating agency with USFWS in preparation of the EIS for the Phase I ETP application. As a result, the two agencies' processes, although distinct, have been coordinated and have analyzed the same Phase I Wind Turbine Development alternative (issuance of a ROW grant by the BLM and issuance of an ETP by the USFWS). The USFWS is also a cooperating agency for EA 2.

B. Bald and Golden Eagle Protection Act and Migratory Bird Treaty Act

PCW has developed an ECP for Phase I of the CCSM Project in coordination with USFWS. See CCSM Project ROD at 3-1 (BLM 2012a). The Phase I ECP includes the data collected for eagles, the avoidance, minimization, and conservation measures designed to minimize risks to eagles to the extent practicable such that any remaining take is unavoidable, and monitoring provisions to determine the effectiveness of these measures. See CCSM Project ROD at 1-2 (BLM 2012a). The Phase I ECP also details the compensatory mitigation measures developed and adopted by PCW to offset anticipated eagle fatalities, as required by the CCSM Project ROD and USFWS in connection with PCW's application for an ETP. See, CCSM Project ROD at 3-3 (BLM 2012a). PCW has worked cooperatively with USFWS and the Wyoming Game and Fish Department to develop a BBCS for Phase I of the CCSM Project. The USFWS issued a letter of concurrence on the ECP and the BBCS on January 13, 2017. The USFWS also approved the issuance of ETPs relating to Phase I Wind Turbine Development on January 12, 2017. The BLM has reviewed PCW's Phase I ECP and BBCS, and the USFWS ROD for the ETPs, and will incorporate the applicable commitments into any Phase I ROW grants.

The CCSM Project FEIS estimated 5,400 migratory bird fatalities per year with a range of 300 to 13,200 birds per year with construction of up to 3,000 MW of wind energy generation; this loss was considered significant (BLM 2012b). The impacts to migratory birds from the Phase I Wind Turbine Development are within the impacts disclosed in the CCSM Project FEIS and disclosed in the USFWS FEIS (USFWS 2016). In addition, the USFWS indicates their migratory bird fatality estimate is likely high, based on preliminary results of post-construction mortality monitoring from other existing wind energy facilities in Wyoming (USFWS 2016). The BLM's CCSM Project FEIS discloses the reasonably foreseeable mortality associated with operation of the entire CCSM project in terms of a range, the high end of which, when applied to Phase I of the Project, suggests that up to 6,600 migratory birds could be taken per year, based on the upper estimated mortality rate of 4.4 mortalities per megawatt per year. The Finding of No

New Significant Impacts identifies that the expected impacts to migratory birds from Phase I of the Project are within the range of impacts previously analyzed in the CCSM Project FEIS.

C. National Historic Preservation Act

The BLM conducted consultation with the Wyoming State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act (NHPA) as part of the CCSM Project EIS process. Class III surveys have been completed for Phase I of the CCSM Project and the results of the surveys were sent to the Wyoming SHPO. Consultation on the findings from the Class III cultural resource inventories is ongoing with the SHPO, as required in the *Programmatic Agreement Among the BLM, Wyoming State Historic Preservation Office, the Advisory Council on Historic Preservation, and Power Company of Wyoming, LLC Regarding Adverse Effects to Historic Properties Resulting from the Chokecherry and Sierra Madre Wind Energy Project in Carbon County, Wyoming*, and will be completed prior to issuance of any NTP that may adversely affect historic properties. The BLM notified the SHPO regarding the availability of EA 2 and the opportunity to review and comment during the public review period.

