SECTION 1

INTRODUCTION

1.1 BACKGROUND

In December 2008, Harney Electric Cooperative (HEC) filed a preliminary application for right-of-way (ROW) with the U.S. Department of Interior Bureau of Land Management (BLM), Burns District Office, for the construction, operation, and maintenance of a new double-circuit 230,000 volt (230-kV) overhead electric transmission line and associated facilities on BLM-administered land in Harney County, southeastern Oregon. The proposed transmission line, known as the North Steens 230-kV Transmission Line Project (the Project), would transmit electrical power generated at the Echanis Wind Energy Project (Echanis Project) to Harney Electric Cooperative's (HEC) existing electrical transmission grid.

The Echanis Project would be a 104-megawatt (MW) wind energy facility that would be constructed on a 10,500-acre privately-owned tract near Diamond, Oregon. The Applicant, Columbia Energy Partners (CEP), LLC of Vancouver, Washington, received a conditional use permit from the Harney County Planning Commission for the development of the Echanis Project in April 2007. The issuance of the permit was not appealed. The permit allowed for a maximum generating capacity of 104 megawatts from a maximum of 69 wind turbines. CEP commenced the environmental and cultural studies in support of the permit in 2007 and continued the studies through 2010. Depending upon the final design, the Echanis Project would deploy 40 to 69 wind turbines capable of generating enough electricity to power 30,000 homes. CEP has secured a 20-year power sales agreement with Southern California Edison for energy generated at the wind facility.

In 2009, Echanis, LLC (Echanis, or the Applicant), a subsidiary of CEP, assumed responsibility from HEC for the ROW application submitted to the BLM. In December 2009, the Applicant filed a separate application with the U.S. Fish and Wildlife Service (USFWS) to obtain rights for the proposed transmission line to cross portions of the Malheur National Wildlife Refuge (MNWR). The Applicant is currently funding the Project and would oversee the initial development and commissioning of the transmission line. Once commissioned, the line would be deeded to HEC for long-term operation and maintenance and the line would be incorporated into the HEC electric transmission and distribution system serving southeast Oregon and northern Nevada. With the deeding of the transmission line to HEC, the associated ROW would also be assigned to HEC or their successors.

Because development of the Echanis Project is dependent upon Federal approval of the ROW grant for the transmission line, the Echanis Project qualifies as a "connected non-Federal action" under 40 CFR 1508.7 and 40 CFR 1508.25(a). Therefore, this EIS must analyze the potential environmental effects associated with development and operation of the Echanis Project as "indirect effects" associated with the North Steens 230-kV Transmission Line Project, as well as cumulative impacts from other reasonably foreseeable future actions. While this environmental review requires disclosure of potential effects to private lands, as a connected action, the BLM and USFWS only have authority to approve, modify, or deny ROW grants for those actions occurring on public lands.

The BLM and USFWS are not responsible for the permitting of the Echanis Project. Rather, both agencies have been asked to approve a ROW request for a transmission line that would connect the Echanis Project to the existing grid.

The North Steens 230-kV Transmission Line Project would transmit electrical power from the proposed Echanis Project to an existing 115-kV transmission line near Diamond Junction, Oregon operated by HEC. The North Steens Transmission Line would cross approximately 18.70 miles of private land, 8.85 miles of land administered by the BLM (Burns District Office), and 1.32 miles of the MNWR managed by the USFWS. The new transmission line would be constructed on double-circuit steel-pole towers placed within a new 150-foot wide ROW.

Full build out of the Project would occur in phases. During Phase I, a single circuit (three conductors) would be installed on one side of each pole and operated at 115-kV. During Phase II, a second circuit (three conductors) would be installed on the other side of each pole and operated at 230-kV. During Phase III, the operational voltage of the Phase I transmission line would be increased to 230-kV. All of the Project components installed with the first circuit, including poles, conductors, insulators, ROW width, pole spacing, and so forth would meet 230-kV design standards. The second circuit would be added in the future, if needed, to serve other wind energy projects developed in the area.

Renewable energy generated at the Echanis Project would be transmitted and distributed to the regional power market via the North Steens Transmission Line and the regional electrical transmission grid. The Applicant anticipates that the new transmission line and ancillary facilities could be used to transmit electric power from other potential wind energy projects developed in the Harney County area.

The Applicant has indicated that the North Steens 230-kV Transmission Line Project would improve the ability to distribute available renewable energy as demand continued to grow for electric power from clean sources, reduce constraints in existing power generation and transmission infrastructure to meet current and future energy demands, increase transmission capacity and improve system reliability and flexibility, and allow for cost-effective electric transmission and economical power sales and transfers.

The BLM and USFWS have prepared this Environmental Impact Statement (EIS) as part of the ROW grant application review process. This EIS allows the BLM, USFWS, and other cooperating agencies to assess the effects to the human environment prior to making a decision about the ROW grant application requested by the Applicant. This EIS analyzes the potential environmental effects (direct, indirect, and cumulative) of two action alternatives and the No Action Alternative. One action alternative also includes two sub-alternatives (i.e., route options).

If a decision is made by the agencies to grant the ROW request, construction of access roads along the transmission line corridor and to the Echanis Project site would begin in spring of 2011. Construction of the towers and installation of the transmission line would occur during spring, summer, and fall of 2011, as dictated by ground conditions and weather. Total construction is estimated to take 9 to 12 months.

1.2 AUTHORIZATION AND AGENCY ROLES

Separate ROW grants would be issued by the BLM and USFWS to authorize construction, operation, and maintenance of the transmission line across Federal lands managed by each respective agency. The BLM and USFWS would use the EIS process to make separate final decisions (Records of Decision) to approve, modify, or deny the ROW grants. BLM would not be responsible for siting the portions of the transmission line within the Steens Mountain Cooperative Management and Protection Area (CMPA) because all of the transmission line within the CMPA would be located on private property (see 16 U.S.C. § 460nnn-42 "[n]othing in this Act is intended to affect rights or interests in real property or supersede State law.").

Preparation of this EIS is a joint process between the BLM and USFWS (Malheur Refuge), with BLM serving as the designated lead Federal agency for preparation of the EIS. Several other federal, state, and local agencies have agreed to work with BLM as "cooperating agencies" during preparation of the EIS, including the USFWS (Ecological Services), U.S. Army Corps of Engineers (USACE), Oregon Department of Fish and

Wildlife (ODFW), Bonneville Power Administration (BPA), Burns Paiute Tribe, and Harney County Court, Oregon. Designated cooperating agencies have certain responsibilities to support the NEPA process, as defined in 40 CFR 1501.6. The Oregon State Historic Preservation Office (SHPO), though not a cooperating agency, was an active participant in the EIS process.

1.3 PURPOSE AND NEED FOR ACTION

1.3.1 Bureau of Land Management

The purpose of the BLM's action is to grant, grant with conditions, or deny the Echanis application for use of public land managed by the BLM Burns District Office to construct, operate, and maintain a new 230-kV transmission line. Pursuant to 43 C.F.R. § 2805.10, if BLM issues a grant, BLM may include terms, conditions, and stipulations that it determines to be in the public interest. This includes modifying the proposed use or changing the route or location of the facilities on public land. The need for the BLM action, to respond to the utility ROW application, arises from the FLPMA of 1976 that establishes a multiple use mandate for management of Federal lands, including energy generation and transmission facilities as outlined in 43 CFR 2800. Pursuant to 43 C.F.R. § 2801.2, it is BLM's objective to grant ROWs and to control their use on public lands in a manner that: a) Protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity; (b) Prevents unnecessary or undue degradation to public lands; (c) Promotes the use of ROWs in common considering engineering and technological compatibility, national security, and land use plans; and (d) Coordinates, to the fullest extent possible, all BLM actions under the regulations in this part with state and local governments, interested individuals, and appropriate quasi-public entities.

