

**Record of Decision**  
**for the**  
**Chokecherry and Sierra Madre Wind Energy Project**  
**and Approved Visual Resource Management**  
**Plan Amendment on Public Lands Administered by the**  
**Bureau of Land Management Rawlins Field Office,**  
**Carbon County, Wyoming**

**U.S. Department of the Interior**  
**Bureau of Land Management**  
**High Desert District**  
**Rawlins Field Office**  
**Rawlins, Wyoming**

**October 2012**

## Executive Summary

This Record of Decision (ROD) explains the decisions of the Department of the Interior (DOI) and Bureau of Land Management (BLM) to determine whether portions of the Application Area are suitable for wind energy development and identify the appropriate development plan as described under the Preferred Alternative in the Chokecherry and Sierra Madre (CCSM) Wind Energy Project Final Environmental Impact Statement (EIS). This ROD also explains the DOI and BLM decision to amend the visual resource management (VRM) class designations and decisions of the *Rawlins Field Office (RFO) Resource Management Plan (RMP) Record of Decision (ROD) (2008b)* for public lands within the Decision Area of Carbon County, Wyoming (Plan Amendment).

These decisions are based on consideration of the information generated during the analytical and public participation processes required by the National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), National Historic Preservation Act, Endangered Species Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and DOI tribal consultation policies. The BLM carefully considered its analysis regarding the range of reasonable alternatives to the proposed wind energy development project in Carbon County, Wyoming, including potential impacts on environmental and cultural resources; practicable means to avoid, minimize, or mitigate those impacts; and national policy goals to promote renewable energy projects. This information was presented and analyzed in the June 29, 2012, CCSM Wind Energy Project Final EIS and Proposed Plan Amendment Final EIS. The BLM will not issue right-of-way (ROW) grants for the CCSM portions of the project to PCW until the BLM determines that PCW has developed an adequate Compensatory Mitigation Plan (CMP) for cultural resources and the U.S. Fish and Wildlife Service (USFWS) issues letters of concurrence on Eagle Conservation Plans (ECPs), and Avian Protection Plans (APPs).

The BLM evaluated the potential wind energy development on a broad level to determine appropriate areas and restrictions for the Power Company of Wyoming, LLC (PCW) to develop a wind energy facility on public lands in the Application Area administered by the BLM in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws. This decision does not authorize development of the wind energy project, rather it sets the parameters for which future ROW applications may be submitted by PCW. ROW applications will be screened against the analysis conducted in this EIS, and then the appropriate level of subsequent, tiered NEPA analysis will be conducted prior to the BLM issuing a decision on ROW applications. The BLM selected this manner of analyzing the project based on its size and complexity of resources.

Accordingly, through this decision the BLM is: determining whether portions of the area identified in PCW's proposal are appropriate for wind energy development; identifying the requirements for future wind development in the area; and amending the VRM class decision portions of the 2008 Rawlins RMP for the designated Decision Area. Four resulting decisions are as follows:

1. The BLM has determined that portions of the Application Area are suitable for wind energy development and associated facilities on public lands subject to the requirements for all future wind energy development in the area as described under the Preferred Alternative in the CCSM project Final EIS, herein referred to as the Selected Alternative (further explained in Chapter 3.0). The Selected Alternative analyzed PCW's wind energy development proposal in the 219,707-acre alternative boundary to accommodate development of a 2,000- to 3,000- megawatt (MW) project consisting of up to 1,000 turbines and ancillary facilities in the two sites, the 109,086-acre Chokecherry site and 110,161-acre Sierra Madre site, and off-site access on 460 acres (further explained in Chapter 3.0). Power generated by the project would be routed to one or more of up to five potential transmission lines analyzed in detail in separate EISs or an existing transmission line on the northern edge of the Selected Alternative area, all of which were considered in the cumulative impact analysis for this project.

2. The BLM has determined that areas of the Red Rim-Grizzly Wildlife Habitat Management Area (WHMA) in the Sierra Madre portion of the Application Area (a 1,037-acre area) are not suitable for wind energy development. The BLM is precluding development in this area from the Selected Alternative because construction within the Red Rim-Grizzly WHMA may conflict with the Memorandum of Understanding between the BLM and Wyoming Game and Fish Department associated with this area.
3. The BLM is requiring that certain project design features and mitigation measures be incorporated into any future CCSM wind energy development authorizations. These design features and mitigation measures include the identified BLM environmental constraints, applicant-committed measures and best management practices, and mitigation measures identified through the EIS process (**Appendix D**). The CCSM project also would be subject to additional constraints identified in the Programmatic Agreement for cultural and Native American resources (**Appendix E**), Biological Opinion (**Appendix F**), development of ECPs and APPs in coordination with the United States (U.S.) Fish and Wildlife Service (USFWS), and other monitoring and implementation plans appended to the ROW grant including those identified in **Appendix G**.
4. The BLM is amending the 2008 Rawlins Field Office RMP for the VRM class designations and decision portions on public lands within the CCSM Wind Energy Project Decision Area of Carbon County, Wyoming (further explained in Chapter 2.0).

The Final EIS estimates that operation of up to 1,000 wind turbines at CCSM has the potential to kill a range of 46 to 64 eagles per year. With additional data on eagle use, PCW may be able to refine and reduce that number by implementing avoidance and minimization measures. Nevertheless, the Bald and Golden Eagle Protection Act prohibits the taking of bald or golden eagles without authorization (a permit) from the USFWS. The USFWS can issue programmatic permits to take eagles only after an applicant has committed to take all practicable measures to avoid and minimize such takes and mitigated all anticipated takes to the maximum extent achievable to be compatible with the preservation of eagles. The BLM will work with USFWS and PCW at the specific plan of development stages of this project to identify such practicable measures. The BLM will not issue ROW grants for the CCSM portions of the project to PCW until USFWS issues letters of concurrence for the APPs and ECPs.

These decisions meet the BLM's purpose and need to determine appropriate areas and restrictions for wind energy development in response to a FLPMA ROW application, and take into account the Applicant's interest and objectives to develop a wind energy project, which maximizes wind energy potential from the site, constructing on an optimized schedule. These decisions also are made in compliance with relevant DOI and BLM policies, including Washington Office Instruction Memorandum WO-2011-059. The Selected Alternative identifies a conceptual area of development and associated stipulations that would allow for the construction, maintenance, operation, and eventual decommissioning of a 2,000- to 3,000-MW wind energy facility consisting of up to 1,000 wind turbine generators. The "conceptual area of development" is the area within each alternative boundary where development would most likely occur based on wind potential considerations as well as environmental constraints and applicant-committed mitigation measures. Specific impacts associated with the siting/location of individual project components not analyzed in the Final EIS would be analyzed in subsequent NEPA analyses based on site-specific proposals within the Selected Alternative conceptual boundary. These subsequent NEPA analyses will incorporate additional requirements developed through the ECPs and APPs in addition to any mitigation measures identified in the site-specific NEPA documents.

## Acronyms

ACEC	area of critical environmental concern
ACHP	Advisory Council on Historic Preservation
ACM	applicant-committed measure
APE	area of potential effect
APP	Avian Protection Plan
APWG	Activity Plan Working Group
BLM	Bureau of Land Management
BMP	best management practice
BO	biological opinion
BOR	Bureau of Reclamation
CCR 401	Carbon County Road 401
CCSM	Chokecherry and Sierra Madre
CDNST	Continental Divide National Scenic Trail
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CMP	Compensatory Mitigation Plan
DOI	Department of the Interior
ECP	Eagle Conservation Plan
EIA	Energy Information Administration
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FLPMA	Federal Land Policy and Management Act
FR	Federal Register
GHG	greenhouse gas
I-80	Interstate 80
IM	Instruction Memorandum
kV	kilovolt
MBTA	Migratory Bird Treaty Act
MOU	Memorandum of Understanding
MW	megawatt
NEPA	National Environmental Policy Act of 1969

NHPA	National Historic Preservation Act
NOA	Notice of Availability
NOI	Notice of Intent
NRHP	National Register of Historic Places
NSU	no surface use
OHV	off-highway vehicle
O&M	operations and maintenance
PA	Programmatic Agreement
PCW	Power Company of Wyoming, LLC
Plan Amendment	Resource Management Plan Amendment
POD	Plan of Development
RDF	rail distribution facility
RFD	reasonably foreseeable development
RFO	Rawlins Field Office
RMP	Resource Management Plan
ROD	Record of Decision
ROW	right-of-way
RPS	renewable portfolio standards
SD/MA	special designation/management area
SH 789	State Highway 789
SHPO	State Historic Preservation Officer
SPOD	Site-specific Plan of Development
SQRU	scenic quality rating unit
SRMA	special recreation management area
TAC	Technical Advisory Committee
UPRR	Union Pacific Railroad
U.S.	United States
U.S.C.	United States Code
USEPA	United States Environmental Protection Agency
USFS	United States Forest Service
USFWS	United States Fish and Wildlife Service
VRI	visual resource inventory
VRM	visual resource management
WGFD	Wyoming Game and Fish Department
WHMA	Wildlife Habitat Management Area
WSA	wilderness study area

WSR	Wild and Scenic River
WTG	wind turbine generator
WUI	wildland urban interface
WY 71	Wyoming State Highway 71
WYDEQ	Wyoming Department of Environmental Quality

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## 1.0 Introduction

This Record of Decision (ROD) explains the decisions of the Department of the Interior (DOI) and Bureau of Land Management (BLM) to determine whether portions of the Application Area are suitable for wind energy development and identify the appropriate development plan as described under the Preferred Alternative in the Chokecherry and Sierra Madre (CCSM) Wind Energy Project Final Environmental Impact Statement (EIS). This ROD also explains the DOI and BLM decision to amend the visual resource management (VRM) class designations and decisions of the *Rawlins Field Office (RFO) Resource Management Plan (RMP) Record of Decision (ROD) (2008b)* for public lands within the Decision Area of Carbon County, Wyoming (Plan Amendment).

These decisions are based on consideration of the information generated during the analytical and public participation processes required by the National Environmental Policy Act (NEPA), Federal Land Policy and Management Act (FLPMA), National Historic Preservation Act (NHPA), Endangered Species Act (ESA), Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and DOI tribal consultation policies. The BLM carefully considered its analysis regarding the range of reasonable alternatives to the proposed wind energy development project in Carbon County, Wyoming, including potential impacts on environmental and cultural resources; practicable means to avoid, minimize, or mitigate those impacts; and national policy goals to promote renewable energy projects. This information was presented and analyzed in the June 29, 2012, CCSM Wind Energy Project Final EIS and Proposed Plan Amendment Final EIS. The BLM will not issue right-of-way (ROW) grants for the CCSM portions of the project to PCW until the BLM determines that PCW has developed an adequate Compensatory Mitigation Plan (CMP) for cultural resources and the U.S. Fish and Wildlife Service (USFWS) issues letters of concurrence on Eagle Conservation Plans (ECPs), and Avian Protection Plans (APPs).

The Proposed Plan Amendment/Final EIS and CCSM Project Final EIS were released for a 30-day public review and protest period commencing on June 29, 2012. Subsequent to the 30-day public period, this ROD details the DOI and BLM's final decision as well as any required mitigation for the project.

Pursuant to BLM's planning regulations at 43 CFR 1610.5-2, any person who participated in the planning process for this Proposed Plan Amendment and has an interest that is or may be adversely affected by the planning decisions may protest approval of the planning decisions in Volume I of the Final EIS. The BLM Director has reviewed and rendered decisions on each protest received for the planning-related decisions identified in Volume I of the Final EIS, which represents the final decision of the DOI. Responses to protest issues were compiled and formalized in a Director's Protest Decision Report, available on the internet. The Approved Plan Amendment outlined in this ROD considers all protest resolutions. Planning-related protest issues are discussed in Section 2.1.1.

As outlined in Section 9.6 of BLM's NEPA handbook (H-17901-1; BLM 2008c), although the 30-day availability period for the project-related decisions in the Final EIS is not a formal comment period, public comments on the project-related decisions were considered. The BLM has reviewed all project-related comments. The results of the project-related Final EIS comment review are discussed in Section 3.1.1, with a brief response indicating any additional actions taken.

### Changes and Clarifications

After release of the CCSM Project Final EIS and review of comments received during the 30-day public availability and protest period, the BLM has provided additional clarifications and minor editorial changes that have been incorporated in this ROD. These changes and clarifications are outlined below.

- An errata for the Final EIS is included as **Appendix A**. The errata includes minor edits to clarify language intended by the BLM, which includes the following items:

- Throughout Final EIS, “Up to four separate PODs” was replaced with “Up to five separate ROW applications”;
- The response in comments 0200-006 and 0483-002 were edited from “checkerboard and fragmented land ownership near Baggs, Saratoga, and Encampment” to “checkerboard or fragmented land ownership near Baggs, Saratoga, and Encampment”;
- References inadvertently omitted in the Final EIS have been provided.
- The appendix detailing project components common to all alternatives (included as Appendix A of the Final EIS) has been replaced with the Project-wide Plan of Development (POD) prepared by PCW, included as **Appendix B** to this ROD. An updated Sage Grouse Conservation Plan prepared by PCW is appended to the POD.
- Additional information on other agency permitting processes has been added to the Tiering Plan (Final EIS Appendix B), now entitled *Project Permitting and BLM Tiering Review Procedures*, which is included as **Appendix C** to this ROD. Additional sections that discuss other agency permitting processes for other federal, state, and county agencies and integration of these processes in BLM’s tiering review procedures have been incorporated.
- Additional information regarding the APP and ECP has been incorporated into this ROD. While an adequate APP or ECP is not contained within the ROD, the BLM and United States (U.S.) Fish and Wildlife Service (USFWS) currently are reviewing a plan submitted by the Power Company of Wyoming, LLC (PCW). **Appendices C** and **G** include a more detailed description of the components of the APPs and ECPs that will be required prior to authorization of any ROW for the project. These components include additional data collection activities, avoidance and minimization measures, offsite mitigation strategies that could be implemented, and monitoring to determine effectiveness of mitigation measures. PCW will provide APPs and ECPs that incorporate these components. The APPs and ECPs will be evaluated by the USFWS to determine whether they meet the preservation standards of BGEPA. After USFWS issues letters of concurrence for the APPs and ECPs, BLM will incorporate those measures into subsequent NEPA analyses and ROW grants. Should PCW decide to apply for an eagle take permit, the USFWS will thoroughly evaluate potential impacts of eagle take in NEPA documents.

## 1.1 Document organization

While the CCSM project and associated plan amendment were addressed concurrently in a single process, the associated analysis and decisions were separated by volumes in the Draft and Final EISs. The resulting decisions for both the project and plan amendment are contained in a single ROD. The Selected Alternative incorporates BLM approval of the plan amendment to update the VRM decisions in the Decision Area based on the 2011 Visual Resource Inventory (VRI). This document has been organized as follows to maintain separation of these distinct decisions:

**1.0 Introduction** provides an overview of this document, changes and clarifications since the Final EIS, and explanation of the document organization.

**2.0 Visual Resource Management Plan Amendment Decisions** details the planning decisions associated with the CCSM Project. The decisions included in this ROD and Approved Plan Amendment supersede the VRM designations and decisions in the 2008 Rawlins RMP only for the VRM Decision Area associated with the CCSM Wind Energy Project of Carbon County, Wyoming. VRM designations and decisions in the remainder of the RFO area will continue to be managed under the 2008 Rawlins RMP until amended. Other resource and resource use management decisions contained in the 2008 Rawlins RMP are not affected by this decision.

**3.0 Suitability Determination for Wind Energy Development** details the decisions for the CCSM project proposed by the PCW to optimize wind energy development of up to 1,000 wind turbine generators (WTGs) with potential environmental impacts as disclosed in the Final EIS. The associated

mitigation, site-specific tiering procedures, and other requirements prior to construction of the project are detailed in Chapter 3.0.

**4.0 Consultation, Coordination, and Public Involvement** summarizes the consultation and coordination efforts for the CCSM Project and associated Plan Amendment.

**5.0 References** list all references cited in the ROD.

## 2.0 Visual Resource Management Plan Amendment Decisions

This ROD and Plan Amendment were prepared by the BLM RFO in Rawlins, Wyoming. The BLM RFO administrative area is located in south-central and southeastern Wyoming within Albany, Carbon, Laramie, and Sweetwater counties.

### 2.1 Decision for the Plan Amendment

The decision is made to approve an amendment to the 2008 Rawlins RMP, hereafter referred to as the Approved Plan Amendment. The Approved Plan Amendment provides direction for the VRM class designations and decisions on public lands within the CCSM Wind Energy Project Decision Area of Carbon County, Wyoming (shown in **Figure 2-1**). The public lands in the Decision Area are the subject of this Approved Plan Amendment. Lands or minerals that are privately owned or state-owned or that are administered by federal agencies other than the BLM are not affected by BLM decisions. Other BLM management actions beyond the scope and geographic extent of this VRM-targeted Plan Amendment will not be affected. The Approved Plan Amendment was prepared under the authority of the FLPMA (43 United States Code [U.S.C.] §§ 1701, et seq.) and applicable regulations (43 Code of Federal Regulations [CFR] Part 1600).

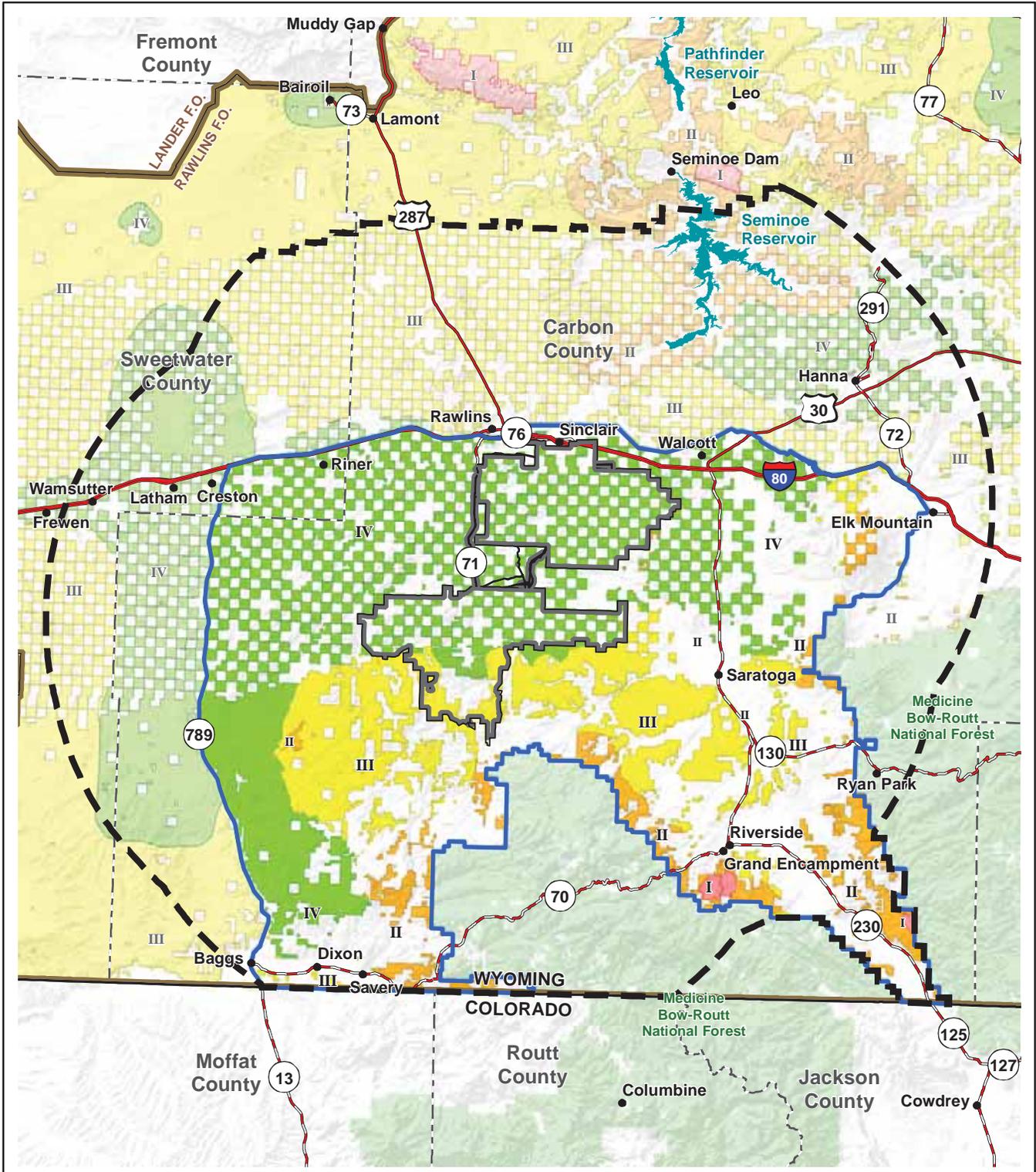
An EIS was prepared for the Approved Plan Amendment in compliance with NEPA. Following publication of the Proposed Plan Amendment/Final EIS in June 2012, the BLM carried forward text for the Proposed Plan Amendment to incorporate in the Approved Plan Amendment and ROD. During preparation of the Approved Plan Amendment, no changes were made to the Proposed Plan Amendment.

