

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

Record of Decision
May 2015

Teckla-Osage-Rapid City 230 kV Transmission Project

APPLICANT

Black Hills Power
P.O. Box 1400
Rapid City, SD 57709

GENERAL LOCATION

The proposed action is located on public lands managed by the
Bureau of Land Management in
Weston County, Wyoming, 20 miles northwest of Newcastle, Wyoming

BLM CASE FILE SERIAL NUMBER WYW180484

PREPARING OFFICE

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I. Introduction

Black Hills Power (BHP) has stated it needs a right-of-way (ROW) to construct and operate a 230kV transmission line from northeastern Wyoming to the Rapid City, South Dakota area. The high voltage line would connect the Teckla Substation, in Campbell County, Wyoming to the Osage Substation, in Weston County, Wyoming and the Lange Substation located in Pennington County, South Dakota outside of Rapid City.

The purpose of the Teckla-Osage-Rapid City (T-O-RC) Transmission Line Project is to strengthen the regional transmission network, improve the reliability of the transmission system, and provide additional transmission capacity to help meet the growing demand for electricity in the region.

The proposed action would grant a ROW for BHP to construct, operate, maintain and terminate a 230 kV transmission line crossing 2.6 miles of public lands administered by the Bureau of Land Management (BLM) Newcastle Field Office. The T-O-RC project would be constructed mainly of wood or steel H-frame transmission structures, with the possibility of tubular steel self-supporting towers in the Rapid City area. The transmission structures would average 65 to 75 feet tall and span approximately 800 to 900 feet between structures. The ROW for the line would be approximately 100 feet wide (50 feet on either side of the centerline). Access along the ROW would be provided by existing improved roads, existing roads that require improvement and new roads as necessary. All merchantable trees removed from the ROW would be cruised and paid for prior to removal. During construction of the transmission line, there would be temporary pulling and tensioning sites, decking yards and construction/material staging sites along and near the ROW. Sites for tensioning equipment and pulling equipment would be approximately every three miles along the ROW corridor. The tensioning sites would be an area approximately 100 by 300 feet. Pulling and tensioning sites would be placed within the ROW on private properties and not located on public lands or National Forest system lands. Decking yards and construction/material staging sites would not be located on Federal lands in Wyoming.

Project construction would occur in two phases: Teckla to Osage, in 2015, and Osage to Rapid City later that same year, or early 2016. All construction on BLM-administered public lands would be completed in 2015. BHP intends to have the entire line between Teckla and Rapid City energized in 2016.

II. Background

The proposed action analyzed in the final environmental impact statement (FEIS) includes other project components on lands subject to review and approval of other jurisdictions, including the U.S. Forest Service (USFS) and the State of Wyoming. The BLM is using the analysis in the FEIS to support a decision on the ROW grant supporting the project.

On September 30, 2011, BHP submitted a Standard Form (SF)-299 Application for Transportation and Utility Systems and Facilities on Federal Lands, requesting that the BLM approve and authorize facilities analyzed as part of the proposed action in the FEIS.

Approval of these facilities will take the form of a grant, issued in conformance with Title V of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and implementing regulations found at 43 CFR Part 2800. The BLM's purpose and need for action is to respond to the ROW grant application to construct, operate, maintain, and terminate the proposed electric transmission line and access roads in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws and policies. The FEIS also analyzed ancillary facilities, none of which will be located on Federal lands in Wyoming.

The USFS will issue two separate decisions approving the construction of the transmission line across lands under its jurisdiction (Black Hills National Forest and Thunder Basin National Grassland). This Record of Decision (ROD) conditions approval of the ROW grant for facilities on BLM-administered public lands only, with the implementation of mitigation measures and monitoring programs as identified in Appendix D – Standards and Guidelines, and Appendix B – Design Criteria, Mitigation and Monitoring, both appendices of the FEIS. The authorized officer administers the ROW authorization, if approved, and ensures compliance with the terms and conditions of the ROW grant. The term "authorized officer" means any employee of the Department of the Interior with delegated authority to perform the duties described in 43 CFR Part 2800. For this specific ROW authorization, this authority has been delegated to the Field Manager, Newcastle Field Office, BLM.

III. Decision

The BLM is responsible for processing requests for ROW grant applications to determine whether and to what extent to authorize projects and other appurtenant facilities on public land it manages following regulations in 43 CFR Part 2800. The BLM is required to approve, approve with modifications, or deny BHP's ROW grant application (BLM ROW application WYW180484) to construct, operate, maintain and terminate the facilities on public lands managed by the BLM. This ROW must comply with FLPMA, BLM ROW regulations, and other applicable Federal laws.

The project is a privately-initiated venture, but will be sited, in part, on BLM-managed lands, which is why the company applied for the grant.