1.3.2 U.S. Fish and Wildlife Service

The USFWS will review the ROW application and either approve, approve with conditions, or deny the ROW application. The ROW application represents an economic use of a National Wildlife Refuge. The USFWS regulations state that an economic use of the natural resources of a refuge may only be authorized when a determination is made that the use, "…contributes to the achievement of the national wildlife refuge purposes or the National Wildlife Refuge System mission" (50 C.F. R. 29.1). The need for the USFWS action, to respond to the ROW grant application, is subject to several federal statutes and executive orders, including the National Wildlife Refuge System Administration Act (NWRSAA) of 1966, as amended (16 USC 668dd-668ee). The NWRSAA provides the USFWS with the authority for establishing policies and regulations governing refuge uses, including the authority to prohibit certain harmful activities.

1.4 AGENCY DECISIONS TO BE MADE

This EIS is an informational document for agency decision-makers and the public regarding the potential environmental effects of the North Steens 230-kV Transmission Line Project and ROW. The specific decisions that will be made by the BLM and USFWS, based upon the analysis in this EIS, are described below.

1.4.1 Bureau of Land Management

The BLM will decide whether or not to grant the ROW request from the Applicant, and if so, under what terms and conditions. In making the decision whether to grant, grant in part, or deny the ROW application submitted by the Applicant, the BLM will consider decision factors provided by law including, but not limited to, those outlined in 43 CFR 2804.26.

1.4.2 U.S. Fish and Wildlife Service

The USFWS will use the results of this EIS to decide whether or not to grant the ROW request from the Applicant to cross Federal lands within the MNWR, and if so, under what terms and conditions. The USFWS will reach that decision by evaluating the appropriateness and compatibility of the transmission line proposal with the policies and procedures in Part 603 National Wildlife Refuge System Uses, as well as Rights-of-Way-specific regulations and policies found in 50 CFR 25.21, 29.21, and 29.22; 340 FW 3; and 603 FW 2; and Specialized Uses policy found at 5 RM 17.

1.5 PROJECT LOCATION AND ACTION ALTERNATIVES

1.5.1 Project Location

The North Steens 230-kV Transmission Line Project would extend 28.87 miles from a new substation located on the Echanis Project site near Diamond, Oregon (Township 31 South, Range 34 East, Section 35) to a new interconnection station adjacent to HEC's existing 115-kV transmission line near Diamond Junction, Oregon (Township 29 South, Range 31 East, Section 34) (Figure 1.1-1). The transmission line would cross public and private, including Federal land within the MNWR between these two points.

1.5.2 Action Alternatives

In addition to the No Action Alternative (Alternative A), this EIS analyzes two action alternatives: Alternative B – West Route (Proposed Action) and Alternative C - North Route (Preferred Alternative) (Figure 1.1-1). Alternative B - West Route (Proposed Action) is the proposed alignment identified in the ROW application submitted by the Applicant to BLM and the USFWS. Two minor route variations at the western end of Alternative B were included in this EIS, as sub-alternatives of Alternative B. Alternative C - North Route was identified as an alternative route by BLM during the EIS scoping process after several commenters requested consideration of a northern route that would avoid crossing the MNWR. Alternative C - North Route would begin at the new substation at the Echanis Project site and continue north for 46 miles across public and private land to an interconnection station to be located adjacent to HEC's existing 115-kV transmission line near Crane, Oregon (Township 25 South, Range 33 East, Section 12). Additional design options for Alternatives B and C include constructing the transmission line along any one of the alternative alignments, but only including a single three-phase (i.e., three conductors) 115-kV circuit. Under this option, no authorization would be granted to install a future second circuit and the line would not be upgraded to a 230-kV capacity.

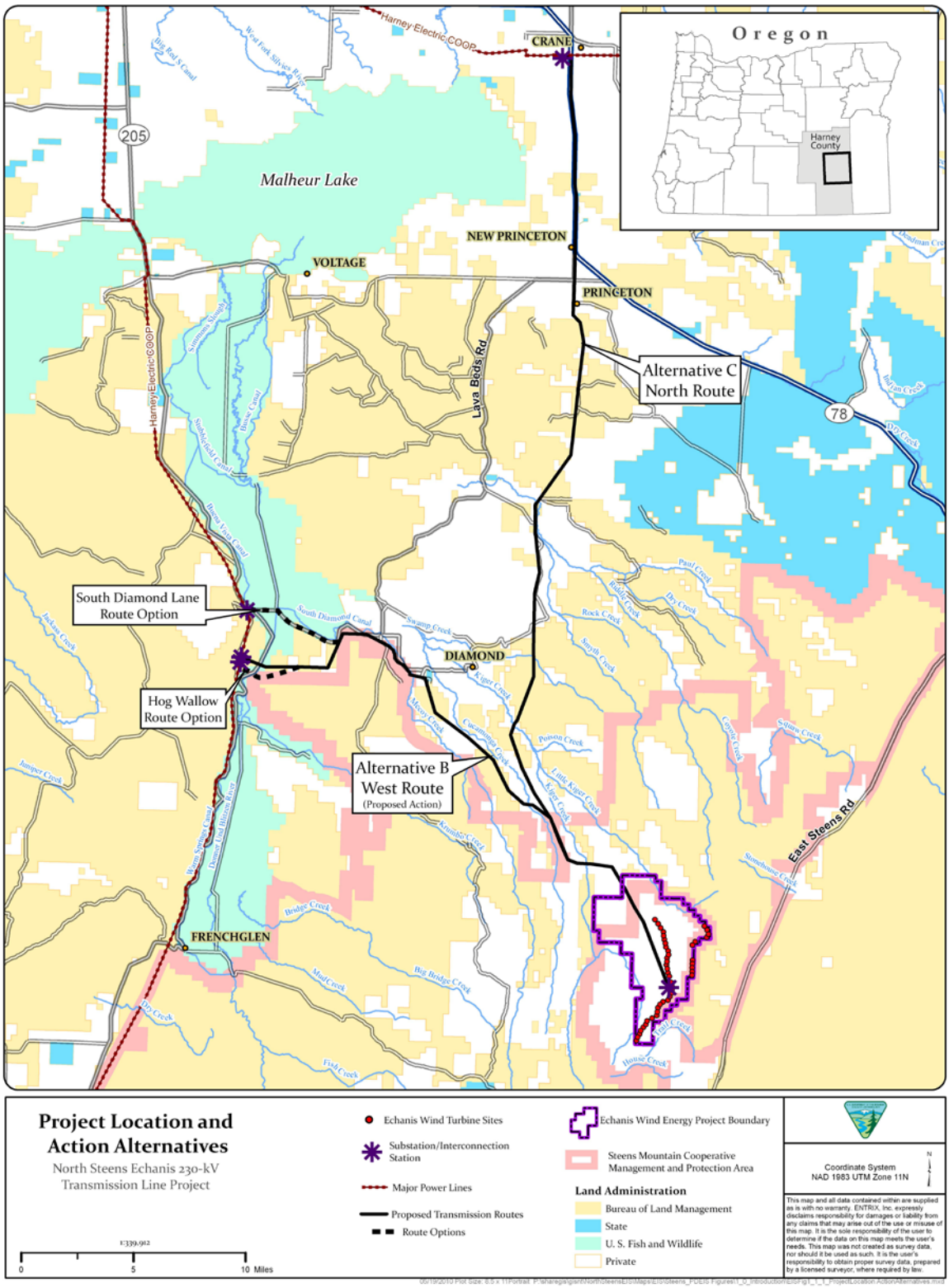

Figure 1.1-1 Project Location and Action Alternatives.

1.6 NEPA SCOPING AND DRAFT EIS PUBLIC PARTICIPATION

Public participation is essential for the environmental review process and informed decision-making. Scoping occurs early in the NEPA process and generally extends through the development of alternatives. The public, government entities (e.g., Tribes, Federal, State, and local), and other interested parties are invited to participate in the scoping process to identify resource management issues of concern, potential effects and possible mitigation measures, reasonable alternatives to the proposed action, cumulative (past, present, and reasonably foreseeable) actions within and adjacent to the project area, and site-specific baseline information for the environmental analysis. Public input is important in establishing the scope of issues for the environmental analysis. Scoping activities conducted by BLM during this EIS process are described below.

