In Reply Refer To:
NEPA Register # DOI-BLM-OR-P060-2009-0064-EIS

Memorandum

To: Ken Salazar
   Secretary of the Interior

From: Robert V. Abbey
   Director

Subject: Recommendation for final Departmental approval of the right-of-way application for a road and transmission line in Oregon from West Butte Wind Power LLC.

The attached file contains the decision document allowing the authorized officer to offer the right-of-way grant associated with an application filed by West Butte Wind Power LLC to construct a new road on public land generally aligned with 4.5 miles of existing roadway and install 4.5 miles of electrical transmission and communication lines adjacent to this road. All utility work will be new construction.

This right of way will enable the grant holder to construct, operate, and maintain a 104 megawatt wind energy generation facility and associated infrastructure in Crook and Deschutes Counties, Oregon. The facility will consist of up to 52 wind turbines, access roads, a substation, an operation and maintenance facility, collector lines to transmit the generated energy to a substation, and a transmission line to transmit the energy from the project substation to the point of interconnection at an existing Bonneville Power Authority transmission line. The access road and utility lines will cross public land; the remaining portions of the facility will be on private land.

The Bureau of Land Management is recommending approval of the decision as the final decision of the Department. The applicant has indicated they are working toward qualifying this project for available renewable energy stimulus funding and in order to qualify for such funding the decision on the project is time sensitive.

The file contains supporting materials on the project including a map, a briefing paper, and a copy of the right-of-way grant to be issued.

Attachments
DECISION MEMORANDUM FOR THE SECRETARY

FROM: Robert V. Abbey
Director, Bureau of Land Management

SUBJECT: Record of Decision – West Butte Wind Power Right-of-Way (ROW)

INTRODUCTION

In December 2008, West Butte Wind Power, LLC submitted an application for a ROW authorization to improve, construct, and operate an access roadway and transmission line across Bureau of Land Management (BLM)-managed land. This ROW is associated with the Applicant’s proposal to construct, operate, and maintain a wind generation facility and associated facilities on private land. Since the construction and operation of the facilities located on private land can be prevented by BLM’s decision to deny the ROW, the actions on BLM and private lands are connected. Each alternative in the EIS considered the non-Federal connected actions as indirect effects of the BLM action to grant a ROW and were analyzed as such.

BACKGROUND

The Applicant proposes to construct 4.5 miles of road across BLM administered land to access a proposed 104 megawatt wind generation facility comprised of 52 turbines and associated infrastructure on private land in Crook County, Oregon. Within the 4.5 mile corridor, the Applicant will also install a 115 kilovolt (kV) electrical transmission line, a 14.4 kV electrical utility line, and a fiber optic communication line attached to single wooden poles.

POSITION OF INTERESTED PARTIES

Based on input received from agencies, organizations, Native American and tribal governments, and members of the general public, several issues related to the West Butte Wind Project ROW are:

1. **Wildlife Resources** – Effects of the connected actions on private land (wind turbines) generated most of the wildlife concerns, especially as related to sage-grouse and golden eagles. Between the Draft Environmental Impact Statement (EIS) and Final EIS, the U.S. Fish and Wildlife Service (FWS) determined sage-grouse were “Warranted but Precluded” from listing as threatened under the Endangered Species Act. After the Final EIS was released, the Oregon State Wildlife Commission adopted a new strategy for managing sage-grouse which allowed project effects to be mitigated. In a letter to the BLM the
Oregon Department of Fish and Wildlife (ODFW) stated that the new management strategy allows for development to occur without significant impact to the greater sage-grouse population in Oregon. Prior to the new strategy being adopted, ODFW considered the project unmitigable.

The BLM required West Butte Wind Power, LLC to develop an Avian and Bat Protection Plan (ABPP) in accordance with BLM Instruction Memorandum 2010-156: Golden Eagle and Renewable Energy Permitting. On April 29, 2011, the Prineville District BLM received notification from the FWS that an ABPP had been developed and that the project applicant had cooperated with the FWS to address golden eagle issues within the ABPP.

West Butte Wind LLC has applied to the FWS for a programmatic take permit for golden eagles under 50 CFR 22.26. If granted, a programmatic take permit will authorize limited, incidental mortality and disturbance of eagles at wind facilities, provided effective offsetting conservation measures that meet regulatory requirements are carried out. To comply with the permit regulations, the GECP proposes conservation measures that are intended to avoid and minimize take of eagles to the maximum degree, and, advanced conservation practices that will be implemented such that any remaining take is unavoidable. Further, any remaining take is to be offset through compensatory mitigation such that the net effect on the eagle population is, at a minimum, no change.

The BLM and FWS have agreed to mitigate for 9,000 acres of project impacts to sage-grouse and that the mitigation would be implemented on BLM land. Both Agencies have also agreed, the Prineville District will work with FWS as well as ODFW to identify opportunities that ensure this mitigation will be effective for the long term and not just for the life of the project.

The Oregon/Washington BLM has received concurrence from all levels within ODFW and from FWS at the State and regional levels regarding the wildlife mitigation required in this decision.

2. **Cultural Resources** – Consultation with federally recognized Indian tribes and with the Oregon State Historic Preservation Office (SHPO) has been completed. Pursuant to Section 106 of the National Historic Preservation Act (NHPA), the BLM, Oregon SHPO, Willamette Cultural Resources Associates, West Butte Wind Energy proponent, Advisory Council on Historic Preservation (ACHP), and interested Indian tribes (including tribal governments as part of government-to-government consultation) completed consultation, review, and compliance with the NHPA. Resources documented include prehistoric to historic period Native American archaeological sites and historic period ranching and stock grazing sites. The BLM, Oregon SHPO, and the ACHP mutually agreed to stipulations to resolve potential adverse effects through a Memorandum of Agreement (MOA). The MOA, signed on April 11, 2011, completed the Section 106 process of the NHPA.

3. **Water Resources** – Construction activities will require an estimated 9.8 million gallons of water needed over an 8-month period, the majority of which would be associated with construction of the wind generation facilities on private land. Up to 30,000 gallons of
water per day will be needed for dust control. The water withdrawals associated with the project represents a very small fraction of all withdrawals in the Upper Deschutes Basin and would not have any discernable effect on surface waters in the Basin. The operation of the project would not impact groundwater quantities or groundwater quality in the project area.

4. **Visual Resources** – The construction of wind turbines would be the most visible feature of the Connected Action facilities given their height and rotation of moving blades. Visual impacts are likely to be minimal to moderate, depending on the location of the viewer and turbine location(s). The road and transmission line will result in no or weak visual contrast in the existing landscape. Visual impacts during construction will be reduced by minimizing the area of surface disturbance, controlling erosion, using dust suppression techniques, and restoring exposed soils as closely as possible to their original contour and vegetation.