#### 2.1.1 Protest Issues

A total of 13 protest letters were received by the BLM on the Proposed VRM Plan Amendment. From these 13 letters, 193 comments were identified. Comments were identified as formal protests as opposed to comments on the Proposed Plan. The following list comprises the issues identified during Protest resolution. Individual protests and responses are published in the Protest Resolution report available at:

[http://www.blm.gov/wo/st/en/prog/planning/planning\\_overview/protest\\_resolution/protestreports.html](http://www.blm.gov/wo/st/en/prog/planning/planning_overview/protest_resolution/protestreports.html)

- **Public Participation:** Protesters objected to lack of public participation opportunities for the Visual Resource Inventory, and requested additional time for protests to the Administrative Procedure Act.
- **Cumulative Effects:** Protesters identified additional areas of potential development that were not specifically listed in the cumulative effects section of the Final EIS.
- **Impact Analysis:** Protesters questioned the validity of the impact analysis for portions of the Final EIS, calling for additional baseline data collection.
- **Range of Alternatives:** Protesters questioned the range of alternatives being analyzed, indicating a need for more stringent protection measures for visual resources.
- **Cultural Resources:** Protesters called into question decisions regarding VRM classifications within viewsheds of National Register of Historic Places (NRHP) eligible sites and compliance with the NHPA.
- **National Trails:** Protesters questioned the validity of VRM decisions for the Continental Divide National Scenic Trail (CDNST), requested the trail be rerouted to compensate for potential impacts from classifying the portions of it crossing the checkerboard land pattern as VRM IV, and questioned compliance with the 2009 CDNST Comprehensive Plan.



**Legend**

- Planning Area
- Decision Area
- Chokecherry and Sierra Madre Application Area
- State Boundary
- County Boundary
- BLM Field Office Boundary
- National Forest
- VRM Class I
- VRM Class II
- VRM Class III
- VRM Class IV

VRM classes only apply to public lands.  
VRM classes outside the Decision Area are provided in the background as faded colors to show continuity with proposed VRM management.

**Wind Energy Application Area**

**Figure 2-1**  
**Approved Plan Amendment for**  
**Visual Resource Management**  
**in the Chokecherry and**  
**Sierra Madre Decision Area**

1:900,000

- Visual Resource Management: Protesters identified areas where they felt VRM designations were incorrect, and therefore the plan should be modified.
- Visual Resource Inventory: Protesters questioned the results of the VRI, baseline data for the Plan Amendment, requesting modifications to the inventory for a variety of reasons.

As a result of the protests and comments received on the Proposed Plan Amendment, no clarifications, modifications, or remands were identified. An Errata Appendix, including minor editorial changes, has been included as **Appendix A** of the ROD.

### **2.1.2 Reasons for the Plan Amendment Decision**

In reviewing the alternatives, incorporating information from the 2011 VRI, current knowledge on existing and reasonably foreseeable development opportunities, and comparing to the existing decisions in the 2008 Rawlins RMP, BLM determined that Alternative 4, the Proposed Plan, provided the most balanced management direction. Under the Approved Plan, visual quality as identified in the VRI was balanced with manageability in respect to landownership patterns and areas of high potential for energy and mineral development. In reaching this decision, the following key issues, impacts as described in the Final EIS, and the concerns and comments submitted during the EIS process were considered.

#### *Development of Energy Resources and Minerals-Related Issues*

Areas of high wind energy potential and major utility and transportation corridors where there is an existing application with likelihood of development considering other resource factors (such as Greater sage-grouse core area boundaries) as well as areas of high oil and gas within proposed development areas would be managed as VRM Class IV. These areas would be managed to provide for management activities that require major modification of the existing character of the landscape with a high level of change to the characteristic landscape; however, the BLM would make every attempt to minimize the impact of these activities through careful location, minimal disturbance, and repeating the basic elements.

#### *Special Designations/Management Areas*

Current management of VRM Class I were retained where very high visual values and other factors exist to allow the BLM to manage the visual quality to preserve the existing character of the landscape with a very low level of change to the characteristic landscape in these areas. These areas include the Encampment River Canyon and Prospect Mountain wilderness study areas (WSAs) as required per BLM policy as well as of within 0.25 mile of the high-water line on each side of the Encampment River segment eligible and suitable for Wild and Scenic River (WSR) consideration.

The VRM Class II in the 18-acre JO Ranch in the Sand Hills/JO Ranch area of critical environmental concern (ACEC) would be retained to protect high visual values and other factors to allow the BLM to manage the visual quality to retain the existing character of the landscape with a low level of change to the characteristic landscape in these areas.

Areas of oil and gas development in the Cow Butte Special Designation/Management Area (SD/MA) would be managed as VRM Class III, which would allow a moderate level of change to the characteristic landscape while partially retaining the existing character of the landscape.

#### *Resource Accessibility*

Most areas of checkerboard landownership would be managed under a VRM Class IV due to the difficulty with manageability of visual quality in areas of mixed ownership. Exceptions include areas where conditions exist to allow manageability of visual quality (such as the floodplain of the North Platte River outside of major utility and transportation corridors and in the vicinity of Elk Mountain). The BLM will attempt to maintain visual quality in VRM Class IV areas until it is no longer manageable.

Areas of contiguous federal ownership south of the checkerboard landownership outside the areas noted above would be managed to partially retain the existing character of the landscape with a moderate level of change to the characteristic landscape under VRM Class III. These areas would include areas of oil and gas development in the Cow Butte SD/MA; the area surrounding Elk Mountain located within fragmented ownership that coincides with an existing conservation easement on private lands that protects “significant scenic vistas and open-space values”; and the area along Highway 70 from Baggs to Savory that occurs within fragmented ownership but is the subject of a scenic byway designation request.

#### *Fire Management Wildland Urban Interface (WUI) Areas*

The Approved Plan would allow for a wider range of hazardous fuel reduction treatments, vegetation clearing, and access roads, but also allows for the introduction of more potential ignition sources than Alternatives 1 and 3, but less than Alternative 2. Although more potential ignition sources could occur under the Approved Plan the ability to treat areas would aid in management of the WUI areas.

#### *Special Status Species Management*

While VRM may influence where and how proposed projects are developed on BLM lands, VRM is not the appropriate management tool for wildlife and special status species concerns. Sometimes mitigation applied to projects to protect visual quality also can benefit wildlife and special status species. One such example would include reducing the height of an oil and gas tank by placing it on its side, which also would minimize perching. However, other visual mitigation techniques such as coloration would have no effect on protection of wildlife species.

#### *Water Quality*

While VRM may influence where and how proposed projects are developed on BLM lands, the analysis concluded that there would be little or no impacts on water quality, fisheries habitat, and riparian habitat health from VRM decisions.

#### *Vegetation Management*

While VRM may influence where and how proposed projects are developed on BLM lands, the analysis concluded that there would be little or no impacts on vegetation management or Rangeland Health from VRM decisions.

#### *Recreation, Cultural Resources (including National Historic Trails), and Paleontological Resource Management*

Visual settings associated with the more prominent areas for tourism and outdoor recreation associated with the Elk Mountain Area, forest fringe areas, and areas near the communities of Saratoga, Encampment, Dixon, and Savory would be protected through VRM Class II and III designations. More visual contrast would be allowed along the main recreation access routes of Interstate 80 (I-80) and Wyoming Highway 71 (WY 71)/Carbon County Road 401 (CCR 401) in the checkerboard land ownership pattern. Historic and scenic trails would be within designated VRM Class III and IV areas, possibly allowing for more landscape altering activities and visual intrusions that would disrupt recreation uses and the recreational setting. Although the Approved Plan allows for a higher degree of alteration of the visual character in the northern portion of the Decision Area, opportunities for recreation activities are limited in the checkerboard ownership areas and other fragmented landownership patterns because of reduced public access. In addition, the visual setting in these areas is influenced by uses on private and state lands beyond BLM’s jurisdiction.

The Approved Plan allows for more potential for areas of visual intrusions and high levels of landscape alteration that affect cultural resources than Alternatives 1 and 3, but less than Alternative 2. Although the Approved Plan allows for a higher degree of alteration of cultural resource settings in the northern portion of the Decision Area, the cultural resource setting in the checkerboard ownership areas and other fragmented landownership patterns is influenced by uses on private and state lands beyond BLM’s jurisdiction.

While VRM may influence where and how proposed projects are developed on BLM lands, the analysis concluded that there would be little or no impacts on paleontology from VRM decisions.

### 2.1.3 Continuity of Previous RMP Decisions

The decisions included in this ROD and Approved Plan Amendment supersede the VRM designations and decisions in the 2008 Rawlins RMP only for the VRM Decision Area associated with the CCSM Wind Energy Project of Carbon County, Wyoming (**Figure 2-1**). VRM designations and decisions in the remainder of the RFO area will continue to be managed under the 2008 Rawlins RMP until amended. Other resource and resource use management decisions contained in the 2008 Rawlins RMP were reviewed and are not affected by this decision.

## 2.2 Overview of Alternatives Presented in the Proposed Plan Amendment/Final EIS

### 2.2.1 Alternatives Considered but Eliminated from Detailed Analysis

The following alternatives and management options were considered as possible alternatives but were eliminated from detailed analysis because they were unreasonable or not practical for technical, legal, or policy reasons. The FLPMA requires the BLM to manage public lands and resources according to the principles of multiple use and sustained yield, including recognizing the nation's needs for domestic sources of minerals, food, timber, and fiber. Moreover, the BLM is required by law to recognize valid existing rights on public lands and manage public lands according to existing laws, including, but not limited to, the General Mining Law of 1872 and the Mining and Minerals Policy Act of 1970. Specific alternatives considered but not carried forward for detailed analysis are described in section 2.2.3 of the Final EIS and summarized as follows:

- Variations on the Planning Area boundary including the entire field office, a set 30-mile radius of the Application Area and a reduced distance of only 15 or 20 miles from the Application Area;
- Iterations for the Decision Area boundary including the entire Planning Area, delineating the Decision Area based on scenic quality rating unit boundaries, and geographic boundaries; and
- A variation of the Proposed Plan, which did not take into account other management considerations including fractured land ownership patterns.

### 2.2.2 Alternatives Considered in Detail

Four VRM Plan Amendment alternatives were developed for managing visual resources within the Decision Area. These alternatives are divided into a No Action Alternative and three action alternatives, which are described below. To be consistent in this Planning Amendment, all alternatives are based on the alternatives themes developed for the 2008 Rawlins RMP (2008a) insuring that all applicable issues and concerns raised by co-operating agencies and the public during the scoping process and public review of the 2008 Rawlins RMP are addressed in the Planning Amendment. Alternative formulation took into consideration existing decisions in the 2008 Rawlins RMP as well as issues and concerns developed internally and solicited from the public during CCSM project scoping as documented in Volume II. The results of the VRI (Otak, Inc. 2011) served as a reference to develop a reasonable range of VRM class alternatives and analysis of impacts associated with the various alternatives in this project-specific plan amendment.

A summary table of proposed VRM classes by alternative is provided in **Table 2-1**.

**Table 2-1 Acreage of Proposed VRM Classes on Public Lands in the Decision Area by Alternative**

VRM Class	Alt. 1: No Action	Alt. 2: Development	Alt. 3: Protection	Alt. 4: Approved
Class I	5,613	5,613	5,613	5,613
Class II	124,207	1,445	318,792	83,067
Class III	573,612	160,395	340,589	233,498
Class IV	39,180	575,159	77,618	420,434

Alternative 1 (No Action – Continuation of Existing Management Direction)

VRM classes would remain as designated in the 2008 Rawlins RMP. The BLM would continue to use the VRM class designations as established and analyzed in the No Action Alternative (Alternative 1 in the Rawlins Proposed RMP/Final EIS; 2008a).

Alternative 2 (Emphasis on the Development of Resources)

Alternative 2 allows for management activities to dominate the view and remain the major focus of viewer attention. Under Alternative 2, landownership patterns and areas of high potential for energy and mineral development formed the basis of this alternative.

Alternative 3 (Emphasis on Protection of Resources)

Alternative 3 emphasizes protection of the existing character of the landscape. Relative to all alternatives, Alternative 3 allows management activities to be seen, but not attract the attention of the casual observer or dominate the landscape. Under Alternative 3, the VRI classes formed the major reference for this alternative with minor modifications.

Alternative 4 (Approved Plan Amendment)

Alternative 4 strives for a balance of opportunities to allow some modification while partially retaining the existing character of the landscape. Under Alternative 4, the VRI classes in concert with landownership patterns and areas of high potential for energy and mineral development formed the reference for this alternative. As a result of public comments on the Draft EIS, Alternative 4 was modified to include more protective VRM classifications surrounding Elk Mountain and less protective VRM classifications along the North Platte River that coincides with the designated ROW corridor along I-80 where major utilities are planned.

**2.2.3 Environmentally Preferred Alternative**

In accordance with the Council on Environmental Quality (CEQ) regulations 40 CFR 1505.2(b), BLM considers Alternative 3 as the most environmentally preferable alternative. Alternative 3 provides for the most area protected under VRM Class II, and as such, would be the most restrictive on uses that could negatively impact resources within the Decision Area.

**2.3 Management Considerations**

Based on input received during the planning process, there was both support and opposition to certain components of the Approved Plan Amendment. No formal comments were received from federal or Tribal governments indicating the Approved Plan Amendment was inconsistent with other federal or tribal plans or policies.

BLM considered all comments and protests received on the Proposed Plan Amendment/Final EIS and input from the Governor's consistency review. This ROD serves as the final decision for the land use plan decisions for the Approved Plan Amendment, and the Approved Plan Amendment becomes effective on the date this ROD is signed.

The BLM is tasked with the job of multiple-use management as mandated under the FLPMA and other laws and regulations governing management of public land. The Approved Plan Amendment provides a balance between those reasonable measures necessary to protect existing resource values and public need to make beneficial use of the Decision Area. Therefore, implementation of the Approved Plan Amendment is the alternative best able to meet the purpose and need of the planning effort.

### **2.3.1 Mitigation Measures**

All practicable means to avoid or minimize environmental harm related to visual resources are included in the Approved Plan Amendment and Appendices.

### **2.3.2 Plan Monitoring**

The BLM planning regulations (43 CFR Part 1610.4-9) call for the continual monitoring of RMPs and amendments with a formal evaluation done at periodic intervals. Implementation of the Approved Plan Amendment will be monitored over time and plan evaluations conducted periodically. Management actions arising from activity plan decisions in the Decision Area will be evaluated to ensure consistency with objectives of this Plan Amendment. Monitoring and the evaluation process are described in more detail in Section 2.5 of the Approved Plan Amendment.

## **2.4 Approved Visual Resource Management Plan Amendment**

### **2.4.1 Introduction**

The BLM RFO administrative area is located in south-central and southeastern Wyoming within Albany, Carbon, Laramie, and Sweetwater counties. The public lands in the CCSM Wind Energy Project Decision Area of Carbon County, Wyoming (shown in **Figure 2-1**), are the subject of this Plan Amendment. Lands or minerals that are privately owned or state-owned or that are administered by federal agencies other than the BLM, such as the U.S. Forest Service (USFS) and Bureau of Reclamation (BOR), are not affected by BLM management. Other BLM management actions beyond the scope and geographic extent of this VRM-targeted Plan Amendment will not be altered.

This VRM-targeted Plan Amendment provides for the appropriate management actions for visual resources on public lands in the Decision Area and amends the VRM decisions for the Decision Area in the 2008 Rawlins RMP. The regulations for making and modifying land use plan decisions, which comprise RMPs and Plan Amendments, are found in 43 CFR 1600. Land use plan decisions consist of: 1) desired outcomes (goals and objectives); and 2) allowable uses and management actions.

#### **2.4.1.1 Purpose and Need for the Plan**

##### Purpose

Section 102 of the FLPMA sets forth the policy for periodically projecting the present and future use of public lands and their resources through the use of a planning process. FLPMA Sections 201 and 202 are the statutory authorities for the land use plans prepared by the BLM. The purpose or goal of the land use plan is to ensure public lands and resources are managed in accordance with FLPMA and the principles of multiple use and sustained yield.

The purpose is to establish new VRM class designations based on the VRI completed in 2011 (Otak, Inc. 2011) and consideration of: 1) managing the public lands and their various resources so that they are used in the combination that will best meet the present and future needs of the American people in accordance with FLPMA 103(c); 2) managing public lands in a manner that will protect the quality of scenic values in

accordance with FLPMA 102(b); 3) the impacts resource uses may have on scenic values; and 4) the impacts VRM class designations may have on other resources and uses. The Plan Amendment also will address the remand of the VRM class designation and decision portions of the Proposed RMP for a portion of the RFO. Updating the management actions for visual resources based on information from the recent VRI will allow the BLM to provide better management of visual resource values.

### Need

The 2008 Rawlins RMP included a remand of the VRM class designation and decision portions of the Approved RMP. The BLM continues to use the VRM class designations as established and analyzed in the No Action Alternative (Alternative 1 in the 2008 Proposed Rawlins RMP Final EIS; 2008a) until updated and/or changed by a VRM-targeted Plan Amendment. The remand was required to resolve a protest related to the BLM guidance requiring that VRM class determinations be supported by a current inventory of visual quality (BLM Handbook H-1601-1 *Land Use Planning*). The proposed CCSM Wind Energy Project does not conform to the existing VRM Class designations in the 2008 Rawlins RMP. The BLM has completed a VRI for the RFO (Otak, Inc. 2011). Since an area-wide Plan Amendment for VRM decisions in the RFO has been initiated, but is not complete, the BLM is using the opportunity to update the VRM classes based on the new VRI data concurrently with the development for the CCSM targeted plan amendment Decision Area.