In the FEIS, the agencies identified Alternative 3 with 10 route modifications (3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, and 3j), in six distinct locations, as the preferred alternative. Of these, all but modification 3a lie on or near lands administered by the Black Hills National Forest (BHNF) in South Dakota. The BLM approves of the Proposed Action, Alternative 3, with the inclusion of route modification 3a, authorizing a ROW grant for the construction, operation, maintenance, and decommissioning of the associated infrastructure proposed by BHP (See ROD Appendix A: Map 2 attached). This decision was based on extensive environmental analysis, consideration of public comments, and application of pertinent Federal laws and policies.

Alternative 3, Proposed Action with Modifications, is the selected action and preferred alternative because it best meets the purpose and need for action, as determined by management direction and conditions on the ground; and it responds well to the issues and public comments.

For clarity, discussion is provided below explaining the rationale in terms of purpose and need, management direction, issues, and public response to the draft environmental impact statement (DEIS).

IV. Alternatives Considered in the EIS

The alternatives evaluated in detail include the No Action alternative (Alternative 1), the proposed action (Alternative 2), and the proposed action with route modifications (Alternative 3). Alternative 3 includes route modifications in seven locations that modify the proposed action route to address identified issues in these specific areas. These 10 route modifications, in seven areas, include the Fiddler Route (Modification 3a), the Mountain View Route (Modification 3b), the Clinton Route (Modification 3c), the Edelweiss Route (Modification 3d), the Pactola Route (Modification 3e), the Pactola South Route (Modification 3f), the Hidden Valley Route (Modification 3g), the Deerfield Road Route (Modification 3h), the Deerfield Road 2 Route (Modification 3i), and the Ponderosa Ridge Route (Modification 3j). Only the Fiddler Route (Modification 3a) is in close proximity to BLM-administered public lands covered by this ROD (see attached maps). Descriptions and maps of all the route modifications and detailed maps of the alternatives are provided in the FEIS.

No Action Alternative

The National Environmental Policy Act of 1969 (NEPA) requires the study of the No-Action Alternative and to use it as a basis for comparing the effects of the proposed action and other alternatives. The No-Action Alternative assumes that no implementation of any elements of the proposed action (no authorization of ROWs and no construction of the transmission line) would occur in the project area within the next 10-15 years. This alternative, as detailed in Chapter 1 of the FEIS, does not actively respond to the interests and objectives of the proponent or address the issues, concerns, or comments identified during scoping for this project.

Alternative 2 – Proposed Action

The proposed action would authorize BHP to construct, operate, maintain and terminate a 230 kV transmission line, as detailed in Chapter 2 of the FEIS. The proposed action does not address issues identified during the EIS process such as proximity to residences, wildlife considerations, and visual resource conflicts. The modifications incorporated for Alternative 3-Proposed Action with Modifications reduced or eliminated these issues.

Alternative 3 - Proposed Action with Route Modifications

Alternative 3 is defined as the proposed action with modifications to the proposed route in specific locations to respond to issues identified during scoping.

The transmission line specifications, construction methods, and operations and maintenance procedures would be identical to the proposed action, as detailed in the FEIS (pp 2-2 to 2-11). The route modifications and key issues they respond to are described below.

Modification 3a - The Fiddler Modification is approximately 7.5 miles south of Upton and nine miles west of Osage, Wyoming. It would be approximately one mile north of the proposed route for a distance of about five miles, and was developed to avoid the Upton Fairview and Jessee Greater Sage-Grouse leks. This responds to issue number 1 identified in the FEIS (p 1-18) (See Appendix A: Map 1a).

Modification 3b - The Mountain View Modification is south of Deerfield Road between Williams Draw Road and Gillette Prairie Road, in South Dakota. It would be approximately 500 feet north of the proposed route for a distance of about one mile and was developed to avoid existing residences.

Modification 3c - The Clinton Modification is north of McVey and Deerfield Roads and east of Slate Prairie Road, in South Dakota. It would be approximately 1,000 feet north of the proposed route for about one mile and was developed to avoid existing residences.

Modification 3d - The Edelweiss Modification is located north of Edelweiss Mountain Road and west of U.S. Route 385, in South Dakota. It would be about 1,000 feet north of the proposed route for less than one mile and was developed to avoid a sensitive wildlife area.

Modification 3e - The Pactola Modification is east of U.S. Route 385 near the Pactola Reservoir, in South Dakota. It would be about 1,500 feet south of the proposed route and would require clearing for the new ROW for approximately one-half mile. This modification was developed to move the transmission line farther from the Pactola Reservoir, a visually sensitive area identified in the Black Hills Forest Plan.

