

**U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT**

**RECORD OF DECISION**

**JANUARY 2017**

**GATEWAY WEST TRANSMISSION PROJECT  
AND RESOURCE MANAGEMENT PLAN AMENDMENTS  
SEGMENTS 8 AND 9**

**PROPONENTS**

**PACIFICORP, D/B/A  
ROCKY MOUNTAIN POWER**

**1407 W. NORTH TEMPLE, SUITE 110  
SALT LAKE CITY, UTAH 84116-3187**

**AND**

**IDAHO POWER COMPANY**

**P.O. BOX 70  
BOISE, IDAHO 83707-0070**

**GENERAL LOCATION**

**THE PROPOSED ACTION IS LOCATED ON  
PUBLIC, STATE, AND PRIVATE LANDS IN IDAHO.**

**BLM CASE FILE SERIAL NUMBER**

**IDI-35849-01**

**NEPA REGISTER FILE NUMBER**

**DOI-BLM-ID-B000-2014-0003-EIS**

**PREPARING OFFICE**

**U.S. DEPARTMENT OF THE INTERIOR**

**BUREAU OF LAND MANAGEMENT**

**IDAHO STATE OFFICE**

**1387 S. VINNELL WAY**

**BOISE, IDAHO 83709**

**PHONE: (208) 373-4001**

**FAX: (208) 373-3899**



## ACRONYMS AND ABBREVIATIONS

ACEC	Area of Critical Environmental Concern
ACHP	Advisory Council on Historic Preservation
AO	Authorized Officer
ARMPA	Approved Resource Management Plan Amendment
BA	Biological Assessment
BLM	Bureau of Land Management
BMP	Best management practice
BO	Biological Opinion
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CIC	compliance inspection contractor
CO	Conference Opinion
CWA	Clean Water Act
DOI	Department of the Interior
EIS	Environmental Impact Statement
EO	Executive Order
EPA	Environmental Protection Agency
EPAct	Energy Policy Act of 2005
EPM	environmental protection measure
ESA	Endangered Species Act
FERC	Federal Energy Regulatory Commission
FLPMA	Federal Land Policy and Management Act
FR	Federal Register
Gateway West	Gateway West Transmission Line Project (10 segments)
GHMA	General Habitat Management Area
GRSG	Greater Sage-grouse
HEA	Habitat Equivalency Assessment
HPTP	Historic Properties Treatment Plan
IBLA	Interior Board of Land Appeals
IHMA	Important Habitat Management Area
IPUC	Idaho Public Utilities Commission
kV	kilovolt
MEP	Mitigation and Enhancement Portfolio
MFP	Management Framework Plan
MOU	Memorandum of Understanding
MP	milepost
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NPS	National Park Service

NRHP	National Register of Historic Places
NTP	Notice to Proceed
PA	Programmatic Agreement
PHMA	Priority Habitat Management Area
P.L.	Public Law
POD	Plan of Development
Project	Segments 8 and 9 of the Gateway West transmission line
Proponents	PacifiCorp d/b/a Rocky Mountain Power and Idaho Power Company
RAC	Resource Advisory Council
RMP	Resource Management Plan
ROD	Record of Decision
ROW	right-of-way
SEIS	Supplemental Environmental Impact Statement
SHPO	State Historic Preservation Officer
SRBOP	Morley Nelson Snake River Birds of Prey National Conservation Area
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USFWS	U.S. Fish and Wildlife Service
VRM	Visual Resource Management
WECC	Western Electricity Coordinating Council
WWE	West-wide Energy [corridor]

## Final Agency Action

### Right-of-Way Authorization

I hereby approve an electric transmission line right-of-way grant (ROW) IDI-35849-01 to PacifiCorp for the Gateway West Transmission Line Project, subject to the terms, conditions, stipulations, Plan of Development, and environmental protection measures developed by the U.S. Department of the Interior (DOI) and reflected in this Record of Decision (ROD). The *Final Supplemental Environmental Impact Statement and Proposed Land Use Plan Amendments for Segments 8 and 9 of the Gateway West 500-kV Transmission Line Project* (Project) associated with this decision fully analyze the impacts of the Project. It is my decision to select the Agency Preferred Alternative and authorize a ROW grant for the construction, operation, maintenance and decommissioning of the Project for electrical transmission development.