Tribal Consultation: The BLM initiated Government-to-Government consultation with four potentially affected and interested Native American tribes as part of the CCSM Project EIS process on July 25, 2008. As a result of the consultation request, tribal meetings were held in the summer of 2009, and included the addition of a fifth tribe. The five American Indian tribes were the Northern Cheyenne, Eastern Shoshone, Northern Arapaho, Fort Peck Assiniboine and Sioux, and Northern Ute tribes. The BLM conducted a Class II sample survey of areas with the potential for archaeological sites of traditional, cultural, and/or religious importance. The BLM requested the tribes become consulting parties to the Programmatic Agreement and transmitted the final Programmatic Agreement to the tribes for signature on August 16, 2012. For documentation of this process and additional information refer to Section 4 of the CCSM Project ROD (BLM 2012a). On April 26, 2013, the BLM sent letters to the tribes updating them on the SPODs, inviting them to continue consultation on the CCSM Project as well as inviting the tribes to participate in the Class III cultural resource inventories. In addition to the letters identified above, the BLM has continued consultation through letters and numerous phone conversations and emails with the five tribes throughout the CCSM Project. On October 16, 2015, the BLM hosted and participated in a tribal consultation meeting with the USFWS in the BLM Rawlins Field Office. As result of the meeting, the BLM provided an additional review period to the tribes for consultation and coordination on the Programmatic Agreement.

V. Environmental Constraints, Applicant Committed Measures, and Mitigation Measures

The BLM imposed environmental constraints, Applicant Committed Measures (ACMs), Applicant Committed Best Management Practices (BMPs), and mitigation measures, described in Appendix D of the CCSM Project ROD (BLM 2012a), Appendix C “Summary of BLM Environmental Constraints, Applicant Committed Measures, Applicant Committed Best Management Practices, and Proposed Mitigation Measures” of EA 2, the Wyoming Executive Order 2015-4 pertaining to development in non-core areas for Greater Sage-Grouse, the Greater Sage-Grouse Regional ROD (BLM 2015a), the Wyoming ARMPA, the Cultural Resources Programmatic Agreement (CCSM Project ROD [BLM 2012a], Appendix E, as amended in 2014), the Biological Opinion (CCSM Project ROD [BLM 2012a], Appendix F), the Wildlife Monitoring and Protection Plan (CCSM Project ROD [BLM 2012a], Appendix G), and any additional requirements developed through the BBCS, ECP, ETPs, and Phase I Wind Turbine Development SPOD.

A. Greater Sage-Grouse

The CCSM Project ROD (BLM 2012a) prohibits development inside Greater Sage-Grouse Core Areas. The CCSM Project is not located in any area identified as a priority area for Greater Sage-Grouse conservation, i.e., USFWS Priority Areas of Conservation, State of Wyoming Core Areas, or BLM Priority Habitat Management Areas (PHMAs). To further minimize impacts to Greater Sage-Grouse, PCW will comply with the stipulations pertaining to Greater Sage-Grouse in the Wildlife Monitoring and Protection Plan included in the CCSM Project ROD (BLM 2012a, Appendix G) and the Sage-Grouse Conservation Plan included in the CCSM Project ROD (BLM 2012a, Appendix B). The Sage-Grouse Conservation Plan includes Applicant-committed conservation measures to mitigate impacts to Greater Sage-Grouse, such as monitoring of Greater Sage-Grouse through lek counts and telemetry data collection and analysis, habitat evaluation, and responsible land management practices. Further, as part of its wind energy development proposal, PCW has committed to provide voluntary mitigation measures to further offset impacts to Greater Sage-Grouse. These measures are described in the Sage-Grouse Conservation Plan and include fence marking and removal, habitat improvements, and a conservation easement on private lands (BLM 2012a, Appendix B).

While the conservation easement will be placed on private lands owned by TOTCO on which PCW has wind energy development rights, the easement will also effectively conserve the sections of Federal land interspersed due to the checkerboard land ownership pattern. The following environmental constraints, ACMs, Applicant Committed BMPs, and mitigation measures, summarized in Appendix D of the CCSM Project ROD (BLM 2012a), would be implemented to reduce impacts on Greater Sage-Grouse from the Proposed Action:

- BLM Environmental Constraints for Greater Sage-Grouse (CCSM Project ROD [BLM 2012a, p. D-1])
- Applicant Committed Measures A-1-01, A-1-08 through A-1-12, and A-1-22 through A-1-33
- Applicant Committed BMPs A-2-11 and A-3-94 through A-3-97
- Mitigation Measure WFM-1