**DECISION OPTIONS**

The EIS considered three alternatives, including the Agency-preferred alternative:

1. **Alternative 1: Proposed Action and Connected Actions.** This alternative is the Agency-preferred alternative and includes the Proposed Action of granting a ROW for construction and operation of 4.5 miles of access road and transmission line across lands administered by the BLM. Consideration of this alternative includes an analysis of the Connected Action of West Butte Wind constructing and operating a wind farm and associated facilities [e.g., access road, transmission line, substation, operation and maintenance (O&M) building] on privately held lands.

2. **Alternative 2: Northern Access Road and Connected Actions.** This alternative includes an analysis of a main access route through a subdivision north of the project area, a 4.5-mile transmission line ROW across BLM administered lands, and an analysis of the Connected Action of the Applicant constructing and operating a wind farm and associated facilities (e.g., access road, transmission line, substation, O&M building) on privately held lands.

3. **No Action Alternative:** Under this alternative, the BLM would not grant a ROW, and the Applicant would be unable to construct a wind generation facility.

The BLM has decided to approve the Proposed Action and Connected Action alternative including additional mitigation measures and monitoring necessary to avoid, minimize, reduce, or compensate for adverse impacts of the project. This decision will authorize a 4.5-mile ROW for the construction of an access road, and the installation of a 115 kV electrical transmission line, a 14.4 kV electrical utility line, and a fiber optic communication line attached to single wooden poles. This decision is within the range of alternatives analyzed in the EIS.
RECOMMENDATION

I recommend you approve the decisions regarding the West Butte Wind Power ROW. Your 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 approved by this decision, must be brought in Federal district court.

DECISION BY THE SECRETARY:

APPROVE: X

DISAPPROVE: ____

COMMENTS:

Ken Salazar

Ken Salazar
Record of Decision
Bureau of Land Management

West Butte Wind Power Right-of-Way
NEPA Register # DOI-BLM-OR-P060-2009-0064-EIS

BLM
Prineville District
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Summary

This Record of Decision (ROD) selects Alternative 1 from the October 2010 West Butte Wind Power Right-of-Way (ROW) Final Environmental Impact Statement (FEIS). The decision is to grant a 50 to 100 foot (depending on final engineered drawings) by 23,556 foot ROW grant to West Butte Wind Power, LLC, for an access road and utility line across Bureau of Land Management (BLM)-managed public land. The project area is located about 32 miles east of the City of Bend and 30 miles south of the City of Prineville, north of Oregon State Highway 20. A roadway already exists in the proposed access ROW; the decision is to authorize the ROW grant holder to construct a new road generally aligned with the existing roadway and install power and communication lines immediately adjacent to the road. All utility work will be new construction.

This ROW will enable the grant holder to construct, operate, and maintain road access and utilities across public lands for a wind energy generation facility and associated infrastructure on private land in Crook and Deschutes Counties, Oregon. The facility will consist of up to 52 wind turbines, access roads, a substation, an operation and maintenance (O&M) facility, collector lines to transmit the generated energy to a substation, and a transmission line to transmit the energy from the project substation to the point of interconnection at an existing Bonneville Power Authority transmission line. The 4.5 miles of road and utility lines will cross public land; the remaining portions of the facility will be on private land. The turbines being proposed are 2.0 to 3.0 megawatts (MW) in size, providing a maximum of 104 MW of generating capacity for the entire project. Reasons for the decision are discussed below. Alternative 1 best meets the purpose and need (as defined on page 1-2 of the FEIS) of the BLM.

This decision only applies to those actions on BLM-managed land. It does not permit construction of a wind energy generation facility or any other actions on private land including enforcement of laws, regulations or permitting processes under the jurisdiction of another agency or entity.

The ROW authorization incorporates design features and mitigation measures described for Alternative 1 in Chapters 2 and 3, Appendix B of the FEIS. These sections of the FEIS are incorporated by reference and summarized in Attachment A of this ROD.

Public involvement in the BLM process began in September 2009, when the BLM sent nearly 600 letters to nearby residents, local, state, and Federal governments, and tribes, requesting input on issues, impacts, and potential alternatives. In April 2010, BLM released a Draft EIS and received 36 comment letters. The BLM issued a Final EIS, including responses to public comments on the draft, on October 1, 2010, and received 10 comment letters. Additional information regarding comments is provided in this ROD.
The Decision

Alternative 1 is selected

The BLM decision is to authorize a ROW grant across BLM-managed public land to West Butte Wind Power, LLC, allowing the actions described under Alternative 1 Proposed Action on pages 2-2 through 2-22 and on Figure 2-1A in the October 2010 West Butte Wind Power ROW FEIS. That description is incorporated here by reference, and is summarized below.

The decision authorizes a ROW grant to construct, operate, maintain, and terminate an area 50 to 100 feet wide by 23,556 feet long. Within this ROW:

- The road surface will be 24 to 30 feet wide.
- The utility line will be installed immediately adjacent to the road, and will consist of buried electrical distribution line, aerial electrical transmission line, and fiber optic lines.

Design features described as part of the proposed action in Chapter 2 of the FEIS, as well as the additional design features listed in Appendix B of the FEIS, are also included in this decision. These design features are listed in Attachment A, below.

At the time the FEIS was prepared, Oregon Department of Fish and Wildlife (ODFW) considered areas within 3 miles of a sage-grouse lek Category 1 habitat, the most critical habitat, in which negative effects could not be mitigated. In April 2011, ODFW refined its sage-grouse strategy and it now consider lands in the project area, including those near the leks, to be Category 2 habitat, where effects can be mitigated under “no net loss, with net benefit” (core area approach). The ODFW believes development in Category 2 habitats can occur “without significant impacts to the greater sage-grouse population in Oregon” (letter from Mr. Ron Anglin, ODFW, to Mr. Mike Haske, BLM, 3/30/2011). While BLM agrees with ODFW’s new sage-grouse strategy, it continues to consider habitat near leks important, regardless of designation as Category 1 or Category 2. The estimate of acres affected by project actions in the FEIS remains valid.

Mitigation included in the decision

The FEIS (page 3-115) proposed and analyzed the effects of several mitigation measures to compensate for effects of the project. Using turbine noise, the access road, powerlines, and road use as measurements of project effects, it was determined that 9,000 acres of sage-grouse habitat would require mitigation. It is the intent of the BLM to manage these 9,000 acres for the long term conservation benefit of sage-grouse and that an appropriate land use designation will be pursued in the future to ensure that this occurs. This decision provides for the application of the following measures to mitigate project impacts to 9,000 acres of sage-grouse habitat through the restoration and enhancement of 9,000 acres of sage-grouse habitat on public land:

1. **Cut juniper** in areas where juniper cover is greater than 15 percent (page 3-115 of the FEIS).
2. **Control noxious weeds** on shrub steppe habitat on public land outside the project area (page 3-115 of the FEIS). There is already a design feature that covers noxious weed control on disturbed sites on public land within the project area, and West Butte Wind Power, LLC has agreed to similar treatments on private land within the project area.
3. **Decommission the project** when the right of way grant is terminated. This involves 54 acres of public land (and 72 acres of private land), shown as permanent disturbance in Table 2.2-1 on page 2-20 of the FEIS. Decommissioning was described in the FEIS on pages 2-29 through 2-31, and 3-115.

