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# **1. Record of Decision**

Environmental Impact Statement

Cotterel Wind Power Project and  
Cassia Resource Management Plan Amendment

Right-of-Way

IDI-33676

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## I. INTRODUCTION

This Record of Decision (ROD) identifies the alternative selected by the Department of the Interior (DOI), the rationale for this decision, the mitigation and implementation measures, and the alternatives that were considered in the Final EIS (FEIS) for the *Proposed Cotterel Wind Power Project and Proposed Resource Management Plan Amendment* (FES 06-07), issued in March 2006. This decision culminates an extensive review and analysis of the anticipated direct, indirect, and cumulative environmental impacts of the Proposed Action and its alternatives. This ROD was prepared pursuant to the regulations of the Council on Environmental Quality (40 CFR 1505.2).

### BACKGROUND INFORMATION

In late 2000, in response to the electric energy-pricing crisis in California and the Northwest, the Bonneville Power Administration (BPA) issued a "Request for Proposals" (RFP) for additional electrical power generated from potential wind energy projects, and Windland, Inc. (Windland), a Boise, Idaho company, began to investigate opportunities to respond to BPA's RFP.

In February 2001, Windland submitted an application to the Bureau of Land Management (BLM) Burley Field Office for a right-of-way (ROW) grant to conduct its own wind testing on Cotterel Mountain. This application was accepted by the BLM (serial number IDI-33675).

In March 2001, Windland followed its first application with a second ROW grant application (IDI-33676) to construct, operate, and maintain a wind-driven electric power generation facility on Cotterel Mountain. This application was filed by Windland in advance of the proposed meteorological data collection in order to be first in consideration for such a project. This second application was accepted by the BLM. Based on the size and scope of the proposed action, the BLM determined that the construction, operation and maintenance of a wind power project on Cotterel Mountain had the potential to result in significant environmental impacts, thereby triggering the need to prepare an Environmental Impact Statement (EIS) to evaluate the proposed action and all reasonable alternatives in compliance with the National Environmental Policy Act of 1969 (NEPA).

In April 2001, Windland responded to the BPA RFP based on the studies showing potential for development of a wind-powered electrical generation project on Cotterel Mountain (see Figure 1.0-2 in FEIS).

In July 2001, the BLM issued a ROW grant (IDI-33675) authorizing Windland to install multiple wind speed and direction recording devices (anemometers) at various locations on Cotterel Mountain. Potential impacts of the wind testing proposal were analyzed in Environmental Assessment (EA) number ID-077-EA-01-0063, and a Finding of No Significant Impact was signed by the Burley Field Office Manager on July 13, 2001.

On December 19, 2002, the BLM published a Notice of Intent (NOI) to prepare an EIS for the full project proposal in the Federal Register. The NOI identified the proposed Cotterel Wind Power Project area and location as well as BLM's intention to hold agency and public

scoping meetings. The initial scoping period ran for 60 days and concluded on February 21, 2003.

On June 21, 2005, a Notice of Availability (NOA) was published in the Federal Register and the Draft EIS was made available to the public. The publishing of the NOA in the Federal Register marked the beginning of a 90-day public comment period for the Draft EIS.

The FEIS, which was released to the public in March of 2006, presents the alternatives under consideration and those considered but eliminated from detailed analysis. Alternative A – The No Action Alternative, Alternative B – The Proposed Action Alternative, Alternative C – Agency’s Preferred Alternative, and Alternative D are evaluated.

## **OVERVIEW OF THE PROJECT**

The Project would be developed on Cotterel Mountain. The Project ROW grant application area is approximately 4,545 acres, extending approximately 16 miles from north to south along the Cotterel Mountain ridgeline. Major components of the Project and project alternatives include:

- Multiple wind turbines and turbine foundations;
- Multiple pad-mounted transformers;
- Buried power collection and communication cables;
- Several miles of project access roads;
- Meteorological towers on foundations;
- One to two substations;
- 138 kilovolt (kV) overhead power transmission line;
- Operations and maintenance building; and
- Portable on-site cement batch plant and rock crusher.

During construction, there would also be several on-site temporary equipment storage and construction staging areas. There may also be additional equipment storage and construction staging areas in the vicinity of Cotterel Mountain. A detailed description of the Project and construction methods can be found in Chapter 2 of the FEIS.

Since the release of the Proposed Cotterel Wind Power Project Draft EIS, the BLM has published the Final Programmatic Environmental Impact Statement and Record of Decision on Wind Energy Development on BLM-Administered Lands in the Western United States (USDI, BLM 2005). It provides valuable information about wind energy development, including recommended best management practices. The Best Management Practices (BMP) in the Cotterel Wind Power Project meet or exceed those in the Wind Energy Programmatic EIS.

## II. AGENCY ACTION

### PLAN AMENDMENT

In order for the Project to be implemented, Windland must secure a ROW grant from the BLM, the agency that manages the involved Federal lands. Because the BLM has jurisdiction over the land in which the ROW grant is granted and is a Federal agency with special expertise in land use, biological, cultural resource, visual, and other environmental issues, the BLM was the lead agency for preparation of this NEPA analysis. BLM's primary actions subject to NEPA review are whether to amend the Cassia Resource Management Plan (RMP) and whether to approve or deny a ROW grant across public lands for the Project.

Cooperating agencies are the agencies that have jurisdiction by law or special expertise with respect to an environmental issue, 40 CFR 1501.6. In the Cotterel Wind Power Project EIS, cooperating agencies include the BPA; U.S. Fish and Wildlife Service (USFWS); Idaho Department of Lands (IDL) representing the State Government; Bureau of Reclamation (BOR); and Cassia County Commissioners representing the local government. The Idaho Department of Fish and Game (IDFG) is a participating agency and is providing input relevant to wildlife and wildlife habitat.

A core group of wildlife biologists from the Bureau of Land Management, U.S. Fish & Wildlife Service, and the IDFG was organized under charter in 2004 by the BLM. This team, known as the Interagency Wind Energy Task Team (IWETT), was a cooperative interagency effort, specifically formed to review data, identify additional data needs, assist in the development of alternatives and mitigation recommendations for wildlife and wildlife habitat, and assist in the development of adaptive management strategies. A new iteration of this team, referred to in the FEIS as the Technical Steering Committee, will continue to work together in the development of monitoring and the adaptive management processes.

In reviewing the applications for ROW grants, BLM must consider land status, consistency with land use plans, affected resources, resource values, environmental conditions, and concerns of various interested parties. Complete guidance for implementing the NEPA process within BLM can be found in the *National Environmental Policy Act Handbook (H-1790)* and DOI guidance.