#### **2.4.1.2 Planning Area and Decision Area**

The BLM developed a range of alternatives for VRM classes within the VRM Plan Amendment Planning Area (Planning Area). The RMP Amendment Planning Area comprises a nominal 30-mile buffer from the CCSM Wind Energy Project and the alternatives address VRM management within a smaller Decision Area (discussed in Chapter 1.0, Sections 1.4 and 1.5 of the Proposed Plan Amendment/Final EIS [Volume I] and shown in **Figure 2-1**). With the multitude of additional influences on visual resources in the Planning Area (including overhead utility corridors, areas visible from the CCSM project, and jurisdictional considerations), the BLM determined that the Decision Area for this analysis should focus on those areas that were most likely to be influenced by the CCSM Wind Energy Project proposal. The Decision Area boundary was developed by reducing the nominally 30-mile distance zone that delineates the Planning Area by using the following features: the State Highway (SH) 789 designated overhead utility corridor as the western boundary, the I-80 designated overhead utility and major transportation corridor as the northern boundary, the Scenic Quality Rating Unit (SQRU) encompassing Elk Mountain as the northeastern boundary, and the USFS boundaries and Wyoming state line to the east and south. There are a total of 3,664,795 acres of public, state, and private lands in the Planning Area, of which there are 1,428,294 acres of public land and 1,634,599 acres of federal mineral estate. There are 742,612 acres of public lands and 919,296 acres of federal mineral estate in the Decision Area. The remaining area outside the Decision Area boundary (but within the Planning Area boundary) will be addressed in the upcoming VRM Plan Amendment for the RFO area.

#### **2.4.1.3 Scoping/Issues**

The process for developing, amending, or revising an RMP begins with identifying the issues (43 CFR 1610.4-1). Some of the issues addressed in the EIS for the current 2008 Rawlins RMP were reviewed and found to be applicable to this Plan Amendment. Specific questions and concerns relative to the VRM Plan Amendment have been added to the RMP issue statements.

The VRI (Otak, Inc. 2011) addresses the issues raised in the RMP remand and provides the baseline visual resource condition information necessary to make informed VRM class designations within the Decision Area.

### Issues Addressed

The following planning issues were identified through public scoping and information gathered during analysis of the existing management situation for the 2008 Rawlins RMP. These issues are based on the input of BLM personnel, the public, and interagency consultation associated with the 2008 Rawlins RMP.

The issues (slightly modified to be consistent with a Plan Amendment) have been carried forward to insure consistency with the issues in the approved 2008 Rawlins RMP and issues developed in scoping for this RMP amendment. Each of these issues and specific questions were considered during the analysis of the alternatives.

#### *Issue 1: Development of Energy Resources and Minerals-Related Issues*

Surface disturbance and human presence associated with energy resource development (i.e., oil and gas, coal, solar and wind energy) influence viewsheds, recreation values, important wildlife habitats (i.e., big game, greater sage-grouse, plovers, raptors and fish), forage uses, air quality, sensitive vegetation types, and sensitive watersheds. Questions considered in the VRM Plan Amendment include:

1. Are sufficient measures being taken to ensure protection of visual values?
2. Are current VRM class designations consistent with decisions regarding what public lands are available for energy and mineral development?
3. Is there new coal resource information that would modify the existing VRM class designations?
4. How would VRM class designations influence future opportunities to develop energy and mineral resources?

#### *Issue 2: Special Designations/Management Areas*

There are unique areas or sensitive lands and resources in the Decision Area that met the criteria for protection and management under SD/MAs. There are two WSAs (Encampment River Canyon and Prospect Mountain). There is one area designated as an ACEC (Sand Hills/JO Ranch) that contains unique resources requiring special management attention. There also are two special recreation management areas (SRMA) (CDNST and North Platte River) containing recreation values that require special management attention. SD/MAs are shown in the RMP on Maps 2-6 (WSAs), 2-9 (ACECs), 2-13 (other management areas), 2-18 (National Natural Landmarks), 2-19 (WSRs), and 2-47 (historic trails) of the 2008 Rawlins RMP ROD (2008b). The following questions about these areas were considered during the Plan Amendment.

1. Are management practices or restrictions for the existing ACECs adequate or will new VRM decisions further support ACEC decisions?
2. Would current VRM class designations support special designations/management area decisions?

#### *Issue 3: Resource Accessibility*

To be used, resources must be accessible (legally and physically) and manageable (the ability to apply constraints or requirements). Portions of the Decision Area are isolated and difficult to access (i.e., legal and physical access) and manage. Land disposals and acquisitions (fee and easements) could provide improved access and manageability of public lands. Questions considered included:

1. How should VRM class designations influence public land accessibility (improved or reduced public accessibility)?
2. How should VRM class designations be applied to the checkerboard land pattern (or, other areas with high percentage of intermingled private or state land ownership) that has limited public accessibility?

#### *Issue 4: Fire Management Wildland Urban Interface (WUI) Areas*

Accelerated growth in and around cities and towns within and adjacent to the Decision Area has increased demands for public land resources. Principal considerations include providing for healthy air and water quality, preventing water source depletion, reducing accelerated erosion in critical watersheds, and preventing fragmentation of critical wildlife habitat. Considerations also include providing for development

patterns, transportation and utility corridor planning, and demands for open space and recreational uses, land tenure adjustments and wildland fire management. Questions considered include:

1. Do VRM class designations influence the WUIs?
2. Do VRM class designations influence where urbanization (any development) should ultimately occur?

#### *Issue 5: Special Status Species Management*

Attention is needed to address management of special status species (threatened and endangered, proposed, candidate, and sensitive plant and animal species) and the interrelationships of these species with other resource uses and activities. Principal considerations include management of habitat to ensure continued use by various species. Questions considered include:

1. Do VRM class designations influence special status species management either positively or negatively?
2. Does special status species presence or potential habitat presence influence VRM class designation?

#### *Issue 6: Water Quality*

Federal and state requirements for addressing water quality within the Decision Area will warrant additional attention as the RMP is implemented and updated. In general, surface-disturbing activities from BLM-approved activities are designed to reduce non-point pollution sources throughout the Decision Area and should be addressed in relation to their impact on water quality. Questions considered include:

1. How do VRM class designations indirectly influence water quality, fisheries habitat, and riparian habitat health?
2. Do water quality, fisheries habitat, and riparian habitat health influence VRM class designations?

#### *Issue 7: Vegetation Management*

There are conflicting demands for consumptive and non-consumptive uses of the vegetation resources in the Decision Area leading to the challenge of maintaining resource values and non-consumptive uses while allowing for consumptive uses. Resource values include vegetative cover, watershed protection, maintenance and enhancement of riparian areas, soil stabilization, and maintenance and enhancement of wildlife habitat (particularly big game crucial winter range and habitat for candidate, sensitive, proposed, or threatened and endangered wildlife and vegetative species). Vegetative consumptive uses include livestock, wildlife and wild horse grazing, forest management, off-road vehicle use, vegetation removal by mineral development, ROWs construction, and surface disturbing activities. Questions considered include:

1. Do VRM class designations influence vegetation management or Rangeland Health?

#### *Issue 8: Recreation, Cultural Resources (including National Historic Trails), and Paleontological Resource Management*

Certain resources and areas need protection while others need to be considered for more public recreation. Off-highway vehicle (OHV) use can conflict with other land and resource uses and can cause damage to resources, including wildlife and watershed values and other recreation values. Principal considerations include providing for suitable and sufficient recreation uses and facilities (both dispersed and commercial), VRM direction, OHV road and trail designations including the CDNST, management of paleontological resources and management of cultural and historical resources (of particular concern is protection of the Overland Trail, the Cherokee Trail, expansion era roads, and Native American respected places). Questions considered include:

1. Would VRM class designations support trails management including the setting of historic and scenic trails?
2. Would VRM class designations influence how cultural properties and Native American respected places are managed?
3. Would VRM class designations influence how paleontological resources are managed?

#### *Issues Considered, But Not Further Analyzed*

In addition to key planning issues, other issues, themes, and positions were identified during the planning process. Items that were considered but not carried forward for detailed study in the EIS because they were outside the scope of the RMP amendment, could not be acted upon or did not require action, or because they required the BLM to exceed its authority, are summarized below:

- The BLM should manage for visual resources on private or state lands.
- The BLM should not manage for visual resources.
- The BLM should use VRM to manage for goals of other resources or resources uses that have different goals from VRM.
- The BLM should conduct site-specific visual resource analyses for specific actions or activities that will occur or be addressed during subsequent RMP implementation decisions.

#### **2.4.1.4 Planning Criteria Identified for Purposes of the Plan Amendment/Legislative Constraints**

Planning criteria are the constraints or guidelines that are developed to direct the planning effort for preparation of this VRM-targeted Plan Amendment. The planning criteria serve the following purposes:

- To ensure that the planning effort is focused on the issues, follows and incorporates legal requirements, addresses management of all public land resources and land uses in the Decision Area, and that preparation is accomplished efficiently;
- To identify the scope and parameters of the planning effort for the decision-maker, the interdisciplinary team and the public; and
- Inform the public of what should and should not be expected from the Plan Amendment effort. This includes identification of any planning issues that are not ready for decision-making and that will be addressed only through subsequent activity or implementation planning efforts or in approving public land and resource use authorizations (e.g., livestock grazing allotment management plans, wildlife habitat management plans, other coordinated activity planning, watershed management plans, processing applications for permits for mineral exploration, ROWs).

#### **2.4.1.5 Planning Criteria/Legislative Constraints**

Planning criteria define the scope of the planning effort based on applicable laws, BLM policy, and Director and State Director guidance. The criteria were used to guide the development and selection of the Approved RMP and ensure that the planning effort is focused on the issues and that decisions are made within the context of regulations and policies.

General planning criteria used in this RMP amendment are:

- This planning effort recognizes valid existing rights.
- Actions must comply with laws, executive orders (EOs), regulations, and policy.
- Lands covered by the planning effort include any/all lands that may affect, or be affected by, the management occurring on the public lands in the Decision Area. However, the Plan Amendment will apply only to the public lands in the Decision Area. Within the Planning Area, BLM management

decisions do not apply to non-public land surface or mineral estate, on public lands administered by other federal agencies, or the federal mineral estate underlying public lands administered by other federal agencies.

- A collaborative and multi-jurisdictional approach is used, where possible, to jointly determine the desired future condition and management direction for the public lands.
- To the extent possible, and within legal and regulatory parameters, BLM management and Plan Amendment decisions are consistent with officially approved or adopted resource related plans, and the policies and programs contained therein, of other federal agencies, state and local governments and Indian tribes, so long as the guidance and RMPs also are consistent with the purposes, policies and programs of federal laws and regulations applicable to public lands, including federal and state pollution control laws as implemented by applicable federal and state air, water, noise, and other pollution standards or implementation plans.
- Planning and management direction are focused on the relative values of resources and not the combination of uses that will give the greatest economic return or economic output.
- Where practicable and timely for the Plan Amendment, current scientific information, research, and new technologies are considered.
- The 2008 Rawlins RMP Reasonably Foreseeable Development (RFD) and Reasonably Foreseeable Action or Activity scenarios for all land and resource uses (including minerals) were reviewed, where appropriate, and portrayed based on historical, existing, and projected levels for all programs.
- Existing endangered species recovery plans, including plans for reintroduction of endangered species and other species, are considered. Consultation, coordination, and cooperation with the USFWS will be in accordance with the 2000 BLM/USFWS Interagency Memorandum of Understanding (MOU) regarding Section 7 Consultation. The 2008 Rawlins RMP Biological Assessment and Biological Opinion, and other applicable biological opinions, regarding areas within the Decision Area were considered.

Planning criteria used in this RMP amendment for specific resources include:

- The BLM will apply the "*Wyoming BLM Mitigation Guidelines for Surface-disturbing and Disruptive Activities*" (detailed in Appendix 1 of the 2008 Rawlins RMP) during analysis and approval of subsequent activities.
- Coal screening determinations or coal planning decisions will remain as outlined in the 2008 Rawlins RMP coal screening/planning process until such time as a lease-by-application is received, since no new public submissions of coal resource information or surface resource issues information was received as part of the call for coal data on February 16, 2011.
- Other leasable minerals (phosphates, geothermal, etc.) were not addressed in this VRM-specific Plan Amendment. There is no known development potential in the Decision Area for other leasable minerals.
- Salable minerals (sand, gravel, decorative stone, etc.) were not addressed in this VRM-targeted Plan Amendment. The salable mineral occurrence potential and RFD for the 2008 Rawlins RMP was reviewed and used in this VRM-specific Plan Amendment.
- Under Sections 202(d) and 204(l) of the FLPMA, any classification or withdrawal on public land is subject to periodic review to determine whether or not it is serving its intended purpose and is still needed. These reviews were conducted during the 2008 Rawlins RMP revision planning effort and were not revisited during this VRM-targeted Plan Amendment. Withdrawal reviews will continue and will not be influenced by future VRM-specific Plan Amendments.
- There are two WSAs, Encampment River Canyon and Prospect Mountain, on public lands within the Decision Area. WSAs are shown on Map 2-6 of the 2008 Rawlins RMP. As a component of all

alternatives in the VRM-targeted Plan Amendment, the viewshed “within” the two WSAs will continue to be protected by VRM Class I designation (according to the Interim Management Policy for Lands under Wilderness Review and Instruction Memorandum (IM) IM-2000-096 – Use of Visual Resource Management Class I Designation in Wilderness Study Areas). There is no directive to protect the viewshed outside the boundary of the WSAs as a benefit or protection for the values “within” the WSAs. However, the impacts of any action on the visual experience of visitors to the WSAs were addressed as part of the environmental analyses of the VRM Plan Amendment.

- The Sand Hills/JO Ranch ACEC is within the Decision Area. All decisions in the 2008 Rawlins RMP regarding the Sand Hills/JO Ranch ACEC, including ACEC decisions, were not revisited as part of this Plan Amendment. The 2008 Rawlins RMP ACEC remand, to further document consideration of recommendations for designation of potential ACECs in accordance with BLM Manual 1613, is being considered as part of the BLM Wyoming greater sage-grouse Plan Amendment and the RFO area-wide VRM amendment.
- The Encampment River within the Encampment River WSA is the only waterway segment suitable for further WSR consideration. Eligibility and suitability determinations from the 2008 Rawlins RMP were not revisited as part of this planning effort.

#### **2.4.1.6 Planning Process**

The BLM uses a nine-step planning process when developing and amending RMPs as required by 43 CFR Part 1600 and planning program guidance in the BLM Handbook H-1601-1, Land Use Planning Handbook (BLM 2005). The planning process is designed to help the BLM identify the uses of public lands desired by the public and to consider these uses to the extent they are consistent with the laws established by Congress and the policies of the executive branch of the federal government. The planning process is issue-driven. The BLM used the public scoping process to identify planning issues to direct (drive) the revision of the existing plan. The scoping process also was used to introduce the public to preliminary planning criteria, which set limits to the scope of the RMP revision.

#### Related Plans and Governor’s Consistency Review

BLM planning policies require that the BLM review approved or adopted resources plans of other federal, state, local, and tribal governments and, where practicable, be consistent with those plans. Plans that are related to the management of land and resources that apply to this approved RMP include:

- Medicine Bow-Routt National Forest, Revised Land and Resource Management Plan (USFS 2003);
- CDNST Comprehensive Plan (USFS 2009);
- Wyoming State Land Use Plan (Wyoming State Land Use Commission 1979);
- Saratoga-Encampment-Rawlins Conservation District, Long Range and Natural Resource Management Plan (2007); and
- Carbon County Land Use Plan (November 2008).

Coordination with other agencies and consistency with other federal, state, and local government plans was accomplished through frequent communications and cooperative efforts between the BLM and federal, state, and local agencies. The Wyoming Governor is provided with 60 days to review the Proposed Plan/Final EIS to verify consistency with ongoing state plans. The BLM received a letter from the Wyoming Governor’s Office dated August 3, 2012, which advised the BLM the Proposed Plan contained no inconsistencies with state plans, policies, or programs.

#### **2.4.2 Management Decisions**

Management decisions addressed in this amendment only apply to visual resources. Goals and objectives describe the desired outcomes, and management actions are anticipated to achieve the goals and objectives. The management goals and objectives from the 2008 Rawlins RMP were determined to still be

valid and have not been modified as part of this VRM-targeted Plan Amendment. The goals and objectives are presented in Sections 2.2.1 and 2.2.2.

A management action common to all alternatives from the 2008 Rawlins RMP was determined to still be valid and has not been modified as part of this VRM-targeted Plan Amendment. The action includes:

- Manage visual resources to meet the Wyoming Standards for Healthy Rangelands.

In addition, there are some existing visual resource designations and decisions within the Decision Area that were not revisited as part of the VRM Plan Amendment and would still apply:

- Existing VRM Class I areas within the two WSAs in the Decision Area (Encampment River Canyon and Prospect Mountain) will remain as designated in the 2008 Rawlins RMP.
- Existing VRM Class I areas within 0.25 mile of the high-water line on each side of the Encampment River segment suitable for inclusion in the National WSRs system will remain as designated in the 2008 Rawlins RMP.
- Within the Sand Hills/JO Ranch ACEC, the 18 acres that include the JO Ranch buildings and a 2-mile transition zone or the visual horizon, whichever is closer, are designated as VRM Class II.
- Within the North Platte River SRMA, surface disturbing activities on public lands within 0.25 mile on either side of the river will be intensively managed to maintain the quality of the visual resource.
- Where the integrity of historic trails setting contributes to NRHP eligibility, management actions resulting in visual elements that diminish the integrity of the property's setting will be managed in accordance with the Wyoming State Protocol and best management practices (BMPs).
- Surface disturbing activities will not be allowed within 0.25 mile of a cultural property or the visual horizon, whichever is closer, if the setting contributes to NRHP eligibility.

Changes in VRM classes will affect the area covered by management actions for lands and realty and minerals; however, these management actions in the 2008 Rawlins RMP will remain unchanged.

- **Lands and Realty:** Management actions for alternative energy development, transportation, and utility ROW systems, and communication sites used VRM classes to designate exclusion and avoidance areas for these proposals. VRM Class I was used to designate exclusion areas and VRM Class II was used to designate avoidance areas for linear utility/transportation systems/communication sites and wind energy. These management actions would remain, but the area covered would change with new VRM Class I and II areas.
- **Minerals:** Management actions for oil and gas used VRM classes to designate oil and gas classification areas for new leases. VRM Class II was used to designate controlled surface use areas. VRM classes were not used in designating no lease or no surface occupancy areas because VRM Class I areas are already protected by other designations (such as WSA designations). These management actions would remain, but the area covered would change with new VRM Class I and II areas.

The Approved Plan Amendment incorporates new information since the 2008 Rawlins RMP provided by other agencies as part of the Draft EIS comment period that is relevant to VRM considerations including: the correct alignment of the CDNST, information from the 2009 CDNST Comprehensive Plan regarding guidance on visual resource management and private ROWs, and a conservation easement on private lands near Elk Mountain.

#### **2.4.2.1 Management Goal**

1. Manage public lands according to VRM classes that are determined based on land use allocation decisions made in the 2008 Rawlins RMP.

### 2.4.2.2 Management Objectives

1. Establish VRM classes for the Decision Area.
2. Maintain the overall integrity of visual resource classes while allowing for development of existing and future uses.

### 2.4.2.3 Management Actions

1. VRM classes in the Decision Area are designated as displayed in **Figure 2-1** and presented in **Table 2-2**. VRM classes were designated as follows:
  - VRM Class IV:
    - Most areas of checkerboard landownership, except within the floodplain of the North Platte River outside of major utility and transportation corridors and in the vicinity of Elk Mountain, and the BLM will attempt to maintain visual quality in these areas until it is no longer manageable;
    - A portion of the Sierra Madre site south of the checkerboard consisting of fragmented ownership within a high wind potential area outside of the boundaries of the greater sage-grouse core breeding areas; and
    - The area of high oil and gas potential associated with Atlantic Rim that is outside of the checkerboard landownership along SH 789.
  - VRM Class III:
    - Area of oil and gas development in the Cow Butte SD/MA;
    - The area surrounding Elk Mountain located within fragmented ownership that coincides with an existing conservation easement on private lands that protects “significant scenic vistas and open-space values”;
    - The area along Highway 70 from Baggs to Savory that occurs within fragmented ownership but is the subject of a scenic byway designation request; and
    - Areas of contiguous federal ownership south of the checkerboard landownership.
  - VRM Class II:
    - Retain the existing decision of the 18-acre JO Ranch in the Sand Hills/JO Ranch ACEC;
    - SQRUs encompassing the North Platte River outside of major utility and transportation corridors since the river is in a valley and the designation would be consistent with and support the SRMA and recreation values;
    - Elk Mountain; and
    - Areas adjacent to the USFS boundary.
  - VRM Class I:
    - Retain the existing decision of the Encampment River Canyon and Prospect Mountain WSAs; and
    - Retain the existing decision of within 0.25 mile of the high-water line on each side of the Encampment River eligible river segment.