1.6.1 Scoping

1.6.1.1 Notice of Intent

The Notice of Intent (NOI) to prepare an EIS for the North Steens 230-kV Transmission Line Project was published in the Federal Register on July 27, 2009. The NOI included a detailed description of the proposed Project, the purpose of public scoping, the role of BLM and other cooperating agencies, a list of preliminary environmental issues, notification of planned public meetings, and procedures for submitting comments on the proposed Project and issues of concern. Publication of the NOI initiated a 30-day public scoping period that formally concluded on August 26, 2009. The scoping period was subsequently extended to September 18, 2009 to allow for additional comments and one additional public meeting.

1.6.1.2 Scoping Bulletin

BLM prepared a scoping bulletin to provide the public with an overview of the proposed Project and to explain the scoping and environmental review process. The bulletin included a preliminary list of key environmental issues and concerns as well as details about the environmental review process and schedule. The bulletin announced the time and location of the scheduled scoping meetings and provided instructions about how to submit comments to BLM.

1.6.1.3 Additional Scoping Notifications

BLM conducted the following additional notifications regarding opportunities for the public to participate in the scoping process:

- June 30, 2009 - BLM issued a press release announcing the first four public scoping meetings.
- July 8, 2009 - an article was published in the Burns Times Herald announcing the first four public meetings.
- July 22, 2009 - the Bend Bulletin published an article about the project that included an announcement about the public scoping meeting to be held in Bend.
- July 23, 2009 - a scoping letter was placed on the Burns District website.
- August 31, 2009 - BLM issued a press release announcing an additional public meeting to be held September 18, 2009.
- September 2, 2009 - an article was published in the Burns Times Herald announcing the additional public meeting.

1.6.1.4 Scoping Meetings

The BLM hosted five scoping meetings to explain the Project and receive input about environmental concerns. Meetings were held on the following dates and at the locations listed below:

- July 21, 2009 - Diamond and Frenchglen, Oregon.
- July 22, 2009 - Burns, Oregon.
- July 23, 2009 - Bend, Oregon.
- September 18, 2009 - Burns, Oregon.

During the open houses, the public and other agencies were given an opportunity to learn about the proposed action, discuss regulatory processes and Project details with the BLM, project consultants, and Applicant representatives, and provide formal written comments for the environmental analysis. During each meeting, Echanis representatives were present to provide an overview of the Project and respond to questions from the attendees. BLM and USFWS staff explained the purpose of the public scoping meetings and the roles of BLM and USFWS during the environmental review process. A total of 100 people attended the public scoping meetings, including several individuals who attended more than one meeting. Attendees recorded comments (anonymously) on flip charts or on comment forms provided by BLM. Comment forms were either handed in at the meeting or mailed to BLM after the meeting. Additional comment forms were made available on BLM's website.

Issues, concerns, and comments provided during the scoping meetings centered on the following:

- Requests that other transmission line routes with fewer overall environmental effects be considered in the EIS.
- The possible effects of the Project and the Echanis Project upon viewsheds and tourism.
- The effects of the transmission line on migratory birds and raptors (collisions and electrocution).
- The loss of wildlife habitat from access road construction.
- Increased predation on local wildlife (including greater sage-grouse) from raptors using poles as perches.
- The increased temporary demand upon public services, including schools and emergency services, from construction workers and their families.
- The cumulative effects of other wind energy projects proposed in the vicinity.
- The effects the transmission line (and the Echanis Project) would have upon local employment, demand for services, and tax revenue collections.
- The need to provide renewable energy and combat global climate change.

1.6.1.5 Scoping Comments

In addition to the opportunity to provide verbal comments at the scoping meetings, agencies and the public were invited to submit written comments about the scope of the EIS to BLM. Comments were received by mail and e-mail. At the close of the comment period, 101 letters or e-mails had been received from governmental agencies, environmental organizations, and interested citizens. A total of 626 separate comments were identified, coded, and entered into a Microsoft Excel spreadsheet to allow sorting by topic and identification of key environmental concerns.

Issues and concerns identified in the written scoping comments were similar to the comments received at the scoping meetings, but with greater emphasis on the following:

- The technical and procedural aspects of the NEPA EIS, including the scientific basis of the environmental analysis.
- Questions related to the justification for the proposed Project and the Echanis Project based upon the need for electricity produced by renewable sources.
- Specific comments about the consistency of the proposed Project with guidelines and requirements in the Steens Mountain Cooperative Management and Protection Act (Steens Act), the Federal Land Policy and Management Act (FLPMA), and National Wildlife Refuge System Administration Act (NWRSA).
- Potential effects to sensitive species of high conservation concern, including greater sage-grouse, golden eagles, ferruginous hawks, burrowing owls, sandhill cranes, pronghorn, bighorn sheep, pika, Preble's shrew, pygmy rabbit, and other small mammal species.
- Specific mitigation measures and monitoring programs to address the effects to wildlife and vegetation.
- Effects of the Project on the viewsheds, including Steens Mountain, Kiger Wild Horse viewing area, Diamond Loop Back Country Byway, Kiger Gorge, and other recreational areas.
- Construction activity effects, including construction and maintenance of access roads, operation of construction and maintenance vehicles, tower placement, conductor pulling and reel sites, and material storage sites.

As with the concerns raised during the scoping meetings, the concerns raised in the written scoping comments were equally balanced by a large number of comments that emphasized the benefits the proposed Echanis Project would have upon local employment, demand for services, Harney County tax collections providing renewable energy in the winter months, addressing the need for sustainable energy, and combating global climate change. See the October 2009 North Steens 230-kV Transmission Line Project Scoping Report for a complete listing and analysis of the public and agency comments received during the EIS scoping process.

1.6.2 Draft EIS Comment Period

On July 8, 2010, the BLM issued a press release announcing the opening of the public comment period for the Draft EIS. On July 16, 2010, the BLM and EPA published a Notice of Availability (NOA) in the *Federal Register*; this date marked the beginning of the formal 45-day public review comment period, scheduled to close August 24, 2010. In response to requests from governmental agencies, interest groups, and private citizens, the comment period was subsequently extended to September 17, 2010 to allow for submission of additional comments.

1.6.2.1 Draft EIS Meetings and Comments

During the public comment period for the Draft EIS, the BLM held public meetings in Burns, Oregon on August 23 and in Bend, Oregon on August 24 to inform the interested and affected public and to obtain comments about the Draft EIS. These meetings were structured in an open house format, with the BLM and USFWS specialists available to provide information and answer questions. The public could also request hard copies or CDs of the Draft EIS at the meetings, and submit written comments.

During the public comment period, BLM received 258 comment submissions at the public meetings; through the Project website; and by fax, e-mail, and regular mail from the public, cooperating agencies, other federal agencies, Indian tribes, organizations, and businesses. Each of these submissions was first assigned a unique identification number. They were then reviewed, substantive comments were identified, each of these

substantive comments was given a secondary identification number as well as a topical code, and then they were placed into a Microsoft Excel spreadsheet matrix (see Appendix G). The 258 submissions contained 891 individual comments. A summary of the substantive topics or issues receiving 10 or more comments included:

- Wildlife – 214
- Visual – 63
- Land Use - 54
- Social and economic values – 53
- Water – 37
- Energy – 23
- Alternatives – 20
- Cumulative effects – 20
- General EIS comments – 17
- Regulatory consistency – 16
- Wild horses and burros – 16
- Wetlands – 15
- Recreation – 14
- Vegetation, special status plants, and noxious weeds – 14
- The purpose and need statement – 13
- Cultural resources – 12
- Noise – 12
- Wilderness and scenic areas - 10

The individual comments were provided to the BLM, USFWS, and the third-party consultant technical experts to cooperatively prepare responses to the individual comments. These individual responses were added into the comment-response matrix so that each comment had an associated response. Where a number of comments raised similar issues, a single response was prepared and the remaining similar comments refer to that initial response. All of the responses to the comments for the Draft EIS are provided in the comment-response matrix in Appendix G.

Where appropriate, the agency and consultant technical experts then modified the text of the Draft EIS to prepare this Final EIS. As you see here and in the following sections, substantive additions to the text are indicated by underlining the new text, tables, and figures, and substantive text deletions are indicated using strikethrough. Non-substantive changes are not marked.

1.6.2.2 Draft EIS Late Comments

An additional seven comment letters were received after the comment period closed on September 17, 2010. BLM responded to the substantive comments in these letters by making revisions to the Final EIS. If no changes were required in the FEIS, BLM still responded to the substantive comments in writing.

