



***Bureau of Land Management  
Director's Protest Resolution Report***

**Greenlink North Transmission  
Project Environmental Impact  
Statement and Proposed  
Resource Management Plan  
Amendment**

November 18, 2025

## **Introduction**

The Bureau of Land Management (BLM) Nevada State Office released the environmental impact statement for the Greenlink North Transmission Project and Proposed Resource Management Plan Amendment (Greenlink North PRMPA/FEIS) on June 23, 2025. The Greenlink North PRMPA/FEIS considers land use plan amendments resulting from an application submitted to the BLM for an implementation-level action. As such, the Greenlink North PRMPA/FEIS includes analysis and discussion of both implementation-level decisions and land use planning decisions. Only the land use planning decisions under consideration are subject to protest. The BLM Director received three properly filed, unique protest letter submissions during the subsequent 30-day protest period, which ended on June 23, 2025.<sup>1</sup> At the time the BLM issues a decision to authorize implementation-level action of the proposed actions analyzed in the Greenlink North PRMPA/FEIS, any party to a case adversely affected by that decision may appeal such decision to the Interior Board of Land Appeals.

The planning regulations at 43 Code of Federal Regulations (CFR) 1610.5-2 outline the requirements for filing a valid protest. The BLM evaluated all protest letters to determine which protest letters were complete and timely, and which persons have standing to protest. All three letters were timely and all protesting parties had standing to protest. All of the protest letters contained a valid protest issue. The BLM documents the responses to the valid protest issues in this protest resolution report. The protest decision is recorded in writing along with the reasons for the decision in this protest resolution report.

The BLM Assistant Director for Resources and Planning addressed the protests and issued this Protest Resolution Report to protesting parties and posted this report on the BLM's website. The decision was sent to the protesting parties by certified mail, return receipt requested. Consistent with the BLM Delegation of Authority Manual (MS-1203 Delegation of Authority), resolution of protests is delegated to the BLM Assistant Director for Resources and Planning, whose decision on the protest is the final decision of the U.S. Department of the Interior (43 CFR 1610.5-2(b)).

## **Protesting Party Index**

<b>Letter Number</b>	<b>Protestor</b>	<b>Organization</b>	<b>Determination</b>
PP-NV-GN-EIS-25-01	Brian R Hardy	Lander County	Remanded in Part; Denied in Part; Dismissed in Part – Comments Only
PP-NV-GN-EIS-25-02	Laura Cunningham Kevin Emmerich	Western Watersheds Basin and Range Watch	Remanded in Part; Denied in Part; Dismissed in Part – Comments Only
PP-NV-GN-EIS-25-09	Wendy Park Bryce Pollock Larry J Johnson Shaaron Netherton Lydia Peri Russell Kuhlman	Center for Biological Diversity Backcountry Hunters & Anglers Coalition for Nevada's Wildlife Friends of Nevada Wilderness Nevada Bighorns Unlimited Nevada Wildlife Federation	Remanded in Part; Denied in Part; Dismissed in Part – Comments Only

<sup>1</sup> BLM planning regulations at [43 CFR 1610.5-2\(a\)\(1\)](#) provide that “protest[s] shall be in writing and shall be filed with the Director.” In the Notice of Availability of the Greenlink North PRMPA/FEIS ([90 FR 22511](#)), in accordance with BLM policy, the BLM explained that “[a]ll protests must be in writing and mailed to the appropriate address, as set forth in the ADDRESSES section earlier or submitted electronically through the BLM ePlanning project website as described previously. Protests submitted electronically by any means other than the ePlanning project website will be invalid unless a protest is also submitted as a hard copy.” The BLM’s instructions for [Filing a Plan Protest](#) provide that “[a]ll protests must be in writing and filed with the BLM Director, either electronically via BLM’s ePlanning website or as a hard copy by the close of the protest period. The only electronic protests the BLM will accept are those filed through ePlanning. All protest letters sent to the BLM via fax or e-mail will be considered invalid unless a properly filed protest is also submitted.” Jean Public submitted two letters regarding the Greenlink North PRMPA/FEIS to the BLM via email. Laura Leigh and Tammi Adams of Wild Horse Education submitted a hard copy letter to the incorrect address. These submissions do not comply with the BLM’s instructions for filing a protest with the BLM Director under 43 CFR 1610.5-2(a)(1) and were therefore determined to be invalid.

## **Report Contents**

The report is divided into sections, each with a topic heading, excerpts from individual protest letters, a summary statement of the issues or concerns raised by the protesting parties, and the BLM’s response to the protests.