### RIGHT-OF-WAY AUTHORIZATION

Title V of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1761-1771, authorizes the BLM, acting on behalf of the Secretary of the Interior to grant a ROW on, over, under, and through the public lands for systems for generation, transmission, and distribution of electric energy. BLM's implementation of its statutory direction for ROW grants is detailed in 43 CFR Part 2800 and the BLM 2800 Manual. BLM policy is to: 1) authorize ROW uses on the public lands at the discretion of the BLM Authorized Officer and in the most efficient and economical manner possible; 2) manage ROW use of the public lands through a system of ROW corridors; 3) maximize the use of performance stipulations through construction, operation, and maintenance plans; and 4) assure to the greatest extent possible that identified impacts are mitigated and that the holder complies with the terms and conditions of the ROW grant. Authorized Officer means any employee of the Department of

the Interior to whom has been delegated the authority to perform the duties described in 43 CFR Part 2800. In respect to this grant, this authority has been delegated to the Field Manager, Burley Field Office, Bureau of Land Management.

### **III. DECISION**

After considering the full agency and public record compiled through processing the applications for a ROW grant for the Cotterel Wind Power Project, it is the BLM's decision to proceed with the implementation of the Cotterel Wind Power Project and associated transmission lines as currently described in Alternative C. The Project involves a single linear string of towers with the towers being approximately one-quarter mile apart. In addition, the Cassia RMP amendment is specific to the Project only, and no other wind energy projects will be permitted on Cotterel Mountain (page 4-19, 20 FEIS). This decision pertains only to lands administered by or under the jurisdiction of the BLM.

#### **PLAN AMENDMENT**

In accordance with Section 102(2)(c) of NEPA (42 U.S.C. 4332), the regulations of the Council on Environmental Quality that implement NEPA (40 CFR Parts 1500-1508), Section 202 and Title V of FLPMA, and the regulations found at 43 CFR Parts 1600 and 2800, the following actions will be taken:

The BLM will amend its existing Cassia RMP by partially lifting the right-of-way restriction on the Cotterel Mountain Management Area, which will allow the granting of a ROW on Cotterel Mountain for a single wind energy development project and related transmission interconnect line. The amended restriction would read, "limit rights-of-way to existing facilities/localities, with the exception of one wind energy project."

The amendment will also involve changing the language in item B from the Resource Management Objectives on page 39 of the Cassia RMP which currently reads: "Manage the area to maintain scenic quality and open space." The new language would read: "Manage the area to maintain scenic quality and open space consistent with the Visual Resource Management (VRM) classes for management area 11 and with the exception of the development of one wind energy project." The area is classified VRM Class IV, in which projects such as the proposed action are acceptable. The existing Resource Management Objective G, also on page 39 of the RMP, currently reads: "Maintain or improve 6,414 acres of crucial deer winter range and 703 acres of sage-grouse brood-rearing habitat." It will be revised to read as follows: "Maintain or improve 6,414 acres of crucial deer winter range and 600 acres of sage-grouse brood rearing habitat". Construction and operation of the Project would also change the Recreation Opportunity Spectrum of Cotterel Mountain within the Project area from semi-primitive motorized to roaded natural.

## **RIGHT-OF-WAY GRANT AUTHORIZATION**

A right-of-way grant will be issued to Windland for the construction, operation, and maintenance, and termination of a wind-driven electric power generation facility and associated transmission lines and access roads across public lands administered by the Bureau of Land Management. The ROW grant will become effective the date it is signed.

The holder shall construct, operate, maintain, and terminate the facilities, improvements, and structures within the right-of-way in strict conformity with the project description and environmental protection measures set forth in Appendix A, the right-of-way grant, and accompanying terms, conditions, and stipulations.

The project will consist of access roads; wind turbines interconnected by a network of utility-grade facilities consisting of transformers at the base of each turbine; underground electric collection lines; substation(s); and transmission interconnect line(s) for connection to the existing utility grid. There will also be several wind speed measuring meteorological towers and an operations and maintenance (O&M) facility sited within the Project area. All of the wind turbine control systems would be connected by a communications system for computerized automated monitoring of the entire project. A temporary cement batch plant, rock crusher, and construction operation trailer pad will also be located on-site.

The ROW grant will terminate on December 31, 2036, unless prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of the grant or of any applicable Federal law or regulation. The grant may be renewed. If renewed, the grant shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the Authorized Officer deems necessary to protect the public interest.

All temporary work areas shall be reclaimed to the satisfaction of the Authorized Officer upon completion of construction. The Project Decommissioning Plan is contained in the Plan of Development (POD), Section 5, pages 5.1 to 5.16.

## **IV. ALTERNATIVES**

Four alternatives were analyzed in the EIS. In addition, two alternative routes for the transmission lines were analyzed:

**Alternative A – The No Action Alternative:** Under Alternative A, the ROW grant for construction of a wind-powered electrical generation facility would not be issued and the RMP would not be amended by the BLM. This alternative would maintain current management practices for resources and allow for the continuation of

resources uses at levels identified in the Cassia RMP. This alternative would also incorporate any management decisions that have been made subsequently to the Cassia RMP. This alternative generally satisfies most commodity demands of public lands, while mitigating impacts to sensitive resources. It includes moderate levels of resource protection and development including: wildlife habitat protection; range improvements; vegetation treatments; soil erosion controls; and fire management. In addition, livestock use, recreation activities (including off-highway vehicle use), timber harvest, and land development (energy and communication) would continue at present levels. However, these levels would be subject to adjustments when monitoring studies indicate changing resource conditions or trends. ROWs would continue to be limited to those allowed under the current RMP.

**Alternative B – The Proposed Action Alternative:** This alternative is presented as proposed in the ROW grant application made by Windland to the BLM. Windland has attempted to reduce potential Proposed Project impacts through project design, application of BLM BMP, and consideration of input from its own public scoping efforts in developing its Proposed Action.

Under Alternative B, Windland is proposing to construct a wind-powered electric generation facility along the approximately 16-mile ridgeline of Cotterel Mountain. As proposed, the Project would consist of approximately 130, 1.5 megawatts (MW) wind turbines that would be sited along the west, central, and east ridges of Cotterel Mountain. The west string would be 0.8-miles in length and located along the short side-ridge west of the main Cotterel Mountain ridgeline. The center string of wind turbines would be about 10.9 miles in length and placed along the spine of the central ridgeline of the mountain. The east string of wind turbines would be 4.1 miles in length and located along the east ridgeline that extends south of the Cotterel Mountain summit. In addition to the 130 wind turbines, two 138 kilovolt (kV) overhead transmission interconnect lines would connect the Proposed Project to the transmission grid emanating from two separate substations. The exact location of wind turbines, roads, power lines, or other facility-related construction would be sited based on environmental, engineering, meteorological, and permit requirements.