The acres of restoration and enhancement will be 9,000 acres, with an objective of meeting a "no net loss, net benefit" objective (ODFW’s Mitigation Policy for Low Density sage-grouse areas). The site-specific NEPA analysis for the enhancement and restoration measures on public land will be covered separately prior to implementation of the treatments.

A team of biologists representing the BLM, U.S. Fish and Wildlife Service (FWS), and ODFW will propose sites for the above treatments that will result in the greatest benefits to sage-grouse. A Memorandum Of Understanding (MOU) between the Agencies will be developed that outlines the process to be used to identify mitigation sites and actions for the 9,000 acres. This team will:

1. Select mitigation sites that consider the following prioritized list of important habitats:
   a. Core Areas within a Conservation Opportunity Area (COA) or within areas with ongoing sage-grouse conservation actions. COAs are landscapes of high biological integrity as identified in the Oregon Greater Sage-grouse Conservation Strategy.
   b. Core Areas outside of COAs.
   c. Low Density Areas within a COA or within areas with ongoing sage-grouse conservation actions.
   d. Low Density Areas outside of a COA.
   e. Other areas with ongoing sage-grouse conservation actions.
   f. Areas outside of Core and Low Density Areas identified as being important for seasonal use and/or habitat connectivity for sage-grouse.

2. Ensure vegetation on mitigation sites is similar to or in better condition than vegetation on project-impacted area by comparing each site using Ecological Site Descriptions.

3. Select sites that can be geographically consolidated at a landscape level and that can be managed primarily for sage-grouse over the long term.

4. Consider mitigation action’s new contribution to conservation in relation to existing values.

5. Select particular treatments based on habitat-related factors that may be limiting sage-grouse population growth in the area, such as:
   a. Potential for high-intensity wildfire that could destroy important sage-grouse habitat.
   b. Potential for noxious weed spread that could impact important sage-grouse habitat.

6. Select sites and actions that will result in improved habitat conditions for the life of the ROW authorization or longer, where possible.

7. Consider probability of success (likelihood that a mitigation action will deliver expected conservation benefits).

8. Consider time lag to conservation maturity. This is evaluated as the length of time for a mitigation action to deliver conservation at a maturity level (or ecological state) similar to that was lost at the impact site.

9. Periodically monitor vegetation and sage-grouse population responses to mitigation actions, and adjust mitigation if warranted.

The BLM will review proposed sites and treatments and make the final determination on areas selected, implementation priorities, and specific treatment methods. The decision is to require the ROW grant holder to fund implementation of all mitigation. Funding arrangements, including a schedule which
describes the amount and timing of deposits, will be incorporated in a signed MOU between the BLM, ROW grantholder, and Crook County prior to issuing a Notice to Proceed.

The team of BLM, FWS, and ODFW biologists will not limit its restoration and enhancement recommendations to the 9,000 acres of mitigation required by the BLM. It will also identify other actions that could complement the BLM required mitigation by maintaining and/or improving additional sage-grouse habitat, reducing wildfire risk, or increasing habitat effectiveness. The recommendations will follow the criteria above, and the restoration and enhancement actions could include, but are not limited to:

- Increasing the amount of juniper cutting or noxious weed treatments.
- Removing or marking fences to reduce sage-grouse mortality from collision.
- Controlling public access with seasonal closures or by removing non-essential or duplicative roads, or user created roads or routes that result in disturbance to sage-grouse leks, during the breeding season or on winter range.
- Seeking opportunities for conservation easements that strategically contribute to larger sage-grouse conservation actions. Seek to secure assurances that a mitigation site will not be at risk of development for the life of the project (including any permit extensions) for which the mitigation is being implemented. Permanent or near-permanent impacts could include a conservation easement for simple fee purchase of the mitigation site to assure habitat values are protected in perpetuity.

The restoration and enhancement treatments described above will provide mitigation for up to 9,000 acres of affected sage-grouse habitat. In addition, West Butte Wind Power LLC developed a Wildlife Mitigation and Monitoring Plan which was adopted by Crook County and an Avian and Bat Protection Plan and Golden Eagle Conservation Plan (ABPP/GECP) for public and private lands in conjunction with the FWS. These plans also require additional mitigation similar to those suggested in the FEIS (juniper cutting, turbine location, etc). The BLM ROW authorization requires the ROW grant holder to implement the ABPP/GECP and Wildlife Mitigation and Monitoring Plan to the extent they apply to public land actions and effects on public land.

In addition, the grant holder has agreed to provide $300,000 to Crook County to be used primarily for the acquisition of conservation easements that would result in the further restoration and enhancement of sage-grouse habitat. These funds, including a schedule for deposits, will be included in the Wildlife Mitigation and Monitoring Plan approved by the county. This is voluntary and consistent with Council on Environmental Quality direction which states:

"All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the RODs of these agencies. Sections 1502.16(h), 1505.2(c). This will serve to [46 FR 18032] alert agencies or officials who can implement these extra measures, and will encourage them to do so. Because the EIS is the most comprehensive environmental document, it is an ideal vehicle in which to lay out not only the full range of environmental impacts but also the full spectrum of appropriate mitigation."

The mitigation included in the decision enables the project to meet the “no net loss [of sage-grouse habitat], with net benefit” standard for Category 2 habitat as described in the State of Oregon’s Sage-grouse Conservation Plan.
Mitigation measures not selected

In accordance with 40 CFR 1501.2, the BLM considered the proposed mitigation as described on pages 3-114 and 3-115 of the FEIS as well as the mitigation and monitoring measures in the ABPP/GECP, and has taken all practicable means to avoid or minimize environmental harm as a result of selecting Alternative 1. Some mitigation listed in the FEIS was not adopted:

1. **Proposed mitigation:** Purchase conservation easements to protect 25,242 acres of comparable habitat. **Reason for not selecting:** To meet ODFW’s mitigation policy of “no net loss, net benefit,” conservation easements, along with additional enhancement, are a useful tool to consider. For this reason, the Applicant has agreed to deposit $300,000 with Crook County for the purpose of acquiring conservation easements to benefit sage-grouse. Rather than requiring additional conservation easements to mitigate for project impacts, a combination of habitat restoration and enhancement measures (e.g., juniper removal and noxious weed treatments) were selected.