Modification 3f- The Pactola South Modification is also east of U.S. Route 385, near the Pactola Reservoir, in South Dakota. It was also developed to avoid the Pactola Reservoir area. It would be located about one mile south of the proposed route and would follow approximately two miles of previously cleared ROW.

Modification 3g -The Hidden Valley Modification is approximately four miles west of Rapid City, South Dakota. It would be approximately 2,500 feet south of the proposed route for about one and one-half miles and was developed to avoid planned future quarry operations.

Modification 3h – South of Deerfield Lake in South Dakota. This modification would run north of the proposed action route, and was developed to avoid private property.

Modification 3i – In the same area as Modification 3h, but developed to reduce visual impacts to an American Indian religious use site.

Modification 3j – In the same area as Modification 3g, but developed to avoid private residences to the greatest extent feasible.

V. Alternatives Considered but Dismissed from Further Analysis

Federal agencies are required by NEPA to rigorously explore and objectively evaluate all potential alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). In developing the proposal, a number of routing options were considered, data was collected, major ground features were evaluated, and agencies and landowners were consulted to identify ways to minimize issues and effects related to implementing the ROW and transmission line. The process used in identifying and evaluating alternatives while developing the project is documented in the Teckla-Osage-Rapid City 230kV Transmission Line Routing Report (January 2011), incorporated here by reference (see administrative record). Two potential alternative routes (the Northern and Southern alternatives) were identified and considered by the interdisciplinary team (ID Team) and were eliminated from detailed study as described below. Other potential alternatives identified during scoping are also described below.

Additional potential alternatives to the proposed action were considered to address issues and concerns expressed during the scoping period and alternative alignments previously studied by BHP. Many scoping comments were supportive of the proposed action, but some had recommendations to consider alternative actions as part of the NEPA analysis. Some of the comments recommended actions that were outside the scope of the purpose and need, some were actions that could be incorporated into design and mitigation measures included in the proposed action, or determined to be components that would cause unnecessary environmental harm. The following provides an overview of alternatives that were considered, but eliminated from detailed study. Route distances have been rounded and are therefore described as approximate.

Northern Alternative

This alternative was considered by the ID Team as a northerly alternative to the original proposed route and was referred to as “Alternative A” in early public outreach efforts prior to initiation of the NEPA process. This alternative would be approximately 143 miles long and generally located north of the proposed action. From the Teckla substation, this route is the same as the proposed action traveling west approximately three miles along an existing transmission line, then north approximately 19 miles. It then angles northeast for approximately 15 miles. The route then travels east and follows county roads and section lines approximately 57 miles to Wyoming State Highway 16 where it parallels highway ROW south three miles to the Osage substation. From the Osage substation, the route travels northeast paralleling an existing transmission line ROW for 26 miles. At this point, the route continues in an easterly direction south of the Pennington County line to the Lange Substation.

The Northern Alternative was eliminated from detailed study because as compared with the proposed action it:

- Encompassed approximately 15 more acres of Greater Sage-Grouse habitat;
- Followed no currently unused transmission line ROW (compared with 47 miles of currently unused transmission ROW followed by the proposed action); and

- Had 12 fewer miles of existing access roads available so more new access would have been required.

Southern Alternative

This alternative was considered by the ID Team as a southerly alternative to the original proposed route and was referred to as “Alternative C” in early public outreach efforts prior to initiation of the NEPA process. This alternative is 157 miles long and is generally located south of the proposed action. From the Teckla substation, this route is the same as the proposed action traveling west approximately three miles along an existing transmission line, then north 19 miles. Here it angles northeast for 15 miles. The route then travels east and follows county roads and section lines for approximately 57 miles to Wyoming State Highway 16 where it parallels the highway ROW south for three miles to the Osage substation. From the Osage substation, the route would travel southeast approximately 7.5 miles paralleling an existing transmission line ROW. At this point, the route continues east and north approximately 50 miles to the Pactola Substation and then would travel north and east approximately 10 miles to the Lange Substation.

The Southern Alternative was eliminated from detailed study because as compared with the proposed action it:

- Was approximately 13 miles longer;
- Encompassed 14 more acres of Greater Sage-Grouse habitat;
- Crossed seven more miles of mining operations;
- Encompassed 68 more forested acres;
- Followed no currently unused transmission line ROW (compared with 47 miles of currently unused transmission ROW followed by the proposed action); and
- Had 15 fewer miles of existing access roads available.

Alternative Following Existing Highways

An alternative that would follow major highway ROWs was suggested by members of the public during the scoping process. This alternative would be approximately 190 miles long. From the Teckla Substation, it would follow Wyoming Highway 59 for approximately 49 miles north to I-90 at Gillette. It would then follow I-90 east for approximately 141 miles to Rapid City.

