



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Washington, D.C. 20240  
<http://www.blm.gov>

## DECISION MEMORANDUM FOR THE SECRETARY

FROM:  Robert Abbey  
Director, Bureau of Land Management

SUBJECT: Record of Decision – North Steens 230kV Transmission Line Project

### INTRODUCTION

The applicant, Echanis, LLC, a subsidiary of Columbia Energy Partners (CEP), applied for a rights-of-way (ROW) to construct and operate a transmission line across public land with the intention of conveying wind-driven power from a proposed project on private lands located adjacent to the Steens Mountain Cooperative Management and Protection Area (CMPA) in Harney County, Oregon. The proposed wind energy project on private lands, the Echanis Wind Energy Project, would not be developed without a transmission line ROW from the Bureau of Land Management (BLM) across public lands. The BLM Selected Alternative would result in the right to construct and operate a 230 kilovolt (kV) transmission line across approximately 12.1 miles of public land administered by BLM. The applicant's proposed route would have crossed the Malheur National Wildlife Refuge (NWR). The Selected Alternative would avoid a crossing of the NWR. The proposed wind energy project on private lands would generate up to 104 megawatts (MW) of electricity.

The Selected Alternative was evaluated in the Final Environmental Impact Statement (EIS). The Notice of Availability of the Final EIS for the North Steens 230kV Transmission Line Project was published in the *Federal Register* on October 21, 2011 (76 FR 65509 and 65531).

The ROW grant decision authorizes the construction, operation, maintenance, and termination of the Transmission Project on approximately 246.24 acres of BLM-administered lands in Harney County, Oregon, which represents the maximum amount of area that will be authorized for the Project. This total acreage includes:

- 1) A transmission line ROW - 150 feet wide by 63,888 feet long (12.1 miles) encumbering 220.55 acres of public land;
- 2) ROW for new transmission line access roads - 16 feet wide by 24,024 feet long (4.55 miles) encumbering 8.82 acres of public land;
- 3) ROW for improvement of existing roads (main Echanis road) - 40 feet wide by 7,819 feet long (1.48 miles) encumbering 7.18 acres of public land
- 4) ROW for overland transmission line access roads - 8 feet wide by 38,913.6 feet long (7.37 miles) encumbering 6.94 acres of public land; and

- 5) Additional temporary ROW for eleven conductor pulling/tensioning sites - 100 feet by 100 feet or 0.25 acre each encumbering a total of 2.75 acres of public land.

## **BACKGROUND**

In 2009, Echanis LLC filed an application with the BLM for ROW for construction, operation, and maintenance of a double-circuit 230kV overhead electric transmission line and associated facilities on public lands. The proposed transmission line, known as the North Steens 230kV Transmission Line Project, would transport electrical power generated at the proposed Echanis Wind Project to Harney Electric Cooperative. In December 2009, Echanis LLC filed a separate application with the United States Fish and Wildlife Service (FWS) to obtain rights for the proposed transmission line to cross portions of the Malheur NWR.

The Echanis Project would be a separate but related 104-MW wind energy facility that would be constructed on a 10,500-acre, privately-owned tract near Diamond, Oregon. The ROW Applicant, CEP, LLC of Vancouver, Washington, received a Conditional Use Permit (CUP) from the Harney County Planning Commission for the development of the Echanis Project in April 2007. The permit would allow for a maximum generating capacity of 104 MWs from 40 to 69 wind turbine generators. The CEP has secured a 20-year power sales agreement with Southern California Edison for energy generation at the wind facility.

Another separate but related application for two wind projects on private lands adjacent to the proposed Echanis Project was submitted to Harney County in 2008 (East Ridge and West Ridge Projects). In 2009, the applicant formally withdrew the application. In mid-November 2011, CEP announced its cancellation of the East and West Ridge projects on private property citing business, regulatory, and environmental concerns.

The BLM and FWS prepared an EIS as part of the ROW grant application review process. The EIS included the Echanis Project on private lands as a connected action and analyzed impacts associated with it as indirect effects. The EIS did not consider the other two potential wind projects as connected actions, but the projects were still analyzed as reasonably foreseeable future actions in the cumulative effects analysis because, while reasonably foreseeable, no formal proposals were pending before Harney County or the Oregon Energy Facility Siting Council.

## **POSITION OF INTERESTED PARTIES**

The BLM received approximately 900 public comments from over 250 commenters on the North Steens 230kV Transmission Line Draft EIS. The public and other agency comments covered an array of National Environmental Policy Act (NEPA) issues such as connected actions, range of alternatives, effects analysis, and mitigation measures for multiple resources. Comments also questioned the application of the Steens Act.

- The Oregon Natural Desert Association, Defenders of Wildlife, Oregon Chapter of the Sierra Club, Western Watersheds Project, Audubon Society of Portland, WildEarth Guardians, Center for Biological Diversity, Western Environmental Law Center, The Nature Conservancy, and local environmental groups expressed opposition to the project outlining

deficiencies in NEPA analysis and concerns that the connected action and reasonably foreseeable future actions could result in adverse effects to the CMPA and Malheur NWR.

- Harney County and some adjacent landowners expressed support for the project and connected action on private lands as a potential opportunity to boost economic development in a very economically-depressed region.
- The Burns Paiute Tribe, a cooperating agency, and the Oregon State Historic Preservation Office entered into a programmatic agreement with the BLM Burns District and Malheur NWR to facilitate and ensure that, if granted, compliance with Section 106 of the National Historic Preservation Act would occur. The Environmental Protection Agency, FWS, and Oregon Department of Fish and Wildlife (ODFW) also provided comments.

## **DECISION OPTIONS**

The Final EIS considered a No Action Alternative, a proposed route, two deviations of the proposed route, a preferred route, and a 115kV construction alternative.

1. Alternative A – No Action
2. Alternative B - West Route (Proposed Alternative) – 230kV
  - a. South Diamond Lane Route 230kV option
  - b. Hog Wallow Route 230kV option
  - c. 115-kV option
3. Alternative C – North Route (Preferred Alternative) – 230kV
  - a. 115kV option

In addition to the Best Management Practices (BMP) and Project Design Features (PDF) designed to reduce potential impacts, the Final EIS proposed and analyzed mitigation measures throughout each resource section. The mitigation measures, highlighted below, address impacts to priority species or special management areas and will be implemented by BLM or Harney County to avoid, minimize, or compensate for adverse impacts of the Decision:

### *Mitigation for impacts to Greater Sage-Grouse and Greater Sage-Grouse habitat*

- The Oregon BLM worked with ODFW, FWS and Harney County to incorporate the most updated ODFW sage-grouse mitigation framework into the Final EIS and draft Habitat Mitigation Plan. Since the Final EIS, the Oregon BLM continued to work with ODFW, FWS, and Harney County to identify criteria for a final Habitat Mitigation Plan. Based on the criteria for a Habitat Mitigation Plan, BLM will require approximately 2,412.6 acres of sage-grouse habitat mitigation due to the effects to sagebrush and sage-grouse habitat resulting from the Transmission Project, a portion of the main Echanis access road on public land, and Echanis noise effects on the public lands adjacent to the project. The BLM will use the Habitat Mitigation Plan criteria to identify locations for the mitigation and type of conservation actions. The final Habitat Mitigation Plan will be completed and approved before a Notice to Proceed will be issued for the transmission line ROW.

- Harney County will use the Habitat Mitigation Plan criteria to finalize the quantity (current estimates around 8,473 acres of mitigation) and to identify a location and type of conservation actions for impacts to private lands to be incorporated into Harney County's CUP.

*Mitigation for visible and audible Impacts to the Steens Mountain Cooperative Management and Protection Area, Wilderness, Wilderness Study Areas (WSAs) and Visual Resources:*

- Although the transmission line and connected action, the Echanis Wind Project, would result in visible and audible impacts, the most substantial impacts would result from the private land action, the Echanis Wind Project. The presence of wind turbines would change the scenic character of adjacent BLM lands with a Visual Resources Management Class I and II rating. The wind turbines along the Steens ridgeline would be visible from four Key Observation Points (KOP) and in the distant background from three KOPs. The CMPA's East Rim Overlook (KOP 61) would be moderately impacted due to the presence of wind turbines and East Steens County Road would experience low to high visual impacts (KOP 47, Table 3.9-2). The Mann Lake Recreation Site (KOP 46) would be highly impacted. The opportunities to experience the values of solitude and primitive and unconfined recreation in Lower Stonehouse and High Steens WSAs would diminish. The PDFs, BMPs and Harney County CUP requirements would reduce the potential visual impacts from the Echanis project. The coloration of all exterior components of the wind turbines will be off-white or light gray for the blades and for the towers and nacelles. The finish of all of these exterior components shall be flat, semi-gloss or galvanized, so as not to present significant glare. While the Federal Aviation Administration (FAA) requires structures over 200 feet be equipped with red or white flashing lights mounted on the nacelle of a wind turbine to avoid aircraft collisions during day and night, any non-FAA required outdoor lighting would be hooded and directed so as not to shine directly upon adjoining property or public roads. To reduce noise impacts, the wind turbines would not exceed allowable statistical noise levels in any one hour, as measured at off-site sensitivity receptors, under applicable Oregon Department of Environmental Quality noise standards.

*Avian and Bat Protection Plan/Eagle Conservation Plan (ABPP/ECP):*

- The CEP worked directly with the FWS to create an ABPP/ECP covering potential impacts to and mitigation for raptors, particularly golden eagles, migratory birds, and bats. The FWS provided BLM with a Letter of Acknowledgement for the ABPP/ECP on December 9, 2011.

*Future projects in or immediately adjacent to the Steens Mountain Cooperative Management and Protection Area*

- The Final EIS analyzed three reasonably foreseeable future wind farm developments (East Ridge, West Ridge and Riddle Mountain on Oregon State lands). The CEP announced recently they are no longer pursuing the West Ridge and East Ridge projects. However, language in the Record of Decision/ROW Grant would enable BLM to reserve

the right to refuse use of the ROW to service future projects in or immediately adjacent to the CMPA if BLM finds the impacts to be unacceptable and reserves the right to suspend/terminate the ROW if future mitigation is not consistent with or more protective than that of the Echanis Project.

#### *115kV and 230kV Options*

- An additional alternative option analyzed in the FEIS includes constructing the transmission line along any one of the alternative alignments, but only authorizing a single, three-phase 115-kV circuit. The BLM has concluded that selection of an 115kV option would unnecessarily restrict other options and opportunities to connect renewable energy projects outside the CMPA (e.g. Riddle Mountain Project) or where a Federal action may be required for any future project. In this regard the selection of the 230kV option is consistent with the objective of Secretarial Order 3285 A1. Further, there is little difference in permanent impacts of 115kV compared to the 230kV configuration since the size and number of towers, access roads, tensioning sites, and other transmission components would be similar. The CEP has provided documentation that electric line loss for the Selected Alternative is significant and that limiting the Transmission Project to a 115 kV configuration jeopardizes the overall economic viability of the project due to these losses in transmission efficiency.

#### **RECOMMENDATION**

I recommend approval of the decision regarding the North Steens 230kV Transmission Line project. Your approval of this decision constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to appeal under Departmental regulations at 43 CFR Part 4. Any challenge to this decision, including the BLM Authorized Officer's issuance of the ROWs as approved by this decision, must be brought in Federal District Court.