Section 4 provides additional information about the public participation process and opportunities to provide comments.

1.7 CONFORMANCE WITH LAND USE PLANS, LAWS, REGULATIONS, AND POLICY

1.7.1 Conformance with Land Use Plans

This section describes the relationship of the Proposed Action and action alternatives to relevant BLM, USFWS, and Harney County land use plans, laws, regulations, and policies.

1.7.1.1 Bureau of Land Management

As described in Sections 1.2 and 1.3, the Project will conform to BLM ROW rules as authorized by the Federal Land Policy and Management Act (FLPMA) of 1976, as amended, and described in 43 CFR 2800. As authorized by the FLPMA, 43 CFR 2800 describes how BLM will issue ROW grants for electrical power generation, transmission and distribution systems, systems for the transmission and reception of electronic signals and other means of communication, highways, railroads, pipelines (other than oil and gas pipelines), and other facilities or systems that are in the public interest.

Current land use policies and decisions for the Project Area are contained in the Andrews Management Unit Resource Management Plan (RMP; August 2005) and the Three Rivers Resource Area RMP (September 1992). Both plans contain specific goals and objectives to provide authorizations, including ROWs, for public and private uses while maintaining and improving resource values and public land administration. The Notice of Intent in the Federal Register indicated a possible need for plan amendments. Any alternative selected, or a change in the proposal that indicated non-conformance with BLM land use plans, would require a plan amendment before that alternative was implemented.

These land use plans designate utility corridors and identify ROW avoidance and exclusion areas under the BLM land use planning guidelines (see BLM Land Use Planning Handbook H-1601-1). Avoidance areas, as defined by these land use plans and planning guidelines, do not preclude the issuance of ROWs and realty authorizations. ROWs and realty uses authorized within avoidance areas must be compatible with the special purposes for which the land was designated and not be otherwise feasible on lands outside of the avoidance area. ROWs and realty uses authorized in avoidance areas could contain special stipulations or mitigation measures. Exclusion areas, on the other hand, are areas where ROWs and realty uses would not be authorized under any circumstances. Under both plans, public lands located outside of avoidance and exclusion areas are open and available for consideration of ROWs and realty uses on a case by case basis in accordance with NEPA and other applicable laws and regulations.

Neither Alternative B (including the two route options) or Alternative C is currently designated an existing or proposed BLM utility corridor (including national energy corridors under Section 368 of the Energy Policy Act of 2005). A formal corridor designation would require amendment of BLMs land use plans. However, a designated utility corridor is not required by law, policy, or regulation to site a proposed transmission line. Because the lands affected by the Project would be generally open to ROW development and no additional utility demand would be anticipated in the foreseeable future, no corridor designation and plan amendment was proposed or required as a part of this EIS process. As described earlier, BLM would not be responsible for siting the portions of the transmission line within the Steens Mountain CMPA, because all of the transmission line within the CMPA would be located on private property.

The BLM seeks to meet objectives outlined in its RMPs and implement its multiple-use mission, balancing land and resource management objectives to achieve healthy and productive landscapes, including the development of energy and minerals within acceptable areas in an environmentally sound manner. The Energy Policy Act of 2005 and BLM Energy and Mineral Policy (August 26, 2008) recognize that public lands are an important source of the Nation's energy and mineral resources, including renewable energy resources. Executive Order 3285 – Renewable Energy Development by the Department of the Interior identified as a departmental priority the production, development, and delivery of renewal energy. Public lands are important for the siting of infrastructure facilities (i.e., roads, power lines, and pipelines) to support the development of energy and mineral resources. In general, BLM's resource management objective is to meet public land use needs in a multiple use framework while avoiding or minimizing undue and unnecessary degradation to the environment.

1.7.1.2 U.S. Fish and Wildlife Service

The USFWS regulations address opening refuges and allowing uses (50 C.F.R. 25.21); and ROWs crossing refuges, including application procedures; nature of interest granted; terms and conditions; disposal, transfer, or termination of interest; payments; and appeals (50 C.F.R. 29.21 and 29.22). The USFWS policy states that, "It is the policy of the Service to discourage the types of uses embodied in right-of-way requests" (340 FW 3.3). All new and reauthorized refuge uses, for periods longer than 10 years, must include terms and conditions that allow for future modifications to those terms and conditions to ensure compatibility (603 FW 2.11 H. (3)).

The USFWS specialized uses policy (5 RM 17) defines an economic use as, "Any activity involving the use of a refuge or its resources for a profit." This policy also defines an ROW as a, "Use that will encumber real property by granting a right to use that may alter the landscape due to construction of a facility." The USFWS regulations in 50 CFR 29.1 state that an economic use of the natural resources of a refuge may only be authorized when a determination is made that the use, "…contributes to the achievement of the national wildlife refuge purposes or the National Wildlife Refuge System mission."

The USFWS appropriate use policy applies to all proposed and existing uses in the National Wildlife Refuge System (Refuge System) only when the Refuge System has jurisdiction over the use. The appropriate use procedure (Chapter 1; 603 FW 1) describes the initial decision process the refuge manager follows when first considering whether or not to allow a proposed use on a refuge. The refuge manager will decide if a new or existing use is an appropriate refuge use. If an existing use is not appropriate, the refuge manager will eliminate or modify the use as expeditiously as practicable.

The National Wildlife Refuge System Improvement Act of 1997, which amended National Wildlife Refuge System Administration Act of 1966, requires that any activity on a refuge be determined to be compatible with the Refuge System mission and refuge purpose(s). The refuge manager must discern if a proposed use is appropriate before undertaking a compatibility review of the use and prepare a compatibility determination. If a proposed use is not appropriate, the refuge manager will deny the use without determining compatibility. The compatibility policy (Chapter 2; 603 FW 2) describes when a refuge manager should deny a proposed use without determining compatibility. By screening out proposed uses not appropriate to the refuge, the refuge manager avoids unnecessary compatibility reviews. Although a refuge use may be both appropriate and compatible, the refuge manager retains the authority to not allow the use or to modify the use.

1.7.1.3 Harney County

Comprehensive Plan

The Harney County Comprehensive Plan contains long range goals and policies to manage growth and change within the county. The plan, which was updated in November 2009, conforms to the statewide land use goals and guidelines formulated by the Land Conservation and Development Commission in the early 1970's, and has been acknowledged by the State to be consistent with the statewide land use goals. The plan reflects the community's vision for future development and resource conservation and is implemented through more specific regulations and mechanisms including the zoning code, the capital improvement plan and various tax incentives. Four specific land use designations identified in this plan are present within the Project Area and the surrounding region, including Agricultural Lands, Rural Communities, Rural Service Centers, and Rural Commercial Areas (Figure 1.1-2). Each land use category is described below.

AGRICULTURAL LANDS

Protecting agricultural lands is a major focus of the Harney County Comprehensive Plan. The plan includes specific goals to preserve and maintain agricultural lands, conserve and improve the existing commercial agricultural enterprise within the county, and encourage future agricultural enterprise. The county has established two designations for agricultural lands, to meet the needs of the county and maintain continuity with the present land use pattern, including Exclusive Farm and Range Use 1 (EFRU-1) and Exclusive Farm and Range Use 2 (EFRU-2).

Land designated EFRU-1 is located primarily in the north, west, and east portions of the county and generally lies at the base of steep slopes that form a natural dividing line between the two zones. South of the dividing line are Harney Lake and the MNWR. The northeast side of the EFRU-1 zone is defined by Highway 78. The minimum lot size within the EFRU-1 zone is 160 acres. Approximately 5,600,000 acres of the county (86 percent) falls within the EFRU-1 zone, and approximately 76 percent of the land within this zone is in public ownership. The majority of the county's large livestock operations (often second and third generation ownerships) are located within the EFRU-1 zone. Sprinkler irrigation is also a common use in this zone, however, most agricultural operations rely on natural flooding to sustain meadow hay and fall pasture.