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with the Director of the Bureau of Land Management, BLM Washington Office, 1849 C Street NW, Room 5665, Washington, DC 20240 and must be in writing.

The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)) and on the Office of the Solicitor (see 43 CFR 4.413(c)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the U. S. Department of the Interior, IBLA, 801 North Quincy Street, MS 300-QC, Arlington, VA 22203 and a copy provided to the BLM Washington Office within 30 days after the notice of appeal is filed with the Director of the Bureau of Land Management.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. This decision is issued full force and effect, in accordance with the regulations at 43 CFR 2800, and may be implemented immediately. If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.


In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Associate Solicitor, Division

of Land Resources, Office of the Solicitor, U.S. Department of the Interior, 1849 C Street, NW, Rm. 6547, Washington, DC 20240.

### Land Use Plan Amendments

In addition, it is my decision to amend the 1983 Bruneau and 1982 Twin Falls Management Framework Plans (MFPs) and the 2008 Morley Nelson Snake River Birds of Prey (SRBOP) National Conservation Area Resource Management Plan (RMP) to bring the Selected Alternative into conformance with the management objectives in these MFPs and RMP.

These decisions are effective on the date the ROD is signed.

  
\_\_\_\_\_  
Neil Kornze  
Director  
Bureau of Land Management

January 19, 2017  
Date

## Contents

### Executive Summary

#### 1.0 Introduction

#### 2.0 Background

##### 2.1 Summary of the ROW Grant

##### 2.2 Description of the Gateway West Transmission Project

###### 2.2.1 Project Plan of Development (POD)

###### 2.2.2 Construction Spread PODs

##### 2.3 Purpose and Need for BLM Action

##### 2.4 Statutory and Regulatory Background

###### 2.4.1 Authority under FLPMA

###### 2.4.1.1 BLM Land Use Plans

###### 2.4.2 National Environmental Policy Act (NEPA)

###### 2.4.3 Other Authorities and Policies

###### 2.4.3.1 Transmission-Related Authorities

##### 2.5 BLM Notice to Proceed Process

##### 2.6 Decisions to Be Made

#### 3.0 Decision

##### 3.1 Right-of-Way (ROW) Authorization and Selected Alternative Decision

##### 3.2 Decision Rationale

##### 3.3 Land Use Plan Amendments Decision

###### 3.3.1 Twin Falls MFP

###### 3.3.2 Snake River Birds of Prey RMP

###### 3.3.3 Bruneau MFP

#### 4.0 Alternatives Considered

##### 4.1 Alternatives Analyzed in the Draft and Final SEIS

- 4.1.1 No Action Alternative
    - 4.1.2 Land Use Plan Amendments
  - 4.2 Alternatives Considered but Not Analyzed in Detail
  - 4.3 Final EIS Agency Preferred Alternative
  - 4.4 Environmentally Preferable Alternative
- 5.0 Mitigation and Monitoring
  - 5.1 Statement of All Practicable Mitigation Adopted
  - 5.2 Project-Specific Mitigation Measures
    - 5.2.1 Policy Guidance
    - 5.2.2 Compensatory Mitigation for Greater Sage-Grouse Habitat
      - 5.2.1.1 Comprehensive Habitat Mitigation Plan
      - 5.2.1.2 Indirect Effects to Greater Sage-Grouse Habitat
    - 5.2.3 Migratory Bird Habitat Conservation
    - 5.2.4 Programmatic Agreement for Cultural Resources
    - 5.2.5 Compensatory Mitigation for and Monitoring of Unavoidable Impacts to Waters of the United States – Clean Water Act
    - 5.2.6 Threatened and Endangered Species – Biological Opinion
      - 5.2.6.1 Determination of No Effect on Slickspot Peppergrass
      - 5.2.6.2 Determination of No Effect on Yellow-billed Cuckoo
  - 5.3 Compensatory Mitigation for Enhancing SRBOP Resources
    - 5.3.1 The Compensatory Mitigation Framework
    - 5.3.2 The Compensatory Mitigation Plan
  - 5.4 Environmental Protection Measures
  - 5.5 Monitoring and Enforcement
- 6.0 Management Considerations in Choosing the Selected Alternative
  - 6.1.1 Meeting the Applicants' Need and Objectives
  - 6.1.2 General Siting Criteria