#### **DECISION BY THE SECRETARY**

APPROVE: X

DISAPPROVE:     

COMMENTS:

**DEC 28 2011**

*Ken Salazar*

Ken Salazar

**RECORD OF DECISION**

North Steens 230kV Transmission Line Project

**Harney County, Oregon**

Lead Agency:

*United States Department of the Interior  
Bureau of Land Management*

Environmental Impact Statement FES 11-31  
Case File Number: OR-65891

**North Steens 230kV Transmission Line Project  
Decision: Grant Right-of-Way**

*United States Department of the Interior  
Bureau of Land Management  
Burns District Office  
28910 Highway 20 West  
Hines, Oregon 97738*

December 2011



Cooperating Agencies:

*Bonneville Power Administration  
Burns Paiute Tribe  
Harney County*

*Malheur National Wildlife Refuge-U.S. Fish and Wildlife Service  
Oregon Department of Fish and Wildlife  
U.S. Army Corps of Engineers  
U.S. Fish and Wildlife Service-Ecological Services*

DOI Control Number: FES-11-31

BLM Publication Index Number: BLM/OR/WA/PL-12/010+1793

NEPA Tracking Number: DOI-BLM-OR-B060-2010-0035-EIS

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- Attachment E:** Eagle Conservation Plan and Bird and Bat Conservation Strategies for the Echanis Wind Facility and The North Transmission Route Alternative (ABPP/ECP)
- Attachment F:** Programmatic Agreement Relative to Section 106, National Historic Preservation Act, North Steens 230kV Transmission Line Project
- Attachment G:** Mitigation, Project Design Features and Best Management Practices for The Echanis Wind Energy Project

## LIST OF ABBREVIATIONS

(ABPP/ECP) Avian and Bat Protection Plan/Eagle Conservation Plan  
(ACEC) Area of Critical Environmental Concern  
(APE) Areas of Potential Effect  
(APLIC) Avian Power Line Interaction Committee  
(BGEPA) Bald and Golden Eagle Protection Act  
(BLM) Bureau of Land Management  
(BMP) Best Management Practices  
(BPA) Bonneville Power Administration  
(CEP) Columbia Energy Partners LLC  
(CMPA) Steens Mountain Cooperative Management and Protection Area  
(COA) Conservation Opportunity Area  
(CUP) Conditional Use Permit  
(CWM) Compensatory Wetland Mitigation  
(DEIS) Draft Environmental Impact Statement  
(DEQ) Department of Environmental Quality  
(DoD) Department of Defense  
(DOI) United States Department of Interior  
(EIS) Environmental Impact Statement  
(EPA) Environmental Protection Agency  
(ESC) Erosion and Sediment Control  
(FCR) field contact representative  
(FEIS) Final Environmental Impact Statement  
(FLPMA) Federal Land Policy and Management Act  
(FWS) U.S. Fish and Wildlife Service  
(GHG) Greenhouse Gas  
(HEC) Harney Electric Cooperative  
(HMA) Herd Management Areas  
(HMP) Habitat Mitigation Plan  
(IMP) Interim Management Policy  
(KOP) Key Observation Points  
(LAC) Local Advisory Committee  
(LIT) Local Implementation Team  
(LWC) lands with wilderness characteristics  
(MBTA) Migratory Bird Treaty Act  
(MNWR) Malheur National Wildlife Refuge *as the Organization*  
(MPS) Mitigation Principles and Standards  
(NEPA) National Environmental Policy Act  
(NHPA) National Historic Preservation Act  
(NOA) Notices of Availability  
(NOI) Notice of Intent  
(NRHP) National Register of Historic Places  
(NTP) Notice to Proceed  
(NWR) Malheur National Wildlife Refuge *as the place*  
(O&M) operations and maintenance

(ODFW) Oregon Department of Fish and Wildlife  
(PA) Programmatic Agreement  
(PAR) Property Analysis Record  
(PDF) Project Design Features  
(POD) Plan of Development  
(RI) radio interference  
(RMP) Resource Management Plan  
(ROD) Record of Decision  
(ROW) right-of-way  
(RPS) Renewable Energy Portfolio Standards  
(SGCS) Greater Sage-grouse Conservation Assessment and Strategy for Oregon  
(SGMF) Sage Grouse Mitigation Framework or  
(SHPO) State Historic Preservation Office  
(TAC) Technical Advisory Committee  
(Transmission Project) North Steens 230kV Transmission Line Project  
(TVI) television interference  
(USACE) Army Corps of Engineers  
(VRM) Visual Resource Management  
(WSA) Wilderness Study Areas  
(WSR) Wild and Scenic Rivers

## Executive Summary

This document constitutes the Record of Decision (ROD) of the United States Department of Interior (DOI), Bureau of Land Management (BLM), for the North Steens 230kV Transmission Line Project (Transmission Project).

This ROD contains a right-of-way (ROW) grant decision under Title V of the Federal Land Policy and Management Act (FLPMA). This decision was analyzed in the *North Steens 230kV Transmission Line Project Final Environmental Impact Statement (FEIS)*, which became available on October 21, 2011 upon publication of the Environmental Protection Agency (EPA)'s Notice of Availability (NOA) published in the Federal Register.

The BLM's decision is to issue new ROW grants to Echanis, LLC (Echanis) for a 230kV overhead electric transmission line, access roads, overland access routes, and temporary tensioning sites as described under Alternative C – North Route, in the FEIS.

The ROW grant will incorporate Best Management Practices (BMP)s and Project Design Features (PDF)s as provided in the applicant's Plan of Development (POD) and described in Appendix A of the FEIS. The grant will also include mitigation measures applicable to the Transmission Project as described under Alternative C – North Route, as well as incorporation of applicable elements of the *Echanis Wind Power Project: Principles and Standards for Development of a Habitat Mitigation Plan (HMP)* (Mitigation Principles and Standards or MPS), Echanis' HMP and Echanis' *Eagle Conservation Plan and Bird and Bat Conservation Strategies for the Echanis Wind Energy Facility and the North Transmission Route Alternative* (more commonly referred to as an Avian and Bat Protection Plan/Eagle Conservation Plan or ABPP/ECP). These applicable measures have been developed into specific, enforceable terms, conditions, and stipulations and will be incorporated into the authorized ROW grants.

This ROD authorizes only actions on BLM administered lands and applies to the BLM's ROW decisions on the Transmission Project. Other agencies are responsible for issuing their own decisions and any applicable authorizations for the Transmission Project and the associated Echanis Wind Energy Project located on private lands. These include, but are not limited to: Harney County (Land Use and Building permits), the U.S. Army Corps of Engineers (USACE) (Section 404 Permit pursuant to the Clean Water Act), Bonneville Power Administration (BPA) (Large Generator Interconnection Agreement) and U.S. Fish and Wildlife Service (FWS) [Take Permit pursuant to the Bald and Golden Eagle Protection Act (BGEPA)]. However, assumptions about the outcomes of these other decisions/authorizations informed the overall action addressed in this ROD. If these outcomes ultimately differ from assumptions and the final action is inconsistent from that addressed in the ROD, especially related to mitigation, BLM may suspend or terminate the ROW. Public involvement in the National Environmental Policy Act (NEPA) process began in July 2009, when the BLM and Malheur National Wildlife Refuge (MNWR)-FWS initiated project scoping involving local, State and Federal governments, agencies, Burns Paiute Tribe, interested individuals and other entities. Scoping was focused on requesting input

on issues, potential effects, and possible alternatives. In July 2010, BLM released a Draft Environmental Impact Statement (DEIS) and received over 256 comment letters, emails and other communications involving over 900 individual comments. On October 21, 2011, the BLM issued a FEIS, incorporating information received as a result of public comments and suggestions on the DEIS.

This decision required balancing demands for renewable energy, the need for energy security, and employment benefits with conservation of public land resources including wilderness, wildlife, recreation, visual and aesthetic resources within and adjacent to the nationally designated Steens Mountain Cooperative Management and Protection Area (CMPA). This decision is consistent with the goals of Secretarial Order 3285 A1 dated February 22, 2010, as amended, which directs DOI agencies and bureaus to encourage the timely and responsible development of renewable energy and associated transmission while protecting and enhancing the Nation's water, wildlife, and other natural resources including areas of national interest.

## I. The Decision

This ROD approves the construction, operation and maintenance, and termination (which include decommissioning) of the proposed Transmission Project on BLM-administered public land in Harney County, Oregon, as analyzed in the *North Steens 230kV Transmission Line Project FEIS* and as noticed in the October 21, 2011, EPA and BLM *Federal Register* notices. This decision approves the Agency Preferred Alternative, Alternative C – North Route, as analyzed in the FEIS. The Agency Preferred Alternative is now referred to as the Selected Alternative in the ROD. By approving the Selected Alternative all other alternatives included in the FEIS are hereby rejected from further consideration. All references to the ROD in this document include all attachments and exhibits attached hereto which are incorporated into this ROD as fully and effectively as if they were set forth herein in their entirety.

The ROW grant decision authorizes the construction, operation, maintenance, and termination of the Transmission Project on approximately 246.24 acres of BLM-administered lands in Harney County, Oregon, which represents the maximum amount of area that will be authorized for the Transmission Project. This total acreage of ROW on public land includes: 1.) a transmission line ROW - 150 feet wide by 63,888 feet long (12.1 miles) encumbering 220.55 acres of public land; 2.) ROW for new transmission line access roads - 16 feet wide by 24,024 feet long (4.55 miles) encumbering 8.82 acres of public land; 3.) ROW for improvement of existing roads (main Echanis road) - 40 feet wide by 7819 feet long (1.48 miles) encumbering 7.18 acres of public land; 4.) ROW for overland transmission line access roads - 8 feet wide by 38,913.6 feet long (7.37 miles) encumbering 6.94 acres of public land; and 5. ) additional temporary ROW for eleven conductor pulling/tensioning sites - 100 feet by 100 feet or 0.25 acre each encumbering a total of 2.75 acres of public land.

The ROD approves the transmission line and related access outlined above, hereafter referred to as “Transmission Project” but it does not include approval of the Echanis Wind Energy Project and its related facilities proposed on private land, referred to as the “Echanis Project”. These facilities to be located on private land are subject to a Harney County Conditional Use Permit (CUP) No. 07-14 dated April 18, 2007.

The BLM approval will take the form of FLPMA ROW grants, issued in conformance with Title V of FLPMA (43 United States Code (USC) 1761-1771) which authorizes the BLM, acting on behalf of the Secretary of the Interior, to authorize ROWs on, over, under, and through the public lands for systems for generation, transmission, and distribution of electric energy. For this reason, these decisions and ROWs authorize actions only on BLM-administered public lands. The BLM's implementation of its statutory direction for ROW authorizations is detailed in 43 CFR Part 2800.

Pursuant to 43 C.F.R. § 2805.11(a)(1) to (5), which governs determinations for the lands to be included in a ROW, BLM finds that the lands described above are the minimum necessary to accommodate the Transmission Project. This is the minimum area the ROW applicant can occupy and which is necessary for constructing, operating, maintaining, and

terminating the authorized facilities. For the reasons stated in this ROD, the Transmission Project design as well as the ROW terms and conditions ensure that the Transmission Project will be authorized in a manner to protect the public health and safety; prevent unnecessary damage the environment; and prevent unnecessary or undue degradation.

The BLM has determined that an action alternative, specifically the Selected Alternative, is in the public interest. The BLM finds that the Selected Alternative is preferable to the other action alternatives in that, overall, it presents the least environmental impact. For these same reasons the BLM has not selected Alternative A, the No Action Alternative. The BLM has also determined that the terms, conditions and stipulations included in the ROW grants are in the public interest pursuant to 43 CFR 2805.10(a)(1).

The FLPMA and its implementing regulations provide the BLM with the authority to require a project application to include information on an applicant's financial and technical capability to construct, operate, and maintain the Transmission Project applied for (43 CFR 2804.12(a)(5)). This technical capability can be demonstrated by international or domestic experience with wind energy projects or other types of electric energy-related projects on either federal or non-federal lands. Echanis, LLC a subsidiary of Columbia Energy Partners LLC (CEP) has provided a statement with their application indicating that they have finance agreements in place to fund the construction and operation of both the Echanis Project and Transmission Project. CEP also provided information showing they have domestic experience and involvement in wind and other renewable energy projects including the testing and preliminary development of a 200MW wind project at Arlington, Oregon. In CEP's 2009 Overview, CEP indicated that their portfolio included involvement in 1865MW of renewable projects. In addition, CEP has conducted and funded wind testing and a number of resource studies, inventories and reports in support of the application and Echanis Project. Based upon the information provided by Echanis, the BLM has determined that it has the technical and financial capability required to construct, operate and maintain, and terminate the approved Transmission Project.

The BLM uses SF 2800-14 (ROW Lease/Grant) as the instrument to authorize the ROW grants for the Transmission Project and includes the approved POD and all other terms, conditions, stipulations, and measures required as part of the grant authorizations. Consistent with BLM policy, the ROW grants to Echanis will include a performance bonding requirement to ensure compliance with the terms and conditions of the ROW grant; to ensure that the required mitigation on public land is implemented in accordance with the approved mitigation plans and specifications; and to ensure removal and rehabilitation of the lands when the ROW is terminated. BLM has determined that bonding is necessary for this ROW due to the scope and extent of the facilities on public lands, the sensitive resource involved and the expense to remove the structures.

The BLM will issue two separate ROW grants: The primary grant will be a new ROW grant to Echanis, LLC (hereafter referred to as "Echanis") for facilities necessary for long

term construction, operation, maintenance and termination of the Transmission Project including the 230kV overhead electric transmission line, new access roads, existing roads to be improved and overland access routes. The grant will allow Echanis the right to use, occupy, and develop the described public lands for the Selected Alternative, as identified and evaluated in the FEIS. A second, short-term grant will be issued for transmission line tensioning sites to be used only temporarily during the initial construction of the transmission line and during stringing or restringing of the line during line upgrades as proposed in the FEIS.

The Transmission Project is located in central Harney County, Oregon generally between the communities of Diamond and Crane, Oregon. The Transmission Project ROW grants will include a complete legal description and be graphically depicted on maps to be included as Exhibits A and B of each grant. Overview maps of the Transmission Project are included as Attachment C of this ROD.

The grants will be subject to Echanis' compliance with all applicable provisions of the BLM's ROW regulations contained in 43 CFR 2800 including bonding, cost reimbursement for monitoring, and payment of rent.

Echanis has estimated a 40 year operations life of the Echanis Project and related transmission line. When determining a reasonable term for a grant BLM will consider factors in addition to the useful life of the project. Pursuant to 43 CFR 2805.11(b) these include the public purpose served, the useful life and cost of the project, time limitations imposed by other permits and licenses and the time necessary to accomplish the purpose of the grant. BLM policy as described in BLM Manual 2805.11.C.2. generally limits the maximum term of most ROWs to 30 years. Based upon the above factors BLM has determined that a 30 year term is reasonable and that the primary ROW grant issued to Echanis will be for a term of 30 years. The Holder may apply to renew the ROW consistent with 43 CFR 2807.22 and BLM will exercise its discretion to determine if the ROW should be renewed.