As detailed in the Phase I Wind Turbine Development SPOD (PCW 2015a), PCW would implement the following additional measures to further minimize potential impacts to the Deadman Creek South lek:

- PCW will conduct all non-critical construction, operation, and maintenance activities within 0.25 mile of the Deadman Creek South lek, including those that require use of the road, before March 1 or after May 20. Critical construction, operation, and maintenance activities may include but are not limited to unscheduled maintenance of wind turbines and electrical components; road, culvert, and erosion control repair; disabled vehicle repair or removal; and application of dust suppression.
- During the period from March 1 to May 20, PCW will conduct all critical, non-emergency, construction, operation and maintenance activities located within 0.25 mile of the Deadman Creek South lek or that require use of the road located within 0.25 mile of the Deadman Creek South lek between the hours of 9:00 a.m. and 6:00 p.m. Critical construction, operation and maintenance activities may include but are not limited to unscheduled maintenance of wind turbines and electrical components; road, culvert, and erosion control repair; disabled vehicle repair or removal; and application of dust suppression.

The Rawlins RMP (BLM 2008a) as amended by the Wyoming ARMPA for Greater Sage-Grouse (BLM 2015a), indicates that if a project results in habitat loss and degradation in Greater Sage-Grouse PHMAs, the BLM would require and ensure mitigation that results in a net conservation gain to the species. As identified, the Phase I Wind Turbine Development and infrastructure areas are located within General Habitat Management Areas (GHMAs) and immediately adjacent to PHMA. The BLM anticipates

indirect impacts to PHMA and therefore, the BLM would develop a mitigation strategy for Greater Sage-Grouse to address the indirect impacts to habitat in PHMA within four miles of the project development and infrastructure areas. The mitigation strategy for these impacts to PHMA would be developed before a NTP is issued for the portions of the Phase I Wind Turbine Development that result in these impacts. The BLM may issue a separate NTP(s) for the Phase I wind turbine generators, roads, and other facilities that are outside the four-mile lek buffer that do not result in indirect impacts to PHMA. Any mitigation that includes a BLM action would be required to be analyzed in future NEPA documents.

B. Bald and Golden Eagles

The Phase I ECP details the compensatory mitigation measures developed and adopted by PCW to offset anticipated eagle fatalities, as required by the CCSM Project ROD and USFWS in connection with PCW's application for an ETP. See CCSM Project ROD at 3-3 (BLM 2012a). The BLM has reviewed PCW's Phase I ECP and BBCS and will incorporate the applicable commitments in the Phase I ECP and BBCS into any Phase I ROW grants. See CCSM Project ROD at 1-2 (BLM 2012a). The USFWS issued a letter of concurrence on the ECP and the BBCS on January 13, 2017.

In addition to the compensatory mitigation measures included in the ECP, the following environmental constraints, ACMs, Applicant Committed BMPs, and mitigation measures, summarized in Appendix D of the CCSM Project ROD (BLM 2012a), would be implemented to reduce impacts to raptors from the Proposed Action:

- BLM Environmental Constraint for raptors (CCSM Project ROD [BLM 2012a, p. D-1])
- Applicant Committed Measures A-1-01, A-1-02, A-1-08 through A-1-12, and A-1-25 through A-1-31
- Applicant Committed BMPs A-3-94 through A-3-97
- Mitigation Measure WFM-1
- PCW has and will continue to conduct annual preconstruction surveys for raptors in accordance with the Wildlife Monitoring and Protection Plan included as Appendix G of the CCSM Project ROD (BLM 2012a)

The BBCS (PCW 2016a, amended July 2016) indicates that information regarding active nest monitoring and nest status following the completion of construction, operations, and maintenance activities will be used, as appropriate, to inform adaptive management, and to proactively adjust post-construction monitoring protocols, conservation measures, and BMPs when warranted. The adaptive management for Phase I will: (1) quantify thresholds that initiate adaptive management; (2) provide an opportunity for PCW to review the Phase I post-construction monitoring results and the observed take in context with the predicted take and to consult and coordinate as necessary with USFWS or Wyoming Game and Fish Department; and (3) consider potential adaptive management actions in the event that adaptive management thresholds are exceeded (PCW 2016a). PCW will also comply with the terms of USFWS ETPs, which the USFWS approved on January 12, 2017.