2. **Proposed mitigation:** Modify turbine layout by locating turbines 1 mile or more away from leks. **Reason for not selecting:** There is an active sage-grouse lek on private land within the project area, and about half the turbines will be within one mile of this lek. Although the BLM has no jurisdiction on private lands, the FEIS analyzed the application of this measure and the BLM encourages the ROW holder to consider turbine location and lek locations prior to final turbine layout.

3. **Proposed mitigation:** Modify electric transmission line design by burying the electrical transmission lines that run from the proposed new BPA switchyard at the existing transmission line to the proposed new substation on the top of the butte, crossing 4.5 miles of public land and 1.1 mile of private land. **Reason for not selecting:** This mitigation was not selected primarily due to the cost of the amount of rock needed to bury this length of transmission line (estimated by BLM engineer to cost $4,000,000). It would also result in more ground disturbance than an aerial line. Selected project design features (ROD Attachment A) and other mitigation required by BLM and Crook County will reduce the effects of above-ground transmission lines.

4. **Proposed mitigation:** The project involves burying 90 percent of the electrical collector lines (between turbines, all on private land). A proposed mitigation was to bury the remaining 10 percent of the collector lines. **Reason for not selecting:** Not all collector lines can be buried, due to rock. Burying 90 percent as proposed likely represents the maximum amount of line that can be buried.

5. **Proposed mitigation:** Limit turbine cut in speeds on all turbines to 6.5 meters per second anytime bats are expected to be active in the area. Limit turbine operations to decrease fatalities to 52 or fewer bats annually. **Reason for not selecting:** Mitigation measures described in the ABPP/GECP developed by the proponent and confirmed by FWS include changes to turbine operations if monitoring shows bird and bat mortality exceeds criteria listed in the ABPP/GECP. These plans will ensure the County, FWS, and the project owner are able to adequately protect birds and bats; therefore, the BLM did not select this mitigation.

Monitoring the decision

The ROW-adopted mitigation is designed to provide some but not total compensation for effects. Sage-grouse are affected by noise (4,365 acres as described on FEIS page 3-114). They would also be affected by habitat fragmentation (roads and other developments) and behavioral avoidance (of tall structures including powerlines and turbines) on up to 25,242 acres (FEIS page 3-114). There will be residual effects
that are not mitigated by the actions required by the BLM in this decision. The grant will include a stipulation that the holder implement a construction compliance and monitoring plan to ensure that construction activities on BLM-administered lands satisfy the requirements of the ROW grant and design features in Attachment A to this ROD, as well as the conditions required through any of the project’s Federal, state, or local permits for actions on public land. The ROW grantholder will retain copies of all applicable construction permits onsite. The holder will train construction personnel on avoidance of sensitive areas and will ensure all employees/contractors read and follow all compliance requirements, and monitor construction activities. Upon identification of a non-compliance issue on public land, or discovery of archaeological resources, the holder will notify the Prineville District BLM immediately and work with the responsible contractors or workers to correct the problem. The holder will provide monthly written reports to the Prineville District BLM documenting compliance and reporting any environmental problems as well as corrective actions taken to resolve these problems.

The right of way grantholder will develop and implement a plan for control of noxious weeds and invasive species. The plan will address monitoring, education of personnel on weed identification, the manner in which weeds spread, and methods for treating infestations (FEIS page 3-12). All treatments on public land will be conducted in accordance with BLM requirements.

Ground disturbances in all areas containing archaeological resources will be monitored by an archaeologist and Native American monitor. In the event new resources are discovered, construction will be temporarily redirected until the find can be evaluated and recorded pursuant to Oregon State Historic Preservation Office (SHPO) requirements. With respect to the isolates discovered during surveys on BLM-managed public land, the ROW grantholder will comply with BLM’s recommendations for recording isolates (FEIS page 3-95).

West Butte Wind Power, LLC has coordinated with a Technical Advisory Committee (TAC) to prepare a Wildlife Mitigation and Monitoring Plan that considers plans and procedures designed to protect wildlife (FEIS page 1-12). The TAC consists of representatives from ODFW, FWS, Oregon Natural Desert Association, Crook County Oregon, Oregon State Extension Office, and the wind farm location private property owners.

The Wildlife Mitigation and Monitoring Plan and ABPP/GECP direct West Butte Wind Power LLC to contract post construction fatality searches for birds and bats to validate mortality predictions and monitor the actual level of mortality resulting from the project. Fatalities are defined as any find where death occurred, such as a carcass, carcass parts, bones, or feather spot. Also included are injured birds and bats where cause of the injury is likely attributable to the project. The plans also direct surveys of avian use and displacement during the first and third spring after energy generation begins to determine if displacement effects have taken place since construction. In addition, these surveys will provide a basis to evaluate whether the species with the highest fatality numbers are also the most common species using the site.

Prior to construction and in the spring (February 1 – May 1), the ROW grantholder will conduct helicopter surveys of raptor nests and sensitive raptor nest tree, flag and monitor these sites, and not allow construction within 1 mile of these areas when the nests are active (FEIS page 3-35). The ROW holder will coordinate with the BLM on these actions on public land.
Rationale for the Decision

Summary
This decision is based on the degree to which the selected alternative meets the Purpose and Need for the action (FEIS pages 1-2). Any of the three alternatives would meet the need which was to respond to West Butte Wind Power, LLC’s application for road and utility access across public land. As stated in the Purpose and Need section in the FEIS, part of BLM’s purpose in granting and controlling rights-of-way on public lands is to protect the natural resources associated with public lands and adjacent private lands. The BLM’s multiple use mandate means it must also conserve natural, cultural, historic, scenic, and recreational values. Table 1.4-1 on page 1-3 of the FEIS summarized the values around which there were concerns. These are termed issues. The discussion below summarizes the effects, and examines the alternatives in the context of issues as well as in the context of state and national policy.

The BLM selected Alternative 1 because it meets the purpose and need for the proposed action and is consistent with the Federal Land Policy and Management Act of 1976 which established a multiple use mandate for management of Federal lands, including energy generation and transmission lines. The project is also in conformance with the BLM’s land use plan direction for the area contained in the Upper Deschutes Resource Management Plan (FEIS pages 1-9 and 1-10). The BLM considered Executive Order 3285 for Renewable Energy and as a means to understand the role the Prineville District BLM has towards encouraging “the timely and responsible development of renewable energy and associated transmission while protecting and enhancing the Nation’s water, wildlife, and other natural resources.”

The project will produce both positive and negative impacts. A positive effect will be the creation of 6 permanent full time jobs during operation of the project, and over 70 temporary full time jobs during construction. There will be undesirable effects, too, primarily on wildlife, but these effects have been adequately addressed through project design features; the Wildlife Mitigation Plan accepted by Crook County; the ABPP/GECP confirmed by FWS, and the selection of mitigation as outlined in this ROD.

