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 Tranmission 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 Tranmission 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 Tranmission 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 Tranmission 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