C. Cultural Resources

Eight sites considered eligible for listing in the NRHP were identified during the Class III cultural resources inventories within the Phase I Wind Turbine Development Site. Impacts and mitigation to these sites are addressed in the cultural Programmatic Agreement and Compensatory Mitigation Plan.

The BLM has determined that PCW has developed an adequate Compensatory Mitigation Plan for cultural resources for the CCSM Project, including Phase I. In accordance with stipulations III.c.1 and 2 of the Programmatic Agreement among the BLM, Wyoming SHPO, the Advisory Council on Historic

Preservation (ACHP), and PCW regarding adverse effects to historic properties resulting from the CCSM Project in Carbon County, Wyoming, the BLM established a Compensatory Mitigation Committee which developed a Compensatory Mitigation Plan to mitigate adverse effects from the CCSM Project, including Phase I, on certain historic properties. Per Stipulation III.c.1 of the Programmatic Agreement, on May 18, 2015, the BLM-RFO Manager, with the concurrence of the Wyoming SHPO, approved the recommendations of the Compensatory Mitigation Committee as outlined in the Compensatory Mitigation Plan for cultural resources. The Compensatory Mitigation Plan has been appended to the Programmatic Agreement for the CCSM Project.

D. Compliance and Monitoring

Compliance and monitoring measures are fully described in the tiered EA 2 and CCSM Project FEIS and are incorporated by reference into this DR.

VI. Rationale for Decision

The Proposed Action, now referred to as the Selected Action, will not result in any new significant effects to the quality of the human environment that were not adequately analyzed in the CCSM Wind Energy Project Final Environmental Impact Statement (FEIS) (BLM 2012b). A project-specific Environmental Impact Statement (EIS) is not required, as found in the Finding of No New Significant Impact issued on January 17, 2017. EA 2 was prepared consistent with the tiering procedures outlined in Appendix C to the CCSM Project ROD signed by the BLM's Acting Director on September 28, 2012, and approved by the Secretary of the Interior on October 9, 2012. The CCSM Project ROD was based on the project-level FEIS prepared by the BLM for the CCSM Wind Energy Project. As described in Appendix C of the CCSM Project ROD, tiering uses the coverage of general matters in broader National Environmental Policy Act (NEPA) documents (e.g., the CCSM Project FEIS) in subsequent, narrower NEPA documents (e.g., EA 2).

This DR incorporates by reference the BLM's 2012 CCSM Project FEIS. In addition, this DR incorporates by reference analyses presented in the USFWS 2016 CCSM Eagle Take Permit FEIS. Finally, the analysis for impacts to Greater Sage-Grouse as a result of wind energy development presented in the BLM's 2015 Greater Sage-Grouse RMP amendments is also incorporated by reference.

The decision to approve the Selected Action—to authorize the construction, operation, maintenance, and decommissioning of all 500 wind turbine generators and supporting facilities for wind energy development—was based upon the following: (1) consistency with the BLM Rawlins RMP, as amended; (2) national policy; (3) agency statutory requirements; (4) relevant resource and economic issues; (5) application of measures to avoid or minimize environmental impacts; (6) meeting the purposes and need for the project; and (7) application of resource protection mitigation measures (i.e., ROW terms and conditions). The Selected Action was chosen as being the most environmentally sound alternative that meets the BLM's purpose and need.

1. This decision is in conformance with the BLM Rawlins RMP, as amended.
2. It is the policy of the BLM, as derived from various laws, including the Federal Land Policy and Management Act, to make public land available for renewable energy development and support President Obama's June 2013 Climate Action Plan.
3. The decision is consistent with all Federal, state, and county authorizing actions required for implementing the Selected Action.
4. Economic benefits derived from implementing the Selected Action have been considered and analyzed in EA 2.