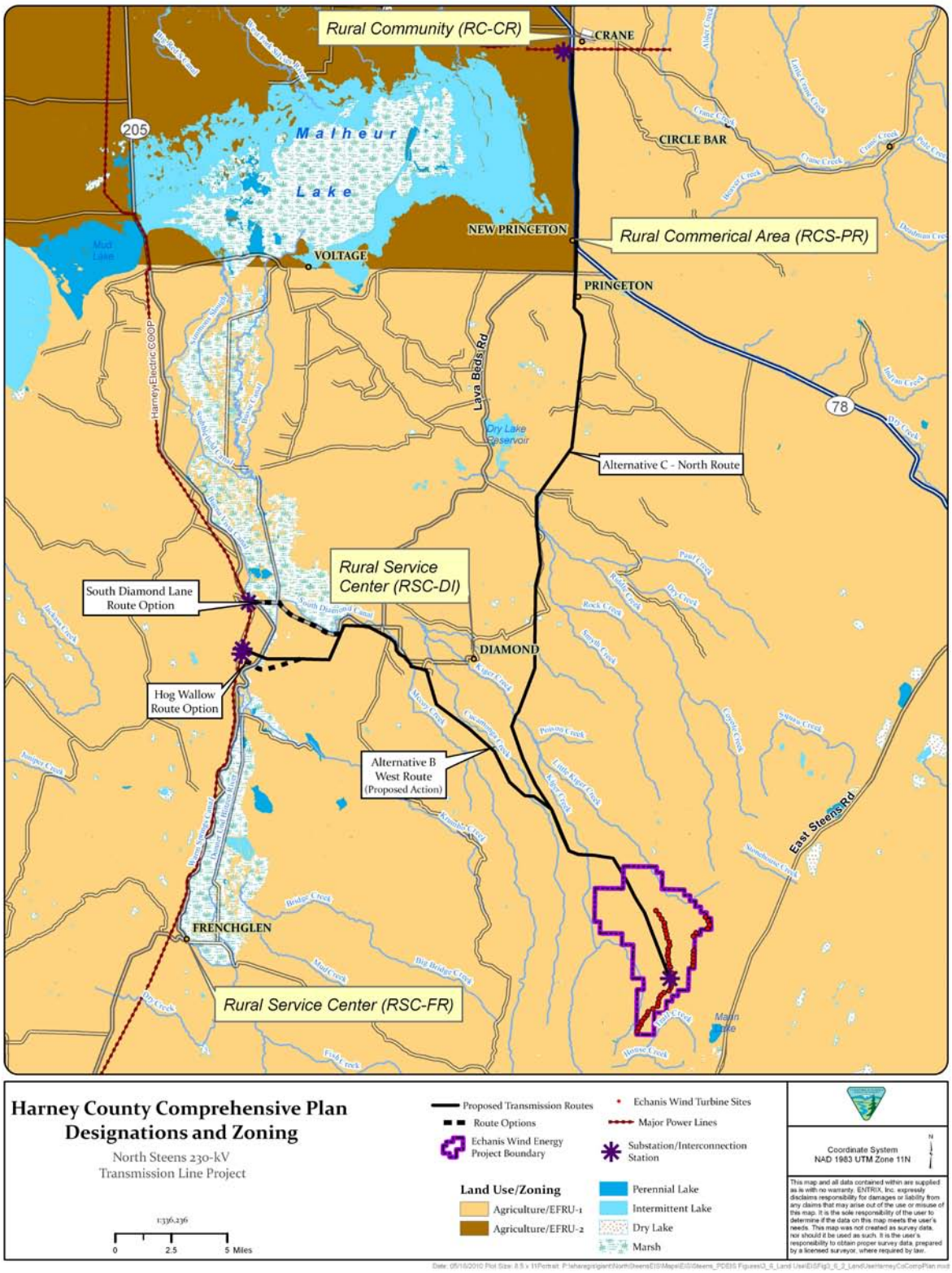

Figure 1.1-2 Harney County Comprehensive Plan Designations and Zoning.

The EFRU-2 zone includes most of the historical areas of non-rangeland farming in Harney County. The minimum lot size in this zone is 80 acres. Approximately 268,950 acres of land within the county (approximately 4.1 percent) is designated EFRU-2, and approximately 30 percent of land within this zone is publicly owned. Most lands within this zone that are in crop production require sprinkler irrigation. The EFRU-2 areas near Burns and Hines depend upon natural flooding for meadow hay and fall pasture.

RURAL COMMUNITIES, RURAL SERVICE CENTERS, AND RURAL COMMERCIAL AREAS

As described above, the vast majority of Harney County is rural agricultural and range land. However, the comprehensive plan designates several small communities outside of the Burns/Hines area to allow the development of residential, commercial, public, and light industrial activity, including the following:

- Princeton Rural Commercial Area.
- Crane Rural Community.
- Diamond Rural Service Center.
- Frenchglen Rural Service Center.

These communities are small settlements with limited residential and commercial development and no public facilities, such as water, sewer, and fire protection. Most of these communities are surrounded by agricultural lands.

ENERGY FACILITY SITING

The comprehensive plan also includes goals and polices that address the siting and development of major energy facilities (i.e., energy facilities that would generate electricity for public use by sale). These goals and polices are not intended to duplicate the siting work of other governmental agencies, such as the Oregon Energy Facility Siting Council, because they are only applied in cases where the U.S. Government or the Oregon Energy Facility Siting Council does not exercise jurisdiction. In those cases, the county assumes the role of lead local agency in siting the facility according to all applicable laws, ordinances, and regulations. In applying siting standards through its zoning and land development ordinances, the county endeavors to be as consistent as practical with the standards of government agencies. Such agencies are afforded full opportunity for review of and comment on the county's plan, ordinances, and pending actions and the county can adopt by reference the siting reports and findings of other government agencies during its siting deliberations.

ENERGY CONSERVATION

The Harney County Comprehensive Plan includes a section (Chapter 13) that addresses Energy Conservation. One of the stated goals in this section is to promote the development of alternative, renewable sources of energy, including wind power. The plan recognizes the abundance and widespread availability of renewable energy resources within the county, their major economic development value, and supports the protection and conservation of renewable energy resource sites to insure their continued availability and productivity. The energy conservation polices in the plan are intended to be consistent with the Harney County Renewable Energy Plan and the State's Regional Renewable Energy Act. The comprehensive plan lays out a strategy for identifying and protecting renewable and nonrenewable energy resources by supporting continued resource assessment and exploration activities. When conflicts emerge between the development of energy resources and existing land uses, the county is to determine the economic, social, environmental, and energy consequences of the energy development through a documented analysis of effects to both the resource and the conflicting use. The analysis is to consider other applicable goals (including statewide planning goals) and resolve the conflict by protecting the resource site, allowing the conflicting use fully, or limiting the conflicting use through appropriate policies and implementation measures.

Zoning Ordinance

The Harney County zoning ordinance is the primary implementation tool for the Harney County Comprehensive Plan. The intent of the ordinance is to encourage the most appropriate use and development of land within the county and to provide for an orderly plan of development. Consistent with the designations in the Comprehensive Plan, two agriculture zones and four rural community zones are located within the Project Area. The zoning ordinance also includes special provisions that apply to energy facilities (including commercial wind energy projects). Details about the requirements in the zoning ordinance that apply to these zones and uses are described below.

EXCLUSIVE FARM AND RANGE USE ZONES

The two agriculture zones in the Project Area are Exclusive Farm and Range Use – 1 (EFRU-1) and Exclusive Farm and Range Use – 2 (EFRU-2) (Figure 1.1-2). The intent and purpose of the EFRU-1 and EFRU-2 zones are to protect and promote agricultural lands as defined in the Harney County Comprehensive Plan, consistent with state-wide land use planning goals. This is accomplished by allowing only uses compatible with and supportive of agriculture and range uses within lands covered by these zoning designations. The purpose of the large minimum lot sizes established for each zone (160 acres in EFRU-1 and 80 acres in EFRU-2) is to permit operations appropriate for the continuation of the existing commercial agricultural operations in the area.

Certain utility facilities (including transmission lines and substations) are permitted outright within the EFRU-1 and EFRU-2 zones if those facilities are necessary for public service. Commercial utility facilities that generate electrical power for public use by sale, transmission towers over 200 feet tall, and roads, highways and other transportation facilities and improvements (including access roads) are permitted in these zones, subject to conditional use approval. Conditional use approval requires a public hearing and the County Planning Commission must determine whether the proposed use satisfies all applicable criteria and provisions of law prior to granting approval. The County can also tentatively approve such facilities based upon the applicant's ability to demonstrate with findings that deferred conditions are achievable and would not result in the conditional use application ultimately being denied.