NEPA: Connected Actions .....	2
NEPA: Alternatives .....	3
NEPA: Purpose and Need .....	6
FLPMA: Visual Resources Management.....	7
FLPMA: ACECs .....	8
FLPMA: Right-Of-Way Criteria .....	9
FLPMA: Unnecessary and Undue Degradation .....	10
NTSA: National Trail Management Corridors.....	11
Planning Regulations: Conformance .....	12

## **NEPA: Connected Actions**

### ***Lander County***

**Issue Excerpt Text:** *“The “Right of Way and Utility Line Corridor” adds even more credence to the need to analyze additional projects related to this corridor. Connected projects might not be tied into the Greenlink transmission line itself but rather allow additional lines to be “co-located” in the industrial artery that would be built to access adjacent landscapes for renewable energy projects. “You build it, they come” is exactly what siting a Utility Corridor creates, and the impacts from that decision must be fully analyzed for reasonably foreseeable future projects.”*

### **Summary of Protest Issue Statements:**

The BLM has violated the National Environmental Policy Act (NEPA) by failing to analyze the connected actions of future industry development by designating the utility corridor.

### **BLM Response:**

Connected actions are separate Federal actions within the authority of the BLM that are closely related to the proposed action. (516 DM 1 Section 6.1(g)). Connected actions should be addressed in a single environmental document when: (1) the proposed action automatically triggers the separate Federal action, which independently would require the preparation of additional environmental documents; (2) the proposed action cannot proceed unless the separate Federal action is taken previously or simultaneously; or (3) the proposed action is an interdependent part of a larger Federal action that includes a separate Federal action, which mutually depends on the larger Federal action for its justification. (516 DM 1 Section 6.1(g)).

The Greenlink North PRMPA/FEIS discloses reasonably foreseeable future actions of pending applications for solar projects, general utilities, communication facilities, mineral exploration and mining, and wildlife conservation and habitat restoration. (PRMPA/FEIS @ pp. 3-236 to 3-237). The BLM does not discuss connected actions of the designation of the utility corridor or the removal of lek buffers and seasonal restriction for activities in greater sage-grouse winter range.

The BLM has complied with the requirements for consideration of connected actions under NEPA. Accordingly, this protest issue is denied.

## **NEPA: Alternatives**

### ***Lander County***

**Issue Excerpt Text:** *“Not far to the north, a rail line and Interstate 80 already traverse this east-west route with major disturbances that would absorb a transmission line seemingly unnoticed to wildlife, although understandably more complicated with the Checkerboard nature of land ownership. The Interstate and Railroad managed this complication, and Lander County believes the Utility Corridor siting can also navigate this hurdle.*

*The failure to prioritize such alternatives in the planning process reflects inadequate consideration of less harmful options and violates NEPA’s requirement for comprehensive analysis of alternatives.”*

### ***Center for Biological Diversity, et.al.***

**Issue Excerpt Text:** *“Such an alternative would be consistent with BLM’s commitments in the ARMPAs to halt and reverse sage-grouse population declines. Yet BLM failed to examine in detail any alternative that would meaningfully reduce impacts to greater sage-grouse, and thus failed to even consider whether the project’s impacts to this vulnerable species are “unnecessary” (i.e., avoidable).”*

### ***Western Watersheds & Basin and Range Watch***

**Issue Excerpt Text:** *“The BLM has the responsibility to evaluate all the suggested and requested alternatives. BLM rejected this alternative simply because they did not choose to announce the evaluation of any plan amendments. But the BLM is evaluating 3 other plan amendments for the Greenlink North Transmission Project! The is a lazy inadequate excuse for the BLM to simply refuse to evaluate a separate plan amendment that would have protected public lands for the future. Because FLPMA requires that public lands [shall] be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values, BLM failed to evaluate the full reasonable range of alternatives by rejecting a Conservation Alternative.”*

### ***Center for Biological Diversity, et.al.***

**Issue Excerpt Text:** *“FLPMA requires that the right-of-way contain “such terms and conditions as the Secretary concerned deems necessary to ... (v) require location of the right-of-way along a route that will cause least damage to the environment, taking into consideration feasibility and other relevant factors.” 43 U.S.C. 1765(b)(v).*

*For the reason discussed in section A addressing the FEIS’s inadequate consideration of alternatives, BLM has failed to explain how the Preferred Alternative, including the proposed amendments, meets this requirement to locate the ROW along a feasible route causing the “least damage to the environment.” 43 U.S.C. 1765(b)(v). The FEIS does not demonstrate that an alternate route along I-80 is not feasible, or would not meet the applicant’s project*

*objectives, even though that route would certainly cause significantly less damage to sage-grouse habitat than the preferred alternative.”*

**Center for Biological Diversity, et.al.**

**Issue Excerpt Text:** *“The purpose and need are defined to limit consideration of a route between Fort Churchill and Robinson Summit only, and to amend the RMPs to accommodate the applicant’s proposed route. As a result, the FEIS does not consider a reasonable range of alternatives, narrowly limiting alternatives to routes between these two substations. Perversely, BLM fails to consider any alternative that would conform the project to the RMPs, and only considers alternatives that would amend the RMPs to conform them to the applicant’s aims. That gets the planning and project approval processes exactly backwards.”*