Native vegetation, including green tinged paintbrush
Alternative 1 will result in the permanent removal of vegetation from about 12 acres of BLM-managed public land, versus about 3 acres in Alternative 2, or none in Alternative 3. Alternative 1 will also permanently remove vegetation from about 76 acres of private land, the same amount that would be removed in Alternative 2.

Public and private actions associated with Alternative 1 will remove about 1 percent of the habitat currently occupied by green tinged paintbrush on West Butte. Alternative 2 would have a similar effect, whereas Alternative 3 would have no effect.

Wildlife, including special status species
The FEIS describes effects to a number of wildlife (FEIS pages 3-21 to 3-41 and 3-58 to 3-76). Many will only be temporarily displaced, or are common enough that the effects will be insignificant. The effects that most influenced this decision are those on sage-grouse, golden eagles, bats, and pygmy rabbits.

The selection of Alternative 1 will result in the permanent loss of about 12 acres of wildlife habitat on BLM-managed public land, versus only about 3 acres in Alternative 2, or none in Alternative 3. Both
action alternatives would lead to the permanent loss of the same amount of habitat on private land, about 76 acres.

However, the primary effect to wildlife is not from direct habitat loss. The primary effects of Alternative 1 will be displacement or death of wildlife due to the 4.5 mile primary access road and aerial transmission line on public land, and the facilities on private land that are dependent on BLM granting of the road and utility right-of-way, including 52 turbines, three met towers, 1.1 miles of primary access road, 18 miles of turbine access roads, and 1.1 mile of aerial transmission line. Actions under Alternative 2 would be similar to Alternative 1, except there would be less primary access road on BLM-managed public land (1 mile instead of 4.5) and more primary access road on private land (8.4 miles instead of 1.1).

Sage-grouse

The effects of Alternative 1 on public land would be primarily from the 4.5 miles of above ground transmission line and an increase in vehicle traffic along the 4.5 miles of primary access road. Both the transmission line and road will further fragment the area. The road right of way will result in increased daily vehicle traffic especially during the construction phase, tapering off during the operational phase to less than five vehicles per day. Project design features described in the FEIS (see ROD Attachment A) will be included in the terms of the ROW authorization to reduce the effects of increased traffic.

Transmission lines have the potential to affect sage-grouse via collisions, electrocution, providing perches for predators, and fragmenting habitat. Project design features described in ROD Attachment A are included in the terms and conditions of the ROW grant and will sufficiently reduce the effects of the transmission line on sage-grouse.

Despite the limited research on the effects of wind farms on sage-grouse, other studies on similar species indicate the connected actions proposed on private land could affect sage-grouse using the lek within the project area as a result of construction and maintenance of the facilities as well as turbine operations (noise, physical presence, et cetera). Observed male lek attendance has fluctuated since it was first discovered in 1988. Recent surveys completed by ODFW found two to five birds on the lek. These birds in addition to those that could use the area for nesting, brood rearing, and wintering would likely be displaced as a result of the project. Given the minimum number of sage-grouse in Oregon is estimated between 21,000 and 27,000, a displacement of those birds using the lek would not result in significant impacts to the greater sage-grouse population in Oregon.

Golden eagles

As directed in BLM Instruction Memorandum No. 2010-156, the BLM has received confirmation from the FWS that West Butte Wind Power, LLC has cooperated with the FWS to address golden eagle issues within an ABPP/GECP. Although golden eagle use at West Butte is relatively low compared to other wind farms, effects locally could be important due to the close proximity of multiple nests and breeding pairs of golden eagles relative to the Project Area, as well as the relative low population number in the area as reported by BLM staff.

West Butte Wind, LLC has applied to the FWS for a programmatic take permit for golden eagles under 50 CFR 22.26. If granted, a programmatic take permit will authorize limited, incidental mortality, and disturbance of eagles at wind facilities, provided effective offsetting conservation measures that meet regulatory requirements are carried out. To comply with the permit regulations, the GECP proposes
conservation measures that are intended to avoid and minimize take of eagles to the maximum degree, and advanced conservation practices that will be implemented such that any remaining take is unavoidable. Further, any remaining take is to be offset through compensatory mitigation such that the net effect on the eagle population is, at a minimum, no change.

Bats

The Proposed Action portion of Alternative 1 (road and transmission line right-of-way) is not expected to adversely impact sensitive bat species. The Connected Action portion (turbines), however, is likely to adversely affect individual sensitive species bats that fly at the height of the turbine rotors. The ABPP contains measures to protect bats. For example, if surveys indicate an above average bat use of the site, the project owner will work with FWS to design and conduct cut in speed studies to see if bat fatalities can be reduced by such operational changes. Successful changes will be implemented.

Pygmy rabbits

Impacts to this species may occur during construction of the public and private land portions of the project, with limited impacts anticipated during facility operation. During construction, impacts relating to direct mortality, as a result of crushing an occupied burrow, could occur by vehicular traffic moving through the area and/or by construction equipment used for clearing and grading. Sagebrush, upon which pygmy rabbits are highly dependent for food and shelter, will not be reduced substantially. Due to the limited number of rabbits that appear to inhabit the area and the general habitat condition of the butte (shallow soils, slopes), it is expected that implementing Alternative 1 would not have a measurable impact on the local breeding population.

Recreation opportunities

There will be few impacts to recreation from granting the ROW as described in Alternative 1. The main effect will be a reduction in future trail development in the area. This is because the Upper Deschutes Resource Management Plan limits total route miles in the area, and the right of way will occupy 4.5 miles of BLM roads that could otherwise be decommissioned and replaced with more accessible trail miles elsewhere within the Millican Valley Off Highway Vehicle area. Effects of Alternative 2 would be similar to those occurring with selection of Alternative 1. There would be no change to recreation opportunities had the BLM selected the no action alternative, Alternative 3.

Visual resources

Selection of Alternative 1 will result in visual contrasts that are potentially noticeable when viewed from sensitive viewing points, and will reduce the overall scenic quality of the landscape (FEIS page 3-91). The wind turbine generator tower lights may be seen at night by residents of the Juniper Acres community 1.8 miles north of the turbines. The project will result in a “strong” visual contrast rating at the intersection of Highway 20 and Millican Road, a “moderate” rating at the Oregon Badlands Wilderness trailhead on Highway 20 near Horse Ridge, and “weak” ratings at all other key observation points (FEIS pages 3-86 to 3-89). A strong rating means the element (in this case wind turbine generator towers) demands attention and is dominant on the landscape; moderate means the element begins to attract attention and dominate the landscape; and weak means the element can be seen but does not attract attention (FEIS page 3-85). The effects would have been essentially the same if Alternative 2 had been selected. There would have been no change to visual resources under Alternative 3, the no action alternative.
Cultural resources

Effects to cultural resources are described on pages 3-95 to 3-96 in the FEIS. Under Section 106 of the National Historic Places Act, the actions on private land are considered Federal actions since they could be prevented if the BLM did not authorize access through public land.