The temporary ROW grant for tensioning sites issued to Echanis will be issued for a term of three years, to begin upon issuance of a Notice to Proceed (NTP). The temporary ROW grant may be renewed for an additional 3-year term, upon written request of Echanis, when stringing or restringing is required to fully develop the transmission line to full 230kV capacity or when maintenance operations require tensioning sites.

Echanis may, on approval from the BLM, assign, in whole or in part, any right or interest in the grant to another party, including Harney Electric Cooperative as discussed in the FEIS in conformance with the 43 C.F.R. 2807.21. If BLM approves the assignment, the benefits and liabilities of the grant apply to the new holder, including compliance with the terms and conditions of the grant. Mitigation and other requirements would be assigned to the new holder, unless this obligation is specifically reserved by Echanis. In accordance with the regulations, BLM may modify the grant or add bonding and other requirements including additional terms and conditions when it approves the assignment.

Construction and commissioning of the Transmission Project may be phased as described in the FEIS (FEIS 2-6). However, initiation of construction as well as each upgrade phase will be conditioned on approval by the BLM in the form of an official NTP. If the approved Transmission Project does not progress to construction and operation, or if there is a substantial deviation in proposed use or location of the approved project, that proposal will be subject to potential additional NEPA review and BLM approval (40 C.F.R. 1502.9(c) and 43 C.F.R. 2807.20).

**1. Mitigation Adopted by the BLM and Included in the Decision**

**A. Project Design Features and Best Management Practices**

The Project Description, PDFs and BMPs applicable to the Transmission Project as described in the applicant's POD, in Section 2 and Appendix A of the FEIS, as well as applicable portions of Mitigation Plans as listed in Appendix F of the FEIS are also included in and required by this decision. These proposed project features applicable to the Transmission Project have been extracted from the above referenced sources and are listed in Attachment A, attached hereto. They are now binding as a part of the approved project design. Applicable mitigation being imposed by the BLM as conditions of approval is discussed in the following section.

**B. Mitigation Required by BLM**

In addition to analyzing an extensive list of PDFs and BMPs designed to reduce potential impacts, the FEIS proposed and analyzed the effects of a number of mitigation measures throughout each resource section. The BLM is requiring, as part of this ROW decision, all practicable mitigation measures applicable to the Transmission Project on public lands contained in the FEIS. These selected mitigation measures have been developed into specific enforceable terms, conditions and stipulations to be included in the ROW grants for the Transmission Project. They are attached as Attachment B. Pre-approved BLM guide stipulations have been used in this list where appropriate. The BLM has standard approved Guide Stipulations for ROWs that the BLM uses where appropriate. See BLM Manual 2805.12. As a part of this decision, BLM has determined that certain non-Guide stipulations to be included in the ROW grants are also appropriate, and the BLM hereby also approves these stipulations as required by BLM policy. See BLM Handbook 2805.12B. Both Guide and non-Guide stipulations are included in Attachment B.

In addition to the specific mitigation required above, the BLM will require that Echanis finalize an HMP in accordance with *Echanis Wind Power Project: Principles and Standards for Development of a HMP* (Mitigation Principles and Standards or MPS, Attachment D). These principles were developed pursuant to the *Greater Sage-grouse Conservation Assessment*

*and Strategy for Oregon (SGCS) and Implementing Habitat Mitigation for Greater Sage-Grouse under the Core Area Approach (Oregon Department of Fish and Wildlife (ODFW) Sage Grouse Mitigation Framework or SGMF) in consultation with Echanis, ODFW, FWS, Harney County and the BLM. The HMP will:*

- describe the actions to be taken by Echanis to mitigate for the impacts of the project on wildlife habitat, with particular emphasis on the habitat of the greater sage-grouse;
- require reassessment of the final mitigation if any project features are modified in the final project design, using methods consistent with the SGCS and SGMF;
- require that final mitigation acres will be completed based upon final project design prior to issuance of a NTP by BLM for the Transmission Project;
- include management actions necessary for achieving no net loss/net benefit mitigation which will be based on the MPS included in this ROD;
- include mitigation actions and locations that will be determined by the BLM and Harney County with recommendations provided by ODFW, FWS or by the Local Advisory Committee or Local Implementation Team. The criteria for identification of these actions and locations are included in Sections IV.A and B of the MPS.

Based on preliminary modeling and analysis in accordance with the SGCS and SGMF, BLM will require 2,412.6 acres of mitigation as a condition of the ROW due to effects to sagebrush and sage-grouse habitat resulting from the Transmission Project, a portion of the main Echanis access road on public land and Echanis noise effects on public lands adjacent to the project. Harney County will impose an additional estimated 8,473 acres of mitigation as a required by the CUP issued to Echanis. This acreage is based on effects from the Echanis Project and the private land portions of the transmission line and main Echanis access road. As noted above, this private acreage may be adjusted if any Project features are modified in the final Project design, using methods consistent with the SGCS and SGMF as well as criteria used to calculate the total mitigation acreage. The BLM assumes the final mitigation acreage requirements and HMP actions for private land impacts will imposed by Harney County into through the CUP for the Echanis Project. Implementation of enhancement actions will be underway within one year of start of Project construction. Twenty Five percent of total actions shall be underway within two years; another fifty

percent shall be underway within five years and the remainder no more than ten years after start of construction.

The BLM will require implementation of the ABPP/ECP that Echanis prepared and developed in conjunction with the FWS. The proponent has committed to implementing this ABPP/ECP. This commitment is therefore part of the proposed action to which the BLM is responding. The ABPP/ECP pursuant to the BGEPA and the Migratory Bird Treaty Act (MBTA) is attached as Attachment E. The ABPP/ECP will be the basis for which Echanis may apply for and FWS may issue an eagle take permit pursuant to the BGEPA. The take permit would apply to turbine operation associated with the Echanis Project and be enforceable by FWS.

As a condition of its ROW grant, the BLM will also require Echanis to fully comply with the terms of a Programmatic Agreement (PA) that will ensure the BLM's compliance with Section 106 of the NHPA. The BLM has developed and executed the PA in consultation with the Oregon State Historic Preservation Office (SHPO), the Burns Paiute Tribe, Malheur NWR and Harney County. A copy of the approved PA is attached as Attachment F.

A number of plans were suggested as mitigation or were included in Appendix A, BMPs and PDFs of the FEIS. Echanis has already developed several of these plans, most of which were in a draft form at the time the FEIS was released. The BLM will not issue a NTP for the Transmission Project until the following plans have been fully developed and finalized by Echanis and approved by the BLM. The ROW grant will contain a term and condition requiring submission and approval of these plans prior to the NTP. In the FEIS some of these plans were often referred to by differing names. The BLM has consolidated these names in the list below.

- *Construction POD*
- *Hazardous and Solid Waste Management Plan* – Includes Hazardous Substance Control and Emergency Response Plan, Emergency Response Plan, Waste Management Plan, Spill Prevention and Response Plan, Hazardous Materials Management Plan referenced in the FEIS.
- *Erosion and Sediment Control Plan*
- *Restoration and Re-Vegetation Plan* – Includes Re-vegetation Plan, Restoration and Re-vegetation Plan, Reclamation Plan and Restoration Plan referenced in the FEIS.

- *Weed Management and Control Plan* – Includes Integrated Pest Management Plan, Noxious Weed Management Plan, Weed Management Plan, Weed Management and Control Plan, Weed Management Control and Response Plan referenced in the FEIS.
- *Compensatory Wetland Mitigation (CWM) Plan*
- *HMP* – Includes and has been combined with Sage-grouse Mitigation Plan, Monitoring and Management Plan, Wildlife Monitoring and Mitigation Plan referenced in the FEIS and will be updated in accordance with the SGCS, SGMF and MPS(Attachment D).
- *Construction Compliance and Monitoring Plan* – In addition to an overall construction and monitoring plan, this plan shall include a Construction Monitoring Plan referenced in the PA relative to compliance with Section 106 of the National Historic Preservation Act (NHPA).
- *Transportation Plan* – Includes a Traffic Management Plan referenced in the FEIS.
- *Dust Control Plan*
- *Coordination Plan* – Required by the above referenced PA only if identification and evaluation of cultural and historical resources cannot be accomplished prior to the initiation of construction.
- *Treatment Plan* – Required by the above referenced PA only if eligible cultural or historical resources cannot be avoided by development of the project.
- *Decommissioning Plan* – A conceptual decommissioning plan will be required to be included in the Construction POD. A detailed decommissioning plan will be required at the time of decommissioning of the Transmission Project and termination of the ROW.

The ROW is conditioned on implementation of the above mitigation measures, plans and agreements and issuance of all other necessary local, state, and federal approvals, authorizations, and permits.

This decision responds to the Echanis application OR-65891 only. As a result of BLM's NEPA review of the impacts to the public lands and resources from the OR-65891 transmission line application, BLM has concerns that some, but not all, reasonably foreseeable renewable energy

projects may pose threats to the CMPA that cannot be sufficiently mitigated. See e.g. FEIS at 3.19-52, 63-65, 67, 69, and 70. Some of these projects could potentially be authorized and built on private lands with no further federal authorization. This is of concern to the BLM because, while the BLM supports renewable energy development, projects that impact public land resources but which have no federal authorization may not take into account the sensitive nature of BLM's conservation management responsibilities, including protecting wilderness values from certain impacts, including visual and audible impacts. Authorizing this 230 kV transmission line would, arguably, facilitate development and associated impacts to areas that BLM considers sensitive. Pursuant to 43 CFR § 2805.10(a)(1), BLM may include, in a ROW grant, "any terms, conditions, and stipulations that BLM determines to be in the public interest" and pursuant to 43 CFR § 2807.20(a), a ROW holder must seek a grant amendment "when there is a proposed substantial deviation in location or use." To address the above concerns and regulations, the ROW will include the following condition:

BLM is authorizing the ROW to serve the Echanis Project analyzed in the FEIS. Should a project be proposed that is located within the exterior boundary of the Steens Mountain Cooperative Management and Protection Area, or affecting the public land resources of that Area, and that would connect to the transmission line authorized under this ROW, the BLM will consider this new proposal a substantial deviation in use and require an amended application for use of the ROW. In addition, the BLM may, to the extent consistent with law, decline use of the right of way to service this additional project if BLM finds the impacts of this project to public lands unacceptable. The holder of this ROW shall obtain prior authorization by the BLM for any project connection to the transmission line within the exterior boundary of the Steens Mountain Cooperative Management and Protection Area, or affecting the public land resources of that Area. If the holder of this ROW fails to obtain such authorization, the BLM may suspend or terminate the ROW if the holder of the ROW connects any additional project to the transmission line, including projects that may not be consistent with the mitigation for the Echanis Wind Energy Project and associated power transmission system.

By incorporation of these measures all practicable means within BLMs jurisdiction have been adopted and included in the Selected Alternative to avoid or minimize environmental harm. These measures, terms, and conditions are determined to be in the public interest pursuant to 43 CFR 2805.10(a)(1).

## **2. Mitigation Recommended by the BLM to Other Regulatory Agencies**

In the FEIS, the BLM analyzed the non-Federal connected action of the Echanis Project on private lands. For this non-Federal action, the FEIS discussed effects and mitigation measures such as those to address noise impacts from the Echanis Project to sage-grouse located on adjacent public land. In addition, the FEIS suggested mitigation measures to address impacts to private lands that would result from Echanis Project. Harney County has jurisdiction over the future construction and development on private lands through its CUP. The BLM recommends that and bases the decisions in this ROD on the assumption that Harney County will impose Echanis' Final HMP and other suggested mitigation applicable to the Echanis Project into its CUP approval.

The BLM further recommends Harney County and Echanis adopt and incorporate any PDFs, BMPs and mitigation measures identified in the FEIS and this ROD applicable to the Echanis Project and other private land components of the Echanis Project and that are not yet part of the CUP.

Additionally, BLM recommends Harney County adopt the conservation and mitigation commitments for private lands contained in the ABPP/ECP. The BLM also recommends FWS also require compliance on private lands with this plan in any eagle take permit they may issue for the Echanis Project.

### **3. Additional Mitigation Measures**

In accordance with 40 CFR 1501.2, the BLM considered the proposed mitigation as described throughout the FEIS as well as PDFs, BMPs and Mitigation Plans including a final HMP and the ABPP/ECP. As referenced above, BLM will require all practicable mitigation and BMPs and PDFs applicable to the Transmission Project as outlined in Attachments A and B along with applicable portions of the final HMP and ABPP/ECP. However, BLM will not administer in its ROW grants stipulations clearly applicable only to the Echanis Project or other private land components of the overall project. BLM will leave that administration to the relevant governmental entities with jurisdiction. A list of BMPs, PDFs and mitigation measures within this latter category is included within Attachment G.