Each turbine would be 210 feet in height to the center of the hub. Each of the three blades would be 115 feet in length, with an over-all diameter of 230 feet. Maximum blade height would be 325 feet above the surrounding landscape. There would be two substations. The substations would be located at the north and central portions of the middle turbine string. The substations would connect to the existing BPA and Raft River 138 kV transmission lines via two newly constructed transmission interconnect lines. The transmission interconnect lines ROW would cross lands managed by BLM, Idaho State, as well as those under private ownership.

Approximately 25 miles of all-weather gravel roads would be needed to access and maintain the Proposed Project. This would require about 4.5 miles of road reconstruction, and about 22 miles of new road construction. Total estimated cut volume for road construction would be approximately 2,660,000 cubic yards. The

estimated fill volume would be approximately 2,500,000 cubic yards. The total construction impact area for all project features would be about 365 acres. Following the reclamation of construction impact areas, the final Proposed Project would occupy an area of about 203 acres. Other physical components of the wind plant are described in Comparison of Project Features of Alternatives B, C and D.

**Alternative C – Agency’s Preferred Alternative:** Alternative C is a modified alternative to the Proposed Action (Alternative B) with fewer but larger output wind turbines, alternative access, and alternative sub-station and transmission line locations. Under Alternative C, the IWETT has identified additional BMP that are included to specifically address wildlife issues and concerns related to sage-grouse, raptors, bats and requirements under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. Alternative C also incorporates a compensatory/off-site mitigation fund that provides the opportunity for monitoring and adaptive management, the extent of which would be determined by a technical steering committee.

Under Alternative C, Windland would construct a wind-powered electric generation facility along 14.5 miles of ridgeline of the Cotterel Mountain. If built as proposed, the project would consist of a linear alignment of approximately 81-98 wind turbines, based on the size of turbine selected, sited along the central and east ridges of Cotterel Mountain. The central ridge would have approximately 64 wind turbines and the east ridge would have approximately 17 turbines. In addition to the wind turbines, one 138 kV overhead transmission interconnect line would connect the Proposed Project to the transmission grid from a single substation. The exact location of wind turbines, roads, transmission interconnect line, or other facility-related construction would be sited based on detailed engineering to address site specific environmental, meteorological, or permit conditions including BMP.

Under Alternative C, a range of wind turbines would be considered. The smaller end of the range would have a 77-meter (230 foot) rotor diameter and would have a generation capacity of 1.5 MW. It would sit on a 65-meter (210 foot) tower and the rotor would consist of three blades, 115 feet in length. Maximum blade height would be 325 feet above the ground. The larger end of the range would have a 100-meter (328 foot) rotor diameter and would have a generation capacity of between two and three MW. It would sit on an 80-meter (262 foot) tower and the rotor would consist of three blades, 164 feet in length. Maximum blade height would be 426 feet above the ground.

A single substation would be located approximately midway along the central turbine string. Alternative C would have a single overhead 138 kV transmission interconnect line. The transmission interconnect line would extend northeast from the substation down to the Raft River Valley where it would cross over, but not connect to, the existing Raft River transmission line. From here the transmission interconnect line would extend to the north approximately 15 miles in a new ROW adjacent to the existing ROW for the Raft River transmission line. It would cross over the Snake

River west of the Minidoka Dam. The line would then travel in a northeast direction where it would connect the Proposed Project to the existing Idaho Power transmission lines located north of the Minidoka Dam. The transmission interconnect line ROW would cross lands managed by BLM, BOR, Idaho State, USFWS as well as those under private ownership.

The Proposed Project would require the reconstruction of about 3.2 miles of road and the construction of about 19.5 miles of new roads. Total estimated cut volume for road construction would be approximately 2,200,000 cubic yards. The estimated fill volume would be approximately 2,425,000 cubic yards. Under Alternative C, the total construction impact area for all project features would be about 352 acres. Following the reclamation of construction impact areas, the final Proposed Project would occupy an area of about 203 acres.

Public access on the ridgeline would consist of a combination of new project roads and existing and newly constructed primitive roads. Although public use of project roads along the ridgeline would be restricted through a series of gates, signage, and natural rock barriers, there would not be a loss of public access to existing use areas. Public access would be maintained by linking the existing primitive road system through construction of new primitive roads to allow existing uses of the area, including hunting, to continue.

**Adaptive Management, Compensatory (Off-Site) Mitigation, Monitoring, and Technical Steering Committee Common to Alternatives C and D**

Wind power projects have effects on wildlife, particularly avian species and bats, depending upon the location, geography, and natural setting of the project. Monitoring of the project (5 years or greater) is key in understanding the relationship between the project design, siting of the towers, operation of the facility, and effects on wildlife. These effects can occur in a variety of ways, but based on data collected at other wind farms, are chiefly associated with bird collisions with the large blades that drive each of the wind turbines. The blades move through an area defined as “the rotor swept area” of each turbine. Additional long-term monitoring may also be necessary to determine how the characteristics of the project and its turbines affect the behavior and migration of birds and bats and to determine if there are certain turbines along the string that are contributing to bird and bat mortality that would trigger the need to implement management actions to reduce these effects.

*Adaptive Management*

Adaptive management is based upon a concept of science that understands ecosystems are complex and inherently unpredictable over time. It approaches the uncertainties of ecosystem responses with attempts to structure management actions using a systematic method from which over time learning is a critical tool. Learning and adapting is based on a process of long-term monitoring of impacts to wildlife from this project. Windland and the BLM recognize that the findings of long-term monitoring could indicate the need for modification of operations and adaptive management. The BLM and Windland will work cooperatively with the USFWS and

the Idaho Department of Fish and Game to develop appropriate actions or mitigation measures designed to address issues or concerns identified as a result of monitoring. Adaptive management tools that are available to Windland and BLM include, but are not limited to: timing stipulations during construction, operational changes of turbines, siting considerations, lighting scenarios, and color schemes. These are addressed in the Plan of Development (Appendix A to ROD) Section 2.5 and right-of-way grant stipulations (Appendix A to ROW grant).