**Issue Excerpt Text:** *“BLM proposes for the first time in the FEIS that the project be exempt from a “seasonal restriction period in winter habitats (November 1 to February 28) that would affect geotechnical investigations, construction, O&M, and decommissioning activities of the GLNP (BLM 2015, MD SSS-3).” FEIS at ES-14. BLM should consider an alternative that:*

- (1) keeps the seasonal restriction in place in the most important sage-grouse winter habitats throughout the project area, including areas that normally experience less snow cover;*
- (2) limits noise to 10 dBA above baseline at all hours of the day within at least a half mile of winter habitat;*
- (3) disallows vehicle traffic during during [sic] peak active times within at least a half mile of winter habitat; and*
- (4) requires surveying and monitoring of winter habitat by a qualified biologist during winter, to determine if sage-grouse are occupying or have been recently present in areas slated for construction, and, if so, avoidance of the site, or, at a minimum, restrictions on noise and vehicle traffic.*

*The development of part (1) of this alternative should be based on a site-specific analysis of baseline winter habitat conditions, to determine where sage-grouse tend to congregate during the winter and which areas provide the most valuable winter habitat. These may include areas with south and southwest slopes or windswept ridges, with low snow depth and taller vegetation height, and areas that likely contain geophagy sites. Ex. G at 3-4, ¶¶ 11, 14.”*

**Summary of Protest Issue Statements:**

The BLM has violated NEPA by failing to consider a reasonable range of alternatives, including alternatives presented during scoping and the Draft RMPA/EIS that would have lesser effects by placing the utility corridor along a different route than proposed by the applicant, a conservation alternative that includes additional RMP amendments, alternatives with fewer RMP amendments, alternatives with RMP decisions that meet the right-of-way minimization requirements, and an alternative to the RMP amendment that would require refining the management of seasonal restrictions on sage-grouse winter range rather than removing them.

**BLM Response:**

The BLM constructs its purpose and need based on its statutory authority. (516 DM 1 Section 2.2). When the proposed action concerns the BLM’s duty to act on an application for authorization, the purpose and need for the proposed action will also be informed by the goals of the applicant. (516 DM 1 Section 2.2). A reasonable range of alternatives includes those “that, in the bureau’s expert judgment, are technically

and economically feasible, and meet the bureau's purpose and need for action and are within the bureau's legal authority to implement" ... "and, where applicable, meet the goals of the applicant." (516 DM 1 Section 2.3; 516 DM 1 Section 6.1(t)). For land use plans, the BLM considers all reasonable resource management alternatives and develops several complete alternatives for detailed study reflecting the variety of issues and guidance applicable to the resource uses. (43 CFR 1610.4-5). When discussing alternatives considered, the "plan shall note any alternatives identified and eliminated from detailed study and shall briefly discuss the reasons for their elimination." (43 CFR 1610.4-5).

The Greenlink North PRMPA/FEIS presents the purpose and need for the project as "The BLM's purpose is to respond to the ROW application submitted by the Proponent to construct, operate, maintain, and decommission a system of transmission facilities and associated infrastructure that would transmit electricity between the Fort Churchill and Robinson Summit Substations.... The GLNP as proposed would not conform to the resource management plans (RMPs) for the BLM Carson City, Battle Mountain, and Ely District Offices, as required by 43 CFR 1610.5-3(a). The BLM would need to amend these RMPs to bring the GLNP into conformance. In particular, the Proponent's proposed transmission line does not conform with the management objectives of the planning area for transmission lines greater than 100 kV." (PRMPA/FEIS @ p. 1-5).

The Greenlink North PRMPA/FEIS analyzes three land use plan amendments: "Designate a new utility corridor on BLM-administered lands; Exempt the BLM utility corridor from lek avoidance buffers; and Exempt the BLM utility corridor from a seasonal restriction for activities in greater sage-grouse winter range." (PRMPA/FEIS @ p. 2-22). The Proposed Action alternative, Other Resource Consideration Alternative, and BLM Preferred Alternative include the "same BLM land use planning amendments." (PRMPA/FEIS @ p. 2-17 and p. 2-19). The utility corridor would be designated as 3,500 feet wide on BLM-administered lands under all action alternatives and would include 82,600 acres, 85,800 acres, and 83,400 acres across the alternatives, respectively. (PRMPA/FEIS @ p. 2-22). The requirement to conform to lek avoidance buffers would be removed for 134 miles, 117 miles, and 98 miles across the alternatives, respectively. And the requirement to conform to the seasonal restriction period for winter habitats would be removed along 190 miles across all three action alternatives. (PRMPA/FEIS @ p. 2-23).

The Greenlink North PRMPA/FEIS considered 18 alternatives that were not analyzed in detail. Included in those considered alternatives were alternative routes (PRMPA/FEIS @ 2-24 to 3-35; Sections 2.5.1, 2.5.2, 2.5.4, 2.5.5, 2.5.7, 2.5.8, 2.5.9, 2.5.10, 2.5.11, 2.5.15) and a conservation alternative (PRMPA/FEIS @ pp. 2-32 to 2-33; Section 2.5.14). See also response to protest issue "FLPMA: Right-Of-Way Criteria." The Greenlink North PRMPA/FEIS appropriately gave consideration to alternatives presented during scoping and at the Draft RMPA/EIS for these topics.