As noted in Attachment G, the first set of BMPs and PDFs in Attachment G is being required as conditions of approval by Harney County in the CUP authorizing the Echanis Project. Further, as discussed below, Echanis has included mitigation as part of its proposal to Harney County for the Echanis Project wind turbines and transmission line on private land. Harney County approved the project with conditions in CUP 07-14 dated April 18, 2007. Harney County has jurisdiction to require and enforce mitigation through this CUP. As provided for in Condition No. 8 of the CUP, Harney County has also agreed to impose additional mitigation contained in the final HMP to minimize private land effects. These conditions of approval and incorporation of the updated mitigation (e.g. mitigating for turbine impacts to sage-grouse habitat on private land and

mitigating for visual and audible impacts from the turbines) are part of the proposed action BLM has considered as a connected action and indirect effect of granting a ROW. Consequently, this ROW is granted only for the proposed Echanis Project as described with the additional mitigation in the County permit. Echanis' adopting the HMP as part of the action is a condition precedent for BLM's granting and continuing to authorize the ROW. Should the proponent not follow through on mitigation, BLM may suspend or terminate the ROW.

#### 4. **Monitoring the Decision**

The grant will include a stipulation that Echanis implement a construction compliance and monitoring plan to ensure construction activities on BLM-administered lands satisfy the requirements of the ROW grants, PDFs, BMPs, as well as any conditions required through any of the Transmission Project's Federal, state, or local permits for actions related to the Transmission Project. The grants will also require Echanis to retain copies of all applicable construction permits onsite and to educate construction personnel on avoidance of sensitive areas, compliance and monitoring requirements. Upon identification of a non-compliance issue on public land, or discovery of archaeological resources, Echanis will notify the BLM immediately and work with the responsible contractors or workers to correct the problem. Echanis will provide monthly written reports to the BLM documenting compliance and reporting any environmental problems as well as corrective actions taken to resolve these problems.

Several of the mitigation plans and agreements referenced in the FEIS have specific monitoring requirements and protocols which specify both construction and long-term monitoring. Plan provisions applicable to the Transmission Project including applicable monitoring requirements are being made a condition of the ROW grants. Mitigation plans and agreements which contain specific monitoring requirements include:

- ABPP/ECP for the Echanis Wind Energy Facility and the Selected Alternative – Provides for avian fatality and raptor nest monitoring, protocols, analysis, and adaptive responses for the Echanis Project as well as the Transmission Project.
- HMP – Provides for comprehensive monitoring of mitigation areas including baseline habitat quality, enhancement actions, and sage-grouse and other wildlife responses to mitigation.
- Weed Management and Control Plan – Provides for baseline inventory and annual monitoring of noxious weeds for the overall project.
- Revegetation Plan – Specifies annual monitoring of treated disturbed areas and improved habitat areas.

- PA relative to Section 106 of the NHPA - This agreement requires development of a Construction Monitoring Plan to ensure identification, analysis and treatment of unanticipated discoveries of cultural or historic resources. The Agreement also provides for a Coordination Plan to ensure baseline cultural resource inventories, evaluation and treatment in circumstances where pre-construction cultural resource investigations are not feasible.

A number of monitoring provisions applicable to the Transmission Project are also included in the BMPs, PDFs and mitigation measures described in the FEIS and will be included in the ROW grants.

## II. Rationale for the Decision

### 1. Summary

This decision is based on the degree to which the Selected Alternative meets the Purpose and Need for the action (FEIS Page 1-3). The Purpose and Need, as discussed below, reflects BLM's multiple use mandates. Additionally, as discussed below, several national and state initiatives call for an increased supply of domestic renewable energy. Any of the various alternatives and their options including Alternative A – the no action alternative, would meet BLM's need which is to respond to Echanis' application for a utility ROW across public lands managed by BLM. This need for the BLM action 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. The purpose of the BLM's action is to grant, grant with conditions, or deny Echanis' application for use of public land to construct, operate, and maintain a new 230kV transmission line.

The Selected Alternative would accomplish the objectives of the purpose and need, and by enabling the Echanis Project, would help meet federal and state objectives for renewable energy development. The Selected Alternative provides the best balance between improving renewable energy capacity in the nation while reducing adverse impacts as compared to other action alternatives. Additionally, during the analysis of the project and development of the decision, the BLM consulted extensively with several parties to identify and implement measures that would minimize impacts to natural and cultural resources.

Pursuant to 43 CFR § 2805.10, if BLM issues a grant, BLM may include terms, conditions, and stipulations 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. Pursuant to 43 CFR § 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;*

Discussion: In its decision to adopt the Selected Alternative, BLM has attempted to protect a variety of natural resource values on public, private and National Wildlife Refuge lands through extensive PDFs, BMPs and mitigation (discussed herein).

*(b) Prevents unnecessary or undue degradation to public lands;*

Discussion: PDFs, BMPs and mitigation plans and measures have been incorporated into the proposal and will be required as conditions of approval in the ROW grants approving the Selected Alternative to prevent any 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;*

Discussion: Approval of the Selected Alternative will locate a portion of the Transmission Project within a corridor associated with State Highway 78. Public lands along this section are designated a ROW corridor in the Three Rivers Resource Management Plan (RMP). Although much of this section of the project is in private ownership and is technically not a designated corridor, the Selected Alternative still provides values associated with corridor designations including combining impacts and other benefits. None of the other alternatives utilize existing designated corridors.

*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.*

BLM has, throughout the Environmental Impact Statement (EIS) and ROW process, fully engaged a number of agencies, individuals, and organizations and considered their views, concerns and comments in arriving at this decision.

The FLPMA specifically provides that in managing the use, occupancy, and development of the public lands, the Secretary shall take any action necessary to prevent unnecessary or undue degradation of the lands (43 USC 1732(b)). The process for development and analysis of the project included extensive efforts on the part of BLM, the applicant, Harney County, ODFW, FWS, Malheur NWR, the Burns Paiute Tribe and other agencies, as well as the general public, in order to identify a project that accomplishes the purpose and need and other project objectives, while preventing, to the extent possible, any unnecessary or undue degradation of the lands. These efforts include development of mitigation plans including an ABPP/ECP and HMP which would minimize effects or compensate for a number of wildlife species.

Additional discussion regarding BLM's consideration of these objectives follows.

## 2. **Rationale To Select An Action Alternative Enabling The Echanis Wind Energy Project**

In arriving at the decision to approve the ROW, the BLM considered the analysis in the FEIS of a non-Federal connected action, the Echanis Wind Energy Project and other private land components of the overall project. Although located on private land, the BLM may consider the Echanis Project effects in deciding whether to grant, grant with conditions, or deny Echanis' ROW application for use of public land. *See* 43 CFR 2801.2(a) cited above. Effects from the Echanis Project can also be considered by the BLM in its determination of whether or not the proposed use is in the public interest. *See* 43 CFR 2804.26(a)(2) – if the proposed use is not in the public interest, BLM may deny the ROW.

The Echanis Project will result in a variety of effects to adjacent public land resources including wilderness, recreation, visual and aesthetic resources and wildlife. BLM has weighed these effects against the climate, employment and energy security benefits of approving the ROW which would enable the Echanis Project. For example, the Echanis Project will produce 463,000 megawatt hours of renewable wind energy primarily during the winter months complementing other northwest wind power generation, most of which peaks during the summer. Power generation from the Echanis Project will avoid release of 194,000 metric tons of carbon dioxide equivalents and other harmful pollutants produced from fossil fuels each year. Development of the Echanis Project, including related transmission, will result in creation of as many as 219 temporary jobs and approximately 16 permanent jobs in economically depressed Harney County, as well as result in significant tax benefits for the County. The BLM has also considered how its decision helps achieve State and National policy regarding renewable energy objectives including Secretarial Order 3285 A1 of February 22, 2010 which directs DOI agencies and bureaus to encourage the timely and responsible development of renewable energy and associated transmission while protecting and enhancing the Nation's water, wildlife, and other natural resources. Additionally, the Energy Policy Act of 2005 (EPAAct) (Title II, Section 211) establishes a goal for the Secretary of the Interior to approve 10,000 MWs of electricity from non-hydropower renewable energy projects located on public lands. BLM would help meet the objectives of Secretarial Order 3285 A1 by approving necessary transmission capability for the Echanis Project resulting in an increased supply and transmission of wholesale electric renewable power available to utilities for retail sales in the states of California and Oregon.

Echanis has made commitments to minimize the effects of both the Echanis Project and the Transmission Project by including in their application for a ROW a POD that includes BMPs, PDFs and mitigation plans. Additional assurances relating mitigation for impacts of the Echanis Project and the transmission line on

private land will be through the Harney County CUP. Additional assurances relating to the provisions of the ABPP/ECP will be through the FWS's enforcement authority under the BEGPA and the MBTA.

Based on these commitments, permitting authorities and requirements, the BLM finds it reasonably foreseeable that the effects resulting from the Echanis Project will be minimized and the Echanis Project will be implemented as described.

Further detail discussion regarding the effects, mitigation and decision factors along with additional rationale for key issues relating to the Echanis Project follows in "*Specific Issues and Decision Factors*" below.

### 3. **Rationale for the Decision Relative to Transmission Line Alternatives**

The BLM has decided to modify the proposal by choosing the Selected Alternative having a different route from that proposed by Echanis LLC, and BLM has included terms, conditions and stipulations in the grant to better serve the public interest, protect resources and meet the objectives of 43 CFR §2801.2 discussed above. The Selected Alternative meets the purpose and need for the action and is consistent with the multiple use mandate of the FLPMA.

The Selected Alternative is the action alternative that minimizes or avoids the most biological, visual, recreation, cultural, and hydrological resources and includes the following advantages over any other action alternative:

- The Selected Alternative avoids most water related issues and has fewer stream crossings than Alternative B and, unlike Alternative B which crosses the Blitzen Valley, has no crossings of floodplains.
- Although the Selected Alternative is much longer than Alternative B, the Selected Alternative crosses more disturbed lands, parallels existing roads and infrastructure and utilizes existing corridors, limiting new disturbance to vegetation, soils and wildlife habitat.
- The Selected Alternative avoids Malheur NWR and the Blitzen Valley minimizing potential significant collision mortality for a number of key avian species.
- The Selected Alternative avoids areas with higher visual quality and related recreation, visitation and transportation uses including Highway 205, Malheur NWR and Diamond Lane. The Selected Alternative is mostly located in areas of fewer visitations, less visual quality or where numerous intrusions and development already exists.

- The Selected Alternative has fewer identified cultural and historical resources than Alternative B and less potential for unanticipated discovery of additional resources.
- The Selected Alternative is in conformance with the BLM's land use plan direction for the area. Alternative B would not conform to VRM objectives contained in the Andrews Management Unit RMP.

Further detailed discussion regarding the effects, mitigation, decision factors and differences between transmission alternatives along with additional rationale for key issues is in "Specific Issues and Decision Factors" below.

An additional alternative option analyzed in the FEIS includes constructing the transmission line along any one of the alternative alignments, but only authorizing a single, three-phase 115-kV circuit. BLM has concluded that selection of an 115kV option would unnecessarily restrict other options and opportunities to connect renewable energy projects outside the CMPA (e.g. Riddle Mountain Project) or where a Federal action may be required for any future project. In this regard the selection of the 230kV option is consistent with the objective of Secretarial Order 3285 A1 which directs DOI agencies and bureaus to encourage the timely and responsible development of renewable energy and associated transmission while protecting and enhancing the Nation's water, wildlife, and other natural resources. Further, there is little difference in permanent impacts of 115kV compared to the 230kV configuration since the size and number of towers, access roads, tensioning sites, and other transmission components would be similar. Moreover, it is BLM's understanding that a 115kV line would result in more electrical transmission loss of energy (line loss) as compared to a 230kV line. Echanis' transmission consultant estimates that if the line is built with the 115kV circuitry only, the line could experience four times the electrical line loss on the North Route over that which would result if Echanis were allowed to build at the 230kV capacity. CEP has indicated that limiting the Transmission Project to a 115 kV configuration for the North route jeopardizes the overall economic viability due to these losses in transmission efficiency. For these reasons, BLM is authorizing the 230kV double circuit transmission line, as proposed for the Selected Alternative.

The Selected Alternative for the Transmission Project is in conformance with the BLM's land use plan direction for the area contained in the Three Rivers RMP and within the Andrews Management Unit RMP (FEIS Page 1-10). The Selected Alternative achieves the realty goals and objectives of both plans by meeting the public and private need for use authorizations including those authorizations necessary for renewable energy development, while maintaining and improving resource values and public land administration. The Selected Alternative also meets the broader RMP goals by emphasizing resource use, protection and environmental health while balancing cultural, economic, ecological and social values.

For the foregoing reasons, BLM has determined that an action alternative, specifically the Selected Alternative is in the public interest.

BLM finds that the Selected Alternative is preferable to the other action alternatives in that, overall, it presents the least environmental impact. For these same reasons BLM has not selected Alternative A, the No Action alternative. BLM has also determined that the terms, conditions and stipulations included in the ROW grants are in the public interest pursuant to 43 CFR 2805.10(a) (1).

In addition to considering FLPMA objectives and requirements for managing public lands and ROWs across public land, BLM has weighed a number of factors in balancing provisions of the CMPA Act (Steens Act). Section 122 of the Act provides:

(a) POLICY- Development on public and private lands within the boundaries of the CMPA 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 CMPA 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.

The factors relative to the Steens Act contributing to BLM's decision include:

- 5.9 miles of the transmission line and associated access roads within the CMPA are wholly within private lands.
- No portion of the Echanis Wind Energy Development is within the boundary of the CMPA.

No portion of the Transmission Project is on Federal lands within the CMPA.