#### *Compensatory Off-site Mitigation*

BLM Washington Office Policy Guidance Instruction Memorandum No. 2005-069 states that off-site mitigation can be funded by voluntary contributions from the Applicant into a compensatory mitigation fund held by the BLM (Appendix E of the FEIS). This would be done by cooperative agreement between Windland and the BLM. This cooperative agreement would prescribe the level of contribution and the management and use of the fund. Windland has volunteered to contribute to a compensatory mitigation fund pursuant to the above-mentioned guidance and has executed a letter of commitment to enter into a cooperative agreement in accordance with the foregoing (Appendix F of the FEIS). Windland intends the annual contribution to be in an amount equal to approximately one-half of one percent of the gross revenues received from the Proposed Project electricity sales.

An extensive framework of off-site mitigation practices was also recommended by the IWETT to address impacts to wildlife, should they occur as a result of the Proposed Project. These practices would also be funded by the compensatory mitigation fund (described above). The kinds of off-site mitigation practices recommended include, but are not limited to: purchase of key habitats; acquisition of conservation easements on key habitats; or, restoration, treatment, or conversion of existing federally managed off-site habitats. Off-site activities proposed by the steering committee that would have associated impacts separate from the impacts identified and analyzed for this Proposed Project may need subsequent environmental analysis.

#### *Monitoring*

An extensive wildlife monitoring program for the Cotterel Wind Power Project is identified in five technical documents. These include the: *Plan of Development; Environmental Protection Measures; Cotterel Mountain Annual Sage-grouse Monitoring Protocol; Cotterel Mountain Avian Fatality Monitoring Protocol; and Cotterel Mountain Raptor Nesting and Migration Monitoring Protocol*. The implementation of these wildlife monitoring protocols are the financial responsibility of the Holder and the BLM and are separate from the compensatory mitigation fund.

#### *Technical Steering Committee*

The technical steering committee will advise, monitor, and recommend actions during all phases of the project including construction. This committee will be formed and chartered prior to any construction of the Proposed Project. The intent is to ensure interagency involvement in mitigation and monitoring activities with particular

emphasis on addressing the requirements of the Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and sage-grouse conservation. The committee will also examine ongoing research and scientific studies attempting to understand the behavior and relationship between wildlife and wind energy developments. The technical steering committee would be an expansion of the IWETT and would consist of interagency wildlife and other resource professionals and Windland. Final decision authority regarding actions recommended by the technical steering committee would rest with the BLM Burley Field Office Manager.

**Alternative D, Modification of Alternative C (Environmentally Preferred Alternative):** Federal environmental quality regulations (40 CFR 1505.2 (b)) require that an agency identify the “environmentally preferable” alternative or alternatives in the ROD. Alternative D is the environmentally preferable alternative. Alternative D would modify Alternative C by reducing the number of turbines, concentrate them in the center of the mountain ridge, reduce the construction impacts, and therefore, reduce impacts to the resources.

The premise of Alternative D is elimination of turbines from a portion of the sage-grouse habitat (leking, nesting, brood rearing, and winter range) while still maintaining an economically viable project. Because of the infrastructure costs involved with the project (i.e., turbines, roads, powerlines, substation), Windland has determined that 66 turbines in the 1.5 + MW size range would be necessary for an economically viable project. Concentrating the turbines along the center ridge of Cotterel Mountain would be the best way to obtain this number of turbines while affecting the fewest resources. In addition, it would concentrate the project features on the central ridge, leaving the east ridge undeveloped.

Alternative D would use the same size range and types of wind turbines as those proposed under Alternative C. Under Alternative D, a range of 66-82 turbines would range in generation capacity from 1.5 to 3.0 MW. Tower height for the turbines would range from 210 feet to 262 feet, with maximum blade height ranging from 325 to 426 feet above the ground. Rotor diameters would range from 230 feet to 328 feet (77-100 meters).

The wind turbines, substations, and transmission interconnect line would be the same for Alternative D as described under Alternative C.

Under Alternative D, the Proposed Project would require the reconstruction of about 2.9 miles of road and the construction of about 14.5 miles of new roads. Total estimated cut volume for road construction would be approximately 2,080,000 cubic yards. The estimated fill volume would be approximately 2,275,000 cubic yards. The total construction impact area would be about 282 acres. Following the reclamation of construction impact areas, the final Proposed Project would occupy an area of about 160 acres.

Public access under Alternative D would be similar to Alternative C along the central ridgeline and turbine string. However, under Alternative D there would be no road

construction or turbines sited along Cotterel Mountain's east ridge. The lower portion of the existing Cotterel Mountain summit road would have minor modifications made to improve safety. The existing Cotterel Mountain summit access road and primitive jeep trails along the east ridgeline would remain unchanged and would continue to be open to the public.

Required on-site monitoring, monitoring, adaptive management, and compensatory (off-site) mitigation would be the same for Alternative D as described under Alternative C.

## **V. SUMMARY OF ENVIRONMENTAL IMPACTS**

The FEIS analyzed impacts from the four alternatives described above. Impacts were analyzed in the following resource areas: climate and air quality; geology; soils; water resources; noise; biological resources, including vegetation and wildlife; special status species, including endangered, threatened, candidate, sensitive, and watch list species; historic and cultural resources; American Indian concerns; socioeconomics; lands and realty; recreation; livestock grazing; visual resources; hazardous materials; and fire management. Estimated impacts were generally low and very similar for the three action alternatives for climate and air quality, geology, soils, water resources, noise, historic and cultural resources, American Indian concerns, socioeconomics, lands and realty, recreation, livestock grazing, hazardous materials, and fire management. The environmental consequences of the Proposed Action and alternatives to the Proposed Action are briefly discussed and then summarized and compared in Table 1 on pages 14 to 18.

### **BIOLOGICAL RESOURCES**

#### **Vegetation**

The primary impacts on vegetation associated with the Proposed Project are tied to the vegetation community affected and the area of surface disturbance identified for each alternative. Although the type of surface disturbance would be similar for each turbine location and roadway, the impacts would be dependent on the number of acres of associated vegetation, as well as the number and distribution of turbines and roadways proposed under each of the alternatives.

#### **Wildlife**

A detailed report on probable impacts of this Proposed Project is provided in the Proposed Project technical report for biological resource impacts (Sharp et al. 2005). There are no similar operating wind projects located on the common landforms (long, narrow ridge with cliffs), in the region (southeast Idaho), or within specific habitats (sagebrush and mountain mahogany) that exist on Cotterel Mountain. As a consequence, there is no specific case history available to use in predicting the impacts of this Proposed Project on wildlife. Thus, this impact analysis relies on the experience and data from other western wind plants and in some cases, midwestern wind plants.