In the Greenlink North Draft RMPA/EIS, the BLM analyzed in detail an alternative for the RMP amendments that differed from that presented in the PRMPA/FEIS. The amendment presented in the Draft RMPA/EIS included the designation of the utility corridor of the same specifications as presented in the PRMPA/FEIS. (DRMPA/EIS @ p. 2-5). The amendment presented in both the Draft RMPA/EIS and in the PRMPA/FEIS also included an exemption to the lek buffer requirements in the applicable 2015 ARMPA relating to management prescriptions for Greater Sage Grouse. (DRMPA/EIS @ p. 2-5 ("BLM would adjust the lek buffer requirements for active and pending active leks within 3.1 miles of the project. As a result of the proposed amendment, the BLM would modify the lek buffer distance requirements in the 2015 ARMPA, on a lek-by-lek basis, based on the distance from the Proposed Action, or alternatives, for the applicable leks."); *see also* PRMPA/FEIS @ p. 2-23).

As the protest comment noted, the Draft RMPA/EIS did not propose an amendment related to seasonal restriction requirements for winter habitats but then included this amendment to the applicable 2015 ARMPA in the PRMPA/FEIS together with the amendment to designate the utility corridor and exempt the corridor from the lek buffer requirements in the 2015 ARMPA. In other words, the Greenlink North PRMPA/FEIS presented a different alternative for the RMP amendments than what was analyzed in detail

from the Draft RMPA/EIS. The implication is that the PRMPA/FEIS does not carry forward the plan amendment analyzed in the Draft RMPA/EIS, nor does the PRMPA/FEIS explain why the plan amendment in the Draft RMPA/EIS is no longer a reasonable alternative. Thus, the PRMPA/FEIS is inappropriate without an explanation of how between Draft RMPA/EIS and PRMPA/FEIS this amendment alternative is not technically and economically feasible, does not meet the purpose and need, or is not within the BLM's legal authority to implement.

The Greenlink North PRMPA/FEIS considered 3 action alternatives in detail, all with the same three RMP amendments, and 18 alternatives that were not analyzed in detail, all with varying considerations of RMP amendments. (PRMPA/FEIS @ pp. 2-1 to 2-36). The Greenlink North PRMPA/FEIS does not consider an alternative, analyzed in detail or considered but eliminated from detailed analysis, that refines rather than eliminates the requirement to conform with seasonal restrictions for greater sage-grouse in winter range habitat. The BLM did not present this proposal for an RMP amendment prior to the PRMPA/FEIS, precluding the ability for the public to provide comments presenting alternatives to the proposal.

The Greenlink North PRMPA/FEIS does not demonstrate that the BLM considered a reasonable range of alternatives only as it relates to the portion of the protest issue that the BLM failed to carry forward the amendment alternative it analyzed in detail in the Draft RMPA/EIS or explain how the RMP amendment alternative analyzed in detail in the Draft RMPA/EIS is no longer a reasonable alternative and in that the BLM failed to consider a reasonable range of alternatives in presenting a new alternative with the PRMPA/FEIS outside the previous range of alternatives and failing to consider a variation presented. As such, these portions of the protest issue are remanded back to the Nevada State Director for consideration, clarification, further planning, or other appropriate action to resolve this protest issue. The BLM has otherwise complied with the requirements of NEPA to consider a reasonable range of alternatives and, accordingly, those portions of the protest issue are denied.

## **NEPA: Purpose and Need**

### ***Western Watersheds & Basin and Range Watch***

**Issue Excerpt Text:** *"The purpose and need are defined to limit consideration of a route between Fort Churchill and Robinson Summit only, and to amend the RMPs to accommodate the applicant's proposed route. As a result, the FEIS does not consider a reasonable range of alternatives, narrowly limiting alternatives to routes between these two substations. Perversely, BLM fails to consider any alternative that would conform the project to the RMPs, and only considers alternatives that would amend the RMPs to conform them to the applicant's aims. That gets the planning and project approval processes exactly backwards."*

### **Summary of Protest Issue Statement:**

The BLM has violated NEPA by establishing a purpose and need for the amendment that is arbitrarily narrow.

### **BLM Response:**

The NEPA directs that an EIS "shall include a statement . . . that briefly summarizes the underlying purpose and need for the proposed agency action." (42 U.S.C. 4336a(d)). The BLM constructs its purpose and need based on its statutory authority. (516 DM 1 Section 2.2).

The BLM established the purpose and need for the RMP amendments considered in the Greenlink North PRMPA/FEIS to meet its land use planning mandate under FLPMA. (PRMPA/FEIS @ p. 1-5). The purpose and need provides the scope to allow the BLM to analyze a reasonable range of alternatives for the consideration of amending land use planning decisions for a proposed action that is not in conformance with the RMPs and warrants further consideration before a plan revision is scheduled.