- The Echanis Project was approved by Harney County through a CUP prior to receipt of the ROW application by BLM.

Although the policy expressed in Section 122(a) of the Steens Act discourages development of 5.9 miles of transmission line on private land in the CMPA, BLM must also consider

Section 122(d). While Congress has discouraged certain private land development, Congress has declined to expressly regulate private property under the Steens Act section 122(d). Reading the provisions of Section 122 in total, Congress has authorized incentive payments and conservation easements where there is a willing seller and sufficient appropriated funds to achieve the objectives in section 122(a). Absent use of these tools, BLM cannot find in the present case that Congress has precluded the private land development. BLM's experience has been that it does not have sufficient appropriations to provide for incentive payments or easements even on priority private land inholdings in the CMPA.

#### **4. Specific Issues and Decision Factors**

The following discussion below summarizes the effects to key resources, issues and decision factors leading to a decision to approve the Selected Alternative. In the discussion below any references to Alternative B includes the Hogwallow and South Diamond Lane Options of Alternative B. The effects of the Echanis Project are common to all action alternatives for the Transmission Project and will be treated separately. The discussion is limited to those key resources which are vital in the consideration of the decision or where there are sufficient differences between alternatives to weigh in the decision-making process.

##### **A. Water, Wetland, Riparian and Fisheries Issues**

###### **1. Echanis Project**

The Echanis turbines and related facilities at the Echanis site will not affect any wetlands and will be located outside of any water courses or 100-year floodplains. The primary facility of the Echanis Project affecting water, riparian, fisheries and wetland values will be the main access road leading to the Project. The road will cross five perennial and intermittent streams, two of which are fish bearing including Kiger Creek and Mud Creek. Although stream crossings will be with a bridge and culverts, construction, maintenance and use of the road has potential for sedimentation in streams with resultant effects to fish where they occur. Approximately 2.4 acres of wetlands and riparian vegetation will be altered by construction and maintenance equipment working within and adjacent to these areas.

Mitigation and compensation mechanisms required by Harney County in their CUP along with other Federal and State permitting requirements will minimize most effects to water resources and wetland and riparian values. These requirements include:

- Harney County's CUP requirement for Echanis to secure National Pollutant Discharge and Elimination System Stormwater Discharge Permit from the Oregon Department of Environmental Quality (DEQ) prior to construction.
- A Compensatory Wetland Mitigation Plan completed as part of Echanis Joint Permit under Section 404 of the Cleanwater Act and Oregon's Removal/Fill Law required by the U.S. Army Corps of Engineers and the Oregon Department of State Lands..

## **2. Transmission Project**

The Selected Alternative will result in fewer stream (including fish bearing streams), wetland and riparian crossings than Alternative B and no crossings of a 100-year floodplain. Alternative B would require a crossing of the Blitzen River floodplain. Regardless of the alternative, these features will be spanned by the transmission line and streams and riparian areas will be avoided.

For Alternative B, two existing road crossings of perennial and intermittent streams would be required for construction and maintenance of the transmission line. For the Selected Alternative there will only be one overland route crossing of a perennial stream containing a small wetland resource and no new or improved access road crossings. These wetland effects would be mitigated and compensated by a required permit under Section 404 of the Clean Water Act. Where constructed or improved roads parallel or cross riparian areas or wetlands, temporary, construction-related effects could be experienced, including the effects of equipment working within and adjacent to these areas. Permanent effects will include reduced interception and infiltration of precipitation with increased runoff due to roads with potential to impact floodplains through increased flooding and erosion.

Clearly, the Selected Alternative is advantageous over Alternative B because water related issues are limited along this route. Any residual effect would be further minimized or compensated by

BMPs, PDFs (FEIS 3.2-27 and 3.4-25) and Stipulations as identified in FEIS which will become a requirement of the ROW grant.

## **B. Soils and Vegetation**

### **1. Echanis Project**

The Echanis Project will result in the loss of approximately 93 acres of vegetation with corresponding soil disturbance including about 54.0 acres for new or improved access roads, 2.4 acres for turbines, 1.8 acres for the substation, and 1.3 acres for the overhead electrical lines. Construction of the Echanis Project and any of the Alternatives has the potential to increase soil erosion due to larger amounts of runoff during construction and clearing. Soils also have the potential of being affected by potential spill of harmful materials during construction. All Action Alternatives also have the potential to increase runoff due to roads and impervious surfaces.

Several measures included in the application and approval the Echanis CUP will minimize effects to soils and vegetation. These include:

- The requirement for Echanis to secure National Pollutant Discharge and Elimination System Stormwater Discharge Permit from the Oregon DEQ prior to construction.
- The requirement to develop a Weed Management and Control Response Plan in consultation with the Harney County Weed Board.
- The requirement to comply with all Federal, State and local laws relative to the handling, storage, use and disposal of those hazardous materials.
- Echanis' commitment through their CUP application and subsequent approval by Harney County to develop a Restoration and Rehabilitation Plan.

### **2. Transmission Project**

At approximately 46 miles long (all ownerships), the Selected Alternative is significantly longer than Alternative B which is 29 miles long. For this reason, the Selected Alternative involves more direct effects to soils and vegetation in terms of acres than

Alternative B. However, a greater proportion of the Selected Alternative, over 25 percent, will cross previously disturbed lands including agricultural lands and annual grasslands located along State Highway 78 between Princeton and Crane, Oregon. Further, the Selected Alternative parallels several existing roads and highways including State Highway 78 which will limit the amount of additional disturbance from development of access. These factors offset any advantage Alternative B has over the Selected Alternative in terms of distance and acreage making overall effects to soils and vegetation similar for both Alternatives. Any residual effects to soils and vegetation of the Selected Alternative would be further minimized or compensated by BMPs, PDFs and Stipulations, which includes provisions for a Restoration and Re-Vegetation Plan, a Weed Management and Control Plan, and other mitigation plans which will become requirements of the ROW grant.

**C. Wildlife**

**1. Echanis Project**

a. General Wildlife

Residual effects from construction of the Proposed Action and Alternatives will include habitat loss, dispersal of wildlife from construction areas, displacement, and mortality from vehicle collisions. Residual effects that will last at least as long as the life of the Project (an expected 40 years) will include a reduction in the availability of wildlife habitat for foraging, courtship and breeding, rearing young, and cover for many general wildlife species including special status species. Noise and human activities associated with operations will displace individuals throughout the year, and during the spring maintenance vehicles could disrupt breeding of some species. Less mobile or burrowing non-game species will be susceptible to mortality from increased vehicular use on the Echanis Project site.

b. Big Game

The Echanis Project will result in the loss of less than one percent of habitat in the game management units for mule deer winter range, elk winter range, pronghorn antelope range, and bighorn sheep habitat.

c. Sage-grouse

Greater sage-grouse will be displaced from their spring and summer habitats at the Echanis Project during maintenance activities, and will greatly reduce their time spent near the access roads and wind turbines. Direct mortality from collisions with wind turbines will likely be very low, because few deaths have been documented (FWS 2008). No leks are known to occur within 3 miles of the proposed turbine locations on the Echanis site, so courtship and breeding will not likely be affected by the Project except for the Little Kiger lek which is located as close as 1.2 miles from the main Echanis access road.

The effect of the presence of turbines in late brood-rearing habitat is not certain at this time. Greater sage-grouse will be displaced from an area beyond the turbine footprint, but for how far and during which seasons has not been adequately researched. The presence of roads will not necessarily reduce greater sage-grouse use, but the timing and amount of road use will determine the extent that greater sage-grouse and other wildlife will avoid the road. Increased vehicle use at the Echanis Project could lead to a slight increase in direct mortality from collisions.

Until empirical data are available that quantify the effects of such turbine developments on greater sage-grouse populations, interim guidance from the ODFW is being used to quantify areas of impact of Project features on greater sage-grouse (Hagen 2011b). As discussed herein, this ODFW guidance forms the basis for mitigation for sage grouse and sagebrush dependent species. The basis for ODFW's guidance is the "no net loss and with a net benefit" policy. This policy provides that habitat mitigation should be through reliable in-kind, in-proximity habitat mitigation to achieve no net loss of either pre-development habitat quantity or quality. The mechanisms for mitigation described in this ROD are designed to achieve this goal.

d. Golden Eagles and other Special Status Raptors

Golden eagles were present at both the Echanis Project site and immediately west of the Echanis site, but were observed over canyons and away from ridges where turbines are proposed. Given the potential for a lethal

collision of a golden eagle with wind development components, a Programmatic BGEPA permit will be required from the FWS to provide operational coverage for the Echanis Project. In consultation with FWS Echanis has developed an ABPP/ECP for the Echanis Project Site. The FWS has acknowledged that Echanis cooperated in the development of the ABPP/ECP which addresses golden eagle issues. This plan will be used to ensure consistency with both the MBTA and the BGEPA. This plan applies to species covered under the MBTA and BGEPA.

Direct effects to golden eagles from Echanis Project activities will result from disturbance and mortality. Actions that resulted in disturbance from the development of the Echanis Project will include the effects of construction of the turbines and associated infrastructure and potential loss of habitat in golden eagle territory. The mortality estimate for the Echanis Project due to golden eagles collision with turbines is estimated to be approximately 3.4 to 5.1 golden eagles per year (Echanis 2011).

One bald eagle was observed in the fall during its southern migration over the Echanis Project site, but the bald eagles' preference for sites near water will make it likely to occur only as a migrant at the Echanis Project site. Bald eagle winter roost areas are not present on the Echanis Project site.

The ABPP/ECP will minimize effects to eagles through the use of avoidance, minimization and mitigation measures per the Draft Eagle Conservation Plan Guidance issued by the Service in January 2011. To achieve these goals, the ABPP/ECP provides for a.) Site selection and development undertaken with respect to the Echanis Project; b.) Advanced Conservation Practices to be employed before, during, and after the construction of the Project; and c.) Compensatory mitigation for any remaining, unavoidable take of eagles.

No suitable habitat exists on the Echanis Project site or main access road for the burrowing owl, and no northern goshawks or ferruginous hawks were observed during field surveys. Ferruginous hawks are unlikely to be present except during migrations. No raptor nests for any special status species were found within 2 miles of the Echanis Project site.

e. Other Special Status Species

Estimates of bird fatalities from the Echanis Project range from 24 to 690 birds annually, with 19 to 538 (about 78 percent) of these being passerine species. The estimate of fatalities for other species include 0 to 22 raptors annually, 28 to 235 bats annually (mostly hoary and silver-haired bats), and minimal waterfowl and shorebirds. These bird and bat fatality estimates are consistent with fatality data from existing wind farm developments in the Pacific Northwest.

There is a low likelihood that the six special status passerine species (yellow-breasted chat, willow flycatcher, olive-sided flycatcher, black rosy finch, and Lewis' woodpecker) could be affected by collisions with the turbines at the Echanis Project site. During spring or fall migration these species could be at a greater risk of collisions with turbines.

Although no wind developments are known to have been constructed in mountain quail habitat, it is possible that the Echanis Project could cause a low level of mortality for mountain quail from collisions with turbines, because other game bird fatalities have been found at other wind developments. Increased collisions with vehicles from maintenance and other operational traffic could occur, although it is likely to be undetectable.

The FEIS estimates that bat mortality from the Echanis Project will range from 28 to 235 bat deaths per year. Hoary bats and silver-haired bats would most likely comprise the majority of the bat fatalities on-site. The big brown bat and little brown bat are also present in the Echanis Project area. However, they have comprised a small proportion (less than or equal to 10 percent) of total bat mortality at other wind developments in the Pacific Northwest (Arnett et al. 2008). If bat mortality thresholds in the ABPP/ECP are exceeded (2.56 bats per turbine per year or mortality of 10 bats at any one turbine in a given year), one or more of the adaptive management measures discussed in the ABPP/ECP would be initiated to minimize bat mortality.

Although a number of effects to wildlife from the Echanis Project are anticipated, mitigation and compensation for

most of these effects are assured through local, State and other Federal regulatory processes. For example, mitigation for most sagebrush dependent species will be required through a HMP which will be updated and imposed as a part of Harney County's CUP for Echanis. The ABPP/ECP, required as part of an application for an eagle take permit by FWS, will provide for mitigation and, if necessary, compensation for most avian and bat species. The residual effects from construction of the Echanis Project would include habitat loss, dispersal of wildlife from construction areas, displacement, and mortality from vehicle collisions.

## 2. Transmission Project

### a. Big Game

All alternatives have similar effects and cross similar amounts of key habitats including elk and mule deer winter range. The exception is the Selected Alternative will affect a larger acreage of antelope winter range than Alternative B, 370.8 acres versus 95.6 acres. However, these acres were calculated based on all habitat within the 150-foot ROW. The actual permanent disturbance to these key habitats from development of the Selected Alternative is: 53.8 acres of mule deer winter range, 24.7 acres of elk winter range and 11.3 acres of antelope winter range. Actual permanent disturbance for Alternative B would be: 41.7 acres of mule deer winter range, 24.7 acres of elk winter range and 4.8 acres of antelope winter range.