This alternative was eliminated from detailed study because as compared with the proposed action it:

- Would have greater surface disturbance impacts due to the increased route length;
- Would require a longer construction period resulting in greater air quality emissions and potential disruptions to the transportation network; and
- Would add to existing visual impacts along the highways, as it would be more visible to motorists on the highways followed by the transmission line.

Straight-Line Alternative between Teckla and Osage

This alternative was suggested by the public during the scoping process. This routing option would proceed diagonally in a straight line approximately 58 miles from the Teckla substation to the Osage substation across the TBNG and private property.

This alternative was not considered for detailed study because as compared with the proposed action it:

- Does not take into account other existing uses (such as ranching, recreation, and mining) along this route;
- Would affect a greater amount of Greater Sage-Grouse habitat and other sensitive resources such as cultural resources, goshawks and other raptors because it does not actively avoid sensitive areas and does not follow existing roads or transmission line ROWs; and
- Would cross a greater amount of undisturbed lands because it does not follow existing roads or transmission line ROWs.

Alternative Following Existing Transmission Lines

This alternative was suggested by members of the public during the scoping process to follow existing transmission line ROWs.

This alternative was eliminated from detailed study because as compared with the proposed action it:

- Would not meet the interests and objectives of the project by placing multiple transmission lines in the same corridor; and the needed system reliability objectives, including the industry standard separation criteria from existing high-voltage transmission lines would not be realized because the possibility of failure of both lines is increased by being collocated;
- Would not meet a part of the project's purpose and need for increasing system reliability;
- Would be much longer and therefore would have greater surface disturbance; and
- Would require a longer construction period resulting in greater air emissions.

VI. Mitigation and Monitoring

Required Mitigation

As required in the BLM's NEPA Handbook H-1790-1 and consistent with 40 CFR 1505.2(c), all practicable means to avoid or minimize environmental harm from the project have been adopted by this ROD including:

- Avoidance, minimization, and mitigation measures provided in the FEIS (Appendix B); and

- Reasonable and prudent measures and terms and conditions in the U.S. Fish and Wildlife Service Biological Assessment (BA), provided in Appendix E of the FEIS, as such may be amended over time.

These mitigation measures will be strictly adhered to throughout the duration of all project activities. Application of these measures will reduce the impacts to BLM-administered lands and resources as described in the FEIS. These measures, terms, and conditions are determined to be in the public interest pursuant to 43 CFR 2805.10(a)(1).

Monitoring and Enforcement

The ROW authorization provides the legal authority to enforce compliance with all mitigation measures required for implementation in this ROD, including the measures contained in the BA. Monitoring will occur throughout the duration of the project for each component of construction, operation, maintenance and decommissioning.

The ROW grant issued for the project will be for a term of 30 years with no right of renewal. Renewal would be considered at that time provided that the lands are being used for the purposes specified in the grant. The grant will allow the grantee the right to use, occupy, and develop the described public lands to construct, operate, maintain and decommission the project in Weston County, Wyoming, as the BLM identified and evaluated in the FEIS.

On-site construction or other surface-disturbing activities will be authorized by the issuance of a single or phased series of written notices to proceed (NTP) by the BLM Authorized Officer. These NTPs will specify the authorized activities, the location of the authorized activities, and the timing of the authorized activities. Should non-compliance issues, environmental issues, or other problems be encountered during authorized activities, the BLM Authorized Officer may suspend or terminate the ROW grant pursuant to 43 CFR 2807.17. BHP may, upon receipt of approval from the BLM, assign the ROW grant to another party in conformance with 43 CFR 2807.21.

Consistent with BLM policy, the ROW grant will include a diligent development and a performance bonding requirement for installation of facilities consistent with the approved plan of development. Construction of the initial phase of development must commence within 12 months after issuance of the NTP, but no later than 24 months after the effective date of the issuance of the ROW grant. The holder shall complete construction within the timeframes approved by the BLM.

This ROD is conditioned on implementation of mitigation measures, monitoring programs and agreements/dispute resolutions as identified in Appendix B of the FEIS, and issuance of all other necessary local, state, and Federal approvals, authorizations, and permits.

VII. Management Considerations in Choosing the Selected Alternative

The decision to approve the project takes into account statutory, legal, and national policy considerations, as well as the applicant's technical and financial capability to construct the

project for which the ROW is requested. The decision was also based on input provided by and received from the public and industry, as well as other Federal and state agencies. Through this review process, all practicable methods to reduce environmental harm have been incorporated into the decision and no undue or unnecessary degradation will result from this project. The decision is consistent with the BLM's multiple use mandate under FLPMA.