Potential impacts to wildlife were analyzed in terms of: (1) local populations, (2) surrounding area populations, and (3) landscape populations. Local impacts are those that are anticipated to result from the Proposed Project on-site. Surrounding area impacts are those that may affect connected or adjacent populations, migrations, habitat use, or “ripples” from the local effects.

### **Threatened and Endangered Species**

The gray wolf (Threatened, nonessential population) and bald eagle (threatened) are the only two listed species with potential to occur on Cotterel Mountain and which could be affected by the Proposed Project. Only two bald eagles were observed during the baseline study in the fall of 2003. Wolves or their signs were not observed during the baseline study, and there are no records of wolves on Cotterel Mountain or south of the Snake River. A complete analysis of Proposed Project impacts to bald eagle and gray wolf are detailed in a biological assessment (BA), which was prepared concurrently with the EIS. This BA was submitted to the USFWS, Chubbuck Office, with a recommendation that the project may affect, but was not likely to adversely affect, bald eagles or gray wolves. USFWS responded with a letter of concurrence with BLM’s recommendation on May 10, 2006.

### **Visual Resources**

Impacts to visual resources would occur over the short term during construction and over the long term during operation of the project.

During construction the presence of construction equipment, both stationary and under operation could attract the eye of the casual observer. Equipment laydown areas would be dispersed throughout the Proposed Project area and would impact visual resources to different degrees depending on their specific locations. The direct impacts associated with the presence of equipment and facilities in these areas would be short-term because they would only operate for the construction phase of the project. The footprint left by equipment laydown areas would create a contrast in the surrounding vegetation after the construction phase due to the operation of the laydown areas. Grading and revegetation of the laydown areas after the construction phase would reduce visual impacts from laydown area footprints over the long-term.

Cranes used to raise the towers would be visible from inside and outside of the Proposed Project area. The greatest visual impacts would result when a crane is observed from sensitive areas, such as the community of Albion and SH-77. Although the cranes would be operating within a Class IV area, they could be visible from the Class II designated area to the southwest.

Construction of the transmission interconnect line would be visible from the north and east side of the Proposed Project area. The transmission interconnect line would pass over SH-81 and its associated scenic corridor. Construction crews and equipment would be visible to the public in this area and may result in visual impacts. Construction crews and equipment would be visible from the scenic corridor associated with SH-81, resulting in a visual impact. The majority (approximately 15 miles) of the interconnect line would parallel the existing Raft River Transmission line where the Proposed Project interconnect line parallels the Raft River

line. Impacts would be minimal or unnoticeable to the casual observer where the transmission line parallels the existing one.

During operation of the project the wind turbines would be visible from both the west and east sides of Cotterel Mountain. The wind turbines would reside within a Class IV designated area, but would be visible in the middle-ground zone from a Class II designated area to the west that coincides with the Albion Valley and the scenic corridor associated with SH-77. In addition, the turbines would be visible from the east along SH-81 and the community of Malta. The wind turbines would be visible from these areas and others resulting in a change to the character of the ridgeline landscape. Contrast would result when viewing the center string from the Albion and Raft River Valleys. Currently the ridgeline texture appears smooth and undulating. Operation of the center string would alter texture of the ridgeline. This alteration would reduce the bold contrast between the ridgeline and the sky. Rotation of the turbine blades would draw the attention of the casual observer from the rural valley foreground to the ridgeline, which would appear more industrial.

**Table 1. Summary Comparison of Resource Impacts for All Alternatives.**

| Resource Issue        | Alternatives  |   |   |   |
|-----------------------|---|---|---|---|
|                       | A   | B   | C   | D   |
| <b>BIOLOGICAL</b>     |   |   |   |   |
| <b>Vegetation</b>     |   |   |   |   |
| Removal of vegetation | No change to the existing vegetation beyond the levels identified in the Cassia RMP | Up to 368 acres of vegetation would be directly affected by construction of all Proposed Project features<br><br>Up to 165 acres reclaimed<br><br>203 acres of permanent impact to vegetation   | Up to 350 acres of vegetation would be directly affected by project construction of all Proposed Project features<br><br>Up to 147 acres reclaimed<br><br>203 acres of permanent impact to vegetation | Up to 282 acres of vegetation would be directly affected by project construction of all Proposed Project features<br><br>Up to 123 acres reclaimed<br><br>158 acres of permanent impact to vegetation |
| Noxious weeds         | No change to the existing vegetation beyond the levels identified in the Cassia RMP | Disturbance of vegetation could lead to the establishment and spread of noxious weeds, which would increase direct competition for limited resources (nutrients, water, space, etc.) with native or desired vegetation<br><br>Indirectly, these species could augment the amount and continuity of fuels, which could lead to increased fire return intervals | Same as Alternative B   | Same as Alternative B   |

**Table 1. Summary Comparison of Resource Impacts for All Alternatives.**

| Resource Issue                      | Alternatives                     |   |   |   |
|-------------------------------------|----------------------------------|---|---|---|
|                                     | A                                | B   | C   | D   |
| <b>Wildlife</b>                     |                                  |   |   |   |
| Loss of big game winter range       | There would be no adverse impact | <p>Winter range would be permanently eliminated by up to 105 acres of mule deer habitat and 194 acres of bighorn sheep habitat</p> <p>Mountain lions could be initially displaced by construction activities, but would likely habituate to Proposed Project features over time</p> | <p>Winter range would be permanently eliminated by up to 62 acres of mule deer habitat and 162 acres of bighorn sheep habitat</p> <p>Impacts to mountain lions would be the same as Alternative B</p> | <p>Winter range would be permanently eliminated by up to 58 acres of mule deer habitat and 115 acres of bighorn sheep habitat</p> <p>Impacts to mountain lions would be the same as Alternative B</p> |
| Big game displacement and/or stress | There would be no adverse impact | <p>Displacement of big game from Proposed Project construction and operation.</p> <p>Potential displacement impact from increased human activity.</p>   | Same as Alternative B   | <p>Smaller project size would result in reduced area of displacement and fewer areas of improved public access</p> <p>Displacement would still occur but on a smaller scale</p>                       |
| General wildlife habitat            | There would be no adverse impact | <p>Wildlife could be negatively affected by increased traffic and human presence on Cotterel Mountain</p> <p>Permanent loss of 203 acres of potential habitat</p>   | Same as Alternative B   | <p>Permanent loss of 158 acres of potential habitat</p> <p>Smaller project size would result in reduced area of displacement and fewer areas of improved public access</p>                            |