RURAL COMMUNITY ZONES

The four rural community zones in the Project Area include Rural Community - Crane (RC-CR), Rural Commercial Area – Princeton (RCA-PR), Rural Service Center – Diamond (RSC-DI), and Rural Service Center –Frenchglen (RSC-FR) (Figure 1.1-2). These zoning designations are intended to protect and promote continued residential, commercial, public, and light industrial activity in these four small communities. As described above, these communities are small settlements with limited residential and commercial development and no public facilities, such as water, sewer, and fire protection. Most of these communities are surrounded by agricultural lands.

Energy Facilities

The zoning code includes special provisions that allow the Planning Commission to impose additional conditions upon proposed energy facilities (i.e., any operation generating electricity for public use by sale) to protect the best interests of the surrounding area or the county as a whole. These conditions can include requirements for the performance characteristics of renewable energy resource production and the design and operation of energy facilities, including (but not limited to) the hours of operation, noise, glare, air and water emissions, waste handling, fire protection, water impoundments, aesthetics, and related environmental effects.

The zoning code includes additional standards that can be applied to energy facilities approved under the conditional use provisions. Relevant standards that would apply to a wind energy project and would not be subject to the jurisdiction of the Oregon Energy Facility Siting Council include the following:

- Facilities shall be designated and operated so as to be as compatible as practical with surrounding scenic characteristics. Insofar as practical, vegetation shall be restored on the portions of the site disturbed by construction. Upon completion of construction, all temporary structures not required for future use, and all other construction debris, shall be removed.
- Facilities shall be designed and operated so as to protect surrounding fish and wildlife resources as much as practical. Facilities shall not jeopardize, in a material way, habitat areas which are necessary to sustain local or migratory populations of such resources.
- Facilities shall be designed and operated so as to minimize disturbance to historic and archeological resources. The Applicant shall promptly inform the County of any such resources encountered during construction or operations, and also inform the County of arrangements for preservation and interpretation of such resources.
- Facilities shall be designated and operated so as to provide reasonable fire protection measures.
- The site shall not be used for any purpose other than the production of renewable resources and/or electrical power, and those uses specified in the conditional use permit.
- Facilities shall be designed and operated in such a manner as to minimize the discharge of air and water pollution.
- Facilities shall be designed and operated so as to be capable of withstanding, without failure, reasonably expected loads.
- Facilities shall be designed so as to minimize adverse socioeconomic impacts to the County including, but not limited to, increased demands for governmental services or capital expenditures.
- All waste not beneficially used otherwise shall be disposed of in compliance with all applicable laws and regulations.
- Facilities shall be designed and operated so as to minimize erosion and disturbance to natural drainages.

The following additional standards specifically apply to energy facilities utilizing wind resources:

- Facilities shall be designed and operated in compliance with Octave Band limitations established by the Oregon Department of Environmental Quality.
- Facilities shall be equipped with both manual and automatic controls to limit the rotational speed of the blade below the design limits of the rotor.
- Anchor points for guy wires shall be located within the property lines of the facility and not across any electric transmission lines.
- Facilities shall be designed and operated so as not to cause harmful interference with the existing microwave communications link, or other airwaves broadcasts.
- The lowest reach of the rotor shall be 75 feet from the ground, unless it can be demonstrated by the applicant that a lower height would not subject the rotor to excessive turbulence. In no case shall the rotor be less than 15 feet from the ground.
- Towers shall be set back five rotor diameters from the downwind property lines in the direction of the dominant winds across the property, and two diameters from all other property lines, unless it can be demonstrated that a lesser setback can protect the wind access for the downwind properties.

North Steens 230-kV Transmission Line Project

The proposed North Steens 230-kV Transmission Line Project would be located entirely on land zoned EFRU-1 or EFRU-2 and would be considered a permitted use under the Harney County zoning ordinance, because the proposed towers would be less than 200 feet in height. Permitted uses do not constitute a land use decision pursuant to ORS 197.015(10). All new and improved access roads would be located on land zoned EFRU-1 and would be evaluated through site plan review for compliance with Harney County road standards and the Harney County Comprehensive Plan. Ultimately, the Applicant must comply with all applicable Harney County design requirements, land use requirements, and zoning regulations by submitting a completed development plan to the Harney County Planning Department. Harney County would be responsible for siting the portions of the transmission line within the Steens Mountain CMPA because all of the transmission line within the CMPA would be located on private property.

Echanis Wind Energy Project

On April 18, 2007, Harney County approved a conditional use permit application submitted by Columbia Energy Partners, LLC to construct and operate a wind farm on the Project site. The application (File No.07-14) was approved subject to 53 conditions of approval addressing a range of issues, including erosion and sediment control, wildlife protection, aesthetics, noise restrictions, lighting requirements, cultural resource protection, fire protection, and safety. On June 18, 2008, Harney County approved a request from Columbia Energy Partners, LLC for a Site Plan Alteration and Condition of Approval Adjustment to modify the original conditional use permit. The approved modification allows:

- Change in location of the main access road to the site from a steep road that would have approached the site from the east, to the current location that accesses the site from the west;
- Relocation of the substation and the alignment of the double-circuit 230-kV transmission line on the site to its current location;
- Relocation of the operation and maintenance building; and
- Relocation of seven wind turbines from the East Rim of Steens Mountain to a location closer to the new substation site.

The Applicant is required to construct, operate, and maintain the Echanis Project consistent with the terms and conditions of approval for the conditional use permit issued on April 18, 2007 by the Harney County Planning Commission in Order No. 20070853, and as amended and approved on June 18, 2008. As currently proposed, the only noted inconsistency of the Project with the conditions in the Harney County conditional use permit is the total height of the turbine tower. Condition No. 25 states that the total height of the tower, including the turbine blade tip at the 12:00 position, must not exceed 397 feet. The current design exceeds that height limit by 18 feet. This design change would require administrative approval by the Harney County Planning Director.

1.7.2 Conformance with Federal Laws, Regulations, and Policies

This section describes key federal laws, regulations, and polices that are relevant to the Proposed Action and action alternatives.

1.7.2.1 Federal Land Policy and Management Act (FLPMA), 43 U.S.C. §§ 1701-1785

The Federal Land Policy and Management Act (FLPMA) requires that the BLM manage the public lands based upon the principle of "multiple use and sustained yield," protecting environmental, ecological,

recreational, and other values while also recognizing "the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands[.]" 43 U.S.C. § 1701(a). "Multiple use" means:

> "…the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output."

43 U.S.C. § 1702(c). Section 202 of the FLPMA requires BLM to "develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands." 43 U.S.C. § 1712(a). These land use plans, which BLM calls resource management plans (RMPs), are "designed to guide and control future management actions and the development of subsequent, more detailed and limited scope plans for resources and uses." 43 C.F.R. § 1601.0-2. RMPs establish desired resource conditions, allowable resource uses and levels, program constraints, general management practices, monitoring requirements, and special designations. 43 C.F.R. §§ 1601.0-5(n), 1610.4.

1.7.2.2 National Wildlife Refuge System Improvement Act of 1997

The National Wildlife Refuge System Improvement Act of 1997 (Public Law 105-57) amends the National Wildlife Refuge System Administration Act of 1966 in a manner that provides comprehensive legislation spelling out how the Refuge System ought to be managed and used by the public. The Act was passed to ensure that the Refuge System is managed as a national system of related lands, waters, and interests for the protection and conservation of our Nation's wildlife resources. The National Wildlife Refuge System is the only system of Federal lands devoted specifically to wildlife and includes a network of diverse and strategically located habitats across the United States. The Refuge System includes more than 545 national wildlife refuges and thousands of waterfowl production areas across the country used by millions of migratory birds, hundreds of endangered species, and hosts of other plants and animals.