The cultural resource inventory was completed in the area of potential effect which included private land and BLM administered public land. The Confederated Tribes of the Warm Springs Reservation, the Klamath Tribes and the Burns Paiute Tribes have actively participated in the Section 106 process to develop the area of potential effect, address concerns for traditional cultural properties, and review and comment on the cultural draft report and findings. The proposed project was initially designed to avoid impacts to historic properties however, as the data was finalized, effects to two historic structures on private land could not be avoided.

In consultation with the Oregon SHPO, the proposed project resulted in a finding of adverse effect under Section 106 of the National Historic Preservation Act. Treatment to mitigate the adverse effects to historic properties was developed through a Memorandum of Agreement (MOA) between the Oregon SHPO and the BLM Prineville District. The MOA, signed April 11, 2011, evidences that the agency has satisfactorily completed the Section 106 process.

Local economy and property values

Granting a ROW on public land will allow the right of way grant holder to develop a wind generation facility on private land. That facility will increase employment opportunities and spending in Oregon. Construction (first 6 to 10 months) is expected to produce 70 direct, full time equivalent (FTE) positions, 345 indirect FTE positions through the purchase of materials and offsite services, and 143 induced FTE positions through direct and indirect employee purchases of goods and services (FEIS pages 3-100 to 3-105). During operation the estimated jobs will drop to six FTE direct, nine FTE indirect, and eight FTE induced. Effects of Alternative 1 and Alternative 2 on jobs and the local economy would be essentially the same.

Some residents north of the project wanted the main access route to go through the Juniper Acres community (Alternative 2), thereby improving the road and providing a benefit to residents. This would also have resulted in short term noise from road construction and construction related traffic. The selection of Alternative 1 will mean that the ROW grant holder will access facilities from the south, and they will therefore not need to improve the road through Juniper Acres. Noise at and values of nearby residences will not be affected by selection of Alternative 1.

Alternative 3 would have had no effect on jobs, the local economy, or nearby property values.

State and national policy

The Oregon Renewable Portfolio Standard was enacted in 2007 through Senate Bill 838 (ORS 469A). The Bill directs Oregon utilities to meet a percentage of their retail electricity needs with qualified renewable resources. For Oregon’s three largest utilities (Portland General Electric, PacifiCorp and the Eugene Water and Electric Board), the standard starts at 5 percent in 2011, increases to 15 percent in 2015, 20 percent in 2020, and 25 percent in 2025. Other electric utilities in the State, depending on size, have standards of 5 or 10 percent in 2025. The proposed project would help to contribute towards meeting this standard.
Executive Order 3285 for Renewable Energy states, "Agencies and bureaus within the Department will work collaboratively with each other, and with other Federal agencies, departments, states, local communities, and private landowners to encourage the timely and responsible development of renewable energy and associated transmission while protecting and enhancing the Nation’s water, wildlife, and other natural resources." Amendment 1 to EO 3285 says BLM will “develop best management practices for renewable energy and transmission projects on the public lands to ensure the most environmentally responsible development and delivery of renewable energy.” Consistent with EO 3285, the Prineville District has worked collaboratively with other Federal, state, and local agencies, and departments including the FWS, ODFW, SHPO, Crook County, and private landowners.

The mitigation required for this project is intended to be applied only to this project. Future projects or projects being considered elsewhere by the BLM will be analyzed and mitigated based on their own unique project features and on the impacts those features may have on other resources. Recent changes and clarification of national and state policies regarding the management of sage-grouse has required the BLM take an adaptive management approach in determining the appropriate amount and type of mitigation needed to offset project impacts. While the mitigation described in this ROD is consistent with the most recent version of the State of Oregon’s Sage-grouse Conservation Strategy, it also recognizes that some amount of flexibility is needed to ensure that future mitigation investments result in the greatest conservation benefits to the species.

Alternatives Considered

Alternatives considered in detail

The October 2010 West Butte Wind Power ROW Final EIS analyzed three alternatives:

Alternative 1, the proposed action, was to approve the application as described above under the decision. Under this alternative, actions on public land include upgrades to 4.25 miles of existing road, construction of .25 miles of new road, and installation of 4.5 miles of utility lines.

Alternative 2 would have granted the ROW exactly as in Alternative 1, except the main access road would have been in a different location, requiring no new road construction on public land, and only .9 miles of upgrades to an existing road. The utility line would have been installed in the same location and manner as for Alternative 1.

Alternative 3, the no action alternative, was to not issue a ROW grant to West Butte Wind, LLC.

The environmentally preferable alternative

The Council of Environmental Quality’s 40 Most Asked [NEPA] Questions, question #6a, defines the environmentally preferable alternative as the one “that will promote the national environmental policy as expressed in NEPA’s Section 101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources."

NEPA’s Section 101 [42 USC § 4331] includes in part: “...it is the continuing policy of the Federal Government...to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under
which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.”

Alternative 3, No Action, is identified as the environmentally preferable alternative.

**Alternatives considered but eliminated from detailed analysis**

A comment on the DEIS suggested an alternative where the transmission line (and other utilities) would be buried, rather than aerial. Rather than include this as an alternative, it was added as a potential mitigation measure for inclusion, regardless of whether Alternative 1 or 2 was selected.

Internal BLM discussions considered placing the main access road more to the east, entering from State Route 27 rather than Highway 20. This alternative was not considered in detail because it was substantially similar to Alternative 1. No other alternatives within the scope of the decision were proposed or considered in the FEIS.

**Public Involvement**

**Scoping September 2009 through April 2010**

Scoping for an environmental assessment (EA) began September 2009 when the BLM sent nearly 600 letters to nearby residents, local, state, and Federal governments, and tribes, requesting input on issues, impacts, and potential alternatives. The BLM reviewed initial public comments received during this period, as well as comments received by Crook and Deschutes Counties as part of their permitting processes.

After reviewing public comments from the EA scoping period and comments sent to Crook and Deschutes Counties during their review processes, and gathering additional information, the BLM determined the impacts could potentially be significant, therefore requiring preparation of an Environmental Impact Statement (EIS) rather than an EA. On January 19, 2010, the BLM published in the Federal Register a Notice of Intent (NOI) to prepare an EIS, officially starting the scoping period for the EIS. The NOI briefly described the proposed action and invited public comments to help identify relevant issues and environmental concerns and possible alternatives.

The BLM received numerous letters and phone calls during the official EIS scoping period. These communications helped the BLM define the issues and alternatives to be considered in the DEIS.