**Table 2-2 Acres of VRM Classes under Approved Plan Amendment in the Decision Area**

<b>VRM Class</b>	<b>Acres</b>	<b>Percent (%) of Decision Area</b>
Class I	5,613	1
Class II	83,067	11
Class III	233,498	31
Class IV	420,434	57

### 2.4.3 Plan Implementation

The Approved Plan Amendment will be implemented as funding and workforce allow. The land use plan decisions are effective upon approval of this document. Implementation monitoring will track whether or not decisions contained herein are valid or additional planning review is required.

### 2.4.4 Public Involvement

The visual resource management decisions have been addressed to a sufficient level of detail to be implemented over time without further NEPA analysis or public involvement opportunities. However, specific projects proposed within the Decision Area will be reviewed for conformance with the management decisions and additional detailed, project-wide NEPA analyses may be required to determine impacts to visual quality and conformance with VRM. Tribal consultation and public involvement opportunities, including further protest or appeal opportunities, may be provided in subsequent project-wide reviews.

#### 2.4.4.1 Plan Evaluation/Adaptive Management

Management actions identified for the Decision Area are based on studies and the best scientific and commercial information available. However, conditions may change over time. Experience has shown that implemented management actions can be improved as new technology and new information become available. It also is possible that changes in land use will require a different management action to protect the resources. To address the changing conditions and provide management flexibility using BMPs, the BLM will monitor and evaluate the Approved Plan Amendment using a process that provides the optimum means of checking the effectiveness of management actions. This process will measure the effectiveness of existing actions by monitoring these actions and applying the results of new scientific research. To do this, the process will analyze the current resource conditions resulting from implemented actions and identify and recommend alternatives or modified actions, as necessary, to reach established objectives and goals. Because capability to conduct the process at the optimum level can vary from year to year, the actions to be monitored will be prioritized. In addition, BLM supports the formation of Activity Plan Working Groups (APWG) when circumstances dictate. Potential cooperating agencies in these working groups could assist BLM in preparing environmental analyses for activity-level actions or modifications to current plans. BLM or potential cooperating agencies may identify the need for activity planning and the associated APWG formation. This approach is similar to the process used by BLM and its cooperating agencies to develop this Plan Amendment.

This VRM-targeted Plan Amendment would be subject to the same monitoring and evaluation process outlined in the 2008 Rawlins RMP, which includes a monitoring and evaluation plan as Appendix 17 of the 2008 Rawlins RMP ROD.

## 3.0 Suitability Determination for Wind Energy Development

### 3.1 Decision

The BLM has determined that portions of the CCSM Application Area are suitable for wind energy development, identifying design features and mitigation measures to be incorporated into any future CCSM wind energy development authorizations. This decision is made acknowledging the level of impact disclosed in the FEIS and considers the necessity of developing additional avoidance, minimization and mitigation measures for wildlife and cultural resources. The BLM will not issue ROW grants for the CCSM portions of the project to PCW until the BLM determines that PCW has developed an adequate CMP for cultural resources and USFWS issues letters of concurrence on ECPs and APPs.

This ROD applies only to the BLM-administered lands in the CCSM project Wind Site Testing and Monitoring Application Area, Application Areas for ROWs of ancillary facilities, and the areas considered for haul road and transmission connection between the CCSM sites, collectively referred to as the "Application Area." Impacts in the Final EIS were evaluated on a broad level to enable the BLM to determine whether portions of the Application Area are suitable for wind energy development and identify the appropriate development plan. The impact analysis in the Final EIS was based on resource-specific assumptions, estimated project disturbance, and appropriate project-specific stipulations, all of which are documented in Chapter 2, Appendix A, and Appendix C of the Final EIS. The information provided in the ROD assumes the greatest potential for disturbance; therefore, it is assumed that impacts identified at the time of micro-siting would not exceed those described in this document. Monitoring will be used to ensure impacts do not exceed those projected in the Final EIS and subsequent tiered NEPA analyses. If BLM determines that projected impacts are exceeded, additional monitoring and mitigation will be required as described in the Final EIS, ROD, and other permits and authorizations.

The Final EIS estimates that operation of up to 1,000 wind turbines at CCSM has the potential to kill a range of 46 to 64 eagles per year. With additional data on eagle use, PCW may be able to refine and reduce that estimate by implementing avoidance and minimization measures. Nevertheless, the Bald and Golden Eagle Protection Act prohibits the taking of bald or golden eagles without authorization (a permit) from the USFWS. The USFWS can issue programmatic permits to take eagles only after an applicant has committed to take all practicable measures to avoid and minimize such takes and mitigated all anticipated takes to the maximum extent achievable to be compatible with the preservation of eagles. The BLM will work with USFWS and PCW at the specific plan of development stages of this project to identify such practicable measures. The BLM will not issue ROW grants to PCW for the CCSM portions of the project until USFWS issues letters of concurrence for the APPs and ECPs.

The decision is hereby made to accept and evaluate future ROW applications for wind energy development and associated facilities on public lands subject to the requirements for all future wind development in the area as described under the Preferred Alternative in the CCSM project Final EIS, herein referred to as the Selected Alternative (**Figure 3-1**). This decision is based on information provided by the applicant included as **Appendix B** and would be executed as identified in **Appendix C**. The CCSM project is subject to the BLM environmental constraints, applicant-committed measures (ACMs) and BMPs, and mitigation measures identified through the EIS process (**Appendix D**). The CCSM project also would be subject to additional constraints identified in the Programmatic Agreement (PA) for cultural and Native American resources (**Appendix E**), Biological Opinion (**Appendix F**), development of APPs and ECPs in coordination with the USFWS, and other monitoring and implementation plans amended to the ROW grant including those identified in **Appendix G**. BLM will closely evaluate the site-specific plans of development (SPODs) to determine whether the impacts exceed the disturbance estimates from the conceptual layouts that served as the basis for determining significance of impacts in the project-wide level EIS. Additional NEPA analysis may be required prior to issuance of any ROW grants for the individual SPODs. These subsequent NEPA analyses will incorporate additional requirements developed through the APPs, ECPs, and CMPs in addition to any mitigation measures identified in the site-specific NEPA documents. The manner in which BLM will

evaluate SPODs is described more fully in **Appendix C**. The Selected Alternative meets the BLM's purpose and need, described in Section 6.1, and takes into account the Applicant's interest and objectives, described in Section 6.2, in compliance with BLM Washington Office IM WO-2011-059.

#### Mitigation Included in the Decision

The Final EIS proposed and analyzed the effects of several mitigation measures to compensate for effects of the project in addition to the best management practices and applicant committed measures identified in **Appendix D**. All measures identified in **Appendix D** will be carried forward as stipulations to any ROW grant issued relating to the project. The following mitigation measures and applicant committed measures identified in the Final EIS will be developed and incorporated into ROW grants.

- PCW will develop APPs and ECPs that will each describe post-construction monitoring efforts and avoidance, minimization, and mitigation strategies for avian and bat species (**Appendix G**).
- Off-site compensatory mitigation will be considered through future consultations between the BLM, Cooperating Agencies, and PCW if mitigation measures established through the project-wide EIS are later determined to not be adequate.
- Audio Visual Warning System (AVWS) for aircraft detection and warning may be required to reduce day and night lighting impacts from WTGs if technologies become available that are approved by FAA, are proven reliable at the scale of CCSM, and BLM determines that systems are cost effective.
- Establishment of a committee to develop CMPs for cultural resources in accordance with the Programmatic Agreement (PA) (**Appendix E**). The Rawlins Field Manager shall convene the committee within 90 days of execution of the PA. The committee also shall develop recommendations for standards for approval of the CMP(s). Within 30 days of approval, the CMP(s) will be appended to the PA. Failure to reach agreement on the CMP(s) prior to authorization of the Sierra Madre and/or Chokecherry SPODs will result in nullification of the PA.

All project alternatives conform to the 2008 Rawlins Resource Management Plan (BLM 2008a), except for current VRM direction, a decision that was remanded until an updated VRI was completed. The Selected Alternative conforms with BLM's approval of the plan amendment included in this ROD to update the VRM decisions in the Decision Area based on the 2011 VRI.

#### **3.1.1 Final EIS Comments**

The U.S. Environmental Protection Agency (USEPA) published the Notice of Availability (NOA) in the Federal Register (FR) for the Proposed Visual Resource Management (VRM) Plan Amendment and Environmental Impact Statement (Volume I) and Chokecherry and Sierra Madre Wind Energy Project Environmental Impact Statement (Volume II) on June 29, 2012. A 30-day protest period for the VRM Amendment and 30-day public availability period for the CCSM Project EIS commenced on this date, and concluded on July 30, 2012. During this period, BLM received 13 comment letters, comprising 160 comments.

Comments on the Final EIS addressed numerous topics, including the lack of an executed APP and ECP or eagle take permit (31), impacts to the CDNST (27), and impacts to other wildlife species, including sage grouse (35). Other comments focused on cultural resources, including tribal consultation, suggestions for the BLM selected alternative, connected actions, and the tiering process following issuance of this decision. While a comprehensive list of comments and responses are not included in this document, the following addresses the key concerns raised by commenters.

- While an adequate APP or ECP is not contained within the ROD, BLM and USFWS currently are reviewing an ECP submitted by PCW. Any plan must be acceptable to the USFWS prior to issuance of a ROW grant and any Notice to Proceed, pursuant to BLM IM 2010-156. **Appendix G** includes a more detailed description of the components of the APPs and ECPs that will be required

prior to issuance of any ROW for the project. These components include additional data collection activities, avoidance and minimization measures, offsite mitigation strategies that could be implemented, and monitoring to determine effectiveness of mitigation measures.

- Commenters also raised concerns about the impacts of the proposed project on the CDNST, specifically impacts to the trail setting. Comments on the CDNST closely resembled those submitted for the Draft EIS, and because the Final EIS addressed those comments, they are not readdressed in this ROD.
- Comments regarding impacts to sage grouse and other wildlife species including mule deer focused primarily on the amount of habitat that would potentially be impacted as well as the proximity of development to Greater Sage Grouse Core Areas Version 3, as defined in Wyoming EO 2011-5. Continued monitoring efforts by BLM, Wyoming Game and Fish Department (WGFD), and PCW as well as conservation strategies developed by PCW in consultation with WGFD have been incorporated into PCW's Plan of Development (Appendix N) that is included as **Appendix B**. The monitoring efforts, combined with annual planning during the development phase of the project would determine if any additional mitigation measures would be warranted. Comments regarding other species of wildlife closely resembled those submitted for the Draft EIS, additional information pertaining to monitoring and development of a team to review annual plans for development and monitoring results have been included in greater detail in **Appendix G**.
- Some commenters expressed a lack of understanding on how the BLM permitting of the wind farm would interrelate with other federal, state and county permits. For this reason, Appendix B of the Final EIS now incorporates descriptions of the permitting process for other agencies as well as how each of the permits interrelates. No individual permitting process by an agency will predetermine the results of a pending application by another agency. This updated appendix has been included as **Appendix C**.
- The remaining comments on the Final EIS reiterated comments provided on the Draft EIS.

In addition to comments on the Final EIS, PCW submitted an ECP for the CCSM Wind Energy Project to the USFWS on August 14, 2012. The ECP estimates that the potential eagle take might be significantly lower than the estimated range in the Final EIS. Other predictive models indicate potentially higher fatality levels. The ECP utilized ongoing survey data building on the information available to the BLM for the Final EIS. The reduced level of impact identified in the ECP does not change the decision of the BLM, including its determination that portions of the application area are appropriate for wind development contingent upon development of adequate APPs and ECPs. BLM will continue to consider this and ongoing survey information regarding potential avian impacts as BLM considers future wind development ROW applications in the area, including in any future tiered NEPA documents. Ongoing coordination with the USFWS will occur through the ROW permitting process to ensure that high quality information is used in any analysis of site-specific proposals and development of any additional mitigation measures. To secure the concurrence of the USFWS for APPs and ECPs, which would occur before the issuance of any ROW grant, PCW must implement compensatory mitigation measures to offset all anticipated eagle fatalities. A more detailed discussion of eagle take modeling and additional survey methods are disclosed in **Appendix G**, Section 2.2.2.

### 3.1.2 Reasons for the Decision

The CCSM EIS was prepared in response to PCW's application for a FLPMA Title V ROW grant to construct, operate, maintain, and decommission a wind energy facility on public lands. The environmental impacts of this decision are fully disclosed in the Final EIS for the project. This decision does not authorize development of the wind energy project, rather it sets the parameters for which future ROW applications may be submitted by PCW. ROW applications will be screened against the analysis conducted in this EIS, and then the appropriate level of subsequent, tiered NEPA analysis will be conducted prior to BLM issuing a decision on ROW applications. The decision finding the project area is appropriate for wind energy development as described by Alternative 1R with modifications conforms with the Rawlins RMP and VRM Plan Amendment as described in Chapter 2.0.

Alternative 1R was developed in response to issues raised during project scoping. It balances the desire to optimize wind energy development of up to 1,000 WTGs with potential environmental impacts as disclosed in the Final EIS.

The conceptual layout included in **Appendix B** of this ROD combined with the ACMs, BMPs, required stipulations under County and State Law and BLM Policy, and mitigation measures included in **Appendix D** are designed to minimize surface disturbance while optimizing wind energy development. Alternative 1R with modifications provides the least amount of surface disturbance of any alternative analyzed in detail, in accordance with BLM WO IM 2011-059. To reduce the time between surface disturbing activities and beginning interim reclamation, this decision implements phased construction sequence identified in GEN 1 of the CCSM Final EIS. This approach will result in the construction of project facilities occurring over multiple years and allows the BLM to use an adaptive management approach to ensure the efficacy of BMPs in protecting wildlife and habitat. This allows the BLM to modify the construction of later facilities as applicable.

Implementation of this decision will assist the BLM in meeting the management objectives of the Energy Policy Act of 2005 and furthers the purpose of Secretarial Order 3285, Renewable Energy Development by the Department of the Interior (March 11, 2009, amended Feb. 22, 2010). The proposed development and activities in the Selected Alternative are likely to result in significant adverse impacts to certain resource values, as outlined in the Final EIS. While the development is expected to adversely impact certain resource values and limit opportunities for other uses in the short term, the long-term goal is to return these lands to a condition approximate to that which existed before developments proposed in Alternative 1R with modifications were implemented.

In reaching this decision, the following key issues, impacts as described in the Final EIS, and the concerns and comments submitted during the EIS process were considered.

#### *Biological Resources*

Issues focused on three areas: 1) potential impacts to avian wildlife including eagles, other raptors, birds and bats; 2) potential impacts to listed threatened and endangered plant and wildlife species and those proposed for listing; and 3) impacts to wildlife habitat including big game crucial winter range and sage-grouse nesting and brood rearing habitat. Based on the significance criteria identified in Sections 4.14 (Impacts to Wildlife and Fisheries Resources) and 4.15 (Impacts to Special Status Species) of the Final EIS, implementation of the selected alternative could result in adverse effects to bats, greater sage-grouse and mule deer as well as to raptors and passerine birds.

The Final EIS disclosed impacts to raptors and eagles in Section 4.14.2.4. Estimates of potential take indicate 150 to 210 raptors per year, and 46 to 64 eagles per year. To refine these potential impact estimates and identify additional measures to reduce impacts on avian species and bats, PCW is continuing to collect additional bird and bat use data for the Application Area. This includes diurnal point counts and radar surveys as well as additional raptor nest surveys. PCW will combine new data from these studies with existing information to prepare APPs and ECPs in accordance with BLM IM 2010-156. The APPs and ECPs will include measures to reduce eagle and other bird fatality to the maximum extent practicable by avoiding high eagle use areas; siting and operating the turbines in ways that avoid and minimize potential takes; and locating met towers, power lines, and other facilities in ways that avoid and minimize potential takes. The avian use data will identify high use areas to be avoided. Implementation of the APPs and ECPs may reduce the number of fatalities estimated in the FEIS. The APPs and ECPs will describe the mitigation activities that PCW will undertake to be compatible with the preservation of golden and bald eagles. PCW will develop the APPs and ECPs in conjunction with BLM, USFWS, and WGFD. These agencies must concur that the APPs and ECPs meet appropriate standards established by their implementing statutes and regulations. The USFWS will evaluate the adequacy of the APPs and ECPs relative to standards of Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. BLM will incorporate the final APPs and ECPs in its decision making processes as it considers subsequent ROW grant approvals as outlined in **Appendix C** and **Appendix G**. Should PCW decide to apply for an eagle take permit, the USFWS will

thoroughly evaluate potential impacts of eagle take in NEPA documents. If actual avian fatality rates exceed certain thresholds identified by USFWS, BLM, and WGFD, PCW will develop additional avoidance minimization and mitigation measures in consultation with USFWS, BLM, and WGFD. The ECP describes a Technical Advisory Committee (TAC) that will provide advice and recommendations to the BLM for developing models and implementing effective measures to monitor, avoid, minimize and mitigate impacts to eagles and their habitats. Representatives of USFWS, BLM, WGFD, interested Native American tribes, and PCW will participate on the TAC. The TAC may also seek scientific or technical information from other individuals with special knowledge or expertise.

To protect threatened and endangered species and special status species from impacts associated with the selected alternative, site-specific surveys of suitable habitat will be required prior to any future ROW approvals. Surveys will be required for black-footed ferrets within white-tailed prairie dog colonies located in the Bolten Ranch Prairie Dog Complex, for Ute Ladies'-tresses, and for Colorado Butterfly Plant (**Appendix G**).

Protection of greater sage-grouse is a multi-level approach during implementation of the future approval process for ROWs. This ROD does not allow any development inside greater sage-grouse Core Areas. In addition, PCW also must follow all stipulations in Wyoming Governor's EO 2011-5 pertaining to development in non-core areas. PCW currently is conducting an ongoing study of greater sage-grouse use of the Application Area through lek counts and radio-telemetry studies of both male and female greater sage-grouse to evaluate habitat use and demographic parameters in the Application Area. These studies will be required to be completed prior to the approval of any ROW authorizations. The survey results will be used to locate infrastructure to avoid and minimize impacts to greater sage-grouse when processing future ROW applications. These survey results also will be used to develop mitigation measures to compensate for impacts associated with future ROW approvals. For example, results of the telemetry studies will be used to determine high use areas, and fences in these areas will either be removed or marked to make them more visible to greater sage-grouse. Other conservation measures committed to by PCW include placing bird diverters on existing and future met towers, placing escape ramps in water tanks, improving habitat (i.e., burned area rehabilitation, water improvement projects, agricultural field enhancements, removal of unnecessary roads, noxious weed control), suspension of hunting on TOTCO Ranch lands, and predator control (**Appendix B**, **POD Appendix N**). These avoidance, minimization, and mitigation measures to avoid or minimize impacts to breeding, nesting, and brood-rearing habitats during construction of the project could reduce impacts below significance thresholds. If long-term monitoring indicates impacts to greater sage-grouse exceed significance criteria are occurring, further mitigation would be developed in consultation with the BLM, USFWS, and WGFD to offset identified impacts. This mitigation may include additional on-site as well as off-site measures.