5. Standard terms and conditions, as well as special stipulations would apply, as detailed in Appendix C of EA 2.
6. The decision meets the stated purpose and need in EA 2 without creating adverse impacts to present resources, while protecting resource values in accordance with applicable laws, regulations, and the BLM Rawlins RMP by applying terms and conditions as detailed in Appendix C of EA 2.

The Selected Action meets the management objectives in the Energy Policy Act of 2005 (Title II, Section 211) which establishes a goal for the Secretary of the Interior to approve 10,000 MWs of electricity from non-hydropower renewable energy projects located on public lands and the purpose of Secretarial Order 3285 (March 11, 2009, amended Feb. 22, 2010) that establishes the development of environmentally responsible renewable energy as a priority for the Department of the Interior. The CCSM Project ROD determined that wind energy development is appropriate within a portion of the 219,707-acre “conceptual area of development” described. In August 2012, President Obama identified the proposed CCSM Project as a Nationally or Regionally Significant Project for Renewable Energy. President Obama’s June 2013 Climate Action Plan (Executive Office of The President 2013) also set a goal of developing 20,000 MW of renewable energy on public lands by 2020. Supporting President Obama’s action plan, the nameplate capacity of the CCSM Project will provide enough electricity to power more than 790,000 households.

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

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

VII. Scoping and Public Involvement

A. Internal Scoping

An Interdisciplinary Team (ID Team) meeting was held on August 26, 2014. The ID Team reviewed the Phase I Wind Turbine Development SPOD, determined issues of concern for multiple resources, assessed the adequacy of the initial assessment in the CCSM Project FEIS, and determined which resources required additional site-specific assessment in subsequent EAs. The results of the internal scoping are summarized in Appendix B of EA 2, and the resources for which the BLM determined additional analysis was necessary are addressed in EA 2.

B. Site-Specific Surveys

Consistent with ACMs outlined in Appendix D of the CCSM Project ROD (also provided as Appendix C of EA 2), the BLM and PCW conducted onsite inspections for specific resources (e.g., cultural and

biological) in 2012, 2013, and 2014, and PCW incorporated the outcomes of the site-specific surveys by micro-siting the Phase I Wind Turbine Development to avoid or minimize impacts on aquatic resources, special status wildlife species, sensitive vegetation communities, and cultural resources to the extent practicable. The results of site-specific surveys conducted for the Phase I Wind Turbine Development are presented in Chapters 3 (*Affected Environment*) and 4 (*Environmental Consequences*) of EA 2.

C. Issues Identified

The BLM applied the results of internal and external scoping to develop Appendix B in EA 2. The BLM identified resources as follows:

- “Not Present” (NP) – the resource does not occur in the CCSM Project Area for the Phase I Wind Turbine Development and is not carried forward for detailed analysis.
- “Not Impacted” (NI) – the resource is sufficiently analyzed in the CCSM Project FEIS or it can be reasonably concluded that the resource would not be affected to a degree that requires analysis and therefore it is not carried forward for detailed analysis.
- “Potentially Impacted” (PI) – the resource is present in the CCSM Project Area for the Phase I Wind Turbine Development, and, based on the BLM’s review of the results of scoping and procedures outlined in Appendix B of EA 2, it may be potentially impacted. For these resources, new information may be available or new circumstances are present that need to be reviewed to determine if the new information or circumstances are consistent with the CCSM Project FEIS. The new information and circumstances may include:
 - Regulations or guidance adopted since publication of the CCSM Project ROD and which may affect the impact analysis as presented in Chapter 4 of EA 2.
 - Results of cultural, paleontological, soils, and biological surveys conducted consistent with ACMs, Applicant Committed BMPs, and mitigation measures outlined in Appendix C of EA 2.
 - A SPOD that provides refined engineering data for the Phase I Wind Turbine Development and allows for additional clarity in determining impacts associated with the Proposed Action.