**Draft EIS April 2010**

In April 2010, BLM released the Draft EIS. The Notice of Availability was published in the Federal Register on April 2, 2010, initiating a 45-day public comment period. During this public comment period, the BLM received 36 comment letters. The BLM reviewed the comments, prepared responses, and made corrections and minor changes to the EIS. Chapter 4 of the FEIS (available on Prineville BLM website) contains the comment statements and responses.

**Final EIS October 2010**

The BLM issued a Final EIS October 1, 2010, which included responses to public comments on the Draft EIS.
A Notice of Availability of the FEIS was published in the Federal Register on October 1, 2010. The BLM received seven letters during the FEIS availability period that ended on November 1, 2010, and three more letters shortly after the availability period ended. The letters were from the Environmental Protection Agency, the FWS, the Wilderness Society, and seven individuals who live near the project. The BLM analyzed these letters to determine if they contained substantive comments that were not already addressed in the responses to public comments received on the Draft EIS (see Appendix F in the FEIS) or that addressed a need for changes between the Draft and Final EIS.

No significant new information was presented in the letters that would require reissuance of the Draft or Final EIS.
Final Agency Action

Right-of-way authorization

It is my decision to approve an authorization for a right-of-way grant to West Butte Wind Power, LLC for road access and utilities across BLM-administered public lands to a wind energy facility located on private land. The grant is subject to the terms, conditions, stipulations, and environmental protection measures developed by the Department of the Interior and reflected in this Record of Decision. The Federal Register notice for the Environmental Impact Statement for this project was published October 1, 2010. This decision is effective on the date this Record of Decision is signed.

Approved by:

[Signature]
Robert V. Abbey
Director
Bureau of Land Management

7/14/2011
Date

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 regulations at 43 CFR 2800, is not subject to appeal under Departmental regulations 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:

[Signature]
Ken Salazar
Secretary
Department of the Interior

JUL 14 2011
Date
Attachment A – Design features

West Butte Wind Power, LLC agreed to include in a number of project design features for actions on both public and private land. Listed below are design features from the FEIS that are incorporated into this decision and required of the ROW grantholder for actions on public land. The BLM will not issue a Notice to Proceed until the plans identified below have been developed and approved by BLM (e.g., Grading and Drainage Plan, Vegetation Restoration Plan); the Decommissioning Plan will be developed at a later date.

After the list of BLM project design features is a list of some of the project design features Crook County is requiring on private land.

Design features BLM is requiring on BLM administered public lands

Wildlife design features

- Implement the ABPP/GECP to the extent they apply to public land actions and effects on public land.
- Conduct a helicopter survey in the spring prior to construction to locate any raptor nests. Flag and avoid these nests in conformance with FWS, ODFW, or BLM requirements for setbacks from nest areas.
- Flag and monitor sensitive raptor nest trees. Establish protective buffers that will be restricted or “off limits” during construction.
- Restrict construction activities, including blasting, on West Butte proper (the area of a known and active lek) west of the substation to the period of July 1 to February 1.
- Restrict maintenance vehicles and general access (post construction) onto West Butte proper during sage-grouse breeding season until after 11:00 a.m. during lekking season each year.
- Train construction staff regarding protection of wildlife and wildlife habitat.
- Immediately report to the BLM potential wildlife problems on public land, including wildlife mortality.
- Space overhead power line conductors to minimize potential for raptor electrocution, and install perch guards on the transmission line structures to minimize risks to raptors.
- Limit vehicle speeds to 25 miles per hour during construction, operation, maintenance, and decommissioning project phases.
- Allow BLM, ODFW, and FWS access across private land to monitoring implementation of design features.

Cultural resource design features

- Prior to construction, conduct a Phase I Archaeological Survey over all areas that will be directly disturbed by project construction.
- Avoid cultural resource properties on both private and BLM-managed public lands. If any cultural resource sites are discovered during subsequent surveys, redesign the proposed project to avoid sites, or retain features associated with significant sites. The layout of the proposed project will be adjusted around each site to avoid impacting important cultural resources. If site
avoidance is not possible the ROW grant holder will have an approved cultural resources firm (with Native American oversight) design a treatment program for that particular site.

- Ground disturbances in all areas containing archaeological materials will be monitored by a county-approved archaeologist and Native American monitor to ensure that any outstanding resources previously unidentified are recorded. In the event these types of resources are encountered, construction will be temporarily redirected until the find can be evaluated and recorded pursuant to Oregon State Historic Preservation Office requirements.
- Notify BLM immediately of discoveries of cultural or paleontological resources during construction on public land. Halt work in the vicinity of the find to avoid further disturbance to the resources while they are being evaluated and appropriate mitigation measures are being developed.
- Comply with BLM's recommendations for the treatment of isolates discovered during surveys on public land.

Grading and Drainage Plan

- This plan will detail any proposed temporary or permanent erosion control structures.
- Restore elevation/topography to preconstruction condition.
- Backfill excavations, including foundations and trenches, with originally excavated material as much as possible. Excess excavation materials will be disposed of only in approved areas to control soil erosion and to minimize leaching of hazardous constituents. Rock too large to crush will be stockpiled on site. Soil will be salvaged for revegetation. Soils found to be less resilient may require numerous reseeding efforts to be successful.
- During trenching or other excavating operations, separate the topsoil and subsoil from the underlying less productive soil substratum and bedrock. Refill trench first with soil substratum and bedrock, followed by subsoil material, and finally with topsoil that contains organic matter and live soil organisms to increase the success of seeding and rehabilitation efforts.
- Strip areas to receive fill of vegetation, organic topsoil, debris, and other unsuitable material. Place engineered fill in layers not exceeding 12 inches in loose thickness, properly moistened and compacted, and tested for 90 percent compaction.
- Based on the results of geotechnical analyses and final facility siting, it may be necessary to use explosives to assist with rock excavation. If blasting or other noisy activities are required during construction, such activities will be limited to the period of 7:00 a.m. to 7:00 p.m., on weekdays, and nearby residents will be notified in advance.
- Use existing roads to the maximum extent feasible.
- Follow natural contours and minimize side-hill cuts.
- Avoid changes to surface water runoff. Maintain natural, existing drainage systems, especially on erodible soils or steep slopes. Control erosion of roads with culverts which will be cleaned and maintained regularly.
- Conduct construction primarily during the dry-weather seasons. Use erosion control measures if revegetation is not completed prior to the rainy season.
- Identify unstable slopes and local factors that can induce slope instability (such as groundwater conditions, precipitation, earthquake activities, slope angles, and the dip angles of geologic strata). Avoid creating excessive slopes during excavation and blasting operations. Use site-specific appropriate construction techniques in areas of steep slopes, erodible soil, and stream channel crossings to ensure long term stability and erosion prevention.
• Apply erosion controls that comply with county, state, and Federal standards. Use jute netting, silt fences, and check dams near disturbed areas in accordance with the Storm Water Pollution Prevention Plan. Use diversion structures and spot grading to reduce siltation into adjacent drainages during grading and construction activities. Design grading on slopes steeper than 2:1 to minimize surface water runoff.
• Maintain on-site surface runoff controls in accordance with state standards to minimize potential for increased localized soil erosion.
• Construct, reconstruct and maintain the main access road consistent with BLM 9113 Manual and the Surface Operating Standards for Oil and Gas Exploration and Development (Rocky Mountain Regional Coordinating Committee, 1989) ("The Gold Book").