- 6.1.3 Resource Issues and Potential for Mitigation
- 6.1.4 Consideration of Public Comments and Concerns
- 6.1.5 Statement of No Unnecessary or Undue Degradation
- 6.1.6 Statement of Technical and Financial Capability
- 6.1.7 Applicable Laws, Regulations and Policies
- 6.2 Connected Actions
- 6.3 Conformance with BLM Land Use Plans
- 6.4 Required Actions
  - 6.4.1 Endangered Species Act – Section 7 Consultation
    - 6.4.1.1 Yellow-billed cuckoo
    - 6.4.1.2 Slickspot peppergrass
  - 6.4.2 Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act and Executive Order 13186
  - 6.4.3 Clean Air Act, as Amended
  - 6.4.4 Clean Water Act, Executive Order 11988, and Executive Order 11990
  - 6.4.5 National Historic Preservation Act - Section 106 Consultation
  - 6.4.6 Executive Order 12898 (Environmental Justice)
- 7.0 Consistency and Consultation Review
  - 7.1 Governors' Consistency Review
  - 7.2 Resource Advisory Council
  - 7.3 Cooperating Agencies
    - 7.3.1 Federal Agencies
    - 7.3.2 State Agencies
    - 7.3.3 Local Agencies
    - 7.3.4 Electric System Regulators
    - 7.3.5 Other Agencies
  - 7.4 Government-to-Government Consultation

8.0 Agency and Public Involvement

8.1 Scoping Process

8.2 SEIS Public Review process

8.2.1 Draft SEIS

8.2.2 Final SEIS

8.2.3 Protest and Resolution

## **FIGURES**

- Figure 1a.** Project Overview for Segment 8  
**Figure 1b.** Project Overview for Segment 9  
**Figure 2.** BLM Selected Alternative

## **List of Appendices**

- Appendix A BLM Legal Descriptions  
Appendix B Gateway West Project Plan of Development (November 2013)  
Appendix C Endangered Species Act – Section 7 Consultation  
Appendix D Responses to Final SEIS Protests and Governor’s Consistency Review  
Appendix E Appeal Rights

## **ES-1 Executive Summary**

This Record of Decision (ROD) constitutes the final decision of the Bureau of Land Management (BLM)] for the Gateway West Transmission Line Project and associated amendments to BLM land use plans. This ROD includes both the land use plan amendment and right-of-way (ROW) grant decisions. Amendment of one resource management plan (RMP) and two management framework plans (MFPs) is required to ensure that the approved ROW grant conforms to the applicable RMPs/MFPs. These decisions reflect careful consideration and resolution of issues by the BLM and the DOI, and were thoroughly analyzed in the 2013 Gateway West Environmental Impact Statement (EIS) and the 2016 Supplemental EIS (SEIS).

This decision approves ROWs for the route alignments for Segments 8 and 9, shown in the Final SEIS as Alternative 5 with Toana Road variation 1. This alternative is referred to as the BLM's Agency Preferred Alternative in the Final SEIS, and as the Selected Alternative in this ROD. The Selected Alternative encompasses approximately 321.5 miles of linear ROW in Cassia, Elmore, Gooding, Jerome, Lincoln, Owyhee and Twin Falls counties, Idaho. This ROD specifically authorizes the use of public lands for Segments 8 and 9 of Gateway West and appurtenant facilities for a total of 270.7 miles, containing a total of approximately 8,203 acres, more or less, plus access roads and spur roads for approximately 272.28 miles, containing approximately 660.07 acres, more or less.

Approval of the ROW for the Selected Alternative responds to the BLM's purpose and need for Gateway West by processing the Proponents' application under Title V of Federal Land Policy and Management Act of 1976 [FLPMA (43 USC § 1701)] for a ROW grant to construct, operate, maintain, and terminate 500-kV electric transmission lines, fiber optical regeneration sites, distribution lines to power substations and fiber optical regeneration sites, access and spur roads, and other appurtenant facilities on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable Federal laws.

This ROD applies only to BLM-administered lands. Each Federal cooperating agency is responsible for issuing its own decisions and applicable authorizations relative to the Project, the State has authority over state-managed lands, and under Idaho state law, local governments have authority over authorizations on private lands.