**Table 1. Summary Comparison of Resource Impacts for All Alternatives.**

| Resource Issue  | Alternatives                            |   |  |   |
|---|---|---|--|---|
|   | A                                       | B   | C  | D   |
| Estimated annual avian and bat mortality due to collision with wind towers or power lines | There would be no adverse impact        | Raptors = 0-63 mortalities<br>All birds = 0-934 mortalities<br>Bats = 0-667 mortalities<br><br>Upper end mortality estimates are based on total avian numbers from point counts, mortality at other operating wind projects, and total rotor swept area with an operating capacity factor of 35% applied. This estimate assumes that all birds flying within the rotor swept area would be killed (worst case scenario) | Raptors = 0-81 mortalities<br>All birds = 0-1188 mortalities<br>Bats = 0-848 mortalities<br><br>Assumes larger rotor swept area<br><br>Same as Alternative B | Raptors = 0-66 mortalities<br>All birds = 0-968 mortalities<br>Bats = 0-691 mortalities<br><br>Assumes larger rotor swept area<br><br>Same as Alternative B |
| Nesting raptors   | There would be no adverse impact        | Wind turbines would be sited greater than ¼ mile from the three golden eagle nests<br><br>Blasting during nesting season could result in nest abandonment<br><br>Resident hunting raptors may avoid the vicinity of the turbines<br><br>Habitat lost to construction would result reduced prey base   | Same as Alternative B<br><br>Same as Alternative B   | Same as Alternative B<br><br>Same as Alternative B  |
| Loss of sage-grouse winter range  | Existing situation expected to continue | Direct loss of 68 acres<br><br>Displacement from up to 6,435 acres  | Direct loss of 48 acres<br><br>Displacement from up to 5,716 acres   | Direct loss of 34 acres<br><br>Displacement from up to 4,585 acres  |

**Table 1. Summary Comparison of Resource Impacts for All Alternatives.**

| Resource Issue                              | Alternatives   |   |  |   |
|---|--|---|--|---|
|   | A  | B   | C  | D   |
| Loss of sage-grouse nesting habitat         | Existing situation expected to continue  | Direct loss of 33 acres<br><br>Displacement from up to 5,605 acres  | Direct loss of 28 acres<br><br>Displacement from up to 4,890 acres | Direct loss of 15 acres<br><br>Displacement from up to 3,194 acres  |
| Displacement of sage-grouse from lek sites  | Existing situation expected to continue  | Direct loss of 84 acres<br><br>Displacement from up to 3,395 acres  | Direct loss of 77 acres<br><br>Displacement from up to 3,345 acres | Direct loss of 52 acres<br><br>Displacement from up to 3,255 acres  |
| Displacement of bats from hibernation sites | Existing situation expected to continue  | Noise and percussion from blasting, drilling, digging, and movement of large vehicles could displace roosting, breeding, or hibernating bat species | Same as Alternative B  | The smaller project would require less blasting resulting in a reduced potential for displacement of roosting, breeding, or hibernating bat species |
| <b>Threatened and Endangered Species</b>    |  |   |  |   |
| Bald Eagle                                  | There would be no adverse impact   | Small potential for direct mortality or injury from electrocution, collisions with transmission lines, or turbine blades                            | Same as Alternative B  | Same as Alternative B   |
| Gray Wolf                                   | Gray wolves are not known to occur on Cotterel Mountain; therefore, there would be no adverse impact | Same as Alternative A   | Same as Alternative A  | Same as Alternative A   |

**Table 1. Summary Comparison of Resource Impacts for All Alternatives.**

| Resource Issue          | Alternatives                            |   |  |  |
|-------------------------|---|---|--|--|
|                         | A                                       | B   | C  | D  |
| BLM Sensitive Species   | Existing situation expected to continue | Cliff chipmunk populations would be affected during construction. These areas would likely be avoided or abandoned, but once construction is complete and disturbance levels decline, cliff chipmunks would be expected to reoccupy habitats near the facility<br><br>Nesting and non-breeding golden eagles could be adversely affected not only by construction disturbance, but also from potential collisions with turbines | The impact of Alternative C to special status species would be similar to those expected to occur under Alternative B, with slightly smaller areas of permanent and temporary impacts from project construction and fewer turbines | The impact of Alternative D to special status species would be similar to those expected to occur under Alternative B and C, with slightly smaller areas of permanent and temporary impacts from project construction                      |
| <b>VISUAL RESOURCES</b> |   |   |  |  |
| Visual Resources        | There would be no effect                | Vehicle and heavy equipment traffic associated with project construction could result in short-term impacts<br><br>The operational phase of the project would have long-term impacts to surrounding view sheds and communities<br><br>Permanent impacts to visual resources would be greatest under this alternative  | Short-term impacts to visual resources would be similar to Alternative B, but with fewer trips needed during the construction phase<br><br>Long-term impacts would also be slightly less based on the reduced number of turbines   | Short-term impacts to visual resources would be the lowest under this alternative, and would require the fewest trips during the construction phase<br><br>Long-term impacts would also be lowest, based on the reduced number of turbines |

## **VI. MANAGEMENT CONSIDERATIONS**

### **PROPOSED ACTION AND ALTERNATIVES**

The merits of all alternatives were considered in arriving at this decision. The potential environmental impacts as identified in the FEIS, expected costs, the practical implementability and enforceability of the available alternatives, agency comments and consultation, tribal comments and consultation, and public comments provided during the preparation of the FEIS were considered in arriving at this decision.

Alternative A, the No Action alternative, was not selected because the benefits of the Proposed Project outweighed the impacts from the construction and operation of the Proposed Project. Under this alternative, the Proposed Project would not be constructed. The direct implications of No Action are that the potential environmental impacts of the Proposed Project would not occur. There would be a loss of economic benefits associated with the project, including 1) a contribution to a safe and reliable source of electrical energy to ease possible future energy shortages in the Northwest, 2) purchase of equipment and materials, 3) proceeds from the grant of a right-of-way by the BLM, 4) construction and labor expenditures including indirect (multiplier effect) economic benefits, and 5) ongoing expenditures by the power facility and transmission line operators for operations and maintenance. There would also be a loss of benefits to the economy of Minidoka and Cassia counties. This alternative could have a direct and indirect adverse impact on energy development, production, supply, and/or distribution.