The BLM properly established the purpose and need for the RMP amendments considered in the Greenlink North PRMPA/FEIS. Accordingly, this protest issue is denied.

## **FLPMA: Visual Resources Management**

### ***Western Watersheds & Basin and Range Watch***

**Issue Excerpt Text:** “Section 102(a): “The public lands [shall] be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values.” Section 103(c): Identifies “scenic values” as resources for public management. Section 201(a): “The Secretary shall prepare and maintain on a continuing basis and inventory of all public lands and their resources and other values (including...scenic values).” Section 505(a): “Each right-of-way shall contain terms and conditions which will...minimize damage to the scenic and esthetic values.” There are 21,113 acres of undetermined VRM classes in the preferred alternative action area for the BLM. These were not evaluated before the Greenlink North EIS in any RMP revisions.”

### **Summary of Protest Issue Statement:**

The BLM has violated the Federal Land Policy and Management Act (FLPMA) by failing to allocate visual resource management classes to lands impacted by the project.

### **BLM Response:**

The BLM acknowledges its responsibility to inventory, manage, and protect visual values on public lands through land use planning consistent with the requirements in Section 102(a)(2), 201(a), and 202(c) of FLPMA. The BLM does not have regulations covering the management of visual resources on public lands. Instead, the BLM uses internal guidance on the inventory and management of visual resources, which provides for visual resource management classes for all BLM-administered lands. BLM Manual 8400 (Visual Resource Management; BLM 1984), Handbook 8431 (Visual Resource Contrast Rating; BLM 1986a), and Handbook 8410-1 (Visual Resource Inventory; BLM 1986b) guide the establishment of visual resource management classes during the RMP process and the establishment of interim visual resource management classes in the absence of approved visual resource management classes in an RMP that must conform with the land use allocations set forth in the RMP. BLM Manual 8400 at Section .06(A)(3) directs the BLM to establish interim visual management objectives where a project is proposed and there are no RMP approved visual resource management objectives. According to this guidance, the establishment of interim visual resource management objectives does not require a plan amendment unless the project itself requires one. (See also Handbook H-8410-1, Section V.D.).

The BLM identifies 21,113 acres within the project area do not have a visual resource management class identified. (PRMPA/FEIS @ p. 3-170). The BLM states it did not classify visual resource management classes “because classifying unclassified areas would be ineffective in responding to the project purpose and need and outside the scope” of the PRMPA/FEIS. (@ p. 2-33). The BLM collected visual resource inventory key observation points in 2022 and had data on scenic values for the project area. (PRMPA/FEIS @ p. 3-172). The BLM analyzes the impacts of management within the utility corridor



and describe that the changes to the landscape from infrastructure built within the utility corridor “would disrupt the natural scenery and introduce visual clutter.” (PRMPA/FEIS @ p. 3-178). Despite the data and analysis completed, the BLM states in the PRMPA/FEIS that it did not determine an interim rating for the analysis area because of “the length of the proposed project.” (@ p. 3-175).

The Greenlink North PRMPA/FEIS does not provide for an interim visual resource management class consistent with the policy guidance in BLM Manual 8400 and BLM Handbook H-8410-1 or adequately explain why such an interim designation is inconsistent with the policy guidance. As such, this protest issue is remanded back to the Nevada State Director for consideration, clarification, further planning, or other appropriate action to resolve this protest issue.

## **FLPMA: ACECs**

### ***Center for Biological Diversity, et.al.***

**Issue Excerpt Text:** *“We will be adversely affected if this project moves forward as is, because we have nominated or helped to support numerous Areas of Critical Environmental Concern (ACECs) in the region of the two Greenlink projects, including the Esmeralda ACEC nomination, and the Greater Sage-grouse ACEC. Despite the Greenlink West Transmission Project obtaining several plan amendments to modify violations of plans, our nominated Cactus Springs ACEC along the route to protect tortoise connectivity was pushed into the future by BLM. It met relevance and importance criteria but was not designated.”*

### **Summary of Protest Issue Statement:**

The BLM has violated FLPMA by failing to designate nominated ACECs found to have relevance and importance that will be impacted by the project.

### **BLM Response:**

Section 202(c)(3) of FLPMA requires that the BLM give priority to the designation and protection of ACECs in the development and revision of land use plans. (43 U.S.C. § 1712(c)(3)). FLPMA defines ACECs as “areas within the public lands where special management attention is required... to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.” (43 U.S.C. § 1702(a)). The BLM’s planning regulations address the identification, evaluation, and designation of ACECs during the development and revision of RMPs and during amendments to RMPs when evaluation and designation of ACECs are within the scope of the amendment. (43 CFR 1610.7-2(a)). ACEC nominations received outside of a planning process or during an RMP amendment when the designation of ACECs are outside of the scope of the amendment can be deferred from evaluation to an upcoming planning process, at the State Director’s discretion. (43 CFR 1610.7-2(i)(2)).