The BLM must comply with the planning provisions of Section 202 of FLPMA as well as the implementing regulations for planning found in 43 CFR 1601 and 1610 in considering amendments to land use plans. When considering ROW authorizations of this kind, the BLM integrates those planning requirements with the requirements for environmental review under the National Environmental Policy Act (NEPA).

The BLM was the Federal lead agency under NEPA for consideration of Gateway West and the associated plan amendments. The Revised Proposed Action/Project and the other SEIS Action Alternatives include analysis of plan amendments because the plans

affected by those alternatives contained designations that would not allow siting of transmission lines in the analyzed locations.

The Gateway West Project and the associated plan amendments have been analyzed in the 2013 Final EIS and the 2016 SEIS in compliance with NEPA. The National Park Service (NPS), and the U.S. Army Corps of Engineers (USACE) were cooperating agencies and provided information, analysis, and comment on these documents. The process for supplementing the 2013 EIS, completed from 2014-2016, included public scoping, public review and comment on the Draft SEIS, and opportunity to protest land use plan amendments proposed in the Final SEIS. The sections of the 2013 Gateway West Final EIS that analyze Segments 8 and 9 were incorporated by reference in the Draft SEIS and the Final SEIS, and both the 2013 Final EIS and the 2016 Final SEIS are likewise referenced in this ROD.

Following publication of the Final SEIS, the Idaho Governor's Office reviewed the proposed plan amendments for consistency with State and local plans. The Governor submitted a Consistency Review dated December 6, 2016 that argued the BLM's proposed amendments are inconsistent, to the extent practicable, with the State's plans, policies and programs. On careful review of that Consistency Review, the BLM State Director found the proposed amendments seek "consistency to the extent practicable" with State and local plans, and hand delivered a decision to the Governor on December 19, 2016. In a letter received January 18, 2017, the Idaho Governor appealed the BLM Idaho State Director's decision to not accept the State's recommendations from the Governor's Consistency Review. In that appeal letter, the State of Idaho requested that the BLM Director reconsider the issues and recommendations raised in the Governor's Consistency Review letter. In a January 19, 2017 letter, the BLM Director affirmed the Idaho State Director's response to the Idaho Governor's assertion of inconsistency and respectfully denied the appeal. The reasons outlined for the Director's decision on the appeal will be published in the Federal Register pursuant to the applicable BLM regulations.

The decisions in this ROD fulfill legal requirements for managing public lands. Granting the ROW to PacifiCorp contributes to the public interest in providing reliable electric power to meet regional, State and Federal energy goals while protecting important resources found on affected lands. Stipulations in the grant ensure that authorizing the Project will protect environmental resources and comply with environmental standards, regulations and policies, including those related to mitigation of environmental effects.

These decisions reflect the careful balancing of the many competing interests in managing public lands for multiple use, sustained yield and public benefit. These decisions are based on comprehensive environmental analysis and full public involvement. The BLM engaged highly qualified subject matter experts to analyze the environmental effects of the Project. Members of the public contributed greatly to the analysis of the environmental issues arising out of the environmental review process. The BLM, USFWS, NPS, the State of Idaho, and other consulted agencies applied their expertise and used existing technologies to address the important issues of

environmental resource protection.

The BLM and the DOI have determined that the measures contained in the Final SEIS, the executed Programmatic Agreement (PA) (2013) regarding the management of cultural resources under the National Historic Preservation Act (NHPA), the Biological Opinion/Conference Opinion for compliance under the Endangered Species Act (ESA), and Section 404(b)(1) approvals under the Clean Water Act (CWA) avoid, minimize and/or mitigate for environmental damage and sufficiently protect resources. The agencies have also determined that measures contained in the Final SEIS and this ROD meet the requirements in P.L. 103-64 Section 3(a)(2) for management of the Morley Nelson Snake River Birds of Prey National Conservation Area (SRBOP).