Mule deer crucial winter range is located within the application area. Impacts associated with development were identified in the Final EIS and considered by the BLM. Development of the selected alternative would be restricted within 1 mile of the North Platte River, the primary area of crucial winter range for the Platte Valley herd unit within the project area. The internal haul road as well as ancillary roads associated with wind turbine generators would be located within mule deer crucial winter range, resulting in an overall loss of habitat for the life of the project. Additional monitoring by WGFD, BLM, and PCW would continue through project development, and if necessary additional mitigation measures would be implemented if significant impacts exceeded those disclosed in the Final EIS. The process by which additional mitigation measures would be implemented is discussed further in **Appendix G**.

### *Cultural Resources*

The potential for adverse impacts to historic properties, such as the Overland Trail and their settings, was identified in the Final EIS and considered by the BLM. Two haul road crossings of the Overland Trail were considered in the Final EIS, both located at non-contributing segments of the trail. To mitigate potential adverse effects from implementation of the selected alternative, the BLM develop a PA, in consultation with SHPO, Advisory Council on Historic Preservation (ACHP), Tribes, PCW and interested parties and signed August 23, 2012, which outlines protocols to be followed over the course of the project.

The PA establishes measures to avoid, minimize, and mitigate adverse effects resulting from implementation of the selected alternative to the identified historic properties within the area of potential effect (APE). Effects on all historic properties cannot be fully determined prior to approval of the selected alternative, and the BLM has determined that a phased process for compliance with Section 106 of the NHPA is appropriate. Completion of the identification and evaluation of historic properties, determinations of effect on historic properties, and consultation concerning measures to avoid, minimize, or mitigate any adverse effects will be carried out in phases, as part of planning for and prior to granting individual rights-of-way or notices to proceed. BLM shall make determinations of effect for and identify any adverse effects to historic properties within those portions of the APE identified for each SPOD. BLM, in consultation with the Tribes, shall make determinations of effect for and identify any adverse effects to historic properties of traditional religious and cultural importance within those portions of the APE identified for each SPOD. The BLM, in consultation with the State Historic Preservation Officer (SHPO), ACHP, and Tribes, shall ensure that plans are developed by PCW that outline mitigation for adverse effects to historic properties, including properties of traditional religious and cultural importance to the Tribes, which are identified for each SPOD.

The PA includes a description of a committee responsible for developing Compensatory Mitigation Plan(s) (CMPs). The Rawlins Field Manager is responsible for convening the committee within 90 days of execution of the PA. The committee will develop recommendations for standards for approval of the CMP(s). The committee will be responsible for the final recommendations, with the Rawlins Field Manager, with Wyoming SHPO concurrence, having final authority on approval of committee recommendation(s).

To mitigate adverse effects from implementation of the selected alternative to the Overland Trail, North Platte Crossing and Cemetery, Sage Creek Stage Station, Pine Grove Stage Station, Pine Grove Cemetery, Bridger Pass, and the Lincoln Highway, PCW will complete the mitigation measures described in the CMP. If, based on the assessment of effects the BLM determines that there will be adverse effects to the Parco Historic District, Rawlins Residential Historic District, Rawlins Downtown Historic District, and/or the Wyoming State Penitentiary, an additional CMP will be developed.

#### *Visual Resources*

BLM considered the potential impacts to the viewsheds of scenic and historic trails, recreational areas (e.g., North Platte River and Teton Reservoir) and nearby towns (Rawlins, Saratoga and Sinclair). The Final EIS analyzes various alternatives for the location of the internal haul road, transmission line and the Rail Distribution Facility (RDF) to reduce visual impacts. PCW has committed to a 1-mile setback from the North Platte River and Teton Reservoir for all WTGs to reduce visual and recreational impacts.

The selected alternative is preferred since the internal haul road and transmission line are located within the Chokecherry, Sage Creek Basin and Miller Hill areas, away from the CDNST and Teton Reservoir Recreation Area. The internal haul road and transmission line would primarily be visible from the area near Miller Hill and Sage Creek Basin where they cross WY 71.

The RDF for the selected alternative is preferred since it is located south of I-80 and is outside the view of the I-80 corridor. Most equipment and materials would be delivered by rail to the Primary RDF substantially reducing visual and transportation impacts.

WTGs for the selected alternative are required to be marked and lighted to meet Federal Aviation Administration (FAA) lighting standards. The lighting of interior WTGs generally is less important, unless they are taller than the WTGs located on the periphery. The lighting plan developed for the project would be updated during the SPOD review process based on project final design and any new guidance from the FAA. The FAA would make the final determination regarding the exact number and locations of the towers that would be lighted and the specific lighting design to be used during future ROW approvals.

#### *Grazing and Rangeland*

Issues regarding rangeland and grazing that were identified by cooperators and other respondents included the direct loss of palatable forage and impacts to livestock from increased off- and on-site traffic during

project development. BLM applied GEN-1 to all alternatives in an effort to reduce impacts to soils and vegetation, and PCW has committed to dust mitigation. These mitigation requirements and ACMs will improve recovery of vegetation and improve livestock forage. Enforcing speed limits throughout the project area will reduce the potential for livestock fatalities from increased traffic. The selected alternative is preferred since it has the lowest level of initial disturbance and corresponding lowest initial direct loss of animal unit months and from dust impacts (see **Table 3-3**) and the lowest annual surface disturbance (**Table 3-5**).

#### *Land Use and Recreation*

Issues regarding Land Use and Recreation focused around access to public lands, impacts to WGFD easements along the North Platte River, and impacts to recreational hunting and local tourism. Recreation is one of the primary uses within the CCSM project area. In general the selected alternative does not directly impact recreation use areas since access will not change as a result of implementing the project. Access to some dispersed use opportunities may be limited during the construction phase and potentially increased during operations. The primary impact would be a change in quality of recreational experiences from potential degradation of visual resources. The selected alternative generally avoids the more sensitive viewsheds along the CDNST and North Platte River corridor, and no disturbance occurs within the CDNST and North Platte River SRMAs. The selected alternative is preferred since it moves the internal haul road and transmission line away from the CDNST, has the lowest overall surface disturbance (**Table 3-5**), has the lowest annual level of surface disturbance (**Table 3-3**) during the five year construction period, and avoids the Teton Reservoir Recreation Area.

#### *Reclamation*

An area of concern throughout the review process is project reclamation. With over 400 miles of new roads and up to 1,000 WTG pads and 7,733 acres of surface disturbance for the selected alternative, site reclamation is a key BLM consideration. BLM's approach is to begin by avoiding surface disturbance until it is necessary for project development, then implement initial reclamation as soon as possible when construction in a given area is complete. Mitigation measure GEN-1 limits surface disturbance to areas where WTGs will be installed within 12 months. This requirement avoids development of a project road network in areas where WTG (or support facilities) would not be constructed for up to another four years, possibly delaying interim reclamation. Phasing surface disturbance and implementing interim reclamation immediately following construction will reduce impacts to wildlife, soils, water and vegetation (e.g. weeds).

PCW acknowledges the requirements of GEN-1 in its January 12, 2012 (as revised) POD (Section 1.5, Construction Schedule and Section 4.4.1 Construction Schedule) and prepared the project schedule to comply with the requirements. PCW also prepared a Master Reclamation Plan (Final EIS, Appendix D). The reclamation procedures outlined in the Master Reclamation Plan describe the methodologies, monitoring, and reporting requirements for reclaiming disturbances associated with implementation of the selected alternative. Detailed or site-specific reclamation measures and techniques will be shown in site-specific reclamation plans to be developed following final Project design as part of each SPOD. The Master Reclamation Plan is intended to be dynamic to adapt to changing conditions and technologies.

#### *Water Resources*

There would be no increase in water consumption since existing valid water rights will be temporarily reassigned during implementation of the selected alternative. The Wyoming State Engineer's Office informed the BLM in a letter dated April 27, 2012, that the installation of 1,000 wind turbine generators within the bounds of the Overland Trail Ranch and the temporary use of 200 acre-feet per year during construction is considered a temporary use of an existing water-related activity. The State Engineer's Office stated the water use is covered under Wyoming's Depletion Plan and no mitigation is necessary. PCW has committed to a Watershed Monitoring Plan (Final EIS, Appendix N), including baseline, construction and a minimum of three years of post-construction monitoring. The selected alternative is preferred since it has the lowest level of water consumption, the fewest number of waterbody crossings (ephemeral and perennial streams) (Final

EIS Table 2-14 and Section 4.13), the lowest amount of total initial and long-term surface disturbance (**Table 3-5**), and the lowest annual surface disturbance (**Table 3-3**).

### *Air Quality*

Issues regarding air quality primarily focused on impacts during construction. A screening analysis shows that these emissions would not cause a violation of ambient air quality standards or degradation of regional air quality. Implementation of environmental protection measures during construction, including the utilization of dust control measures, posting and enforcing speed limits, and watering storage piles, would minimize impacts on air quality due to fugitive dust. This decision requires PCW to monitor visible dust emissions and to apply additional mitigation measures if emissions are found to exceed 20 percent opacity or if the fugitive dust impacts are determined to be more severe than anticipated in the EIS analysis.

The selected alternative is preferred since it has the lowest amount of surface disturbance, miles of new roads (**Table 3-5**), and resulting lowest level of air emissions (Final EIS, Section 4.1).

## **3.2 What the Decision Does Not Provide**

Decisions contained within this document apply only to BLM-administered lands, although agencies and private entities that have adjoining lands may, at their discretion, use all relevant and reasonable mitigation measures contained within this ROD, which have been identified through a comprehensive environmental analysis. In addition, PCW must comply with all applicable federal, state, and local regulations. A list of the major permits, approvals, and authorized actions necessary to construct, operate, maintain, and abandon project facilities is provided in Table 1-2 of the Final EIS. This list is intended to provide an overview of the key regulatory requirements that would govern project implementation. This decision requires finalization of adequate APPs and ECPs, with USFWS concurrence, and CMP(s) prior to issuance of any BLM ROW grant associated with this project. Additional approvals, permits, and authorizing actions will be identified, as necessary, through the environmental review process. If other Federal agencies are authorized to make decisions relative to the wind project development in this area, those decisions likely will be subject to NEPA analyses.

This ROD does not authorize site-specific construction associated with the siting/location of individual project components on BLM-administered lands. Rather, PCW is expected to pursue up to five separate ROW grants to implement SPODs prior to approval of construction. The BLM expects that these site-specific ROW grants would address development in the following areas: the Chokecherry development area, the Sierra Madre development area, the haul road, rail distribution facility, and transmission line. Since site-specific resource information could not be obtained for analysis the project-wide EIS due to the lack of specific component locations (Section 2.1), deviations from the conceptual areas depicted for the Selected Alternative (**Figure 3-1**) could occur. For these reasons, subsequent NEPA analysis, tiered to the analysis conducted in the Final EIS, would be required prior to issuance of any ROW grants (discussed further in **Appendix C**). Processing ROW grants for these SPODs will include additional NEPA analysis and would include site-specific terms and conditions tiered back to the project-wide level EIS. The final turbine layout would adhere to the terms and conditions of the ROD and any subsequent ROW grants issued by the BLM.

### **3.2.1 Information Needs Prior to Site-Specific Authorizations**

Before a SPOD proposal is submitted, the following needs have been identified. Additional needs may be determined through site-specific NEPA analyses.

#### **3.2.1.1 Geotechnical Analyses**

To facilitate the project's design, a detailed geotechnical investigation would be necessary to determine the geology and soil conditions at each wind turbine site and where other project facilities would be located. A typical detailed geotechnical investigation includes a single boring at each proposed turbine location,

compaction tests along roadways, and test pit excavations near the proposed substations, rail facility, and along the collection system routes.

### 3.2.1.2 Resource Surveys

Additional resource surveys would need to be completed based on final project design to support the site-specific NEPA analysis before any ROW grants could be authorized. Site-specific locations would be reviewed in relation to the information contained in the Project-wide EIS analysis for cultural resources, vegetation, weeds, soils, and wildlife species. Surveys not completed for the Project-wide analysis would be required. Such surveys would be required for Class III cultural resources and pre-construction surveys for federally-listed threatened and endangered species, as well as BLM sensitive species including pocket gophers, pygmy rabbits, and vegetation species. A more comprehensive discussion of wildlife surveys required prior to construction is included in **Appendix G**.

### 3.2.1.3 Pre-construction Surveys

Prior to construction, site surveying would be completed to mark the locations of the WTG towers, WTG pad boundaries, electric substations, transmission lines and tower locations, electrical collection cable centerlines, the operations and maintenance (O&M) building, concrete batch plants, laydown areas, and access and internal roads.

As a part of the field verification, project surveyors would identify features near construction areas and have them surveyed and marked. The depth of any underground utilities near construction areas would be determined by potholing or similar methods. Design engineers would then review the field flagging to verify that the actual locations of roads, WTG pads, and the center of each WTG and transmission line structure align with design expectations. If any issues are discovered, they would be addressed through alignment corrections or design updates. Avoidance areas would be delineated, where applicable, to minimize resource disturbance.

## 3.3 BLM's Selected Alternative

The BLM has determined the Preferred Alternative identified in the Final EIS, Alternative 1R with modifications, is the Selected Alternative. Alternative 1R was developed in collaboration with PCW after considering numerous environmental factors identified through the scoping process and optimized the conceptual area of development with information from the Draft EIS. This alternative was developed after a comprehensive review of information pertaining to wildlife issues in the Application Area had been identified.

The BLM's Selected Alternative involves a determination that wind energy development is appropriate within the 219,707-acre conceptual area of development to accommodate a 2,000- to 3,000-megawatt (MW) project consisting of up to 1,000 turbines in the two sites, the 109,086-acre Chokecherry site and 110,161-acre Sierra Madre site, and off-site access on 460 acres (**Figure 3-1**). Jurisdiction for this alternative is presented in **Table 3-1**. The BLM does not have jurisdiction over development on private or state lands and would provide reasonable access to private in-holdings. BLM's Selected Alternative specifically denies project development from areas of the Red Rim-Grizzly Wildlife Habitat Management Area (WHMA) in the Sierra Madre portion of the Project (a 1,037-acre area). The BLM is prohibiting development in this area from the Selected Alternative because construction within the Red Rim-Grizzly WHMA may conflict with the MOU between the BLM and WGFD associated with this area.

**Table 3-1 Jurisdiction within the BLM's Selected Alternative**

Jurisdiction	BLM's Selected Alternative <sup>1</sup> (acres)		Off-site <sup>2</sup>	Total <sup>3</sup>
	Chokecherry	Sierra Madre		
Public	49,872	52,179	155	102,206
State	1,937	7,663	0	9,600

Private	57,276	50,319	305	<b>107,900</b>
<b>Total<sup>3</sup></b>	<b>109,086</b>	<b>110,161</b>	<b>460</b>	<b>219,707</b>

<sup>1</sup> The Chokecherry site boundary comprises all land within the Application Area that is north of the Overland Trail; the Sierra Madre site boundary comprises all land south of the Overland Trail.

<sup>2</sup> Off-site acreage encompasses all Project components including transmission line, resource roads, and internal haul road that connect the CCSM sites.

<sup>3</sup> Discrepancies in totals due to rounding.

The conceptual area of development for the BLM's Selected Alternative, displayed in **Figure 3-1**, could accommodate the following proposed project components within the alternative footprint:

- A 2,000 to 3,000-MW wind farm project consisting of up to 1,000 WTGs with a nameplate capacity ranging from 1.5- to 3-MW each;
- Development of step-up transformers, underground and overhead electric collection and communication lines, electric substations, RDF, O&M facilities, and laydown areas;
- Haul road and transmission connection between the two sites;
- Construction of new roads and upgrading of existing roads; and
- Overhead electric transmission lines that would connect power from the wind farms to a new substation in the Application Area.

Facilities associated with this alternative are identified in **Table 3-2**. Power generated by the project would be routed to transmission lines analyzed in detail in separate NEPA analyses, but were considered in the cumulative impacts analysis included in Chapter 5.0 of the Final EIS. At this time, BLM Wyoming is analyzing five applications for large scale overhead electric transmission projects, including the TransWest Express, Gateway West, Gateway South, Overland, and Zephyr transmission projects. A portion of the generation also could be connected to the existing PacifiCorp 230-kilovolt (kV) transmission line on the northern edge of the project site. Because the wind farm project would not be possible without overhead transmission lines, BLM has considered and analyzed each of the proposed projects as connected actions.

**Table 3-2 Facilities Associated with the BLM's Selected Alternative**

Facility	Unit	Chokecherry	Sierra Madre	Off-site	Total
<b>Support</b>					
Laydown areas <sup>1</sup>	Count	23	15	0	38
Substations	Count	4	3	0	7
Concrete batch plants	Count	3	2	0	5
O&M facilities <sup>2</sup>	Count	8	7		15
RDF	Count	0	0	1	1
Water extraction site	Count	1	0	0	1
<b>Transportation Network</b>					
Haul road	Miles	20	31	7	58
Internal resource roads and access	Miles	213	163	3.5	380
Turnarounds	Each	46	54	0	100
<b>Electrical System</b>					
Overhead 230-kV transmission <sup>3</sup>	Miles	20	31	7	58
Underground 34.5-kV collection	Miles	164	131	0	295
Overhead 34.5-kV collection	Miles	29	39	0	68

**Table 3-2 Facilities Associated with the BLM's Selected Alternative**

Facility	Unit	Chokecherry	Sierra Madre	Off-site	Total
Overhead collection poles	Count	404	543	0	947
Overhead 230-kV transmission towers	Count	160	112	41	313

<sup>1</sup> Laydown areas include multiple smaller areas used for construction staging, crane erection/teardown areas, trailer complex/laydown, and laydown yards as described in the January 2012 revised POD (PCW 2012). This alternative includes more laydown areas with smaller footprints.

<sup>2</sup> O&M facilities include the operations center, maintenance buildings, and permanent met towers as described in the January 2012 revised POD (PCW 2012). This alternative includes more O&M facilities with smaller footprints.

<sup>3</sup> Disturbance associated with the overhead 230-kV transmission line would occur within the haul road disturbance footprint.

The BLM's decisions regarding the ROW grants associated with the haul road, transmission connection between the CCSM sites, and RDF would be made as part of the site-specific NEPA reviews. The BLM has identified the preferred haul road location and transmission connection between the two sites as that shown in Alternative 1R of the Final EIS and the preferred RDF location south of I-80. The preferred haul road location and parallel transmission connection between the CCSM sites (shown in **Figure 3-1**) avoids steep terrain and is located further from important recreation areas, including the CDNST and Teton Reservoir. In comparison to the haul road alignment along WY 71/CCR 401 or other haul road location analyzed, the preferred location would upgrade an existing road, avoid steep terrain, and have less surface disturbance and associated impacts to soils and vegetation. In addition, the ability for PCW to gain access to construct the road is more certain given their jurisdiction on private lands crossed, which would not be the case with the WY 71/CCR 401 alignment. Although the RDF would be constructed on private lands, the preferred RDF location south of I-80 (shown in **Figure 3-1**) would have reduced socioeconomic and transportation impacts than the location analyzed north of I-80. The south RDF location specifically addressed concerns with access and construction traffic across I-80.

Construction is planned to occur over a 5-year period with surface disturbance limited to areas where turbines would be constructed within 12 months with a goal to mitigate impacts from surface disturbance to wildlife, soils, water, and vegetation (e.g., weeds). Following construction, all disturbance areas would be reclaimed in accordance with the BLM-approved Reclamation Plan to facilitate eventual ecosystem reconstruction to maintain a safe and stable landscape and meet the desired outcomes of the land use plan.

Disturbance estimates were generated by assuming an average amount of disturbance associated with each project component proposed. While these estimates may vary somewhat from Geographic Information System estimates that used assumed component locations to generate resource-specific analyses (e.g., disturbance associated with a habitat or vegetation type), the difference is estimated to be less than 5 percent. Based on the average amount of disturbance for project components in this alternative, the BLM's Selected Alternative would result in approximately 7,733 acres of initial disturbance (3.5 percent of the total Alternative Boundary). Estimated initial disturbance during the 5-year construction schedule is shown in **Table 3-3**. Total long term surface disturbance for the BLM's Selected Alternative would be approximately 1,545 acres (0.7 percent of the total Alternative Boundary). However, micro-siting could result in the inability to locate all 1,000 turbines. For this reason, the information provided in **Tables 3-3** and **3-4** represents the largest extent of disturbance that would occur under the Selected Alternative.