### b. Greater Sage-grouse

The Selected Alternative and Alternative B have similar effects to greater sage-grouse including displacement due to permanent features, habitat fragmentation, potential mortality from collisions with vehicles and increased predation. The Selected Alternative is slightly closer to the Little Kiger Lek than Alternative B. However, in both alternatives, two drainages and an intervening ridge prevent direct line of site from the lek. Because of this topographical screening it is anticipated that for Alternative B none of the transmission line would be visible and for the Selected Alternative only the upper portions of the towers and lines would be visible from the lek. The Selected Alternative crosses a greater area of juniper woodland and

grassland than Alternative B where sage-grouse nesting is not expected.

c. Golden Eagles and other Special Status Raptors

All transmission alternatives have similar affects to golden eagles and other raptors including the potential for collision with above-ground towers or lines, electrocution, disturbance (particularly of breeding attempts) during construction, and habitat loss. Raptors are known to occur along the entire length of all action alternatives but the probability is low that raptors will collide with the transmission line because of line spacing (APLIC 1994). Raptor species have excellent eyesight and tend not to fly during low light conditions (e.g., dusk and inclement weather) further minimizing the risk of collision with the transmission line. Any probability of collisions increases where Alternative B borders or crosses the Malheur NWR because raptors are more likely to use wetland areas for foraging. Implementation of *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006* (APLIC 2006) as provided for in PDFs will ensure that the probability of raptor electrocution is negligible and use of construction timing restrictions and buffers will ensure avoidance of raptor nest disturbance.

d. Special Status Waterfowl and Shorebirds

Special status water birds including western least bittern, white-faced ibis, black tern, trumpeter swan, snowy egret, Franklin's gull, and American white pelican are prone to collisions with transmission lines. Mortality would occur where Alternative B would cross the MNWR which contains highly valued waterfowl habitat and is situated along a migratory pathway. The Selected Alternative has a distinct advantage over Alternative B in this regard because it does not cross lands containing extensive amounts of these unique habitat characteristics.

e. Other Special Status Species

Effects to other special status species including pygmy rabbits, special status passerines and woodpeckers and mountain quail are similar through all alternatives. Effects include loss of habitat from transmission and access footprint disturbance, potential direct vehicle mortality,

collision hazard from the transmission line, and displacement from suitable habitat. These effects are minor and in most cases are undetectable.

One of the most significant benefits of the Selected Alternative is that it avoids the Blitzen Valley and Malheur NWR thereby minimizing the potential for collision related mortality for a number of key avian species including waterfowl and shorebird species, golden eagles and other special status raptors. Based on ongoing consultation with the ODFW and FWS, many wildlife resources in the area are avoided by the Selected Alternative or the impacts are substantially mitigated. Any residual effect associated with the Selected Alternative would be further minimized or compensated by BMPs, PDFs and Stipulations, which will become a requirement of the ROW grant. This includes imposition of a HMP and ABPP/ECP applicable to the Transmission Project.

**D. Visual and Aesthetics, Recreation, Wilderness, Wilderness Study Areas, Other Lands with Wilderness Characteristics, and Wild and Scenic Rivers**

**1. Echanis Project**

The primary permanent effect on Wilderness, Wilderness Study Area (WSA), lands with wilderness characteristics (LWC), and Wild and Scenic Rivers (WSR) will be the visibility and noise of the Echanis Project and the private segments of the transmission line. No portion of the Echanis Project or transmission line will be located within designated Wilderness, WSR, WSA, and LWC or on public lands within the CMPA. To reduce visual effects, Condition No. 11 of the Harney County's CUP for the Echanis Project requires that all exterior components of the wind turbines be painted off-white or light gray with a flat, semi-gloss or galvanized finish.

The Echanis Project will be visible from key recreation areas within the CMPA, including portions of East Steens Road, Mann Lake Recreation Site (3.5 miles from the Project) and East Rim Overlook (7.6 miles from the Project). Visual effects of the Echanis Project will be moderate to high from Mann Lake, the East Rim Overlook, and at least one location along the East Steens Road. The Echanis Project will be prominent along the ridgeline above the Mann Lake Recreation Site and East Steens Road.

The Echanis Project will be located on private lands not subject to BLM's visual resource management (VRM) objectives. Therefore, these private lands have not been inventoried or classified in accordance with BLM VRM standards. The Echanis Project, however, will affect the scenic view quality from adjacent BLM-administered VRM Class II lands and

the character of the adjacent scenery and cultural modifications near these lands will also change. Further, the visual effect of the Echanis Project will be high to moderate from several Key Observation Points (KOP) located on surrounding BLM lands.

To meet the security and safety-oriented objectives, the Federal Aviation Administration (FAA) requires the mounting of red or white flashing lights on top of structures over 200 feet tall to avoid aircraft collisions during the day and night. To minimize light pollution caused by red or white flashing obstruction strobes, the Applicant will utilize a system that simultaneously flashes all obstruction lights and utilizes a narrow vertical beam. Nighttime light pollution from lighting at the Echanis substation and the operations and maintenance (O&M) facility will be minimal.

The only WSR situated within a 5-mile viewshed analysis area is the Kiger Creek WSR. Located over 2 miles from the southern tip of the Echanis Project, the lands situated within the designated boundary of Kiger Creek WSR will not be affected by Project operational noise and will not have views of the operating wind turbines due to topographic screening provided by the walls of the Kiger Gorge.

The Steens Mountain Wilderness, five WSAs, and one LWC, fall within the boundaries of the viewshed analysis area. The Project will be visible from portions of the northernmost part of Steens Mountain Wilderness. Based upon the Geographic Information System viewshed analysis, approximately 668 acres (0.4 percent) of Steens Mountain Wilderness will have foreground to middle ground views of the Echanis Project, while approximately 822 acres (0.5 percent) of the wilderness area will have foreground to middle ground views of the transmission line on private land (FEIS Figure 3.13-1 and Figure 3.13-2). Opportunities for solitude will be diminished on those parts of Steens Mountain Wilderness with views of the Echanis Project. However, opportunities for primitive and unconfined recreation will not be diminished or restricted due to the visibility of the Echanis Project nor will the wilderness' natural condition be affected because no part of the project will be located within the wilderness boundary. Similarly, the Project will affect the scenery located outside of the wilderness area, and potentially affect vegetation, habitat, wildlife, and historic properties within the Analysis Area, but will not affect any of these resources within the wilderness area itself.

Notable visual effects will occur from the Echanis Project within portions of five WSAs and one LWC. Wind turbines will be located within a few hundred meters of Lower Stonehouse WSA, about 0.5 mile from High Steens WSA, about 3.0 miles from West Peak WSA, 4.0 miles from Stonehouse WSA, 4.5 miles from Heath Lake WSA, and approximately 200 meters from Lower Stonehouse LWC. Noise levels in Lower Stonehouse WSA and LWC will exceed ambient levels and could exceed Oregon DEQ standards from the close proximity of the wind turbines. Turbine noise and visibility at Lower Stonehouse WSA and LWC will

diminish opportunities for solitude. To minimize noise effects, Echanis will comply with the conditions of approval in Harney County's CUP requiring the Echanis Project to be operated so that noise levels do not exceed Oregon DEQ standards. Visibility of the Echanis Project will also be diminished somewhat by the CUP requirement for the turbines to be painted off-white or light gray in flat, semi-gloss or galvanized finish. Even with these mitigation measures, the Lower Stonehouse WSA and LWC would likely still have unobstructed views of the Echanis Project and would be subject to noise in excess of ambient noise levels lasting for the life of the Echanis Project.

## 2. **Transmission Project**

There is no designated Wilderness, WSA, LWC or WSR existing within five miles of Transmission Project on public land. Five miles was chosen as the Analysis Area in the FEIS because it would include foreground to middleground views, as defined by the BLM's VRM methodology, and it is the area where changes would be more noticeable and more likely to trigger public concern (BLM Manual 8410). For this reason, regardless of alternative, there will be a minor, if any, effect to these special areas from any transmission facilities located on public land.

From a visual resources perspective, the Selected Alternative has a distinct advantage over Alternative B. Alternative B crosses public lands designated as VRM Class II and III with nearly a quarter being VRM Class II where the BLM's management objective is to retain the existing landscape character. The BLM VRM Class II objectives provide that the level of change to the characteristic landscape should be low.

Management activities may be seen, but should not attract the attention of the casual observer. Any changes must repeat the basic elements of form, line, color, and texture found in the predominant natural features of the characteristic landscape. If Alternative B were selected it, would not meet this VRM objective because the Transmission Project would have moderate visual contrast and a moderate effect to the landscape character. Further, most of Alternative B is located near State Highway 205 and Diamond Lane, (designated Backcountry Byways); routes the majority of visitors utilize to access Steens Mountain and Malheur NWR.

The Selected Alternative crosses mostly VRM Class III and IV lands, with only a very minor portion (0.09 mile) crossing VRM Class II lands. Note the FEIS Executive Summary (FEIS at ES-12) indicates both alternatives do not meet BLM VRM II objectives. Regarding the Selected Alternative, this statement is in error because for VRM Class II areas crossed by the Selected Alternative, the visual contrast is weak and the overall visual effect to the landscape character is low. This is because of the generally lower scenic quality ratings and distance from KOPs to the affected VRM

Class II areas crossed by the Selected Alternative. Therefore, the Selected Alternative is in conformance with the Andrews Management Unit and Three Rivers RMP because it meets their VRM Class II objectives while Alternative B does not meet those objectives (See FEIS 3.9.1.1 for a discussion of BLM VRM policy and methodology).

Both alternatives will be visible to recreational visitors to the area and intersect or parallel a number of recreational routes and attractions. Both Alternatives have a common alignment where they cross a portion of the CMPA on private lands. These private lands are remote and undeveloped. Because of private lands, public recreational access to this area of the CMPA is somewhat limited. The Selected Alternative is advantageous because in comparison, Alternative B would cross the Malheur NWR, which received nearly 60,000 visitor use days in 2006. Malheur NWR is an internationally famous wildlife observation and photography destination, as well as having a number of other recreational opportunities. Alternative B also intersects the High Desert Trail, the Blitzen Valley Auto Tour Route and the High Desert Discovery Scenic Byway (Highway 205) and parallels South Diamond Lane. Alternative B would remain visible near the town of Diamond and would be distantly visible from Buena Vista Overlook. The Selected Alternative will parallel the Diamond Loop Backcountry Byway and Highway 78 where numerous farms, ranches and other manmade features currently exist. It will be approximately 3 miles from the Kiger Wild Horse Viewing Area, 2 miles from the Peter French Round Barn and cross approximately 7 miles of the Kiger Mustang Area of Critical Environmental Concern (ACEC). The objectives of the ACEC however, are generally related to wild horse characteristics (see discussion below under Wild Horse and Burros/ACEC) and, in the vicinity of the Selected Alternative, the ACEC does not have any stringent constraints or management objectives related to visual resources or recreation. In this area, most lands are designated VRM Class IV by the Three Rivers RMP.

A key aspect of BLM's decision to choose the Selected Alternative is to protect important viewsheds and areas of visitation along Highway 205, Diamond Lane, the Blitzen Valley and Malheur NWR by routing the transmission line into areas with less visitation, less visual quality or, in the case along Highway 78, where numerous intrusions and development already exists.

## **E. Cultural Resources**

### **1. Echanis Project**

In consultation with the Oregon SHPO, Areas of Potential Effect (APE) for cultural and historical resources have been established for both the

Echanis Project and the Transmission Project. APEs are areas broader than the footprint of the project that are surveyed and analyzed for cultural and historical resources to ensure that there is no direct, indirect or inadvertent effects to those resources. Within the Echanis Project APE, there were no architectural/historical resources discovered, but two prehistoric sites and one historic cultural feature was discovered. As noted in the discussion below these sites have not been evaluated for their eligibility for the National Register of Historic Places (NRHP). The sites could be adversely affected by construction of the main access road to the Echanis Project site, placement of turbines, installation of the overhead and underground power collection system, construction of onsite access roads (i.e., string roads), and increased human activity from ongoing O&M. The sites and historic feature will be avoided, if possible, by relocating or reconfiguring Echanis Project facilities or along the alignment of the main access road. If avoidance is not possible, further testing and formal evaluations for eligibility for listing in the NRHP will be conducted for each identified resource and mitigation measures will be determined.

## 2. **Transmission Project**

Eighteen archaeological sites within Alternative B APE could experience permanent adverse effects through direct disturbance and/or indirect visual effects. Permanent adverse effects could result from the installation of transmission poles, construction of access roads, and increased human activity from regular long-term maintenance activities.

Five architectural/historical resources were identified in the APE for Alternative B. None of these resources have been formally evaluated. Construction activities could create noise and vibrations that would affect architectural/historical resources and stockpiling construction materials and equipment would cause short-term visual effects. Permanent adverse effects could result from the installation of transmission poles, and increased human activity from regular long-term maintenance activities.

Ten archaeological sites within the Selected Alternative APE could experience similar effects as Alternative B.

