

Decision Record

DRAFT

BLM

Rawlins Field Office



The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on public lands.

BLM/WY/RFO

DOI-BLM-WY-030-EA14-149

DECISION RECORD

Decision:

I have reviewed this Environmental Assessment (EA), including the analysis and discussion of any potentially significant environmental impacts. It is my decision to select the Alternative B - Proposed Action as described in the "EA Infrastructure Components: Phase I Haul Road and Facilities, West Sinclair Rail Facility, and Road Rock Quarry, for the Chokecherry and Sierra Madre (CCSM) Wind Energy Project". I have determined the impacts of the Infrastructure Components have been fully analyzed.

This decision would approve the three Site-specific Plans of Developments (SPODs); Phase I Haul Road and Facilities (SPOD-1), the West Sinclair Rail Facility (SPOD-2), and the Road Rock Quarry (SPOD-3), for the construction, operation, maintenance, and decommissioning of Infrastructure Components.

The three infrastructure components are part of the Phase 1 CCSM wind energy project and will be granted under a single wind energy development grant that includes the Phase 1 Turbine Development.

A second decision on the EA for Phase 1 Turbine Development will be made upon completion of the NEPA analysis and decision determination. Upon completion of the Phase 1 Turbine Development NEPA analysis and decision determination, the Infrastructure Components and the Phase 1 Turbine Development will be included in one wind energy development grant. Notice to Proceed (NTP) for individual SPODs would be issued as the NEPA and permitting requirements are completed.

The infrastructure components represent the initial infrastructure that must be in place prior to construction of the wind turbine generators and associated electric collection and distribution facilities.

Plan Conformance and Consistency:

The Proposed Action and alternatives meet the standards and direction of the various guiding laws, regulations, and directives that apply, including the Federal Land Policy and Management Act of 1976 (FLPMA) (43 USC 1701).

The CCSM Project, including the infrastructure SPODs, is subject to the BLM's 2008 Rawlins Resource Management Plan (RMP), approved on December 24, 2008, as amended by the CCSM Project ROD (BLM 2012a). As discussed in Section 3.6.3 of the CCSM Project ROD (BLM 2012a), the CCSM Project is in conformance with the 2008 Rawlins RMP, as amended.

The CCSM Project (including the infrastructure SPODs) was formulated in conformance with BLM Wyoming Instruction Memorandum (IM) No. 2012-019 with respect to Greater Sage-Grouse habitat and sagebrush management and so is consistent with the Preferred Alternative (Alternative E) discussed in the Wyoming Greater Sage-Grouse Draft Land Use Plan Amendment and Draft Environmental Impact Statement (BLM 2013a). Should the Wyoming Greater Sage-Grouse Land Use Plan Amendment be finalized prior to issuance of the Finding of

No Significant Impact (FONSI) or Decision Record for this EA, the FONSI or Decision Record will incorporate any changes necessary to conform to the amended 2008 Rawlins RMP.

The Proposed Action considered was reviewed and found to be in conformance with the Bureau of Land Management (BLM), Rawlins Field Office (RFO) Resource Management Plan (RMP) and Record of Decision (ROD), approved December 24, 2008. Additionally, pursuant to 40 CFR 1508.28 and 1502.21, this EA tiers to, and incorporates by reference, the information and analysis contained in the Chokecherry and Sierra Madre Wind Energy Environmental Impact Statement (EIS) and ROD, approved on October 2012. Impacts from the Proposed Action would not exceed those described in Chokecherry and Sierra Madre Wind Energy EIS/ROD.

Alternatives Considered:

Under the No Action Alternative, the BLM Authorized Officer would deny approval of ROW grants for the SPODs filed by PCW for the infrastructure components. The CCSM Project FEIS (BLM 2012b) analyzed and rejected a No Action Alternative, and determined that the CCSM Project Site is suitable for wind energy development. Therefore, if the SPODs submitted to the BLM by PCW meet the requirements set out in the FEIS and CCSM Project ROD (BLM 2012a), the No Action Alternative is not consistent with the CCSM Project ROD (BLM 2012a) and does not meet one of the purposes of the CCSM Project, which is to support the federal goals and objectives for the development of domestic renewable energy projects on public lands.

Rationale for Decision:

The decision to approve the Proposed Action was based upon the following: (1) consistency with the BLM, RFO RMP; (2) national policy; (3) agency statutory requirements; (4) relevant resource and economic issues; (5) application of measures to avoid or minimize environmental impacts; (6) meeting the purposes and need for the project; and (7) application of resource protection mitigation (i.e. lease stipulations). The Proposed Action was chosen as being the most environmentally sound alternative that meets the purpose and need of the Project.

1. This decision is in conformance with the BLM, RFO RMP.
2. It is the policy of the BLM, as derived from various laws, including Federal Land Management Policy Act of 1976 (FLPMA), to make renewable power to serve some one million households and support the President Obama's June 2013 Climate Action Plan.
3. The decision is consistent with all federal, state, and county authorizing actions required for implementation of the Proposed Action.
4. Economic benefits derived from implementation of the Proposed Action have been considered and analyzed in the EA.
5. Standard terms and conditions, as well as special stipulations would apply, as detailed in Appendix C of this EA.
6. The decision meets the stated purpose and need in the EA without creating adverse impacts to present resources, while protecting resource values in accordance with guiding laws, regulations, and the BLM, RFO RMP through application of terms and conditions as detailed in Appendix C of this EA.

This decision is a step toward implementing the decision "to accept and evaluate future ROW applications for wind energy development and associated facilities on public lands" as described in the Selected Alternative of the CCSM Project FEIS.

Compliance and Monitoring:

These are fully described in the tiered EA and CCSM EIS and are incorporated by reference into the Decision Record (DR).

Appeal Information:

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. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time 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 with this office. If you request a stay, you have the burden of proof to demonstrate a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, 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.

Authorized Official:

Dennis J. Carpenter
Rawlins Field Manager

Date