The Act's main components include:

- A strong and singular wildlife conservation Mission for the Refuge System;
- A requirement that the Secretary of the Interior maintain the biological integrity, diversity, and environmental health of the Refuge System;
- A process for determining compatible uses on refuges;
- A recognition that wildlife-dependent recreational uses involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation, when determined to be compatible, are legitimate and appropriate public uses of the Refuge System;
- A recognition that these compatible wildlife-dependent recreational uses are the priority general public uses of the Refuge System; and
- A requirement for preparing a comprehensive conservation plan for each refuge.

The USFWS will carefully consider the policies and requirements of this Act when conducting the "appropriate use" and "compatibility" determinations of the Applicant's request for the proposed transmission line to cross portions of the MNWR.

1.7.2.3 National Environmental Policy Act

This EIS has been prepared under the National Environmental Policy Act (NEPA) of 1969 as amended (42 USC 4321 et seq.), Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 CFR 1500-1508), and other pertinent federal laws, regulations, and policies, including BLM's NEPA Handbook H-1790-1 (January 2008). The BLM and USFWS are evaluating the Applicant's ROW applications in accordance with agency regulations under 43 CFR 2800 and 50 CFR Sec. 29, respectively. The BLM and USFWS will comply with the Federal Land Policy and Management Act (FLPMA) of 1976 (43 USC 1701 et seq.) and the National Wildlife Refuge System Administration Act (NWRSAA) of 1966, as amended (16 USC 668dd-668ee), respectively. NEPA analysis provides for fully informed and well considered decisions.

1.7.2.4 Steens Mountain Cooperative Management and Protection Act of 2000

On October 30, 2000, Congress enacted the Steens Mountain Cooperative Management and Protection Act of 2000 (Steens Act), Pub. L. No. 106-399, 114 Stat. 1655, 16 U.S.C. § 460nnn to 460nnn-122. The Cooperative Management and Protection Area (CMPA) encompasses 428,156 acres of public land in Harney County, Oregon, including a no-livestock area of 97,229 acres of public land within the 170,084-acre Steens Mountain Wilderness Area. Section 1(b) of the Steens Act details the thirteen purposes of the Act as follows:

(b) PURPOSES - The purposes of this Act are the following:

(1) To maintain the cultural, economic, ecological, and social health of the Steens Mountain area in Harney County, Oregon.

(2) To designate the Steens Mountain Wilderness Area.

(3) To designate the Steens Mountain Cooperative Management and Protection Area.

(4) To provide for the acquisition of private lands through exchange for inclusion in the Wilderness Area and the Cooperative Management and Protection Area.

(5) To provide for and expand cooperative management activities between public and private landowners in the vicinity of the Wilderness Area and surrounding lands.

(6) To authorize the purchase of land and development and non-development rights.

(7) To designate additional components of the National Wild and Scenic Rivers System.

(8) To establish a reserve for redband trout and a wildlands juniper management area.

(9) To establish a citizens' management advisory council for the Cooperative Management and Protection Area.

(10) To maintain and enhance cooperative and innovative management practices between the public and private land managers in the Cooperative Management and Protection Area.

(11) To promote viable and sustainable grazing and recreation operations on private and public lands.

(12) To conserve, protect, and manage for healthy watersheds and the long-term ecological integrity of Steens Mountain.

(13) To authorize only such uses on Federal lands in the Cooperative Management and Protection Area that are consistent with the purposes of this Act.

Section 101 of the Steens Act, 16 U.S.C. § 460nnn-11, provides for establishment of the Cooperative Management and Protection Area (CMPA). Congress explained the CMPA purpose and objectives as follows in Section 102, 16 U.S.C. § 460nnn-12:

(a) PURPOSE - The purpose of the Cooperative Management and Protection Area is to conserve, protect, and manage the long-term ecological integrity of Steens Mountain for future and present generations.

(b) OBJECTIVES - To further the purpose specified in subsection (a), and consistent with such purpose, the Secretary shall manage the Cooperative Management and Protection Area for the benefit of present and future generations -

(1) To maintain and enhance cooperative and innovative management projects, programs and agreements between tribal, public, and private interests in the Cooperative Management and Protection Area;

(2) To promote grazing, recreation, historic, and other uses that are sustainable;

(3) To conserve, protect and to ensure traditional access to cultural, gathering, religious, and archaeological sites by the Burns Paiute Tribe on Federal lands and to promote cooperation with private landowners;

(4) To ensure the conservation, protection, and improved management of the ecological, social, and economic environment of the Cooperative Management and Protection Area, including geological, biological, wildlife, riparian, and scenic resources; and

(5) To promote and foster cooperation, communication, and understanding and to reduce conflict between Steens Mountain users and interests.

Section 122 of the Steens Act includes the following provisions intended to control development and encourage conservation on public and private lands within the CMPA:

(a) POLICY- Development on public and private lands within the boundaries of the Cooperative Management and Protection Area which is different from the current character and uses of the lands is inconsistent with the purposes of this Act.

(b) USE OF NON-DEVELOPMENT AND CONSERVATION EASEMENTS - The Secretary (of Interior, acting through the BLM) may enter into a non-development easement or conservation easement with willing landowners to further the purposes of this Act.

(c) CONSERVATION INCENTIVE PAYMENTS - The Secretary may provide technical assistance, cost-share payments, incentive payments, and education to a private landowner in the Cooperative Management and Protection Area who enters into a contract with the Secretary to protect or enhance ecological resources on the private land covered by the contract if those protections or enhancements benefit public lands.

(d) RELATION TO PROPERTY RIGHTS AND STATE AND LOCAL LAW - Nothing in this Act is intended to affect rights or interests in real property or supersede State law.

1.7.2.5 Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918 implemented the 1916 convention between the United States and Great Britain for the protection of birds migrating between the U.S. and Canada. Similar conventions between the United States and Mexico (1936), Japan (1972), and the Union of Soviet Socialists Republics (1976) further expanded the scope of international protection of migratory birds. Each new treaty has been incorporated into the MBTA as an amendment and the provisions of the new treaty are implemented domestically. These four treaties and their enabling legislation (the MBTA) established Federal responsibilities for the protection of nearly all species of birds, their eggs, and nests.

The MBTA made it illegal for people to "take" migratory birds, their eggs, feathers, or nests. Take is defined in the MBTA to include by any means or in any manner, any attempt at hunting, pursuing, wounding, killing, possessing, or transporting any migratory bird, nest, egg, or part thereof. A migratory bird is any species or family of birds that live, reproduce, or migrate within or across international borders at some point during their annual life cycle. In total, 836 bird species are protected by the MBTA, 58 of which are currently legally hunted as game birds.

The MBTA is enforced by the USFWS. The Service's migratory bird conservation activities are focused on four primary areas: population assessment; international, national, and flyway coordination; habitat management; and regulating take. Activities associated with the construction and operation of the proposed transmission line Project will be subject to the provisions of the MBTA.

1.7.2.6 Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act affords additional protection to all bald and golden eagles. This law, originally passed in 1940, provides for the protection of the bald eagle and the golden eagle (as amended in 1962) by prohibiting the take, possession, sale, purchase, barter, offer to sell, purchase or barter, transport, export or import, of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit (16 U.S.C. 668(a); 50 CFR 22). This includes inactive nests as well as active nests. "Take" includes pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb (16 U.S.C. 668c; 50 CFR 22.3). "Take" includes disturbance of bald eagles to the degree that it substantially interferes with breeding, feeding, or sheltering behavior or results in injury.

Activities that directly or indirectly lead to take are prohibited without a permit. There are a number of different types of permits available for authorizing take, possession, and transport of bald and golden eagles. A permit can be issued for taking eagles when the take is associated with, but not the purpose of, an activity and cannot practicably be avoided. Authorization for such "non-purposeful take" is subject to conditions to minimize impacts. Activities associated with the construction and operation of the proposed transmission line Project will be subject to the provisions of the Bald and Golden Eagle Protection Act.

1.7.2.7 Congressional and Executive Policies Regarding Renewable Energy

A number of congressional and executive policies encourage or discuss the development and transmission of renewable energy and apply directly to the Proposed Action, including:

- The Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 594, 650 (2005) (codified at 42 USC 15851 (which encourages development of renewable energy resources, including wind energy). Sec. 211 of the Act states: "It is the sense of the Congress that the Secretary of the Interior should, [within 10 years], seek to have approved non-hydropower renewable energy projects located on the public lands with a generation capacity of at least 10,000 megawatts of electricity."