VIII. Relationship to Other Plans, Policies, and Programs

The selected alternative must comply with various Federal laws, regulations, and Executive Orders (listed in Section 1.3.3 of the FEIS (p 1-10)). FLPMA mandates that the BLM manage public lands on the basis of multiple use and sustained yield (43 U.S.C. § 1701(a) (7)). To implement the selected alternative, the project proponent must acquire applicable Federal, state, county and local permits and other approvals, as necessary. Below is a synopsis of the major permits and approvals that are necessary prior to construction activities:

- U.S. Environmental Protection Agency Section 402 Construction Stormwater Permit. BHP must obtain this permit prior to ground disturbing activities and will prepare a Stormwater Pollution Prevention Plan that details erosion controls, drainage plans and other Best Management Practices engineered for the project.
- Endangered Species Act. Compliance with this Act is addressed in the FEIS. A BA for this project has been completed, and is included as Appendix E to the FEIS.
- National Historic Preservation Act (NHPA). This decision complies with the provisions of this Act and the American Indian Religious Freedom Act. Native American interests were consulted during this project.
- Section 106 of NHPA requires Federal agencies to take into account effects of their undertakings (actions, financial support, and authorizations) on properties included in or eligible for the National Register of Historic Places, and to afford the President's Advisory Council on Historic Preservation (ACHP) an opportunity to comment. To fulfill the mutual responsibilities of the USFS and the BLM under Section 106 of the NHPA, the USFS has been designated as the lead Federal agency. A programmatic agreement (PA) was executed on December 12, 2014, by the Federal agencies, in consultation with the ACHP, the Wyoming and South Dakota State Historic Preservation Officers, interested Indian Tribes, and the project proponent. A PA is desirable because the scope of the project encompasses more than one State and because the effects of the project cannot be fully determined prior to signing a ROD. Under the terms of the PA, all required surveys and consultation will be completed before ground-disturbing actions can proceed.

IX. Agency and Public Involvement

Scoping

Scoping is the process of obtaining public comments about proposed Federal actions to determine the breadth of issues to be addressed. Comments on the proposed action, potential concerns, and opportunities for managing the T-O-RC Project Area were solicited from members

of the public, American Indian Tribes, other public agencies, adjacent property owners, organizations, and USFS and BLM specialists.

A scoping letter was mailed to approximately 3,000 potentially interested parties, including adjacent landowners, Tribes, and State and local governments, beginning on August 2011. This letter included a description of the project area, an overview of the NEPA process, a general explanation of the actions proposed and the reasons for the proposal, and an invitation to comment. Two public meetings were conducted to explain the proposal to the public, and to take comment. A total of 41 members of the public attended these meetings, in Newcastle, Wyoming on September 13, 2011, and in Rapid City, South Dakota, on September 20, 2011.

The project was entered into the Schedule of Proposed Actions (SOPA) in July 2011. SOPA contains a list of USFS proposed actions that will soon begin or are undergoing environmental analysis and documentation. It provides information so the public can become aware of and indicate interest on specific proposals (located on-line at www.fs.fed.us/sopa).

The Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published in the Federal Register on Friday, August 26, 2011(76FR53400). This provided official notification that the public comment period for the T-O-RC Project would conclude on October 28, 2011. A corrected NOI was published in the Federal Register on Tuesday, December 24, 2013(78FR77644), to update the timing information for the Draft and Final EISs and to clarify the mailing address for comments.

Appendix A of the DEIS contains a summary of the input received during scoping.

Opportunity to Comment on DEIS

The public was provided an opportunity to comment on the T-O-RC Project Draft EIS during a 45-day comment period. This comment period began when a Notice of Availability (NOA) was published in the Federal Register on Friday, December 27, 2013(78FR78955). A legal notice was published in the Laramie Boomerang on December 29, 2013, and also in the Casper Star Tribune and the Rapid City Journal on January 4, 2014, announcing an opportunity to comment on the T-O-RC project DEIS. Letters were sent to those who had expressed interest announcing the availability of the DEIS, and the DEIS was made available on the BHNf website at <http://go.usa.gov/Bh1>.

Public open houses were held in Rapid City, South Dakota on January 13, 2014, and Newcastle, Wyoming on January 14, 2014. Because of poor weather on January 14, a second public open house was held in Newcastle on January 29, 2014, to accommodate interested parties who may not have been able to attend the January 14 meeting.

During the DEIS comment period, 37 individuals, groups, or agencies submitted comment letters. Included in the comments were suggestions for additional route modifications in three specific areas in South Dakota.

A letter dated June 27, 2014, and associated maps were sent to the entire mailing list requesting additional comments by July 16, 2014.

Forty-four additional comment letters were received in response to the June 27 letter. Most of these comments were specific to the potential route modifications at the two locations identified above in the South Dakota portion of the project area.