A detailed discussion of project elements and individual components associated with project construction is provided in **Appendix B**. While the referenced documents serve as the basis for the ROD, micro-siting of turbine locations, roads, transmission lines, and support facilities has not been completed. The information provided for the ROD assumes the greatest potential for disturbance; therefore, it is assumed that impacts identified at the time of micro-siting would not exceed those described in this document.

**Table 3-3 Estimated Rate of Construction Surface Disturbance for the BLM's Selected Alternative<sup>1</sup>**

Construction Year	Estimated Initial Disturbance (acres)	Portion of Construction (%)
-------------------	---------------------------------------	-----------------------------

1	1,350	17
2	1,383	18
3	2,191	28
4	2,219	29
5	590	8
<b>Total<sup>2</sup></b>	<b>7,733</b>	<b>100</b>

<sup>1</sup> Estimated disturbance based on average disturbance associated with each facility proposed under the alternative within the alternative boundary (includes all jurisdictions).

<sup>2</sup> Discrepancies in totals due to rounding.

**Table 3-4 Estimated Surface Disturbance for the BLM's Selected Alternative**

New Facilities	Initial Surface Disturbance		
	Size (ROW width [feet] or acres/facility)	Multiplier (number or miles)	Disturbance (acres or % of alternative area)
WTG	1.62 acres	1,000 each	1,620
<b>Roads</b>			
Haul road	120 feet	58 miles	836
Off-site access, internal resource roads	79.6 feet	380 miles	3,665
Turnaround roads	1 acre	100 each	100
WTG road networks subtotal <sup>1</sup>			4,601
<b>Electrical System</b>			
Overhead 230-kV transmission <sup>2</sup>	120 feet	58 miles	836
Underground collections system (34.5-kV)	4.2 feet	295 miles	150
Overhead collections system (34.5-kV)	0 feet	68 miles	0
Overhead collection poles	0.08 acre	947 each	76
Overhead transmission line towers and construction loop roads	0.26 acre	313 each	81
<b>Electrical System Subtotal<sup>1</sup></b>			<b>307</b>
<b>Support Facilities</b>			
Laydown areas <sup>3</sup>	Variable acres	38 each	566
Substations	Variable acres	7 each	280
Concrete batch plants	0 acre	5 each	0
O&M facilities <sup>4</sup>	Variable acres	15 each	104
RDF	250 acres	1 each	250
Water extraction	5 acres	1 each	5
<b>Support Facilities Subtotal<sup>1</sup></b>			<b>1,205</b>
Alternative surface disturbance (acre)			7,733
Alternative boundary area (acre)			220,744
Alternative disturbance (%)			3.5%
<b>Long-term Surface Disturbance by Alternative</b>			
Long-term surface disturbance (acre)			1,545

Long-term surface distance as % of Alternative Area			0.7%
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<sup>1</sup> Subtotal amounts may not add up due to rounding.

<sup>2</sup> Disturbance associated with the overhead 230-kV transmission line would occur within the haul road disturbance footprint.

<sup>3</sup> Laydown areas include construction staging, crane erection/teardown areas, trailer complex/laydown, and laydown yards.

<sup>4</sup> O&M facilities include the operations center, maintenance buildings, and permanent met towers.

Upon completion of this Project-wide level NEPA analysis, PCW would submit up to five separate SPODs for the internal haul road, transmission line between the two sites, Sierra Madre development, and Chokecherry development. The site-specific POD proposals would be tiered to the analysis and decision described in the ROD associated with this Project-wide level EIS. ROW grants for these PODs must comply with the NEPA analysis and would include site-specific terms and conditions tiered back to the Project-wide level EIS. Upon review of the individual PODs, additional NEPA analysis may be required prior to issuance of any ROW grants. The final turbine and support facility layout would adhere to the terms and conditions of the ROD and any ROW grants issued by the BLM.

### 3.4 Environmental Constraints, Applicant Committed Measures, and Mitigation Measures

All environmental constraints, applicant committed measures, and mitigation measures to avoid or minimize environmental impacts that were presented in the Final EIS have been considered and adopted in this ROD, incorporated as **Appendix D**. These design features and mitigation measures are discussed in this section.

The Selected Alternative is within a checkerboard landownership pattern, which is alternating sections of public, private, and state lands (**Table 3-1**). Use of the public lands for either development or access requires compliance with the stipulations and policy governing the public lands, including the 2008 Rawlins RMP and relevant federal laws, regulations, and policy. A summary of the BLM's environmental constraints are provided in **Appendix D**. **Figure 3-2** depicts the no surface use (NSU) constraints for the Application Area and **Figure 3-3** depicts the timing stipulations (**Appendix D, Table D-1**). The ROD precludes development within the Greater Sage-grouse core breeding areas (Wyoming Governor's State EO 2011-5 Greater Sage-grouse Core Area Protection [2011]) (**Appendix D, Table D-2**), which also is consistent with recent BLM IMs WO-2012-043 and WY-2012-019. Additional off-site ACMs are identified in the POD, included as **Appendix B**.

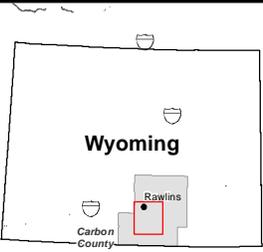
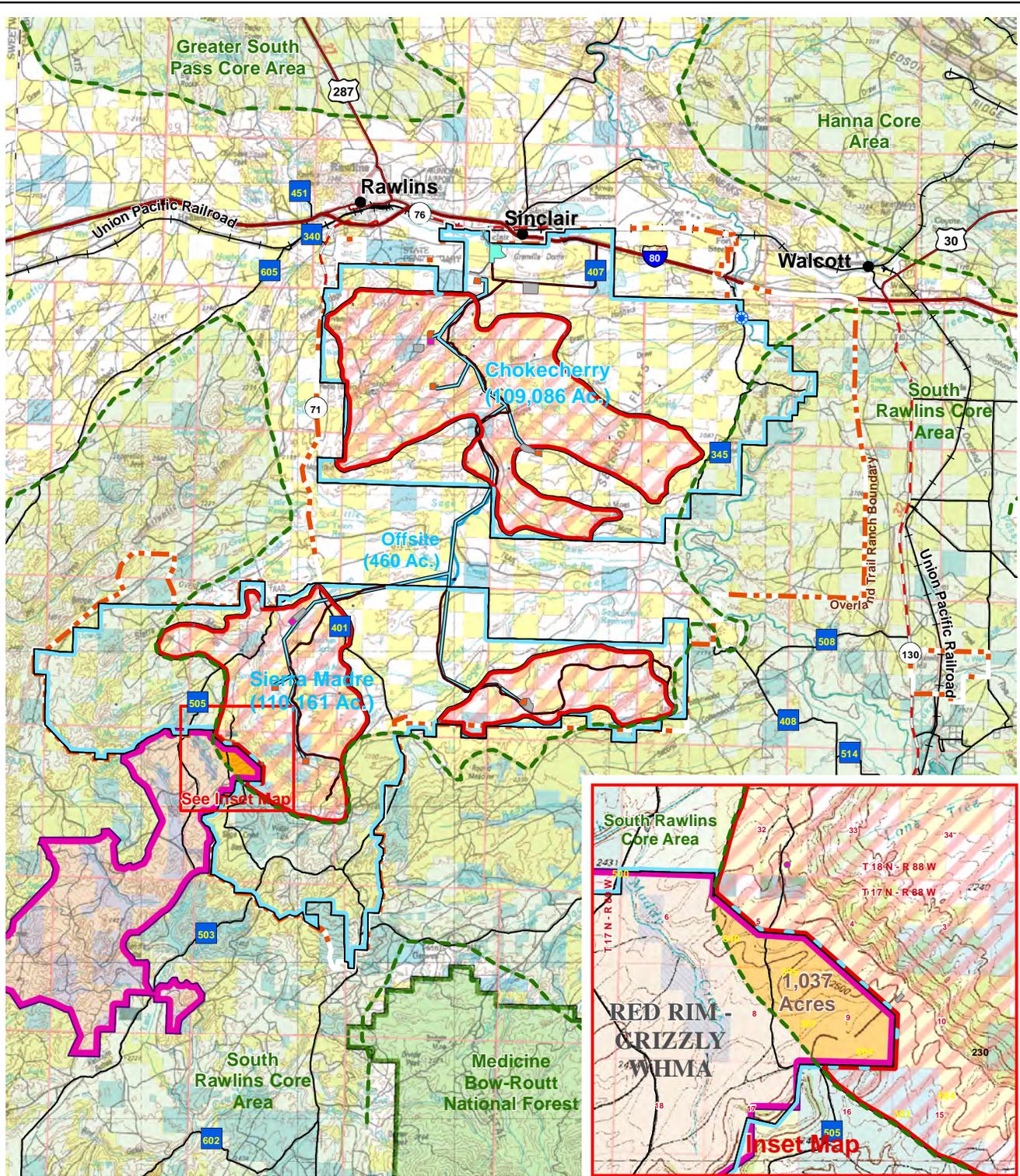
The BLM does not have jurisdiction over development on private or state lands. However, the BLM has been coordinating with other federal agencies, the state of Wyoming and Carbon County, all of which are cooperating agencies on this Project. The BLM decision incorporates recommendations and addresses concerns from these agencies into the current NEPA process. Future BLM NEPA processes will continue to incorporate recommendations from these agencies, which in turn will be available for their consideration in permit decisions within their jurisdictions. Additionally, while BLM decisions do not apply to private and state lands, other federal laws including ESA, Migratory Bird Treaty Act (MBTA) and Bald and Golden Eagle Protection Act apply to all lands, regardless of ownership. Use of the State Land Board lands requires compliance with Board-approved restrictions, including the State of Wyoming Greater Sage-grouse stipulations under the authority of Wyoming Statute 36-2-101; other stipulations may be applied on a case-by-case basis through the Board. In addition, PCW has provided ACMs that would be applied to all private, state, and public lands. Summaries of the ACMs and applicant committed BMPs are provided in **Appendix D**. BMPs established through the *Record of Decision for Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments* (BLM 2005) for wind energy development activities on public lands also are considered applicable to this Project. BMPs established in Appendix 15 of the 2008 Rawlins RMP for reducing surface disturbance and disruptive activities would apply to this Project.

In addition to the BMPs, NSUs, and ACMs described in **Appendix D**, additional constraints may come through other monitoring and implementation plans that may be part of future ROW grant including those identified in **Appendix G**. Additionally, mitigation as defined in 40 CFR 1508.20 were identified through analysis conducted in the EIS. These mitigation measures, included in **Appendix D Table D-4**, have been

identified to avoid, minimize, rectify, reduce, eliminate, or compensate for potential environmental impacts to the extent possible. These constraints will become conditions of approval in the ROW grants.

### **3.5 Summary of Alternatives Considered**

A brief description of alternatives considered and carried forward for detailed analysis in the Final EIS is summarized below. The following subsections highlight the major differences between the alternatives considered in detail.

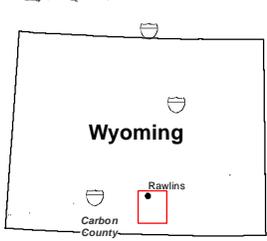
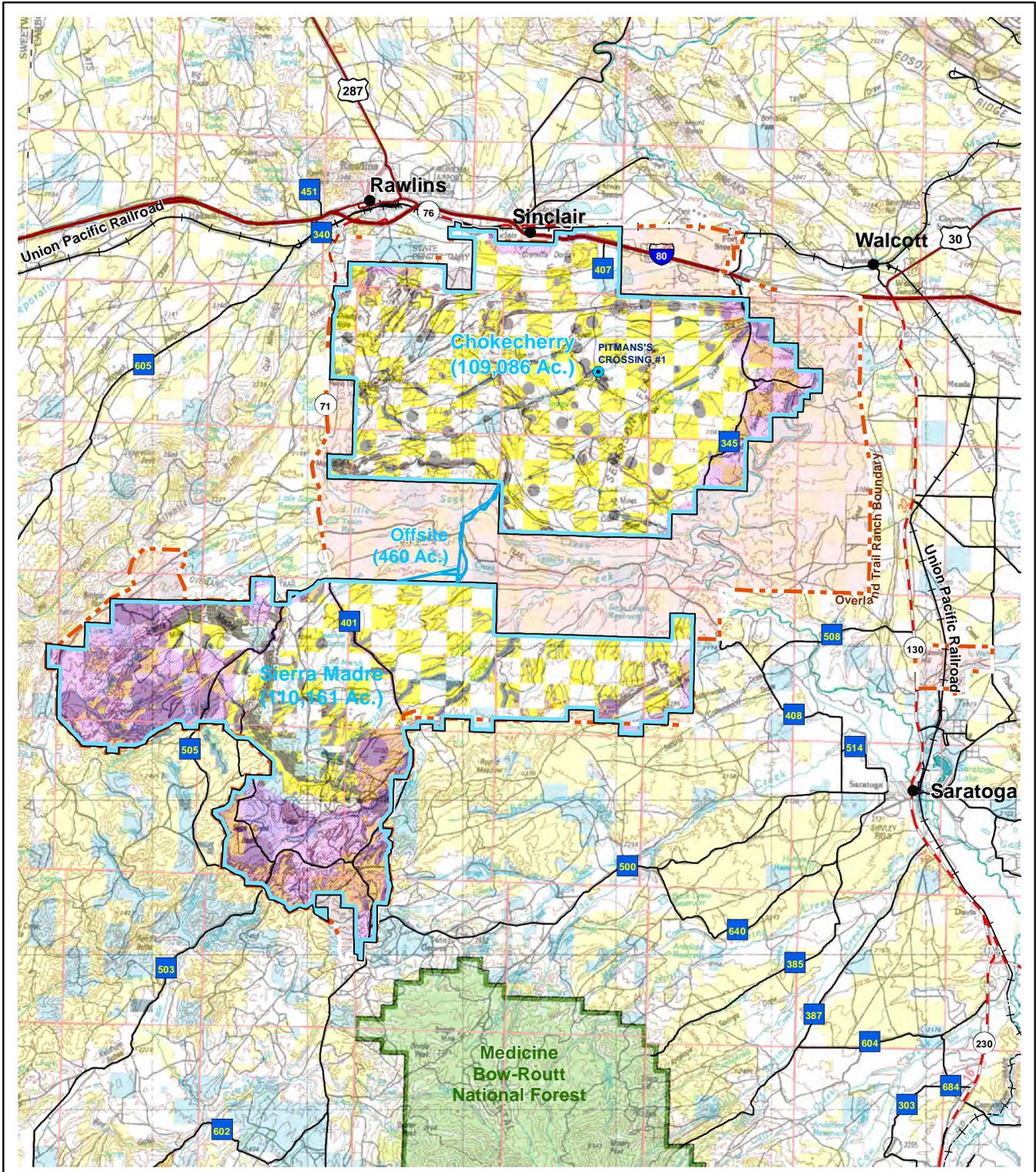


- |                                  |                               |
|----------------------------------|-------------------------------|
| Transmission Line                | Project Area (BLM's Selected) |
| Haul Road                        | Likely Area of                |
| <b>Project Facilities</b>        | Turbine Construction          |
| Water Extraction Site            | Overland Trail Cattle         |
| O&M Building                     | Company Ranch Boundary        |
| Rail Distribution Facility       | Red Rim - Grizzly Wildlife    |
| Laydown Area (Construction Only) | Habitat Management Area       |
| Substation                       | Greater Sage-grouse Core Area |
|                                  | Red Rim - Grizzly WHMA        |
|                                  | Overlap with Alt. 1R Boundary |

**Chokecherry and Sierra Madre Wind Energy Project**

**Figure 3-1**  
**BLM's Selected Alternative**





<ul style="list-style-type: none"> <li> Well</li> <li> Interstate Highway</li> <li> U.S. Highway</li> <li> State Highway</li> <li> No Surface Use</li> <li> Applicant Committed Measures</li> <li> Overland Trail Cattle Company Ranch Boundary</li> </ul>	<p><b>Legend</b></p> <ul style="list-style-type: none"> <li> Project Area (BLM's Selected)</li> <li><b>Land Owner</b></li> <li> Bureau of Land Management</li> <li> Bureau of Reclamation</li> <li> U.S. Forest Service</li> <li> Private</li> <li> State</li> <li> Wyoming Game and Fish</li> </ul>
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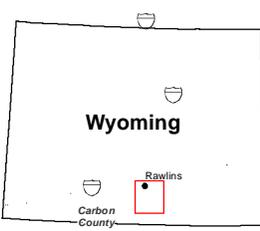
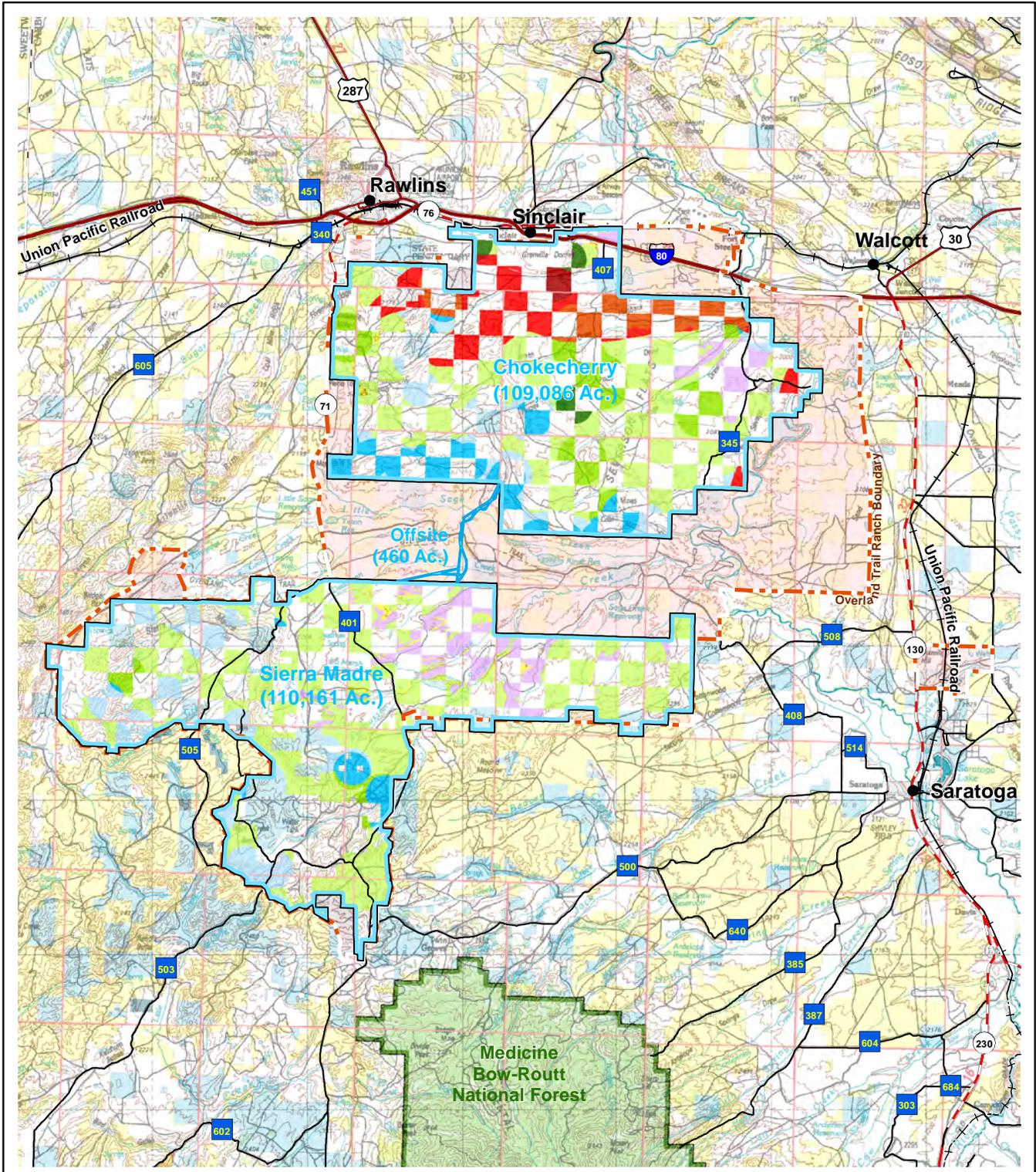
**Chokecherry and Sierra Madre  
Wind Energy Project**