The notice of intent for the Greenlink North PRMPA/FEIS released on March 11, 2024, (89 FR 17510) states: “The scope of this land use planning process does not include addressing the evaluation or designation of areas of critical environmental concern (ACECs), and the BLM is not considering ACEC nominations as part of this process.”

The BLM has complied with the requirements for consideration of ACECs under FLPMA and notification requirements as interpreted by the BLM planning regulations. Accordingly, this protest issue is denied.

## **FLPMA: Right-Of-Way Criteria**

### ***Center for Biological Diversity, et.al.***

**Issue Excerpt Text:** “FLPMA requires the right-of-way to “contain... terms and conditions which will... minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment.... ” 43 U.S.C. 1765(a)(ii).

*The preferred alternative, including amendments exempting the project from the following requirements, violates this “minimization” requirement:*

- *Exclusion of ROWs from areas in which “hard triggers” have been tripped*
- *The 3.1 mile buffer that is required for 14 leks that would fall within 3 miles of the proposed line*
- *The seasonal restriction on construction and other activities during the winter*

*Although the 2015 ARMPA determined that these measures were necessary to minimize damage to sage-grouse habitat and habitat loss, the FEIS fails to explain how exempting the project from these requirements would still satisfy the minimization requirement.*

*BLM’s failure to include the following terms and conditions as a condition of the proposed amendments also violates the minimization requirement:*

- *Noise restrictions that would apply during all hours of the construction season and not just in the 2 hours before sunrise and until 2 hours after sunset.*
- *Terms and conditions that would minimize damage to and disruption of winter habitat, where the project would now be exempt from the restriction on wintertime construction. See suggested alternatives and measures on p. 13 above.*
- *All new and temporary fences in occupied GRSG habitat should be flagged with sage-grouse fence markers. Ex. F at 16 (noting inadequate measure that would require evaluation of new fences “for sage-grouse collision risk,” and “[i]n the process of prioritizing areas for flagging or marking fences, state wildlife agency personnel would be consulted” (citing FEIS at D-41).”*

**Issue Excerpt Text:** “FLPMA requires that the right-of-way contain “such terms and conditions as the Secretary concerned deems necessary to ... (v) require location of the right-of-way along a route that will cause least damage to the environment, taking into consideration feasibility and other relevant factors.” 43 U.S.C. 1765(b)(v).

*For the reason discussed in section A addressing the FEIS’s inadequate consideration of alternatives, BLM has failed to explain how the Preferred Alternative, including the proposed amendments, meets this requirement to locate the ROW along a feasible route causing the “least damage to the environment.” 43 U.S.C. 1765(b)(v). The FEIS does not demonstrate that an alternate route along I-80 is not feasible, or would not meet the applicant’s project objectives, even though that route would certainly cause significantly less damage to sage-grouse habitat than the preferred alternative.”*

### **Summary of Protest Issue Statements:**

The BLM has violated FLPMA by not having RMP decisions for the right-of-way corridor that meet the minimization requirements for granting the right-of-way.

**BLM Response:**

The BLM regulations and policy require the designation of right-of-way corridors through land use plans. (43 CFR 2802.10(b); MS-2801.4(a)). BLM policy further states the BLM must establish the need for corridors during the planning process and consider the proposed uses within the corridors. (MS-2801.4(a)).

The Greenlink North PRMPA/FEIS identifies the need for a corridor as “The GLNP as proposed would not conform to the resource management plans (RMPs) for the BLM Carson City, Battle Mountain, and Ely District Offices, as required by 43 CFR 1610.5-3(a). The BLM would need to amend these RMPs to bring the GLNP into conformance. In particular, ... by providing for the designation of a utility corridor...”. (PRMPA/FEIS @ p. 1-5). The BLM discloses the considered uses within the corridor as including a communication site, fence, grazing district, land treatment area, material site, pipeline, R/W plant site, railroad/tram, road, study plot, telephone line, telephone/telegraph, transmission line, unsurvey boundary, and withdrawal class reserves. (PRMPA/FEIS @ pp. 3-186 to 3-187 and 3-191 to 3-192).

Protesting parties misconstrue the requirements for the issuance of the right-of-way grant to contain terms and conditions listed in FLPMA Section 505(a) to be decisions that must be included in the RMP for the right-of-way corridor.

The BLM complied with the right-of-way regulations and policy implementing BLM’s responsibilities under FLPMA for designation of right-of-way corridors through land use planning with the Greenlink North Transmission Project. Accordingly, this protest issue is denied.

**FLPMA: Unnecessary and Undue Degradation*****Center for Biological Diversity, et.al.***

**Issue Excerpt Text:** “Such an alternative would be consistent with BLM’s commitments in the ARMPAs to halt and reverse sage-grouse population declines. Yet BLM failed to examine in detail any alternative that would meaningfully reduce impacts to greater sage-grouse, and thus failed to even consider whether the project’s impacts to this vulnerable species are “unnecessary” (i.e., avoidable).”