All of the comments received have been analyzed using a process called content analysis.

Comment Content Analysis and Agency Response Process

The content analysis process strives to identify all relevant issues, not just those represented by the majority of respondents. In addition to capturing relevant factual input, the content analysis identifies the relative strength of public sentiment behind particular viewpoints. The intention of the content analysis process is to represent the public's viewpoints and concerns as fairly as possible, and to present those concerns in such a way as to assist the USFS ID team in effectively responding to them.

The ID team reviewed the public comment statements and considered the substance of the concerns, evaluated whether they triggered a change in the environmental analysis, and drafted responses. The ID team provided any recommendations for adjustments to the DEIS analysis or documentation to the Team Leader for review, consideration, and action. Additional discussions and/or factual and clarifying information have been incorporated in the document.

In general, the ID team responded in the following ways to public concerns as prescribed in 40 CFR 1503.4:

- Modify alternatives including the proposed action;
- Supplement, improve, or modify analysis;
- Make factual corrections; and
- Explaining why the comments do not need further agency response.

In response to the comments on the DEIS, the ID team made factual and clarifying corrections in the document, and/or explained why changes are not warranted. Minimal response (basically acknowledgement) has been made to concerns stating a position or an opinion. However, these positions and opinions have been compiled by the ID team for consideration by the Authorized Official. Some specific suggestions for management of the project area may be adopted by the Authorized Official, other specific concerns are beyond the authority of the BLM and beyond the scope of the DEIS, or determined to be impractical. Several of the comments resulted in the addition of new route modifications.

Summary of Public Comment on the DEIS

Public comment on the DEIS was rich and varied, and reflects, for the most part, respondents' livelihood, lifestyle, and/or position/opinion on issues or concerns.

In general, most of the respondents living within and adjacent to the project area are supportive of a new transmission line, but preferred that it be located primarily on public versus private lands. Most were in favor of Alternative 3 (Proposed Action with Route Modifications) and had suggestions on routes to avoid private land impacts.

Agency Response to Public Comments

All respondents' names and addresses are entered into a project-specific database, enabling creation of a complete list of all respondents. In the content analysis process, each response was assigned a unique letter that allowed analysts to link specific comments to the original letter. Each comment is given a number and is coded by response. The comment/response tables attached below contain a summary of all respondents' comments and the Agency's response. Original letters are in the T-O-RC Project File at the USFS BHNF Mystic Ranger District office in Rapid City, South Dakota.

Public comments and responses are separated into two tables in FEIS Appendix A. Table A-2 (DEIS Comment and Agency Response) contains comments received on the DEIS and the corresponding agency responses. Table A-3 (Post-DEIS Comment and Agency Response) contains comments received subsequent to the DEIS comment period in response to the two letters (April and June 2014) the lead agency (BHNF) sent requesting additional input on newly developed route modifications.

Copies of comment letters received from local, state, or Federal agencies after publication of the DEIS are included at the end of this Appendix (A-3).

On December 5, 2014, the USFS published the NOA for the FEIS in the Federal Register (79FR72172). The NOA announced the public availability of the FEIS. The 30-day notice was initiated by the NOA and was concluded on January 5, 2015.

The FEIS is available at the BHNF website at <http://go.usa.gov/Bh1>.

X. Decision Rationale

This decision fulfills the BLM's legal requirements for managing public lands. The stipulations in the ROW grant ensure that authorization of the project will protect environmental resources and comply with environmental standards.

This decision reflects careful balancing of many competing public interests in managing public lands. This decision is based on comprehensive environmental analysis and full public involvement. During the scoping process and following publication of the DEIS, members of the public submitted comments that enhanced the BLM's consideration of environmental issues relevant to this project. All practicable mitigation measures contained in the FEIS, which avoid or minimize environmental harm, have been adopted.

The BLM has determined that the analysis contained in the FEIS is adequate for the purposes of reaching an informed decision regarding the ROW application. This ROD reflects careful

consideration of the information generated from the environmental review process for the project, and it further reflects resolution of the issues by the BLM through such process. This ROD applies only to BLM-administered public lands. Other agencies are responsible for issuing separate decisions regarding any applicable permits and authorizations for the project.

XI. Final Agency Action

Bureau of Land Management

It is my decision to approve a ROW grant to BHP, subject to the terms, conditions, stipulations, Plan of Development, and environmental protection measures developed by the Department of the Interior and reflected in this ROD. This decision is effective on the date this ROD is signed.