Twenty-one architectural/historical resources were identified in the APE for the Selected Alternative. None of these resources have been formally evaluated. Construction activities will not be expected to cause direct adverse effects to any of these architectural/historical resources because they are located a distance from the Selected Alternative and/or along existing roadways and near other human developments. Visual effects from the presence of the transmission line could have an effect on a number of these resources

After the initial cultural resource surveys were completed, in consultation with the Oregon SHPO, it was determined that a larger APE was necessary for the project. Further, several miles of private lands along the

transmission route alternatives have not been inventoried for cultural resources because access arrangements have not been secured by Echanis across those lands. The BLM, MNWR, and the Oregon SHPO, along with the Burns Paiute Tribe and Harney County as concurring parties, have entered into a PA (see Attachment F) which will provide for inventory of un-surveyed lands, NRHP evaluation of discovered resources for eligibility for NRHP, avoidance of eligible resources, treatment of eligible resources which cannot be avoided and treatment of undiscovered resources and human remains prior to or during any construction activity. This agreement will ensure that the BLM as the lead Federal agency complies with Section 106 of the NHPA and 36 CFR Part 800 on all project lands. As a condition of its ROW grant, the BLM will require Echanis to fully comply with and implement the terms of a PA to ensure that the BLM meets its obligations under the NHPA.

A number of archaeological and architectural/historical resources within the Echanis Project and the Selected Alternative were determined eligible, potentially eligible or not eligible in the FEIS. These eligibility determinations were published in error. None of the archaeological sites in the Echanis Project or archaeological sites and architectural/historical resources in the North Route have been formally evaluated by BLM in consultation with the Oregon SHPO. The applicant will provide a Construction POD detailing precise locations of project components prior to a NTP. Potential conflicts between cultural resources and construction locations will be determined at that time. If all archaeological sites and architectural/historical resources can be avoided through final project design, formal evaluations will not be necessary and these resources will be further protected through project monitoring. In accordance with the PA developed for the project, if resources cannot be avoided based upon final project design, formal evaluations will be required. Formal evaluations will provide the data to determine National Register eligibility. Impacts to eligible sites will be mitigated through various means in consultation with the Oregon SHPO and the Burns Paiute Tribe.

Overall, the Selected Alternative is advantageous over Alternative B because there are generally fewer cultural and historical sites along the route. Most sites will be avoided by spanning or other means. Additionally, archaeological sites discovered along the Selected Alternative are generally smaller in size than those along Alternative B making spanning or other avoidance techniques easier to accomplish. As previously stated, the PA provides for inventory, identification, evaluation, and, if necessary, avoidance and treatment of any previously documented and undiscovered cultural and historic resources or human remains. If avoidance is not possible, the BLM will require in its ROW grant, through the PA, treatment and mitigation of any resource before construction is permitted at that location.

**F. Wild Horse and Burros/ Areas of Critical Environmental Concern****1. Echanis Project**

All Echanis Project features are located on private land and thus, do not encroach upon any Herd Management Areas (HMA) or ACECs.

**2. Transmission Project**

Alternative B would extend 0.83 miles into the east unit of the Warm Springs HMA. In addition, a new interconnection station and 2.17 miles of new road would be located within this HMA requiring 18.56 acres of ROW. This amounts to .004 percent of the total acreage in the HMA. Because vegetation would not be removed on most of the transmission line ROW, most of this acreage would remain available for forage and shelter for wild horses and burros. The Selected Alternative will cross 4.46 miles of the Kiger HMA along with 3.48 miles of access road requiring 87.86 acres of ROW within the HMA amounting to .327 percent of the HMA. Like Alternative B most of this acreage will remain available for wild horse forage and shelter.

Under either alternative no permanent effects will occur to perennial or intermittent streams, natural ponds, reservoirs or springs used by wild horses and burros because the transmission line will span these features. The primary temporary effect of both alternatives will be avoidance of the area by horses during construction or major maintenance operations. However, BLM horse observation data indicates horses do not frequent those portions of both HMAs crossed by either alternative. Although horses could temporarily be disturbed by construction activity if they are in the area, there will be little long-term effect to the horses themselves or to horse populations under either alternative.

The Selected Alternative also crosses 7.27 miles of Kiger Mustang ACEC. The ACEC was designated in 1992 by the Three Rivers RMP. A large portion of this distance, approximately three miles is on private lands which were conveyed out Federal ownership through a legislated land exchange in 2002 subsequent to the area's designation as an ACEC. In addition to other management prescriptions, Kiger Mustang ACEC is designated as a "ROW avoidance area" in the Three Rivers RMP and the ACEC Management Plan. As defined in these plans ROWs may be granted in avoidance zones if they are compatible with the purpose for which the area was designated and no feasible alternative exists.

As expressed in the ACEC Management Plan, the primary objective of the ACEC is to perpetuate and protect the dun color factor and conformation characteristics of the wild horses within the HMA. Secondary objectives for the area identified in the ACEC management plan include providing educational opportunities to increase public knowledge of wild horses and BLM's role in managing wild horses. An additional objective includes ensuring that lands within the Stonehouse WSA be managed for

wilderness values in accordance with the BLM's Interim Management Policy for Areas under Wilderness Review.

The alignment of the Selected Alternative will be on the far westerly side of the ACEC in an area where BLM horse observation data indicates horses do not frequent (FEIS Figure 3.12-1). Further, although horses may be temporarily disturbed by construction activity, there will be little lasting effect to the horses themselves and no effect to the viability of the horses or BLM's ability to perpetuate and protect the dun color factor and conformation characteristics of the Kiger herd. The grant of ROW will also be compatible with other objectives because the ROW will not affect the BLM's direction to provide educational opportunities and increase public knowledge of wild horses and the BLM's role in managing wild horses. Finally, there will be no effects to wilderness values within the Kiger Mustang ACEC because the Selected Alternative does not traverse the Stonehouse WSA portion of the ACEC which is in a separate unit of the ACEC nearly 10 miles to the east.

In the FEIS, the BLM considered, but eliminated from detailed analysis, four additional transmission line route alternatives, which were found from the outset to be infeasible due to a variety of reasons. In addition to the Selected Alternative, the FEIS considered three other action alternatives - Alternative B and two route options all crossing Malheur NWR. Under the National Wildlife Refuge System Administration Act (43 USC 668dd), uses on national wildlife refuges cannot be authorized, unless the use is found to be a compatible use. Further, if a proposed use is considered an economic use, such as a transmission line, the regulations at 50 CFR 29.21 provide that the refuge can only authorize economic uses that contribute to and are compatible with the National Wildlife Refuge and National Wildlife System purposes.

Although the MNWR has not completed a formal compatibility determination, MNWR has indicated to the BLM that, based upon the data collected near Alternative B and the FEIS analysis, that "it is highly unlikely constructing and operating a transmission line crossing MNWR could be approved" considering the laws, regulations and policies governing management of the National Wildlife Refuge System.

Micro-siting the alignment of the Selected Alternative in the vicinity of the ACEC in an attempt to avoid horses or the ACEC will have similar or greater effects than the proposed alignment. Other routes would locate the transmission line more central to the ACEC where horses are more frequent and would make management activities, such as horse gathering and censusing by aircraft, more difficult.

Given the above factors, any of the action alternatives considered and rejected or those alternatives analyzed in detail in the FEIS have either been determined infeasible or will likely be found infeasible if further pursued.

The BLM has determined the Selected Alternative meets both criteria necessary to grant a ROW for the Selected Alternative within Kiger Mustang ACEC and the decision conforms to the Three Rivers RMP.

Considering this determination relative to the ACEC, neither the Selected Alternative nor Alternative B provides any distinct advantage over one another relative to Wild Horse and Burro or ACEC issues. Both alternatives will result in similar affects to horses which are limited and temporary in nature. Any residual effects to the horses are further minimized by a requirement in the ROW grant to conduct pre-construction surveys and, if found, avoid foaling mares during construction.

## **G. Social and Economic Factors**

### **1. Echanis Project**

Total temporary employment effects during the nine-month Echanis Project construction are estimated to be 145 jobs (direct, indirect, and induced). Long-term operation and maintenance of the Echanis Project is expected to generate 15 permanent jobs (10 direct jobs and 5 induced jobs) over the next 40 years.

Total income as a result of the Echanis Project in Harney County including labor income, income for project related goods and services, and construction employee spending for personal goods and services is expected to rise during the construction period by approximately \$5.0 million. Long-term income during the 40-year operations phase is expected to increase by an estimated \$1.3 million annually. Long term income includes Echanis O&M employee payroll, lease payments and increased household spending. In present value terms, both construction and O&M income over the life of the Project will increase by approximately \$34.0 million.

No property value effects to private lands within or adjacent to the wind farm are expected due to proximity/viewshed impairment because any negative effects from impairment will be offset by lease payments to the landowner.

Overall, the effect of the Echanis Project on community services is expected to be negligible. It is expected the increase in public service demands will either have been funded directly by the Applicant or will be met locally by public service providers paid by the Applicant. Therefore, the net fiscal effects are expected to equal the additional tax revenues generated by the Echanis Project.

Increased real estate tax revenues were estimated to be \$60,000 annually, starting in the first year of operation, and will escalate at three percent annually thereafter, reaching \$190,000 in year 40. Over a hypothetical 40-year life of the Project, this will amount to a total of \$4.5 million in real estate taxes, with a net present value of \$2.3 million. The \$4.5 million in

increased real estate taxes combined with an estimated \$35.5 million in increased personal property taxes will be equivalent to an annualized payment of \$1.6 million per year.

No disproportionate effects were identified for minority or low-income populations as a result of the Echanis Project. However, the project will result in a change in the character of the area from a rural, undeveloped, and open landscape to a slightly developed one, thereby representing a change to the lifestyle and social values held for the Project Area.

## 2. **Transmission Project**

Construction and commissioning of Alternative B would generate 130 temporary jobs (direct, indirect, and induced and additional to the Echanis Project), while the Selected Alternative will generate approximately 74 additional temporary jobs. One permanent job will be created for long-term maintenance and operation of either Transmission Project alternative.

No homes are nearby (within 500 feet) Alternative B, further suggesting there would be no effects on residential home values. The property value effects of the Selected Alternative will likely be the same or slightly greater than the effects of Alternative B since seven homes will be located within 500 feet of the Selected Alternative alignment and thus could be affected by the transmission line.

A key consideration in approval of the ROW is the economic benefits attributable to both the Transmission and Echanis Projects. The project would have a significant impact on employment opportunity in the County by providing as many as 235 temporary and permanent jobs. This is especially important considering the current high unemployment rate in Harney County (15.8 percent - October, 2011) with a rural population of only 7600.

## H. **Air Quality and Climate Change**

### 1. **Echanis Project**

Once constructed, there will be no direct emissions of air pollutants from the Echanis Project. Because this electricity will be produced without burning carbon-based fuel, essentially no air pollutants will be generated per megawatt-hour of output (except for those related to O&M).

Additionally, the Echanis Project will aid in reducing the need to generate electricity within the United States using fossil-fuel generating resources, which could indirectly lead to reduced emissions from fossil fuel-fired power plants. These are important factors the BLM has considered in its decision to approve the Transmission Project which will facilitate the Echanis Project.

The Echanis Project will have had an average annual generating capacity of approximately 463,000 megawatt-hours, which might otherwise cause to be emitted elsewhere about 194,000 metric tons of Carbon Dioxide

equivalents annually from mixed generating resources serving the Northwest region. In addition to Greenhouse Gas (GHG), criteria pollutants (volatile organic compounds, carbon monoxide, nitrogen oxides, sulfur oxides, respirable particulates, and fine particulates) from natural gas, coal, and biomass generating resources might be emitted elsewhere without the Echanis Project.

Short-term temporary construction effects from the Echanis Project could occur from criteria pollutants (combustion contaminants), fugitive dust (earthmoving and road usage), and GHG as a result of construction, O&M but will be below thresholds.

## **2. Transmission Project**

Both alternatives have similar overall effects to air quality and climate change including release of pollutants (combustion contaminants), fugitive dust (earthmoving and road usage), and GHG as a result of construction, O&M. Alternative B would have a slight advantage over the Selected Alternative because construction related emissions would be for a shorter construction period (130 working days versus 210 days for the Selected Alternative) due to the differences in alternative length. However, this minor advantage is overshadowed by the overall beneficial effect to air quality and climate change of the Echanis Project.

### **I. State and National Energy Policy**

The Echanis Project will result in an increased supply and transmission of wholesale electric renewable power available to utilities for retail sales in the states of California and Oregon. The Echanis Project will produce peak power during winter months, which will complement Columbia Gorge wind projects and potentially benefit the balancing required by BPA.

Both California and Oregon have similar statutes regarding Renewable Energy Portfolio Standards (RPS). The statutes in both states direct qualifying utilities to meet a percentage of their retail electricity needs with qualified renewable resources. California's RPS mandate requires utilities to provide 20 percent of retail sales of electricity from eligible renewable energy resources by 2010 through annual increases of at least one percent per year. Also in California, Executive Order S-14-08, expanded the requirement to all retail sellers of electricity to provide 33 percent of retail load through eligible renewable energy resources by 2020 (CPUC 2010).

Oregon's RPS requires the largest utilities to provide 25 percent of their retail sales of electricity from renewable sources of energy by 2025. There are intermediate goals for these large utilities of five percent by 2011, 15 percent by 2015, and 20 percent by 2020. Smaller utilities (i.e., those providing 1.5 to 3 percent) are required to provide 10 percent of their retail sales from renewable power sources by 2025, and the smallest utilities (i.e., those providing less than 1.5 percent) must provide five percent of their retail sales from renewable power sources by 2025.