**Figure 3-2**

**Areas of No Surface Use and  
Applicant Committed Measures  
in the Selected Alternative Boundary**

0 1 2 3 4 5 Miles  
0 2 4 6 8 10 Kilometers

1:375,000

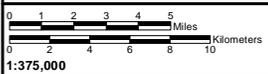


**Timing Stipulations**

<span style="display: inline-block; width: 15px; height: 15px; background-color: #f08080; border: 1px solid black;"></span> November 15 - April 30	<span style="display: inline-block; width: 15px; height: 15px; background-color: #90ee90; border: 1px solid black;"></span> March 1 - July 15
<span style="display: inline-block; width: 15px; height: 15px; background-color: #ff0000; border: 1px solid black;"></span> November 15 - July 15	<span style="display: inline-block; width: 15px; height: 15px; background-color: #32cd32; border: 1px solid black;"></span> March 1 - July 31
<span style="display: inline-block; width: 15px; height: 15px; background-color: #ffa500; border: 1px solid black;"></span> November 15 - July 31	<span style="display: inline-block; width: 15px; height: 15px; background-color: #006400; border: 1px solid black;"></span> March 1 - September 15
<span style="display: inline-block; width: 15px; height: 15px; background-color: #8b0000; border: 1px solid black;"></span> November 15 - September 15	<span style="display: inline-block; width: 15px; height: 15px; background-color: #ccccff; border: 1px solid black;"></span> April 10 - July 10
<span style="display: inline-block; width: 15px; height: 15px; background-color: #add8e6; border: 1px solid black;"></span> February 1 - July 15	<span style="display: inline-block; width: 15px; height: 15px; background-color: #8a2be2; border: 1px solid black;"></span> April 10 - September 15
<span style="display: inline-block; width: 15px; height: 15px; background-color: #00bfff; border: 1px solid black;"></span> February 1 - July 31	<span style="display: inline-block; width: 15px; height: 15px; background-color: #4b0082; border: 1px solid black;"></span> April 15 - September 15

**Chokecherry and Sierra Madre Wind Energy Project**

**Figure 3-3**  
**Timing Stipulation Constraints in the Selected Alternative Boundary**



A detailed description of the alternatives considered is provided in Chapter 2.0 of the Final EIS. A comparison of surface disturbance by alternative is provided in **Table 3-5**.

- **No Action Alternative** assumes the BLM would reject PCW's request to develop wind energy on public lands and deny any request to provide access to private lands for wind development with the Application Area. The area would continue to be used for livestock grazing and recreation. The BLM would consider ROW requests or similar applications for other projects, such as power transmission or mineral development, which may be proposed for this area in the future. This alternative does not meet the purpose and need of the project, including meeting the management objectives in the Energy Policy Act of 2005 (Title II, Section 211) which establishes a goal for the Secretary of the Interior to approve 10,000 MWs of electricity from non-hydropower renewable energy projects located on public lands and the purpose of Secretarial Order 3285 (March 11, 2009, amended Feb. 22, 2010) that establishes the development of environmentally responsible renewable energy as a priority for the Department of the Interior.
- **Alternative 1R** analyzes whether portions of the Application Area within TOTCO ranch boundaries are suitable for development of a 2,000- to 3,000-MW wind farm consisting of up to 1,000 WTGs. This alternative was submitted by the applicant after determining the range of issues raised during scoping could not be addressed by the original project concept and optimized the conceptual layout with information from the Draft EIS. This alternative includes a haul road location between the CCSM sites that avoids steep terrain and a RDF location south of I-80 to address concerns with access and construction traffic across I-80. This alternative was developed after a comprehensive review of information pertaining to wildlife issues in the RFO area had been identified.
- **Alternative 2** analyzes whether portions of the Application Area only above Township 18 North (T18N) to keep development primarily within the checkerboard landownership pattern are suitable for development of a 2,000- to 3,000-MW wind farm consisting of up to 1,000 WTGs. This alternative was developed in response to concerns raised in regard to visual impacts in areas with high recreational values. More conservative Greater Sage-grouse stipulations would apply to these public lands. This Alternative has been modified from the Draft EIS as a result of agency comments to include a haul road variation that parallels WY 71/CCR 401 because of concerns for impacts to big game habitat in the Chokecherry area and sensitive soils in the Sage Creek Basin. The haul road variation would connect to the RDF located south of I-80 but within the boundaries of the Chokecherry site.
- **Alternative 3** analyzes whether the Chokecherry portion and only the area from the eastern half of T18N, Range 88 West (R88W) to the east of the Sierra Madre portion of the Application Area is suitable to accommodate a 2,000- to 3,000-MW wind farm consisting of up to 1,000 WTGs. All lands would be excluded below T18N, and the western half of T18N, R88W. Under this alternative, WTGs would not be placed on Miller Hill or in the southern area defined as the Sierra Madre portion of the proposed project. WTGs would be placed east of the base of the slope to Miller Hill and into Sage Creek Basin. This alternative retains the original haul road location analyzed in the Draft EIS and RDF location north of I-80 that was included in the Draft EIS. This alternative was developed in response to concerns raised with regard to existing VRM Class II areas as well as areas with high wildlife concerns.
- **Alternative 4** considers no placement of WTGs on public lands within either the Chokecherry site or Sierra Madre site. This alternative, however, considers that the BLM would provide ROW grants to PCW for the public lands that would allow PCW to develop wind energy facilities on the privately held lands. The BLM would apply required NSU and timing stipulations to public lands for requested access points. This alternative retains the original haul road location analyzed in the Draft EIS and RDF location north of I-80 that was included in the Draft EIS. This alternative was developed in response to the overall concerns raised with developing a wind farm on public lands and the associated impacts.

**Table 3-5 Surface Disturbance Comparison for CCSM Alternatives**

New Facilities	Size (ROW width [feet] or acres/facility)	Initial Surface Disturbance by Alternative							
		Alternative 1R		Alternative 2		Alternative 3		Alternative 4	
		Multiplier (number or miles)	Disturbance (acres or % of alternative area)	Multiplier (number or miles)	Disturbance (acres or % of alternative area)	Multiplier (number or miles)	Disturbance (acres or % of alternative area)	Multiplier (number or miles)	Disturbance (acres or % of alternative area)
WTG	1.62 acres	1,000 each	1,620	1,000 each	1,620	1,000 each	1,620	846 each	1,371
<b>Roads</b>									
Haul road	120 feet	58 miles	836	63 miles	916	40 miles	579	38 miles	566
Off-site access, internal resource roads	79.6 feet	380 miles	3,665	419.5 miles	4,047	420 miles	4,044	450 miles	4,345
Turnaround roads	1 acre	100 each	100	222 each	222	213 each	213	173 each	173
WTG road networks subtotal <sup>1</sup>			4,601		5,185		4,836		5,083
<b>Electrical System</b>									
Overhead 230-kV transmission	120 feet	58 miles	See footnote 4	63 miles	See footnote 4	40 miles	See footnote 4	38 miles	See footnote 4
Underground collections system (34.5 kV)	4.2 feet	295 miles	150	317 miles	161	298 miles	152	246 miles	125
Overhead collections system (34.5 kV)	0 feet	68 miles	0	180 miles	0	75 miles	0	62 miles	0
Overhead collection poles	0.08 acre	947 each	76	1,112 each	89	1,043 each	83	863 each	69
OH transmission line towers and construction loop roads	0.26 acre	313 each	81	227 each	59	209 each	54	221 each	57
<b>Electrical System Subtotal<sup>1</sup></b>			<b>307</b>		<b>309</b>		<b>289</b>		<b>252</b>
<b>Support Facilities</b>									
Laydown areas <sup>2</sup>	Variable acres	38 each	566	8 each	880	7 each	840	8 each	920
Substations	Variable acres	7 each	280	7 each	280	6 each	240	7 each	280
Concrete batch plants	0 acre	5 each	0	5 each	0	5 each	0	5 each	0
O&M facilities <sup>3</sup>	Variable acres	15 each	104	1 each	40	1 each	40	1 each	40
RDF	250 acres	1 each	250	1 each	250	1 each	245	1 each	245

**Table 3-5 Surface Disturbance Comparison for CCSM Alternatives**

New Facilities	Size (ROW width [feet] or acres/facility)	Initial Surface Disturbance by Alternative							
		Alternative 1R		Alternative 2		Alternative 3		Alternative 4	
		Multiplier (number or miles)	Disturbance (acres or % of alternative area)	Multiplier (number or miles)	Disturbance (acres or % of alternative area)	Multiplier (number or miles)	Disturbance (acres or % of alternative area)	Multiplier (number or miles)	Disturbance (acres or % of alternative area)
Water extraction	5 acres	1 each	5	1 each	5	1 each	5	1 each	5
<b>Support Facilities Subtotal<sup>1</sup></b>			<b>1,205</b>		<b>1,455</b>		<b>1,370</b>		<b>1,490</b>
Alternative surface disturbance (acre)			7,733		8,569		8,115		8,195
Alternative boundary area (acre)			220,744		187,465		161,139		220,919
Alternative disturbance (%)			3.5%		4.6%		5.0%		3.7%
Long-term Surface Disturbance by Alternative									
Long-term surface disturbance (acre)			1,545		1,629		1,506		1,541
Long-term surface distance as % of Alternative Area			0.7%		0.9%		0.9%		0.7%

<sup>1</sup> Subtotal amounts may not add up due to rounding.

<sup>2</sup> Laydown areas include construction staging, crane erection/teardown areas, trailer complex/laydown, and laydown yards.

<sup>3</sup> O&M facilities include the operations center, maintenance buildings, and permanent met towers.

<sup>4</sup> Disturbance associated with the overhead 230-kV transmission line would occur within the haul road disturbance footprint.

Based on the information from the analysis, the BLM identified Alternative 1R with modifications as the Preferred Alternative in the Final EIS. The modification is to specifically prohibit project development from areas of the Red Rim-Grizzly WHMA located within the Greater Sage-grouse Core Area (247 acres) applied through ACMs as well as overlap with the Alternative 1R boundary. This modification prohibits development on 1,037 acres (**Figure 3-1**) in the Sierra Madre portion of the project. The BLM is prohibiting development in this area from the Preferred Alternative because construction within the Red Rim-Grizzly WHMA may conflict with the MOU between the BLM and WGFD associated with this area.

### **3.5.1 Other Alternatives Considered in the EIS**

A variety of alternatives and management options were considered but were eliminated from detailed analysis as either unreasonable or impractical because of technical, legal, or policy considerations. Some concepts were raised as independent alternatives, but were either considered to be conditions of approval, mitigation, or incorporated as part of another alternative. These alternatives and concepts were developed through interdisciplinary team meetings, meetings with agencies, and input received during public scoping and comments received on the Draft EIS. Thorough descriptions of alternatives considered but eliminated from detailed analysis are provided in Section 2.4 of the Final EIS.

### **3.5.2 Environmentally Preferred Alternative**

In accordance with the CEQ regulations (40 CFR 1502.2(b)), one or more environmentally preferred alternative(s) must be identified in the ROD. An environmentally preferred alternative is an alternative that would cause the least damage to the biological and physical environment and would best protect, preserve, and enhance historic, cultural, and natural resources.

The BLM has determined that the No Action Alternative is the environmentally preferred alternative. This alternative would result in the least amount of impact to a majority of resources within the Application Area. However, the No Action Alternative also would fail to effectively meet the BLM's purpose and need, including its goal of achieving the objectives in the Energy Policy Act of 2005 and Secretarial Order 3285, and the BLM's consideration of the applicant's interest and objectives as required by IM WO-2011-059. Therefore, the BLM Preferred Alternative was selected.

## **3.6 Management Considerations**

The BLM developed the CCSM Project EIS to consider PCW's proposed project and to decide whether to deny, approve, or approve with modification this proposal. This decision does not authorize development of the wind energy project; rather it sets the parameters for which future ROW applications may be submitted by PCW. ROW applications will be screened against the analysis conducted in this EIS, and then the appropriate level of subsequent, tiered NEPA analysis will be conducted prior to BLM issuing a decision on ROW applications. Based on the Final EIS analysis, the Secretary has determined that the Preferred Alternative, Alternative 1R with modifications, represents a project-wide plan that, in combination with additional conservation measures developed in the APPs, ECPs, and CMP(s) and implemented at the site-specific plans of development, can lead to development of up to 1,000 turbines in the area. The Selected Alternative would allow for development of a wind project with the identified boundaries and additional conservation measures, and would meet the purpose and need of the project as described below and in Section 1.3 of the Final EIS. The sections below outline additional considerations that contributed to BLM's approval of the Selected Alternative.

### **3.6.1 BLM's Purpose and Need**

The purpose of the Proposed Action is to determine appropriate areas and restrictions for PCW to develop a wind energy facility on public lands administered by the BLM in compliance with the FLPMA, BLM ROW regulations, and other applicable federal laws. This action will assist the BLM in meeting the management objectives in the Energy Policy Act of 2005 (Title II, Section 211) which establish a goal for the Secretary of

the Interior to approve 10,000 MWs of electricity from non-hydropower renewable energy projects located on public lands. This action also furthers the purpose of Secretarial Order 3285 (March 11, 2009, amended February 22, 2010) that establishes the development of environmentally responsible renewable energy as a priority for the DOI.

The need for the Proposed Action is to respond to a FLPMA ROW application submitted by the applicant to construct, operate, maintain, and decommission a wind energy facility and associated infrastructure on public lands administered by the BLM. In accordance with FLPMA (Section 103(c)), public lands are to be managed for multiple uses that take into account the long-term needs of future generations for renewable and non-renewable resources. The Secretary of the Interior with respect to public lands is authorized to grant ROW for systems of generation, transmission, and distribution of electric energy (Section 501(a)(4)).

The U.S. has developed energy policies driven by the desire to reduce greenhouse gas (GHG) emissions and improve the nation's energy security. As part of an overall strategy to develop a diverse portfolio of domestic energy supplies for the future, the Energy Policy Act of 2005 encourages the development of renewable energy resources, including wind energy, on the public lands. The U.S. has significant potential for wind energy development, especially on public lands in the West. Federal energy policies, including the following, have led to an increased demand to develop cleaner, more abundant domestic supplies of energy.

- **EO 13212, Actions to Expedite Energy-Related Projects**, was signed on May 18, 2001, to implement recommendations from the National Energy Policy Development Group to establish a policy that federal agencies should take appropriate actions, to the extent consistent with applicable law, to expedite projects to increase the production, transmission, or conservation of energy.
- **Energy Policy Act of 2005 (Public Law 109-58)** was signed into law on August 8, 2005. Section 211 of the Act states, "It is the sense of the Congress that the Secretary of the Interior should, before the end of the 10-year period beginning on the date of enactment of this Act, seek to have approved non-hydropower renewable energy projects located on the public lands with a generation capacity of at least 10,000-MW of electricity."
- **Wind Energy Development Program IM No. WO-2009-043** established by the BLM Washington Office in 2009 to further support wind energy development on public lands and also to minimize potential environmental and sociocultural impacts. The BLM initiated preparation of a Programmatic EIS in October 2003 and published the ROD for Implementation of a Wind Energy Development Program and Associated Land Use Plan Amendments in 2005.
- **Executive Order 13604, Improving Performance of Federal Permitting and Review of Infrastructure Projects**, issued on March 22, 2012, charged the Office of Management and Budget with overseeing a government-wide effort to make the permitting and review process for infrastructure projects more efficient and effective, saving time while driving better outcomes for the environment and local communities. On August 7, 2012, President Obama announced the October 2014 target date for completing Federal permit and review decisions on the Chokecherry and Sierra Madre project as one of seven expedited nationally and regionally significant solar and wind energy projects.

### 3.6.2 PCW's Objectives for the Proposed Action

The Energy Information Administration (EIA) projects that renewable-generated electricity will account for 15 percent of total U.S. electricity generation by 2035 (EIA 2011). This growth (from 8.4 percent in 2007 to 15 percent in 2035) is fueled by the rapid expansion of non-hydroelectric renewable generation technologies that qualify to meet state mandates for renewable energy production and GHG reduction goals. Many states have renewable portfolio standards (RPS), which require electricity providers to generate or acquire a percentage of generation from renewable sources (Lawrence Berkeley National Laboratory 2007). RPS of

western states that could be served by the proposed project include California, Arizona, and Nevada. PCW's objectives for the project are to help fulfill the projected future need for power from renewable energy sources. There are four components that comprise the applicant's objectives (PCW 2012):

- Extracting the maximum potential wind energy for the site;
- A 2,000 to 3,000-MW wind farm project consisting of up to 1,000 WTGs;
- Development of the Sierra Madre site first to obtain an earlier return on investment due to the high wind energy potential of the site; and
- Constructing the project as rapidly as possible on an optimized schedule.

Through a confidential economic analysis reviewed by the National Renewable Energy Laboratory, the applicant has determined that a project size of up to 1,000 turbines for the Application Area would provide the greatest return on investment using the highest capacity turbines commercially available at the time of development. PCW determined that development of the entire Application Area, coupled with the BLM's Environmental Constraints and PCW's ACMs (further discussed in Section 2.2.1 and Appendix D) without consideration to Sage Grouse Core Areas, could host up to 2,387 wind turbines. Removing all locations within Sage Grouse Core Area reduced the potential number of turbines by 397, many of which were located in the high-wind portions of Miller Hill. Further removing an additional 52 turbines with below-acceptable wind resource, PCW found that the project site could host up to 1,938 wind turbines. However, such a dense build-out of the site would lead to significant wake losses on many turbines, as well as locating many turbines in areas with lower-than-ideal wind resource. By increasing the spacing between turbines slightly and avoiding some lower wind resource locations, the project would have a better overall efficiency and return on investment. PCW therefore determined that a total project size of up to 1,000 turbines was ideal for the project site (PCW 2012). BLM IM WO-2011-059 notes that "the applicant's interests and objectives, including any constraints or flexibility with respect to their proposal, help to inform the BLM's decision and cannot be ignored in the NEPA process...This information will help determine which alternatives are analyzed in detail through the NEPA process and may also provide a basis for eliminating some alternatives from detailed analysis." Aside from the wind power potential of this location, it has numerous other characteristics that make it optimal for wind energy development.

- Compatible land uses, current private ownership/management by an affiliate of the proponent, and availability for use as a wind farm.
- Accessible to existing or reasonably foreseeable long-distance transmission line corridors that would be available to interconnect the facility to the national or regional power grid, including the existing PacifiCorp 230-kV transmission line or the proposed TransWest Express, Gateway West, Gateway South, Overland, and Zephyr transmission projects.
- Availability of site access via rail (Union Pacific Railroad [UPRR] mainline corridor) and I-80 that could be used to transport WTGs and ancillary equipment.
- Availability of water rights that can be used for project development.
- Compatible with the 2008 Rawlins RMP and local zoning or other restrictions on the land.