**Summary of Protest Issue Statement:**

The BLM has violated FLPMA by failing to examine alternatives that would eliminate or reduce unnecessary or undue degradation.

**BLM Response:**

Section 302(b) of FLPMA requires that “in managing the public lands the Secretary [of the Interior] shall, ... regulate, through easements, permits, leases, licenses, published rules, or other instruments as the Secretary deems appropriate, the use, occupancy, and development of the public lands ... [and] ... by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.”

The Greenlink North PRMPA/FEIS addresses prevention of unnecessary or undue degradation of public lands from the proposed utility corridor decision stating “[a]pproximately 168 miles (or approximately 85 percent) of the proposed utility corridor would be collocated or dually collocated with existing 230 and 345 kV transmission lines. This collocation with existing transmission lines would prevent unnecessary or undue degradation, as required under the FLPMA.” (PRMPA/FEIS @ pp. 2-2 to 2-3). The Greenlink

North PRMPA/FEIS does not discuss for the alternatives of the land use plan amendment whether the exemption of the utility corridor from lek buffers and seasonal restriction for activities in greater sage-grouse winter range would have any potential for degradation to greater sage-grouse on public lands.

The Greenlink North PRMPA/FEIS does not offer an explanation of whether the proposed RMP amendments to greater sage-grouse management will cause unnecessary or undue degradation. As such, this protest issue is remanded back to the Nevada State Director for consideration, clarification, further planning, or other appropriate action to resolve this protest issue.

## **NTSA: National Trail Management Corridors**

### ***Western Watersheds & Basin and Range Watch***

**Issue Excerpt Text:** *“The Greenlink North Project should be paused until a National Trail Management Corridor can be established for the 3 Resource Planning Ares [sic] the project will cut through. This would require plan amendments, NEPA Review for those amendments. ... The 1992 legislation amending the National Trails System Act directs the secretary of the interior to provide for the development and maintenance of [these] trails within federally administered areas.”*

### **Summary of Protest Issue Statement:**

The BLM has violated the National Trails System Act, as amended, by authorizing the project without having designated a Trail Corridor for the development and management of the Pony Express and California National Historic Trails.

### **BLM Response:**

Section 7(a)(2) of the National Trails System Act, as amended, requires “the appropriate Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice thereof of the availability of appropriate maps or descriptions in the Federal Register;...” The National Trails System Act does not establish a required timeframe for selection of rights-of-ways. Agency policy requires BLM to establish a National Trail Management Corridor “as soon as possible” after Congress has designated a new National Scenic or Historic Trail. (MS-6280, 5.2C, Management of National Scenic and Historic Trails). A National Trail Management Corridor is a BLM land use plan decision. (MS-6280, 4.2D1, Management of National Scenic and Historic Trails).

The Greenlink North Transmission Project overlays BLM’s Shoshone-Eureka RMP (1986) in the Battle Mountain District and the Lahontan RMP (1985) and Walker RMP (1986) in the Carson City District that predate the 1992 establishment of the Pony Express and California National Historic Trails and, therefore, do not contain corridors for the Trail. The BLM revised the RMP for the Ely District in 2008 and established a corridor 1 mile from centerline. (Ely District ARMP/ROD @ p. 52). The Greenlink North PRMPA/FEIS states that “no National Trail Management Corridor has been established in the affected land use plans.” (PRMPA/FEIS @ p. 3-195). The BLM will correct this factual error presented in the PRMPA/FEIS through an errata or other appropriate means.

The BLM has not violated the National Trails System Act by authorizing the Greenlink North Transmission Project prior to the BLM conducting land use planning to designate a National Trail Management Corridor. Accordingly, this protest issue is denied.

## **Planning Regulations: Conformance**

### **Lander County**

**Issue Excerpt Text:** “Amending the Carson City (2001), Battle Mountain (1986), and Ely (2008) Resource Management Plans to permit this corridor violates the sage grouse management standards for transmission lines over 100 kV, as outlined in federal regulations. [See 43 C.F.R. § 1610.5-3(a) (2024).]”

### **Western Watersheds & Basin and Range Watch**

**Issue Excerpt Text:** “For greater sage-grouse the FEIS admits that Greenlink North as proposed would have significant impacts on the imperiled sage-grouse, and instead of conforming with resource plans designed to avoid and minimize impacts to sage-grouse populations, the Bureau of Land Management (BLM) instead seeks to amend plans to ram this huge project through important sage-grouse areas, with little guarantee mitigation and compensation will work to not stop further major declines of the species.”

### **Center for Biological Diversity, et.al.**

**Issue Excerpt Text:** “The project as proposed also violates the adaptive management plan in Appendix J of the 2015 ARMPA. The plan’s hard trigger response for population declines in either PHMA or GHMA outside a designated utility corridor is to “manage affected BSU as exclusion for high-voltage transmission lines ([greater than or equal to] 100 kV).” Although hard trigger responses are now required, instead of managing such areas as utility-line exclusion areas, BLM is now proposing to amend the plan to designate those areas for high-voltage transmission lines.