- Executive Order No. 13212 (which provides that executive departments and agencies "shall take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production, transmission, or conservation of energy").
- Final Programmatic Environment Impact Statement and Wind Energy Development on BLM Administered Lands in the Western United States.
- Wind Energy Development Policy issued by BLM on December 19, 2008.

1.7.3 Others Laws, Regulations, and Policies

Reference and compliance with other laws, regulations, and policies are described in the Methodology Section for each affected resource in Section 3.

1.8 FEDERAL, STATE AND LOCAL PERMITS, LICENSES, AND APPROVALS

A number of federal, state, and local regulatory agencies have permit or approval authority or consultation requirements for portions of the North Steens 230-kV Transmission Line Project (including the interconnection station, access roads, and laydown areas). Table 1.1-1 identifies the issuing agency; the type of permit, approval, or consultation; and a description of the regulated activity.

Table 1.1-1 Permits, Approvals, and Consultation Requirements

Agency/Tribe	Permit/Approval/Consultation	Regulated Activity
Federal/Tribal		
Advisory Council on Historic Preservation (ACHP)	Consultation with ACHP required under Section 106 of the National Historic Preservation Act (NHPA) if adverse effects on historic properties are anticipated.	Activities that could affect properties listed in, or eligible for listing under the National Register of Historic Places (NRHP), including prehistoric or historic sites, districts, buildings, structures, objects, or properties of traditional religious or cultural importance.
Bonneville Power Administration (BPA)	If BLM and USFWS approve the Echanis request for a ROW grant, BPA will prepare a Large Generator Interconnection Agreement (LGIA) between BPA and the project Applicant. The LGIA is the formal agreement between BPA and the applicant requesting connection to the BPA grid.	BPA operates according to its Open Access Transmission Tariff (Tariff), which provides for open access to its transmission system. The Tariff defines the terms and conditions of point-to-point and network integration transmission services offered by BPA Transmission Services.
Bureau of Land Management (BLM)	ROW Grant issued under authority of the FLPMA of 1976 (43 USC 1701 et seq.).	Approval of requests for ROW across federal lands for electric energy transmission systems, including access roads.
Burns Paiute Tribe, Confederated Tribes of Warm Springs, Klamath Tribes	Section 106 of the NHPA requires consultation with any Indian tribe that attaches religious and cultural importance to historic properties that may be affected by a Federal "undertaking," regardless of the location of the historic property [Section 101(d)(6)(B)].	Granting ROW through BLM administered lands is considered an "undertaking" subject to the NHPA. The USFWS permitting ROW pursuant to 50 CFR Part 29 and the issuance of a Section 404 permit under the Clean Water Act by the USACE are also considered undertakings.
U.S. Army Corps of Engineers (USACE)	Permit issued under Section 404 of the Federal Clean Water Act (CWA).	The USACE regulates activities that involve discharge of dredged or fill material into waters of the U.S.
U.S. Fish and Wildlife Service (USFWS) - Malheur National Wildlife Refuge (MNWR)	Approve, approve with conditions, or deny Right of Way Grant application under authority of the FLPMA of 1976 (43 USC 1701 et seq.) and the National Wildlife Refuge System Administration Act (NWRSIA) of 1966, as amended (16 USC 668dd-668ee).	Approval of requests for ROW across federal lands for electric energy transmission systems, including access roads.

Table 1.1-1 Permits, Approvals, and Consultation Requirements

Agency/Tribe	Permit/Approval/Consultation	Regulated Activity
U.S. Fish and Wildlife Service (USFWS) – Pacific Region Bend Field Office	Informal consultation to determine potential for incidental take of ESA listed species; effects on birds protected by the Migratory Bird Treaty Act; effects on nongame fish and wildlife species and their habitats pursuant to the Fish and Wildlife Conservation Act of 1980 and the Fish and Wildlife Coordination Act of 1934. A Programmatic or Individual Incidental Take Permit for bald or golden eagles pursuant to the Bald and Golden Eagle Protection Act.	Potential take of ESA listed terrestrial species and non-anadromous aquatic species; harm to birds protected by the Migratory Bird Treaty Act; incidental taking of bald or golden eagles protected by the Bald and Golden Eagle Protection Act, effects on nongame fish and wildlife species and their habitats.
Federal Aviation Administration (FAA)	Notice of Proposed Construction or Alteration Notice is required by 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C., Section 44718.	Any construction or alteration of more than 200 feet in height above the ground level at its site.
State of Oregon		
Oregon Department of Fish and Wildlife (ODFW)	Informal consultation to determine potential effect on fish and wildlife from federal projects affecting water resources pursuant to the Fish and Wildlife Coordination Act of 1934.	Potential effect on fish and wildlife from federal projects affecting water resources.
Oregon Department of State Lands (DSL)	Permit issued pursuant to Oregon's Removal-Fill Law, Oregon Revised Statutes (ORS) 196.795-990) and Oregon Administrative Rules (OAR) 340-045-0015 and 0033(5).	Activities that involve removal or placement of fill material in waters of the state (i.e. natural waterways, intermittent streams, constantly flowing streams, lakes, and wetlands).
Oregon Department of Environmental Quality (DEQ)	National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge General Permit #1200-C issued pursuant to ORS 468B.050 and Section 402 of the Federal Clean Water Act.	Construction activities including clearing, grading, excavation, and stockpiling that will disturb one or more acres and may discharge to surface waters or conveyance systems leading to surface waters of the state.
Oregon Department of Environmental Quality (DEQ)	401 Water Quality Certification (WQC) issued under delegated authority from the U.S. Environmental Protection Agency pursuant to Section 401 of the Federal Clean Water Act.	DEQ's WQC process is triggered when USACE makes a determination that a federal permit will be required to conduct an activity that may result in a discharge to waters of the U.S. Federal permits cannot be issued without a 401 WQC from DEQ.
Oregon State Historic Preservation Officer (SHPO)	Consultation with SHPO required pursuant to the August 1998 protocol for managing cultural resources on lands administered by BLM in Oregon.	Protocol triggered when BLM accepts lead responsibility for Section 106 compliance.
Utility Safety and Reliability Section of the Oregon Public Utility Commission	Consultation required in advance of and during preparation of detailed drawings and specifications for 230-kV transmission lines.	Required to ensure that designs and specifications are consistent with applicable codes and standards.
Harney County		
Harney County Planning Department	Land Use Permit issued pursuant to the Harney County Zoning Ordinance and ORS Chapter 215 - County Planning; Zoning; Housing Codes.	Required to obtain county approval for utility facilities, including transmission towers up to 200 feet in height; transmission towers over 200 feet in height require conditional use approval.
Harney County Planning Department	Building Permit issued pursuant to ORS 455.020(2) and the Uniform Building Code, 1994, Section 106.	Required to erect, construct, enlarge, alter, repair, move, improve or converted a building or structure in Harney County.

1.9 ORGANIZATION OF THE EIS

In addition to the Executive Summary section and Section 1 Introduction, the EIS is organized into four major sections. Section 2 Proposed Action and Alternatives describes the two action alternatives, and the No Action Alternative analyzed in this EIS. Section 2 also includes a description of several transmission line routes that were considered initially as possible EIS alternatives, but were subsequently rejected because they were not consistent with applicable land use management plans, were technically or economically infeasible, or did not meet the purpose and need for the Project.

Section 3 Affected Environment, Environmental Consequences, and Mitigation presents a detailed description of the environmental effects expected to occur from implementation of Alternative B – West Route (including the two route options), Alternative C – North Route and Alternative A – No Action. The environmental effects associated with each alternative are described for twenty different environmental topics, including cumulative effects. Mitigation measures or actions that would reduce or avoid anticipated adverse environmental effects are described for each alternative and environmental topic.

Section 4 Consultation and Coordination includes a summary of public involvement activities conducted during preparation of this EIS, including the public scoping process and public comment period. Section 4 includes a description of consultation and coordination that occurred between BLM and other federal, state, and local agencies, and affected tribes, during preparation of this EIS.