## **1.0 INTRODUCTION**

This ROD explains the BLM's decision to authorize actions related to the Gateway West 500-kV Transmission Line Project that affect BLM-administered lands and approve land use plan amendments. The decisions in this ROD are based on consideration of information generated during the analytical and public participation processes required by NEPA, FLPMA, the NHPA, the ESA, the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and DOI and BLM Tribal consultation policies. The BLM carefully considered its analysis of the proposed Project and reasonable alternatives, including potential impacts on environmental and cultural resources; practicable means to avoid, minimize, and/or mitigate those impacts; and national policy goals to promote renewable energy projects. This information was presented and analyzed in the Final SEIS.

This ROD for Segments 8 and 9 of Gateway West approves the construction, operation, maintenance, and termination (which includes decommissioning) of the proposed Project on BLM-managed public lands in Cassia, Elmore, Gooding, Jerome, Lincoln, Owyhee, and Twin Falls counties, Idaho. The action is analyzed in both the Final SEIS, which was noticed in the October 7, 2016, *Federal Register* (81 FR 69845), and the 2013 Gateway West Final EIS.

The approval takes the form of a FLPMA right-of-way grant, issued in conformance with FLPMA (43 USC 1701) and implementing regulations found at 43 CFR 2800. In order to approve the ROW, this ROD also approves proposed amendments as needed for the Bruneau and Twin Falls MFPs and the SRBOP National Conservation Area RMP for conformance purposes.

## **2.0 BACKGROUND**

In August 2014, the Proponents, PacifiCorp (dba Rocky Mountain Power) and Idaho Power Company, jointly filed with the BLM in Idaho a revised Standard Form 299 ROW application (IDI-35849-01), pursuant to Title V of FLPMA to use BLM-managed public lands in Idaho associated with Segments 8 and 9 of Gateway West. The BLM Idaho State office was designated as the Lead Office for the BLM in preparing the SEIS for the Project concerning these two ROW segments, which were deferred in the 2013 ROD for the ROW application for the larger Gateway West transmission line project.

### **2.1 Summary of the ROW Grant**

This ROD approves the transmission line alignments for Segments 8 and 9 deferred in the 2013 Gateway West ROD. The approved ROW grant, IDI-35849-01, will allow the Project Proponents the right to use, occupy and develop the described public lands to construct, operate, maintain and terminate two 500-kV electric transmission lines and appurtenant facilities for these segments.

This decision is conditioned on mitigation plans that can be monitored during implementation to ensure effectiveness and durability, as identified in the Final SEIS,

and includes the final Project Plan of Development (POD), a Migratory Bird Habitat Conservation Plan, a Comprehensive Sage-Grouse Habitat Mitigation Framework Plan, Historic Property Treatment Plans (HPTPs) prepared under the guidelines in the PA, the Conservation Mitigation Framework and Plan for the SRBOP, and the issuance of all necessary local, state, and Federal approvals, authorizations and permits. The Proponents may not commence construction of Project facilities or proceed with any ground-disturbing activities related to the Project on BLM-managed public lands until , in accordance with 43 CFR 2807.10, they receive from the BLM written Notice(s) to Proceed (NTPs), as appropriate. The requirements to obtain NTP(s) for this Project are discussed in Section 2.5 of this ROD.

## **2.2 Description of the Project**

The Project includes the following components as described in the Proponents' August 2014 revised ROW application, a POD Supplement and supporting documents for a ROW authorization to use the public lands for Segments 8 and 9 of Gateway West:

**Gateway West 500-kV Transmission Line** – The primary component consists of two new 500-kV transmission lines on steel lattice towers. The BLM ROW grant area for the transmission line will be 250 feet wide for each 500-kV line, extending to 500 feet in width where the Segment 8 and 9 lines are adjacent. Access roads located in the transmission line ROW grant area are included in the authorized use.

**Distribution Lines** – Overhead lines will be constructed to distribute power to the substations and optical signal regeneration stations. As stated in the 2014 POD Supplement, regeneration sites will be located either within a substation or at another location within the ROW.

**Access Roads/Spur Roads** – The Proponents will use existing access roads wherever possible to construct the transmission lines. There are segments of existing access roads located outside the transmission line ROW, and there are several locations where new spur roads to tower locations will be constructed. Roads outside the transmission line ROW on public land will be located within separate, temporary 50-foot-wide ROWs.

**Substations** – A total of three substations will be constructed on private lands along Segments 8 and 9. Two of the substations are currently in service (the Midpoint and Hemingway Substations); the third, the Cedar Hill Substation, is associated with the segments approved in the 2013 ROD and is yet to be constructed.