Alternative B, the Proposed Action Alternative, was not selected because of potential significant impacts to visual resources and the views from the Pomerelle Mountain Resort access road and the City of Rocks Back Country Byway (SH-77). In addition, impacts under the Proposed Action Alternative would have resulted in construction of highly visible road cuts across steep west facing slopes near the summit of Cotterel Mountain.

Under Alternative C, the Agency's Preferred Alternative, the relative benefits of granting or not granting the ROW were weighed and it is concluded that the public interest is best served by granting the ROW. The Agency's Preferred Alternative will benefit the public by improving the region's ability to meet current and future energy demands. In this decision, the contribution of the wind energy project and associated transmission lines to generate and deliver electrical power outweighs the environmental impacts that would be addressed through protective measures. It is the BLM's decision to proceed with the Cotterel Wind Power Project and associated transmission lines as described in Alternative C.

Alternative D, the Modification of Alternative C, was not selected because the granting of a ROW under this alternative would result in less power being produced while only providing a small decrease in the potential environmental impacts. Alternative C will result in 16-19 percent greater production capacity than that under Alternative D. In general Alternative D would result in an approximately 17 to 22 percent decrease in estimated ground disturbance and a 6 to 37 percent decrease in estimated measurable impacts to environmental resources (Table 2).

**Table 2. Summary Comparison of Project Features and Environmental Resource Impacts between Alternative C and Alternative D.**

| <b>Project Feature</b>                          | <b>Alternative C</b> | <b>Alternative D</b> | <b>Percent Difference D to C</b> |
|---|----------------------|----------------------|----------------------------------|
| Project nameplate (In MW)                       | 147-243              | 123-198              | 16%-19% less                     |
| Project roads (In miles)                        | 24.4                 | 19.3                 | 21% less                         |
| Total length of turbine string (In miles)       | 14.5                 | 11.6                 | 20% less                         |
| Temporary ground disturbance (In acres)         | 147                  | 122                  | 17% less                         |
| Permanent disturbance (In acres)                | 203                  | 158                  | 22% less                         |
| Permanent vegetation loss (In acres)            | 203                  | 158                  | 22% less                         |
| Mule deer winter range (In acres)               | 62                   | 58                   | 6% less                          |
| Estimated avian fatalities per turbine per year | 0-274                | 0-230                | 0%-16%                           |
| Sage-grouse habitat loss (In acres)             | 181                  | 114                  | 37 % less                        |
| Potential sage-grouse displacement (In acres)   | 23, 977              | 19,768               | 18% less                         |

Two alternatives were considered (Figure 2.2-13) and not analyzed. Alternative E was developed by the identification of issues through public scoping, agency scoping, the IWETT, government-to-government consultation, and interdisciplinary resource recommendations and is basically a modification of Alternative D. It was proposed as a possible method of further minimizing potential impacts to sage-grouse habitat and habitat use while maintaining an economically viable wind energy development. Alternative E, while avoiding the most direct suspected impacts to sage-grouse lek use and associated nesting at several key locations on the mountain, would effectively reduce the length of the turbine string to approximately 8.4 miles and reduce the number of turbines that could be constructed to a range of 40-49. This is substantially less than the minimum number of wind turbines disclosed by Windland as being economically viable to construct (66 turbines), operate, and maintain at the Cotterel Mountain site.

Windland's analysis and disclosure of a minimum size project is based on the cost of infrastructure (i.e. roads, substation, power transmission, underground cabling, etc.), the cost of construction on a remote, isolated mountaintop, the cost of monitoring and mitigation, and the cost and time required for permitting on public land. It is further based on the time required to amortize the capital investment of a project. Alternative E would have essentially the same infrastructure costs as Alternative D with approximately 60 percent of the production potential. Accordingly, Windland states that it is not possible to recoup costs in a reasonable amount of time or achieve the rate of return necessary for such a large investment, nor would it be possible to obtain financing on acceptable terms. While Alternative E is technically feasible and could be constructed, it does not meet the Council on Environmental Quality (CEQ) test of a reasonable alternative since it is not economically viable. Therefore, Alternative E does not meet the purpose and need stated in the FEIS. For these reasons,

Alternative E is not carried forward or analyzed in detail. It should be noted that in CEQ's definition of "reasonable alternative," technical and economic aspects are linked. If a proposed project does not meet one or the other, it is not feasible to construct and therefore, not a reasonable alternative.

Alternative F was developed by the identification of issues through public scoping, agency scoping, the IWETT, government-to-government consultation, and interdisciplinary resource recommendations. This alternative further distances the wind energy facilities from sage-grouse use areas. The premise of Alternative F is to site the wind turbines based on the best available science, combined with professional judgment, for the protection of sage-grouse and their habitat. Studies regarding the lifecycle of sage-grouse have shown that nesting and brood rearing generally take place within a 1.8-mile radius of active leks. There is also some scientific information on lesser prairie chickens to suggest that they may avoid tall structures. Therefore, it has been suggested by some that placement of a wind power project within that 1.8 mile radius of leks may have an adverse affect on the lifecycle activities of sage-grouse.

Application of a 1.8-mile no development zone around known, active sage-grouse leks would limit the siting of the wind generation facility to the 3.6-mile section of the central Cotterel Mountain ridgeline and reduce the number of constructible turbines to approximately 20. This requirement would render Alternative F not economically feasible as a commercial wind generation facility and inconsistent with the purpose and need stated in the FEIS. Therefore, Alternative F has been considered but is not being analyzed in detail.

#### **RELATIONSHIP TO BLM POLICIES, PLANS, AND PROGRAMS**

Projects must be consistent with BLM's regional and local plans. BLM's existing Cassia RMP limits ROW to existing facilities and locations and does not address wind energy development. At the time of preparation of the Cassia RMP, wind was not considered a potential energy source in Idaho, and hence Cotterel Mountain was not considered a wind energy site. Because the Proposed Action is not consistent with the Cassia RMP, the Agency's Preferred Alternative will require an amendment to the RMP to allow the granting of a ROW for wind energy development on Cotterel Mountain.

As part of the environmental review process and in accordance with Section 106 of the National Historic Preservation Act, BLM consulted with the Idaho State Office of Historic Preservation (SHPO), the Shoshone-Bannock Tribes, and the Shoshone-Paiute Tribes regarding historic properties and potential sites of cultural significance, which might be affected by the project.

### **VII. MITIGATION MEASURES AND MONITORING**

Windland has committed to all practical methods to reduce environmental harm to biological and cultural resources through project design, stringent monitoring, and mitigation requirements. Windland shall conduct its operations in an environmentally safe manner and in compliance with all applicable statutes, regulations, and standards. Construction of the project will also be in accordance with the terms and conditions of the ROW grant and the

POD, which is attached to and made a part of the ROW grant and to this ROD (see Appendix A).