*The failure to implement critical 2015 ARMPA management direction, including adaptive management plan “hard trigger” responses “indicating that immediate plan-level action is necessary to stop a severe deviation from GRSg conservation objectives set forth in the ARMPA,” 2015 ARMPA at 4-3, requires that BLM now consider alternative “plan-level action to stop a severe deviation” from those conservation objectives. But nothing in the FEIS indicates any movement in that direction. So, as of now, BLM has no plan to stop the precipitous decline in greater sage-grouse populations, in direct violation of the 2015 ARMPA’s conservation management objectives.*

*In addition, BLM now incorrectly suggests, that once the proposed RMP amendments are approved, the project area would no longer be subject to hard or soft triggers. FEIS at C-2 (“Under the land use plans as amended by the 2015 ARMPA, utility corridors are not subject to soft and hard triggers.”) But nothing in the plan supports that hard or soft triggers would not apply to existing ROWs, once designated (unless BLM is now proposing to amend the adaptive management plan). See 2015 ARMPA at J-8. Rather, once the new ROW is designated, BLM would no longer be required to exclude ROWs in the relevant area, but BLM would still be required to manage the existing ROW as an “avoidance area.” Id. Here, because both hard and soft triggers have been tripped, the project is still subject to “avoidance” measures and adaptive management planning. See id.; id. at J-4 & n.2 (noting that when a soft trigger is hit, adaptive management is required: “All projects implemented consistent with the GRSg LUPA/FEIS would contain a project-specific adaptive management strategy (response).”). BLM must therefore still prepare an adaptive management plan to ensure the conservation of already declining sage-grouse populations in this area.”*

### **Summary of Protest Issue Statements:**

The BLM has violated the planning regulations at 43 CFR 1610.5-3(a) by allowing the Greenlink North project, which is not in conformance with the RMPs' management of the greater sage grouse.

### **BLM Response:**

The BLM planning regulations require "All future resource management authorizations and actions, as well as budget or other action proposals to higher levels in the Bureau of Land Management and Department, and subsequent more detailed or specific planning, shall conform to the approved plan." (43 CFR 1610.5(a)). Conformity to a land use plan "means that a resource management action shall be specifically provided for in the plan, or if not specifically mentioned, shall be clearly consistent with the terms, conditions, and decisions of the approved plan or plan amendment." (43 CFR 1601.0-5(b)). The regulations further allow that "If a proposed action is not in conformance, and warrants further consideration before a plan revision is scheduled, such consideration shall be through a plan amendment in accordance with the provisions of § 1610.5-5 of this title." (43 CFR 1610.5-3(c)). The BLM may implement non-conforming authorizations so long as consideration through the land use plan amendment process has been conducted.

The Greenlink North PRMPA/FEIS identifies three areas where the proposed transmission line would not be in conformance with the Carson City (2001), Battle Mountain (1986), and Ely (2008) RMPs: (1) location of the line outside of a designated utility corridor, and construction and management of the line within proximity of greater sage-grouse (2) leks and (3) winter range habitats. (PRMPA/FEIS @ p. 2-22). Through the land use plan amendment process, the BLM proposes to designate a new utility corridor, exclude avoidance buffer restriction requirements within the new corridor, and exclude winter range seasonal restrictions. (PRMPA/FEIS @ p. 2-22).

The BLM includes a presumption in the Greenlink North PRMPA/FEIS that "The designation of the BLM utility corridor would exempt the GLNP and any future energy transmission infrastructure from the soft and hard trigger requirements incorporated into the land use plans, as amended by the 2015 ARMPA." (PRMPA/FEIS @ p. 2-22). However, the Greenlink North PRMPA/FEIS only proposes to exempt the corridor from 2 of the 24 total greater sage-grouse management triggers. The utility corridor would still be subject to the additional 22 greater sage-grouse management soft and hard trigger thresholds outlined in the 2015 Greater Sage Grouse RMP Amendment Adaptive Management Plan. According to the 2015 Greater Sage Grouse RMP Amendment Adaptive Management Plan, existing corridors where hard triggers have been met are to be managed as avoidance areas. (ARMPA @ J-8, Table J-1). The Greenlink North PRMPA/FEIS discloses that soft and hard trigger thresholds have already been met for multiple years in portions of the utility corridor (PRMPA/FEIS @ p. 1-8), which would require management as a right-of-way avoidance without a decision to exempt the corridor from all 24 greater sage-grouse management triggers.

The Greenlink North PRMPA/FEIS does not demonstrate that the BLM's proposed action is in conformance with the underlying land use plans because it presumes exemption from planning decisions that are not presented for amendment. As such, this protest issue is remanded back to the Nevada State Director for consideration, clarification, further planning, or other appropriate action to resolve this protest issue.