In general, a decision of the BLM is not effective during the time in which an adversely affected person may file a notice of appeal (43 CFR 4.21(a) (1)). However, according to regulation, BLM decisions issued under 43 CFR Part 2800 are and remain in effect pending appeal (43 CFR 2801.10(b)). Since this ROW decision is issued under 43 CFR Part 2800, it is and remains in effect as of the date of issuance.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1 (see ROD Appendix B). If an appeal is taken, your notice of appeal must be filed in the BLM High Plains District Office, 2987 Prospector Drive, Casper, WY 82604-2986, within 30 days from the date of publication in the newspapers of record (May 18, 2015). The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations at 43 CFR 4.21 (58 Federal Register 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

See Appendix B for filing information related to appeals and requesting a stay.

Approved By:

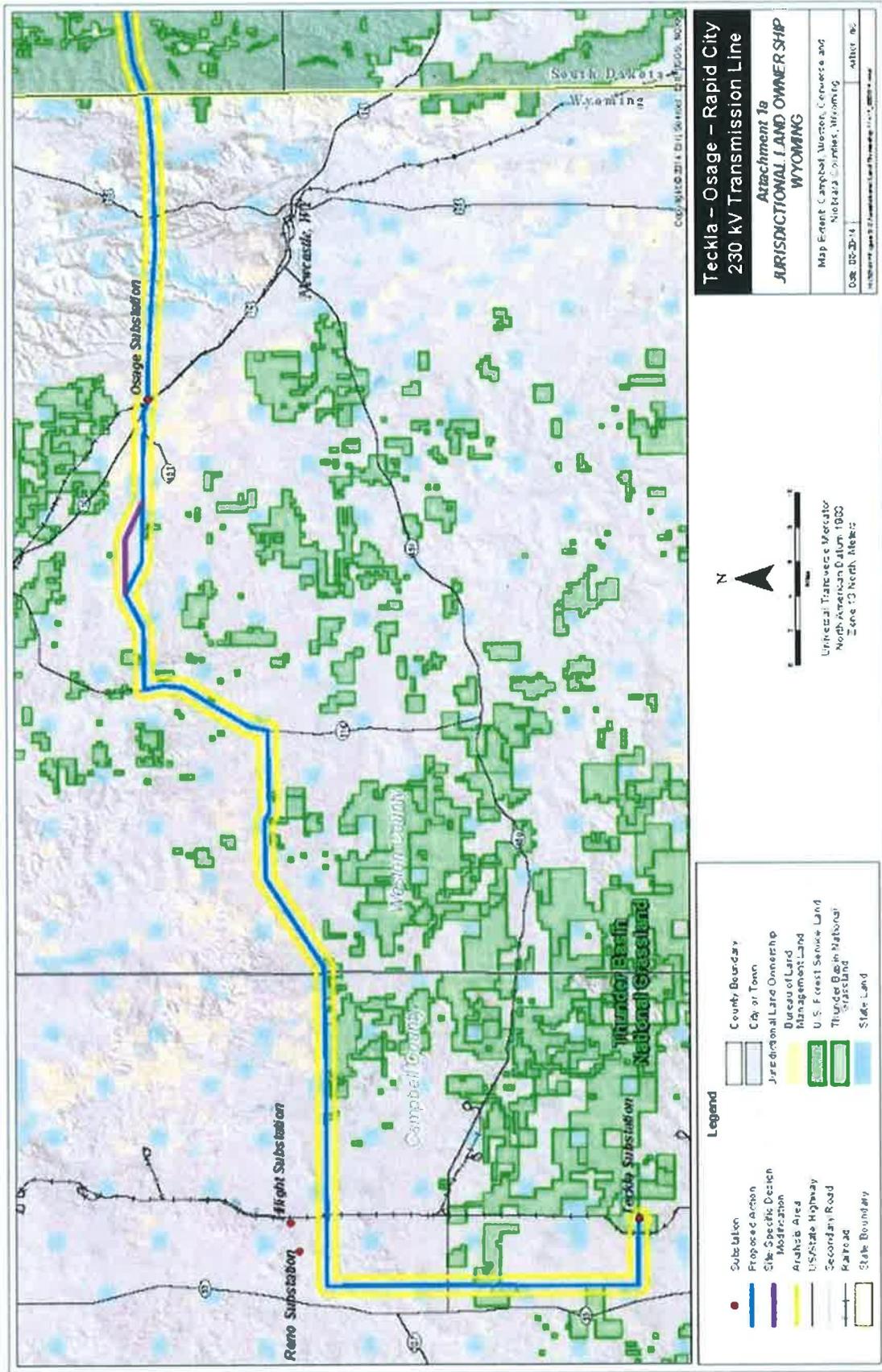
Stephanie Connolly

Stephanie Connolly
High Plains District Manager
Bureau of Land Management
U.S. Department of the Interior