### 3.6.3 Conformance with BLM Land Use Plans

The Application Area is situated within public lands guided by the *Record of Decision and Approved Rawlins Resource Management Plan for Public Lands Administered by the Bureau of Land Management Rawlins Field Office* (BLM 2008b), which replaced the *Great Divide Resource Area Resource Management Plan and Record of Decision* (BLM 1990). The proposed wind farm project is in conformance with the following management goals and actions defined in the 2008 Rawlins RMP:

- **Lands and Realty Objective 6:** Respond to internal and external requests (e.g., pipelines, access roads) for land authorizations.
- **Alternative Energy Development–Wind Energy Resources Management Actions Common to All Alternatives:** Proposals for alternative energy development would be considered on a case-by-case basis. No proposals for alternative energy development, other than wind power, are anticipated to occur in the foreseeable future; therefore, only wind energy potential is considered. Proposals for location of wind energy development would be considered on a case-by-case basis and subject to a project-specific NEPA analysis. Areas with important or sensitive resource values would be excluded or avoided.
- **Alternative Energy Development–Wind Energy Resources Management Actions:** Areas with important resource values would be avoided (569,500 acres) or excluded (98,440 acres) in planning for new wind energy facility placement. If it becomes necessary for facilities to be placed within avoidance areas, effects would be intensively managed (2008 Rawlins RMP, Table 2-5). Avoidance and exclusion areas are identified on 2008 Rawlins RMP Map 2-33a. A summary of the BLM's environmental constraints applicable to the Application Area is provided in **Appendix D, Table D-1**. The proposed wind farm project is partially located within an avoidance area, as identified in the 2008 Rawlins RMP, based on the following criteria: the North Platte River, Historic Trails, Upper Muddy Creek Watershed/Grizzly WHMA, and VRM Class II areas. The 2008 Rawlins RMP defines an avoidance area as "areas with sensitive resource values where ROWs and Section 302 permits, leases, and easements would be strongly discouraged. Authorizations made in avoidance areas would have to be compatible with the purpose for which the area was designated and not be otherwise feasible on lands outside the avoidance area."

The proposed CCSM project is not in conformance with the VRM direction provided in the 2008 Rawlins RMP. The 2008 Rawlins RMP ROD included a remand of the VRM class designation and decision portions of the Approved RMP. At this time, a Rawlins Field Office area-wide plan amendment for VRM decisions has been initiated, but is not complete. The BLM has completed a new VRI for the Rawlins Field Office area (Otak, Inc. 2011), which will serve as a baseline for a VRM-specific plan amendment of the 2008 Rawlins RMP. No action alternatives could be developed that would be in conformance with the 2008 Rawlins RMP. For this reason, a VRM-targeted plan amendment has been completed and is included in Volume I of the CCSM Project EIS. As part of the RODs issued for the plan amendment and project EISs, the BLM will decide whether to amend the 2008 Rawlins RMP as a prerequisite to approval of the CCSM project. The Proposed Plan identified in the VRM Plan Amendment in Volume I has been carried forward to inform the alternatives and the conceptual areas of development as well as the analysis for the CCSM Project.

The BLM Wyoming State Office initiated a planning review to determine whether RMP amendments are required to revise Greater Sage-grouse and sagebrush management in accordance with BLM Wyoming's IM WY-2012-019 (which replaced IM WY-2010-013). For this project, policies set forth in BLM IM WY-2012-19 were incorporated as BLM's environmental constraints that were used in defining the conceptual areas of development for the alternatives. In addition, the ACMs provided by PCW (shown in **Appendix D, Table D-2**) for this project were used in defining the conceptual areas of development for the alternatives and incorporate the policies set forth in the Wyoming Governor's State EO 2011-5 on Greater Sage-grouse.

## 4.0 Consultation, Coordination, and Public Involvement

Consultation and coordination for the CCSM Project and associated Plan Amendment is described in Chapter 6.0 of the Final EIS. A summary of these efforts follows.

### 4.1 Cooperating Agencies

In accordance with 40 CFR 1501.6, any other federal agency that has jurisdiction by law may be a cooperating agency (also called a cooperator) upon request of the lead agency. In addition, any other federal agency that has special expertise with respect to any environmental issue that should be addressed in the EIS may be a cooperating agency upon request of the lead agency. An agency also may request the lead agency designate it as a cooperating agency. Any designated federal, state, or local government agency that becomes a cooperator is required to sign an MOU on its specific roles and responsibilities. The primary role of the cooperating agencies is to provide input during the EIS process on issues for which they have special expertise or jurisdiction at the earliest possible time. Cooperating agencies may participate in the process in a role similar to that of any BLM interdisciplinary team member (e.g., BLM rangeland management specialists, wildlife biologists). They also serve as reviewers of draft information and give overall advice on the EIS process. Cooperators meet with the lead agency periodically throughout the EIS process to discuss EIS issues as a group. Agencies may also choose to participate as a cooperator to enable their continued project involvement and ensure consideration of their jurisdictional concerns early in the process to facilitate subsequent project permitting (such as those outlined in **Appendix C**).

The following agencies with jurisdiction, special expertise, or interest in the CCSM Project and associated Plan Amendment have agreed to participate in the EIS process as cooperating agencies:

- Federal Agencies
  - DOI, USFS (Medicine Bow National Forest and Thunder Basin National Grasslands)
- State Agencies
  - State of Wyoming (including 12 departments)
- Local Agencies
  - Carbon County (including 4 departments);
  - Little Snake River Conservation District;
  - Medicine Bow Conservation District;
  - Saratoga Encampment Rawlins Conservation District; and
- City of Rawlins.

The BLM has engaged cooperating agencies throughout the process through participation in workshops, meetings, and document reviews. An initial interested agency meeting held on September 15, 2008, was attended by 22 interested agency personnel, including representatives from the WGFD, the Wyoming Department of Environmental Quality (WYDEQ), the USFWS, the SHPO, Carbon County, and local conservation districts. Cooperating agency participation occurred at key milestones in the project including scoping, alternatives development, data gathering for the affected environment, impact analysis, and preliminary draft reviews of Volumes I and II of the Draft EIS and Final EIS.

## **4.2 U.S. Environmental Protection Agency Coordination**

In compliance with Section 102(2)(C) of the NEPA and in accordance with 40 CFR 1506.9, copies of the Draft and Final EIS were submitted to the USEPA.

## **4.3 National Historic Preservation Act Section 106 Consultation**

Section 106 of the NHPA (16 U.S.C. 470) requires Federal agencies to take into account the effects that their approvals and federally funded activities and programs have on historic properties and traditional cultural properties. "Historic properties" include those properties included in, or eligible for, the National Register of Historic Places (NRHP) (36 CFR 800.16(1)(1)).

Formal consultation under Section 106 of the NHPA, as amended, began on July 25, 2008, when the BLM distributed letters to the Northern Cheyenne Tribe, Eastern Shoshone Tribe, Northern Arapaho Tribe, and the Northern Ute Tribe offering them cooperating agency status. Government-to-government consultation was conducted through tribal meetings held in the summer of 2009, and included the addition of the Fort Peck Assiniboine and Sioux tribes. The BLM has conducted a Class II sample survey of areas with the potential for archaeological sites of traditional, cultural, and/or religious importance. The BLM also has requested the tribes to be consulting parties to the PA to identify impacts, and to design mitigation measures that address impacts, pursuant to NHPA and other relevant historic preservation laws and regulations, along with the American Indian Religious Freedom Act and EO 13007 (Indian Sacred Sites). The resulting PA is provided in **Appendix E**.

## **4.4 Government to Government Consultation**

Federal agencies are directed by the NHPA to consult with any American Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking. The BLM also has an obligation to consult on a government-to-government basis about federal decisions that impact Tribes or identified Tribal resources (EO 13084, May 14, 1998) (Secretarial Order 3317, Department of the Interior Policy on Consultation with Indian Tribes, Dec. 1, 2011). The BLM conducted Tribal Consultation regarding the CCSM Project as required by law. Tribal consultation is the active, affirmative process of: 1) identifying and seeking input from appropriate American Indian governing bodies, community groups, and individuals; and 2) considering their interests as a necessary and integral part of the BLM's decision making process. The aim of consultation is to involve affected American Indian groups in the identification of issues and the definition of the range of acceptable management options.

Under the American Indian Religious Freedom Act of 1978, EO 13007, the Native American Graves Protection and Repatriation Act of 1990, and the NHPA 1966, as amended, the BLM must take into account the effects of land use decisions on places (i.e., physical locations) of cultural value to American Indian groups. The BLM works in cooperation with American Indian tribes to coordinate and consult before making decisions or approving actions that could result in changes in land use, physical changes to lands or resources, changes in access, or alienation of lands. Federal programs are required to be carried out in a manner sensitive to American Indian concerns and tribal government planning and resource management programs.

## **4.5 Consultation with U.S. Fish and Wildlife Service**

### **4.5.1 Section 7 Consultation under the Endangered Species Act**

Under Section 7 of the ESA, a federal agency that authorizes, funds, or carries out a project that "may affect" a listed species or its critical habitat must consult with the USFWS. Under Section 7 consultation, the lead agency prepares a biological assessment that analyzes whether the project is likely to adversely affect listed wildlife or plant species or their critical habitat, and proposes suitable avoidance, minimization, or compensatory mitigation measures. At the end of the formal consultation (135 days by regulation), the

USFWS issues its Biological Opinion (BO) determining whether the project is likely to jeopardize the species or result in adverse modification of critical habitat. If a “no jeopardy” opinion is provided, the project may proceed. If a jeopardy or adverse modification opinion is issued, the USFWS may suggest “reasonable and prudent alternatives” that would result in no jeopardy.

This decision complies with ESA Section 7 regarding potential take of listed species with the potential to occur in the Application Area. Formal consultation with the USFWS concluded with the issuance of a BO (**Appendix F**). All reasonable and prudent alternatives and terms and conditions for threatened and endangered species listed in the BO (incorporating all measures identified in **Appendix D**) are mandatory requirements of any ROW grant issued. Implementation of the conservation measures for proposed and candidate species identified in the BO to reduce potential adverse impacts are discretionary. The BO incorporates the applicant-committed measure (ACMs). If the ACMs are not followed or are modified, this could invalidate the BO; therefore, the ACMs are also mandatory requirements of the BO.

#### **4.5.2 Migratory Bird Treaty Act**

To avoid and minimize impacts to migratory bird species protected by the MBTA (16 U.S.C.703), an APP is being developed in consultation with the USFWS to address all migratory bird species. The MBTA prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests, except when specifically authorized by the DOI. The APP would outline conservation measures to reduce or eliminate the risk of mortality to migratory birds. The applicant will submit one or more APPs that will become part of the BLMs decision-making process in subsequent ROW grant approvals as outlined in **Appendix C** and **Appendix G**. The BLM will not issue ROW grants for the CCSM portions of the project to PCW until USFWS issues letters of concurrence for the APPs and ECPs.

#### **4.5.3 Bald and Golden Eagle Protection Act**

The Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668) protects bald and golden eagles by prohibiting the taking, possession, and commerce of such birds and establishes civil and criminal penalties for violation of this Act. The Act’s implementing regulations define “take” as “to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb individuals, their nests and eggs” (16 U.S.C. 668c). Under the Act, “take” includes “disturb.” “Disturb” is defined by regulation as “to agitate or bother a bald or golden eagle to a degree that causes...injury to an eagle, a decrease in productivity, or nest abandonment...” (50 CFR 22.3).

The USFWS is the Federal agency with primary statutory authority for managing Bald and Golden Eagles in the US. In certain circumstances, the USFWS may authorize limited take of bald or golden eagles (50 CFR 22.26) if it has determined that the take: 1) is compatible with the preservation of bald and golden eagles; and 2) meets the criteria for issuance of a programmatic permit that the take is unavoidable even though advanced conservation practices are being implemented. For purposes of 50 CFR 22.26, “compatible with the preservation of Bald or Golden eagles” means “consistent with the goal of stable or increasing breeding populations.” If the USFWS determines that take is not compatible with the preservation of bald and golden eagles, it will not issue a permit under 50 CFR 22.26 unless the applicant provides compensatory mitigation measures that would offset the take to a level that is compatible with eagle preservation. Prior to issuing a programmatic take permit, USFWS must take into consideration the impact on other higher priority uses, including safety emergencies and Native American religious use. Permit conditions also require that authorization is not valid unless the applicant is in compliance with all applicable Federal, tribal, State, and local laws regarding eagle take. In addition, the USFWS must undertake a NEPA analysis to assess permit impacts before issuing any take permits. This typically involves preparation of either an EIS or an Environmental Assessment. The USFWS will consult with affected tribes prior to making a decision regarding the issuance of an eagle take permit.

Where land-based wind energy development is concerned, the USFWS has issued guidance (2011) to help identify, assess, and mitigate potential sources of impacts on eagles through applicant’s voluntary

development of an Eagle Conservation Plan (ECP). In accordance with the USFWS's draft guidance, the applicant has prepared a project-wide ECP (August 14, 2012) that will undergo review by USFWS for adequacy. The ECP will become part of the BLM's decision-making process in subsequent ROW grant approvals as outlined in **Appendix C** and **Appendix G**. The USFWS anticipates that the applicant will develop one or more additional ECPs that covers both the CCSM parts of the project or two ECPs, one on Chokecherry and one on Sierra Madre. The BLM will not issue ROW grants for the CCSM portions of the project to PCW until USFWS issues letters of concurrence for the APPs and ECPs.

#### 4.6 Public Involvement

NEPA requires full disclosure and open public participation in the federal decision making process, including those projects proposed by non-federal proponents that require federal approval. The BLM decision-making process is conducted in accordance with the requirements of the CEQ regulations implementing NEPA and with the DOI and BLM policies and procedures implementing NEPA. NEPA and the associated regulatory and policy framework require federal agencies to involve the interested public in their decision-making. The public involvement process, consultation, and coordination conducted for the Approved RMP are described in more detail in Chapter 6 of the CCSM Project Final EIS (Volume II).

In accordance with CEQ scoping guidance, the BLM provided avenues for public involvement as an integral part of amending the RMP and preparing the EIS. CEQ scoping guidance defines scoping as the "process by which lead agencies solicit input from the public and interested agencies on the nature and extent of issues and impacts to be addressed and the methods by which they will be evaluated" (CEQ 1981).

##### 4.6.1 Scoping Period

The BLM initiated public involvement with publication of a Notice of Intent (NOI) to prepare an EIS and possible amendment to the 2008 Rawlins RMP for the proposed project in the *Federal Register* on July 25, 2008. The NOI included a project description, BLM contact information, and announced the initiation of a 45-day scoping period from the date of publication and associated public meetings scheduled during this period. The BLM also mailed scoping letters on July 25, 2008, to over 600 interested parties, issued a press release on July 18, 2008, and distributed "storefront" flyers that advertised the scoping meeting dates to community centers and local businesses in Rawlins, Sinclair, Saratoga, and Baggs, Wyoming. A total of 80 people attended the four public scoping meetings held in Saratoga on August 16, Rawlins on August 16 and 18, and Baggs on August 19. The BLM extended the 45-day scoping period to September 23, 2008, to allow more time for interested parties to participate and provide their input and comments about the proposed project.

In addition to the scoping notification, agencies were invited to an interested agency meeting that was held on September 15, 2008, at the BLM RFO. Twenty-two interested agency personnel participated in the interested agency meeting, including representatives from the WGFD, the WYDEQ, the USFWS, the SHPO, Carbon County, and local conservation districts.

By the conclusion of the official scoping period, the BLM received a total of 47 comment submittals (e.g., letter, comment form, email) containing 411 individual comments. Most of the comments the BLM received were from agencies and nongovernmental organizations. The comments received were categorized and analyzed to determine the significant issues and concerns that were considered in developing the Draft EIS (detailed in Section 1.10).

The BLM continued to accept written comments throughout all stages of project development. Summaries of both written comments and those received at scoping meetings through September 23, 2008, are included in the Scoping Report, and are available online on the BLM webpage (<http://www.blm.gov/wy/st/en/info/NEPA/rfodocs/Chokecherry.html>).

Planning issues identified through public scoping and information gathered during analysis of the existing management situation for the Rawlins RMP (BLM 2003a) also were considered in the associated plan amendment. These issues are based on the input of BLM personnel, the public, and interagency consultation associated with the 2008 Rawlins RMP (BLM 2008a).

#### **4.6.2 Draft EIS Public Review and Comment Period**

The BLM and USEPA published the NOA for public review and comment on the Draft EIS and associated plan amendment concurrently in the *Federal Register* on July 22, 2011, to initiate the 90-day public comment period, which concluded on October 19, 2011. Two public meetings were held in Rawlins and Saratoga, Wyoming, at which 106 people registered their attendance. During the public comment period for the Draft EIS, comment letters were received from 1,629 individuals. Of the total individuals who sent letters, 1,455 of them were associated with form letters and 174 were considered to be associated with unique letters. A total of 691 substantive comments were identified that were addressed in the Final EIS and included in Appendix M of the Final EIS.

#### **4.6.3 Final EIS Public Availability Period**

The USEPA published the NOA for the CCSM Project Final EIS and associated plan amendment in the *Federal Register* on June 29, 2012 and the BLM notice was published on July 3, 2012. Following publication, the NOA, and the distribution of the Final EIS, the public had 30 days to review the document. A 30-day protest period was provided on the land use plan decisions contained in the Proposed Plan Amendment/Final EIS in accordance with 43 CFR Part 1610.5-2. Protests received are discussed in Section 2.1.1 and comments on the Final EIS are discussed in Section 3.1.1. Consultation and coordination for the CCSM Project and associated Plan Amendment is described in Chapter 6.0 of the Final EIS.

## 5.0 References

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## 6.0 Final Agency Action

### 6.1 Land Use Plan Amendment Decisions

It is the decision of the Bureau of Land Management (BLM) to approve the Proposed Plan Amendment to the Rawlins Resource Management Plan (Rawlins RMP, 2008) to amend the Visual Resource Management decisions for the Decision Area. The Proposed Plan Amendment and related Environmental Impact Statement (EIS) were published on July 3, 2012 in the Federal Register (77 FR 128). I have resolved all protests (or they have been withdrawn) and, in accordance with BLM regulations, 43 CFR 1610.5-2, my decision on the protests is the final decision of the Department of the Interior.

Based on the recommendation of the State Director, Wyoming, I hereby approve the above-described plan amendments. This approval is effective on the date this Record of Decision is signed.

Approved by:

SEP 28 2012

  
Mike Pool  
Acting Director  
Bureau of Land Management

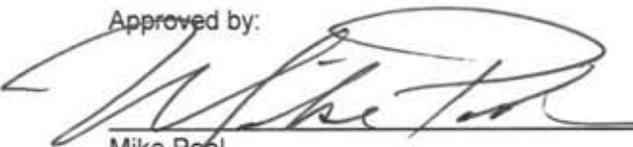
Date

### 6.2 Suitability Determination for Wind Energy Development

It is my decision that portions of the Chokecherry and Sierra Madre (CCSM) Application Area are suitable for wind energy development and that design features and mitigation measures must be incorporated into any future CCSM wind energy development authorizations. The decision is hereby made to accept and evaluate future right-of-way applications for wind energy development and associated facilities on public lands subject to the requirements for all future wind development in the area as described herein and under the Preferred Alternative in the CCSM project Final EIS, herein referred to as the Selected Alternative. This decision is effective on the date this Record of Decision is signed.

Approved by:

SEP 28 2012

  
Mike Pool  
Acting Director  
Bureau of Land Management

Date

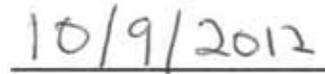
**6.3 Secretarial Approval**

I hereby approve these decisions. My approval of these decisions 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 these decisions, including the BLM Authorized Officer's issuance of the right-of-way as approved by this decision, must be brought in the Federal district court.

Approved by:

  
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Ken Salazar  
Secretary  
Department of the Interior

  
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Date