The “Potentially Impacted” (PI) resources, as determined by the BLM in Appendix B of EA 2, were carried forward in EA 2 for description in Chapter 3 (*Affected Environment*) and analysis in Chapter 4 (*Environmental Consequences*). For some resources, new site-specific information was available based on site investigations conducted during 2012, 2013, and 2014, and this information is presented in Chapter 3 of EA 2 to the extent that it is relevant to the Phase I Wind Turbine Development SPOD. If the site-specific information did not substantively change the impact analysis presented in the CCSM Project FEIS, no additional impact analysis is included in Chapter 4.

D. External Scoping

External scoping for the Phase I Wind Turbine Development EA was initiated in December 2013. On December 6, 2013 the BLM issued a press release announcing the public scoping period. On December 16 and 17, 2013, the BLM conducted two public scoping meetings, one in Saratoga, Wyoming and one in Rawlins, Wyoming to describe the Phase I Wind Turbine Development and to receive public comments. The scoping period ended on January 14, 2014. The BLM published the Scoping Summary Report in September 2014 (BLM 2014c). The report includes detailed information on scoping and copies of all materials presented to the public. Issues identified by public comments, as well as by the ID Team, are summarized in Appendix B and addressed in EA 2.

The BLM also published an initial copy of EA 2 for Phase I Wind Turbine Development for public review and comment. Two public meetings were held on March 28 and 29, 2016 in Saratoga and

Rawlins, Wyoming, respectively. During the review period, (March 9, 2016 to May 6, 2016), the BLM received 40 comment documents from agencies and the public. Within those 40 comment documents, the BLM identified 201 individual comments, including non-substantive statements, concerns, or recommendations. Appendix F of EA 2 includes a table identifying the individual comments and the BLM responses to those comments. The non-substantive comments, which did not require any changes to EA 2, generally expressed support for the project, summarized elements of the proposed project, or identified that the analysis was adequate for assessing potential impacts. Several substantive comments requested changes or additions to the DR and FONNSI. The BLM updated the DR and FONNSI as needed.

The BLM received several comments with concerns related to wildlife, including migratory birds, eagles, and Greater Sage-Grouse. Impacts to these resources are detailed in EA 2 text and tiered to the analysis in the CCSM Project FEIS. The BLM updated EA 2 to include additional information in its analysis of these resources. Some comments expressed concerns surrounding best available information baseline data, cultural, Visual Resource Management plan amendment, cumulative impacts, decommissioning, Greater Sage-Grouse, mitigation measures/monitoring, national scenic and historic trails, public involvement, range of alternatives, reclamation, soil, special status species, water, and wildlife. The EA 2 text and appendices address these concerns and related measures, reference the CCSM Project FEIS that fully analyzes these topics, and incorporate all necessary RMP requirements.

VIII. Final Agency Action

A. Right-of-Way Authorization

It is my decision to approve the wind energy ROW grant to PCW, subject to the terms, conditions, and stipulations, SPOD, and environmental protection measures developed by the Department of the Interior and reflected in this Decision Record. The EA associated with this decision, EA 2, fully analyzes the impacts of the Phase I Wind Turbine Development and the FONNSI documents the conclusions of that analysis. It is my decision to select Alternative B, the Proposed Action as described in EA 2, and authorize a ROW grant for the construction, operation, maintenance, and decommissioning of all 500 wind turbine generators and supporting facilities for wind energy development. I have determined the impacts of the Phase I Wind Turbine Development have been fully analyzed.

It is my decision to approve a ROW grant to PCW, subject to the terms, conditions, stipulations, SPOD, and environmental protection measures developed by the Department of the Interior and reflected in this Decision Record. This decision is effective on the date this Decision Record is signed.

DATE: _____

4/17/17




Neil Kornze
Director
Bureau of Land Management

B. Secretarial Approval

I hereby approve this decision. My approval of this decision constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to

appeal under Departmental regulations at 43 CFR Part 4. Any challenge to this decision, including the BLM Authorized Officer's issuance of the right-of-way as directed by this decision, must be brought in Federal district court.

DATE: 1-17-17


Janice M. Schneider
Assistant Secretary
Land and Minerals Management

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