Secretarial Order 3285 A1 for Renewable Energy states, "Agencies and bureaus within the Department will work collaboratively with each other, and with other Federal agencies, departments, states, local communities, and private landowners to encourage the timely and responsible development of renewable energy and associated transmission while protecting and enhancing the Nation's water, wildlife, and other natural resources." Amendment 1 to EO 3285 says the BLM will "develop BMPs for renewable energy and transmission projects on the public lands to ensure the most environmentally responsible development and delivery of renewable energy." Consistent with EO 3285, the BLM has worked collaboratively with other federal, state and local agencies and departments including the FWS, MNWR, ODFW, Harney County, Burns Paiute Tribe, BPA and USACE in development of the FEIS and project mitigation.

**J. Designated Right-of-Way Corridors**

There are no BLM designated corridors associated with the Echanis Project. Alternative B is not located in any BLM designated corridor except where it intersects two ROW corridors designated by the Three Rivers RMP associated with State Highway 205 and Harney Electric Cooperative's Hanley-Catlow 115-kV Transmission Line. Approximately 8 miles of the Selected Alternative will be immediately adjacent to State Highway 78. Highway 78 is a ROW corridor designated by the Three Rivers RMP where it crosses public land. Although less than a mile of the Selected Alternative along Highway 78 is within the designated corridor, the Alternative still has the advantage of consolidating impacts and other benefits associated with location of infrastructure within corridors along that 8-mile length.

**K. Cumulative Effects**

The FEIS cumulative effects analysis evaluated the Transmission Project, three other proposed wind energy projects, agency programs, and other selected projects. Of particular note are the cumulative effects from the East and West Ridge Wind Projects, and to a lesser degree, Riddle Mountain Wind Project. Significant cumulative effects were disclosed to wildlife, visual and aesthetics, wilderness, WSAs, the CMPA, WSRs and recreational values. For example, 668 acres of Steens Mountain Wilderness will have views of Echanis, whereas 4,740 acres would have East Ridge views and 2,294 acres would have West Ridge views. East Ridge and West Ridge would affect views (some to a moderate to high degree) from several KOPs on public lands, particularly along North Steens Loop Road and other high use recreation areas within the CMPA. As many as 88 raptors (including as many as many as 12 golden eagles), 938 bats, and 2,760 passerines could be killed annually if all four wind projects were developed. Most of the three other wind project areas would occupy low density sage-grouse habitat with some of the West Ridge project area encroaching into core habitat. CEP, the parent company of Echanis, announced this it is no longer pursuing the West Ridge and East Ridge projects. Moreover, the BLM has included a condition, discussed above, concerning energy projects located within or immediately adjacent to the exterior boundary of the CMPA. Riddle Mountain is

located considerably farther away from the Steens Mountain Wilderness and the CMPA.

### III. Alternatives Considered

#### 1. Alternatives Considered in Detail

The North Steens 230kV Transmission Line Project FEIS analyzed three alternatives:

- Alternative A – No Action - The No Action Alternative represents the reasonably foreseeable outcome that would result from denying the request for a ROW grant to Echanis, LLC to construct the proposed 230kV transmission line to transmit electrical power from the Echanis Project to the regional transmission grid. Because the Echanis Project is a connected action to a ROW grant, denial of the ROW grant would preclude development of the Echanis Project.
- Alternative B, the West Route (the Proposed Action) - Alternative B would include construction of a new double-circuit 230kV transmission line and interconnection with an existing HEC 115-kV transmission line, along with new and improved access roads necessary for access to the transmission line. This alternative represents the Applicant's "Proposed Action" (i.e., the proposed Project described in the Applicant's ROW application submitted to the BLM in December 2008 and to the FWS in December 2009). In addition to the proposed route for the transmission line, this alternative includes two optional routes (South Diamond Lane Route Option and Hog Wallow Route Option) at the western end of the proposed alignment that would also meet the Project's stated purpose and need. The transmission line would be located within a permanent 150-foot wide ROW along the entire route.

Alternative B would extend 28.87 miles from a new substation located on the Echanis Project south of 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). The transmission line would cross public and private, including Federal land within the Malheur NWR between these two points.

- Alternative C, the North Route (Preferred Alternative now the Selected Alternative) –The Selected Alternative will include construction of a new double-circuit 230kV transmission line and interconnection with an existing HEC 115-kV transmission line, along with new and improved access roads necessary for access to the transmission line. The Selected Alternative will begin at a new substation located at the Echanis Project site and end at a new interconnection station constructed adjacent to the existing HEC 115-kV transmission line near Crane, Oregon. The Selected Alternative will be approximately 45.95 miles long, with approximately 33.66 miles crossing private land, approximately 12.10 miles crossing land administered by the BLM, and approximately 0.19 mile crossing state land. The transmission line will be located within a permanent 150-foot wide ROW along the entire route.
- An additional design option 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.

**2. Alternatives Considered But Eliminated From Detailed Analysis**

The Council on Environmental Quality NEPA regulations (40 C.F.R. 1502.14) state that an EIS must "Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated." The BLM NEPA Handbook (Handbook H-1790-1) further states that an action alternative can be eliminated from detailed analysis if the action alternative meets any of the following conditions:

- The alternative is ineffective (i.e., it would not respond to the purpose and need).
- The alternative is technically or economically infeasible given past and current practice and technology (this does not require cost-benefit analysis or speculation about an applicant's costs and profits).
- The alternative is inconsistent with the basic policy objectives for the management of the area.
- Implementation of the alternative is remote or speculative.
- The alternative is substantially similar in design to another alternative that is already being analyzed.
- The alternative has substantially similar effects to another alternative that is being analyzed.

The FEIS reviewed four alternatives that were originally considered by the Applicant, but were eliminated from further consideration.

**A. Steens Mountain CMPA Route Alternative**

The Steens Mountain CMPA Route Alternative would have extended from the Echanis substation to the new interconnection station adjacent to HEC's existing 115-kV transmission line near Diamond Junction. The transmission line would cross public and private land within the CMPA, as well as land within the Malheur NWR between those two points. The CMPA route would have been the shortest and most direct route of all of the alternatives considered. This alternative was eliminated from further consideration because it is inconsistent with the basic policy objectives for the management of the area. Section 113(f) of the Steens Act prohibits construction of facilities of the magnitude of the proposed transmission line on federal lands within the boundaries of the CMPA.

**B. East Steens Road/Hwy 78 to Crane Route Alternative**

The East Steens Road/Highway 78 to Crane Route Alternative would have been the longest route of all of the alternatives considered. The transmission line would have extended 70 miles from the Echanis substation, along East Steens Road and Highway 78 to Crane, Oregon, where the transmission line would have tied into an existing HEC 115-kV

transmission line  
(Figure 2.0-12).

The CMPA prohibitions described above as well as the Interim Management Policy (IMP) for Lands under Wilderness Review (IMP, H-8550-1 1995) restrictions (IMP at page 29 and 30) would have barred further consideration of this alternative. In addition, this route would have experienced a substantial cumulative electric line loss. For these reasons, this alternative was inconsistent with the basic policy objectives for the management of the area and determined to be technically or economically infeasible and was therefore eliminated from further consideration.

**C. East Steens Road to Fields Route Alternative**

This alternative would have headed east from the Echanis substation and south along East Steens Road south to the Fields substation (a distance of about 42 miles). From the Fields substation the power would have been transmitted 106 miles north on the HEC 115-kV line to the BPA Harney line located south of Hines.

The primary disadvantage of this alternative was the substantial cumulative electric line loss that would occur between the Echanis Project site and the BPA Harney line (up to 37.5 percent) (Power Engineers 2009). In addition, at one location along this alternative there exists a narrow corridor between Steens Mountain Wilderness and a WSA, where making adjustments to the route to avoid resources and existing improvements would have made transmission routing difficult. Placing the alternative outside of this narrow corridor would be prohibited by wilderness and CMPA prohibitions, as well as by IMP restrictions. For these reasons, this alternative was determined to be technically or economically infeasible and inconsistent with the basic policy objectives for the management of the area and was therefore eliminated from further consideration.

**D. West Route Underground Alternative**

This alternative would have followed the alignment of Alternative B. However the 0.27-mile portion of the transmission line crossing Blitzen Valley would have been placed underground instead of spanning the valley with an aerial crossing.

The primary reason this alternative was eliminated from further consideration was because of the high construction costs (from undergrounding the portion of the line crossing Blitzen Valley). The Applicant estimated that it would cost 24 times more for the materials and labor to construct underground than an overhead span at this same location (\$17,674,206 and \$728,943, respectively) (Power Engineers 2010). The higher costs of underground construction are primarily due to the costs associated with installing, operating, and maintaining the pressurized oil filled conduit pipe required to house, insulate, and cool the conductors.

High cost micro-tunneling techniques would have been required to install the conduit pipe through areas of basalt rock. An additional concern with the underground alternative was the potential for line leakage of dielectric oil. Thus, the increased costs for constructing the underground line, operating the line once it was constructed, the potential future costs if an oil leak were to occur, and the environmental spill risks make this alternative technically or economically infeasible resulting in this alternative being eliminated from further consideration.

### **3. The Environmentally Preferable Alternative**

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

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

Alternative A – No Action, is identified as the environmentally preferable alternative. However, this alternative would not allow the development of renewable energy, which is a national priority and which also provides important environmental benefits. As such, Alternative A was not chosen by the BLM.

## **IV. Public Involvement**

### **1. Scoping - July 2009 through September 2009**

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. 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.

In addition to the NOI, BLM and MNWR initiated a number of scoping processes to ensure robust public involvement on the project. These included:

- A scoping bulletin was prepared to provide the public with an overview of the proposed Project and to explain the scoping and environmental review process.

- A press release was issued which resulted in a number of articles in local and regional newspapers and publications.
- A scoping letter was prepared and sent to known interested parties and placed on the Burns District website.
- Five public meetings were held to inform the public and seek public input. Two of these meetings were held in Burns, Oregon, and one each in Frenchglen, Diamond and Bend, Oregon. Collectively, approximately 100 people attended these meetings.

At the close of the comment period, 101 letters or e-mails had been received from governmental agencies, environmental organizations, and interested citizens resulting in a total of 626 separate comments.

## **2. Draft EIS – July 2010 through September 2010**

On July 16, 2010, the BLM and EPA published a NOA in the Federal Register formally releasing the DEIS and marking the beginning of the 45-day public review and comment period. 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. The BLM held public meetings in Burns and Bend, Oregon to inform the interested and affected public and to obtain comments about the DEIS. Mailings, press releases and other public participation strategies were also utilized to notify the public and solicit comments on the DEIS. The DEIS was posted on the Burns District website and Compact Disks and hard copies of the document were also made available upon request.

As a result of these efforts the BLM received nearly 900 individual comments from 258 commenters on the DEIS.

## **3. Final EIS – October/November 2011**

On October 21, 2011 EPA and BLM published NOAs in the Federal Register formally releasing the FEIS. The FEIS included responses to public comments and incorporated a number of revisions and additions into the FEIS based on public and agency comments. The FEIS availability period ended on November 21, 2011.

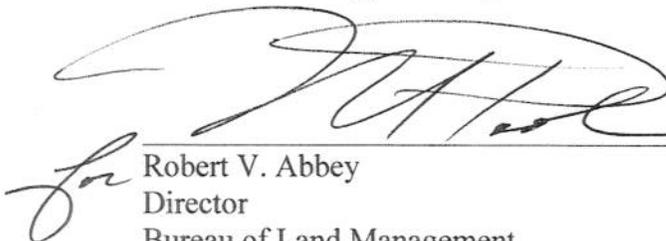
The BLM received four letters during the FEIS availability period from EPA, MNWR, Bend Field Office-FWS, and Oregon SHPO. Four e-mails from the general public were also received. The BLM analyzed these letters to determine if they contained substantive comments that were not already addressed in the responses to public comments received on the DEIS (see Appendix G in the FEIS) or that addressed a need for change in the FEIS.

No significant new information was presented in the letters that would require reissuance or supplementation of the FEIS.

**V. Final Agency Action**

**1. Right-of-Way Authorization**

It is my decision to approve a 230kV transmission line ROW including access roads, overland routes, and temporary tensioning sites to Echanis, LLC, subject to the terms, conditions, stipulations, POD, and environmental protection measures developed by the DOI and reflected in this ROD. The *Federal Register* notice for the FEIS for this project was published October 21, 2011. This decision is effective on the date this ROD is signed.  
Approved by:

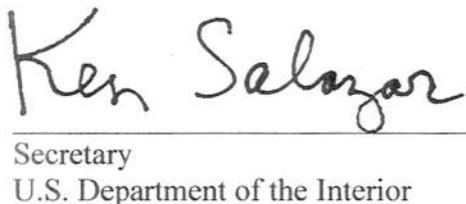
  
for Robert V. Abbey  
Director  
Bureau of Land Management

12/23/2011  
Date

**2. Secretarial Approval**

I hereby approve this decision. My approval of this decision constitutes the final decision of the DOI and, in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to appeal under departmental regulations at 43 CFR 4. Any challenge to these decisions, including the BLM Authorized Officer's issuance of the ROW as approved by this decision, must be brought in the federal district court.

Approved by:

  
Secretary  
U.S. Department of the Interior

DEC 28 2011  
Date