Environmental Protection Measures were developed in cooperation with the BLM, Idaho Department of Fish and Game, and the Office of Species Conservation in the Office of the Governor of the State of Idaho and incorporated in the Agency's Preferred Alternative (Alternative "C"). These approved monitoring measures, described in Appendix A, are incorporated in this ROD and will be included in the ROW grant. These measures shall be employed throughout the implementation phases of the project. All practical means to avoid or reduce environmental harm will be adopted, monitored, and evaluated, as appropriate.

Windland shall designate a field contact representative (FCR) prior to the start of construction who shall be subject to approval by the BLM. The FCR shall be responsible for ensuring compliance with protective measures for the biological and cultural resources. The FCR will have the authority to halt construction activities if the project is not in compliance with mitigation required by the BLM. The FCR shall keep a record of the extent of all areas permanently and temporarily disturbed by construction. This record will be the basis for determining any monetary compensation to be paid by Windland to the BLM. For all areas disturbed by construction, a habitat restoration plan shall be developed by an interdisciplinary team, approved by the BLM, and implemented by Windland. The restoration plan shall include a schedule for monitoring and assuring the success of restoration, including the removal of invasive species, acceptable to the BLM. Upon completion of construction, the responsibilities of the FCR will accrue to Windland's Project Manager.

## **VIII. PUBLIC INVOLVEMENT**

In December 2002, a scoping statement was mailed to government agencies, municipalities, Native American Tribes, grazing permittees, lease operators, industry representatives, environmental organizations, and individuals having a potential interest in the Proposed Project. Local and regional media also received the scoping statement and a press release. The scoping statement explained the Proposed Project and requested comments regarding issues and concerns that should be addressed in the Draft EIS. Three public scoping meetings were held in the towns of Albion on January 7, 2003; Burley on January 8, 2003; and Boise, Idaho, on January 9, 2003, with 135 total attendees. Initial scoping comment letters were encouraged through February 21, 2003, to help the BLM identify issues that would guide the formulation of alternatives to the proposed action. Written comments were received from 47 individuals, three Federal and state agencies, and five interest groups. A list of all respondents is presented in Chapter 5 of the EIS.

On June 21, 2005, a Notice of Availability (NOA) was published in the Federal Register and the Draft EIS was made available to the public. The publishing of the NOA in the Federal Register marked the beginning of a 90-day public comment period for the Draft EIS. During the comment period, interested parties were invited to submit comments on the Draft EIS to the BLM. A second round of public meetings were held to present the Draft EIS to the

public, to describe its content and to receive public comments. These public meetings were held: July 26, 2005 in Burley; July 27, 2005 in Albion; and July 28, 2005 in Boise.

The FEIS incorporates revisions to the Draft EIS made in response to comments submitted during the 90-day public comment period. During the public comment period, 72 written comments were received by the BLM.

NEPA requires Federal agencies to identify and analyze significant issues related to a proposed action and its alternatives. Significant issues primarily serve as the basis for developing and comparing alternatives. While the focus of the analysis is on significant issues identified, all issues brought forward through the scoping process are considered. The following is a list of significant issues identified by the public, Shoshone Bannock Tribes, the Shoshone Paiute Tribes, the BLM, and other governmental organizations that were used to develop alternatives and assess impacts of the Proposed Project. The significant issues addressed in the FEIS include:

- Sage-grouse – Commenters were concerned that the Proposed Project would result in the loss of sage-grouse habitat, loss of nesting habitat, and disturbance to leks. Grouse could also be killed by colliding with wind turbines.
- Tribal treaty rights or heritage links to public lands – The Tribes expressed a desire that these be maintained and protected.
- Migratory birds including raptor migration – Commenter expressed concern over migratory birds being killed by colliding with wind turbines.
- Public access – Commenter expressed the need to continue to allow and protect public access to Cotterel Mountain.
- Visual resources – Commenter expressed concern about the visual impact to the town of Albion and other communities, as the Proposed Project would be in close proximity to towns, ranches, and homes.
- Conformance with the Cassia RMP – Internal review disclosed the proposed action was not in conformance with the Cassia RMP and an amendment would be required.

Other issues and concerns were identified by the public, the BLM, Shoshone Bannock Tribes, Shoshone Paiute Tribes, and other governmental organizations regarding the Proposed Project and its alternatives. They are listed below and described in more detail in Chapter 3 of the FEIS.

- Air Quality
- Ridgeline and cultural significance to Tribes
- Historical migration routes of Tribes
- Geology

- Soils
- Water Resources (including surface, groundwater, and springs)
- Noise/vibration/harmonics
- Vegetation
- Noxious weeds
- Wildlife
- Wind turbine effects on birds and bats
- Direct and indirect wildlife habitat loss
- Mule deer winter range
- Increased human activity on Cotterel Mountain and its effects on wildlife
- Threatened, Endangered, and Sensitive Species and their habitats
- Cultural and historical resources
- Socioeconomics
- Land use
- Private land values
- Increased traffic on local roads during construction
- Livestock grazing
- Recreation

The comments received during the public comments period and responses to the comments are provided in Appendix H of the FEIS.

**IX. FINAL AGENCY ACTION**

**Plan Amendment**

It is the decision of the BLM to approve the Proposed Amendment to the Cassia Resource Management Plan. The Proposed Plan Amendment and related Environmental Impact Statement (EIS) were issued in March 2006. The decision to amend the Cassia Resource Management Plan is effective upon approval of this ROD. The Director has responded to eight protests on the Proposed Amendment and, in accordance with BLM regulations, 43 CFR 1610.5-2, the decision of the Director is the final decision of the Department of the Interior as to those protests.

Approved by:



8-15-06

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

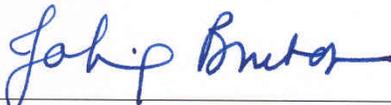
Date

**Right-Of-Way Grant Authorization**

It is my decision to grant the application (IDI-33676) of Windland, Inc., for a right-of-way subject to the grant, terms, conditions, stipulations, plan of development, and environmental protection measures developed by the Department of the Interior. This decision is in full force and effect on the date this Record of Decision is signed.

This decision is the final administrative determination of the Department of the Interior and is not subject to appeal (43 CFR part 4.410 (a)(3)).

Approved by:



8-15-06

U.S. Department of the Interior

Date