Vegetation Restoration Plan
• Involve BLM, Oregon Department of Agriculture, Oregon State University Extension, the private landowner, and the county weed masters and other experts in development of this plan.
• Salvage topsoil from all excavations and construction activities and reapply during reclamation. Stockpiled topsoil on site, segregated from other soils to facilitate future land restoration. Protect stockpiled topsoil from wind and water erosion.
• Seed an appropriate native species seed mix (e.g., bluebunch wheatgrass, Idaho fescue, Thurber's needle grass, prairie Junegrass, bottlebrush squirreltail, Douglas and Ross sedge, and western needle grass).
• Reseeding will be completed as soon as possible after construction is completed using appropriate equipment (e.g., rangeland drill, hydroseeding) and application rates.
• Coordinate with the BLM and landowner regarding livestock grazing rotations and appropriate steps to minimize impacts on grazing operations (e.g., fence and gate maintenance), and to identify the timing and numbers of livestock that will be allowed to graze after restoration (to minimize grazing pressure during the early phases of restoration).
• Educate personnel on weed identification.
• Use certified weed-free mulch.
• Establish an inspection and cleaning area to inspect construction equipment arriving at the project area and clean equipment to remove and collect weed seeds that may be adhering to tires and other surfaces. Dispose of waste water and soils that may be contaminated with weed seeds at a location pre-approved by the County Weed Master to prevent. Use only clean fill material from a weed-free source.
• Monitor to determine when corrective actions (e.g., additional temporary erosion control measures, reseeding, noxious species control) are needed and to confirm appropriate restoration standards are achieved.

Fire Management Strategy
• Develop a fire management strategy to implement measures to minimize the potential for a human-caused fire and, if necessary, respond to a fire during construction and operation of the project. Coordinate this strategy with BLM, the Oregon Department of Forestry (ODF) and local fire districts.
• Immediately report any observed fires to local authorities, the local fire district, ODF and BLM.
• Locate some fire-fighting equipment will be located at the substation site, maintenance yard, and in vehicles. Fire deterrents within the wind energy facility will include service and access
roads, which may serve as firebreaks, and regular clearing of vegetation from areas around transformers, riser poles, and buildings.

- Smoking and burning will not be permitted.
- Ensure that catalytic converters are installed on all gasoline-powered equipment.

Waste Management Plan

- This plan will identify the waste streams that are expected to be generated at or transported through the site, and address hazardous waste determination procedures, waste storage locations, waste-spill prevention and control methods, waste-specific management and disposal requirements, inspection procedures, and waste minimization procedures. This plan will address storage, use, transportation, and disposal of each hazardous material anticipated to be used. The plan will establish inspection procedures, storage requirements, storage quantity limits, inventory control, nonhazardous product substitutes, and disposition of excess materials. The plan will also identify requirements for notices to Federal, state and local emergency response authorities and include emergency response plans.
- Wastes will be properly containerized and removed periodically for disposal at appropriate off-site permitted disposal facilities.
- Secondary containment will be provided for all on-site hazardous materials and waste storage, including fuel. In particular, fuel storage (for construction vehicles and equipment) will be a temporary activity occurring only for as long as is needed to support construction activities. Refueling vehicles will have a sign listing pertinent contacts to notify in the event of a spill.
- Locations for construction fueling will be designed to capture any spilled fuel to avoid ground pollution and located to avoid sensitive areas.
- In the event of an accidental release to the environment, the ROW grant holder will document the event, including a root cause analysis, appropriate corrective actions taken, and a characterization of the resulting environmental or health and safety impacts. Documentation of the event will be provided to BLM and other federal and state agencies, as required.
- All equipment will be adequately maintained to minimize operational losses of hazardous materials and to reduce the risk of accidental spillage.
- Dust abatement techniques will be used before and during surface clearing, excavation, or blasting activities. Use water or dust abatement chemicals for dust suppression when construction requires movement of earth during wind conditions. Chemicals used for dust abatement may be necessary in limited situations. The chemicals used will be from naturally occurring substances such as magnesium chloride, selected for its effectiveness in controlling fugitive dust, as well as minimizing potential environmental impacts. Prior to the use of any chemicals for dust abatement on public land, the ROW grant holder will obtain BLM approval.

Decommissioning Plan

- When the authorized use is no longer needed, and prior to abandonment of the facilities, the holder or the holder’s authorized representative shall meet with the BLM to arrange a joint inspection of the ROW. The inspection will be to agree on an acceptable abandonment and rehabilitation plan to ensure the protection of resources and public safety (e.g., implementation priorities, specific treatment methods, timeframes, and coordination with the counties). The decommissioning plan will include a site reclamation plan and monitoring program. This plan will identify and discuss the proposed decommissioning activities and how they will comply with the applicable regulatory requirements (FEIS pages 2-29 and 2-30).
Design features Crook County is requiring of West Butte Wind Power LLC

- Obtain coverage under the Oregon Department of Environmental Quality 1200-C NPDES Construction Stormwater permit. As part of this coverage, prepare and implement a plan to prevent off-site migration of contaminated stormwater or increased soil erosion.
- Purchase mitigation credits through the Deschutes River Conservancy to offset any impacts to water in the basin.
- Remove all carcasses of livestock, deer, elk and pronghorn from within the project site that may attract foraging eagles or other raptors.
- Do not allow personnel to hunt in or bring pets to the project area during any phase of the project.
- Within the wind turbine grid on private land, bury 90 percent (vs. overhead) of the electrical lines to minimize perching locations and electrocution hazards to birds.
- Place temporary signs in the work area as appropriate to designate a “No Cell Phone Use Area” to avoid potential premature unintentional blasting.
- Develop a transportation plan to cover the transport of turbine components, main assembly cranes, and other large pieces of equipment. The plan will consider specific object sizes, weights, origin, destination, and unique handling requirements, and will evaluate alternative transportation approaches. Ensure no hazards will result from the increased truck traffic and that traffic flow will not be adversely impacted. Incorporate informational signs, flaggers when equipment may result in blocked throughways, and traffic cones to identify any necessary, temporary lane configuration changes. Place signs along construction roads to identify speed limits, travel restrictions, and other standard traffic control information. Signs will only be placed on public lands with prior BLM review and approval.
- Additional actions as described in the Wildlife Mitigation and Monitoring Plan accepted by the Crook County Planning Commission on July 14, 2010.