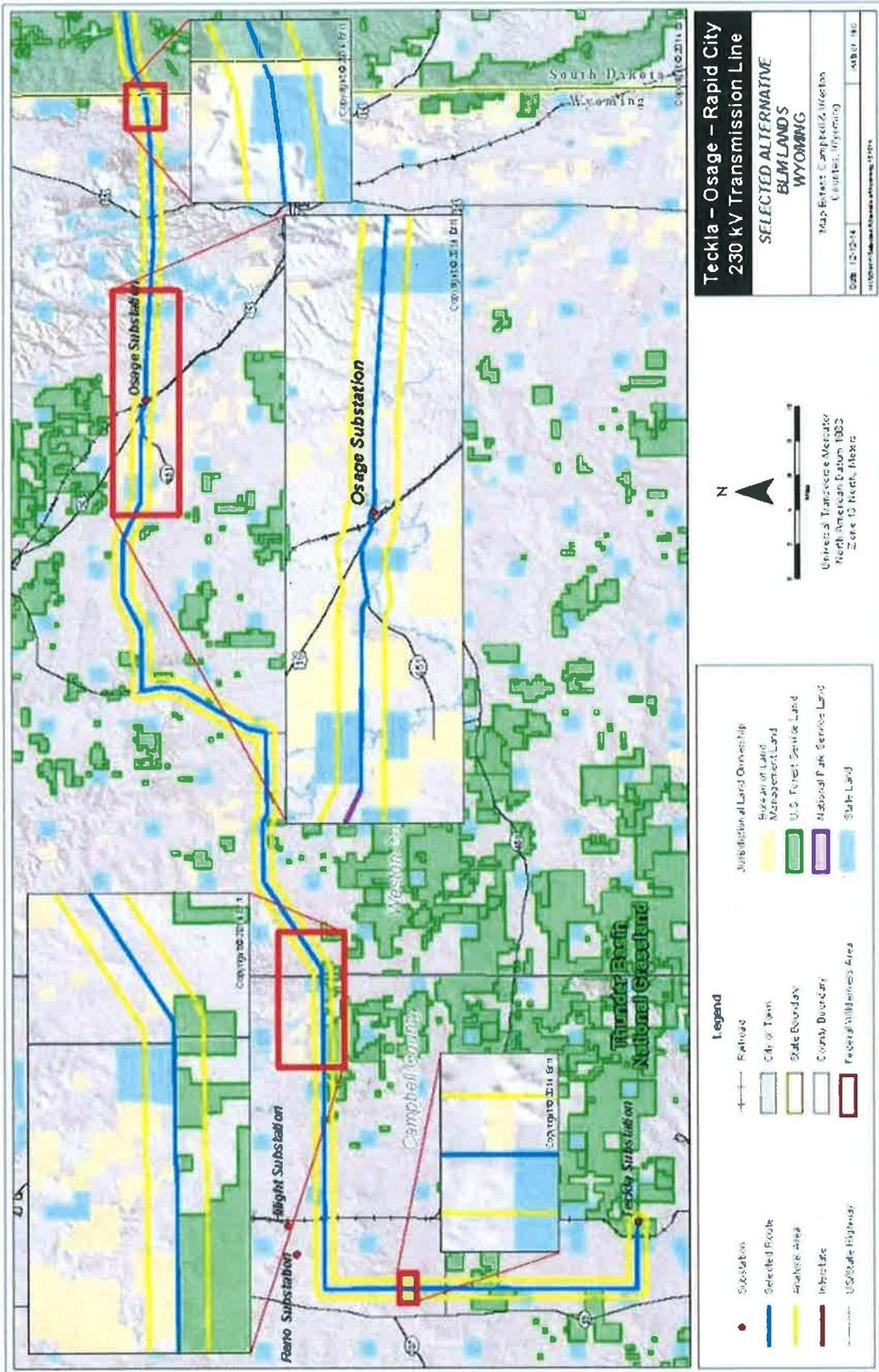
May 18, 2015
Date

Appendix A Maps

Map 1a



Map 2



Appendix B Appeals Information

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL.....	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
2. WHERE TO FILE NOTICE OF APPEAL.....	Bureau of Land Management High Plains District Office 2987 Prospector Drive Casper, WY 82604-2968
WITH COPY TO SOLICITOR.....	Regional Solicitor, Rocky Mountain Region U.S. Department of the Interior 755 Parafet Street, Suite 151 Lakewood, CO 80215
3. STATEMENT OF REASONS WITH COPY TO SOLICITOR.....	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413). Regional Solicitor, Rocky Mountain Region U.S. Department of the Interior 755 Parafet Street, Suite 151 Lakewood, CO 80215
4. ADVERSE PARTIES.....	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
5. PROOF OF SERVICE.....	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
6. REQUEST FOR STAY.....	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)