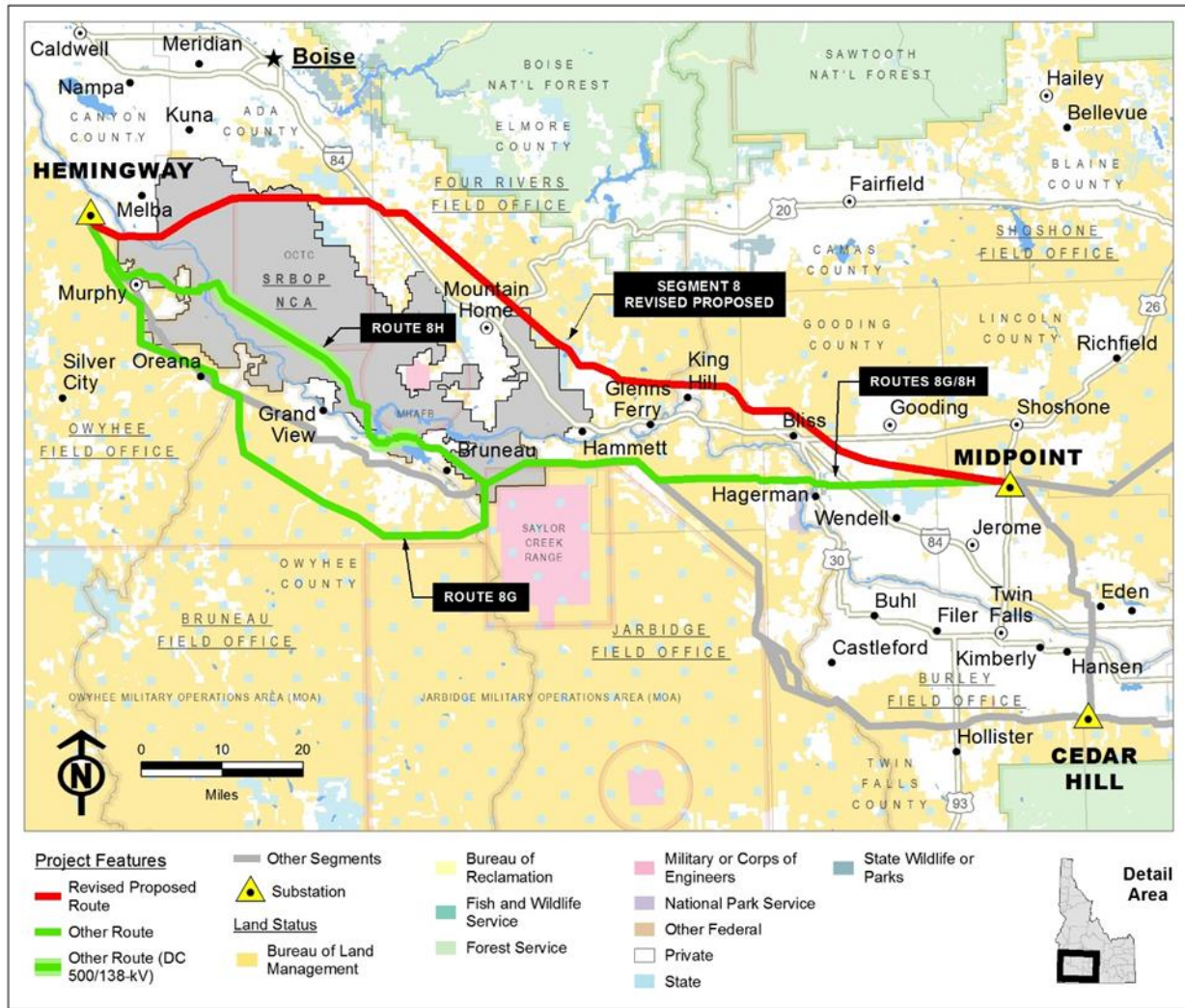
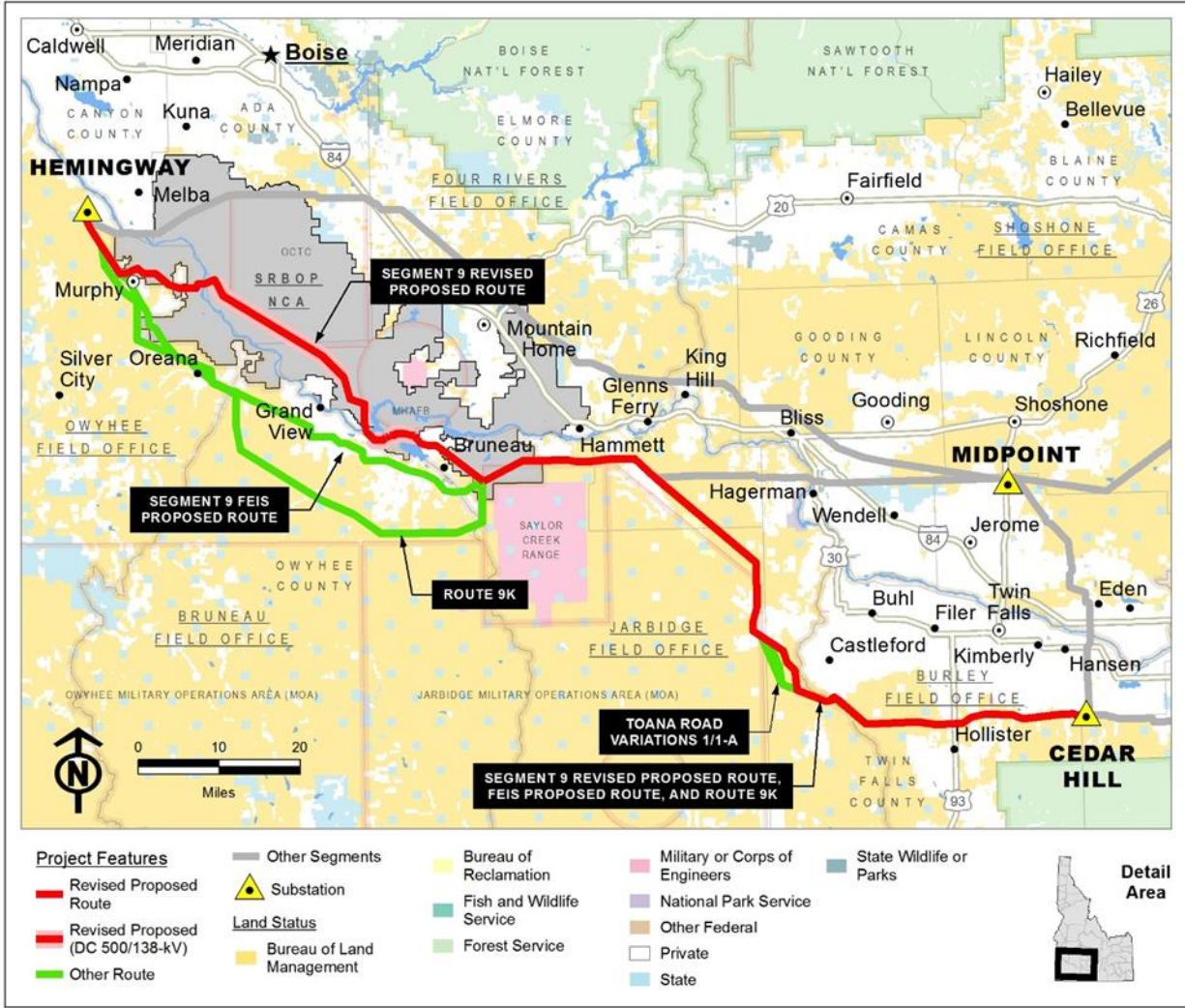


Figure 1a. Project Overview for Segment 8

**Optical Signal Regeneration Sites** – Regeneration sites will be located either within substations or at other locations along the routes at 55-mile intervals. Use of public land along the route for the sites is authorized under this ROW grant.

**Temporary Construction Areas** – Assembly and erection of new transmission line towers will require temporary laydown areas, material and equipment staging areas, and pulling and tensioning sites. Vegetation clearing and grading may be required in these areas before and/or during construction. Temporary construction areas located on public lands are authorized under this ROW grant, with a term of 5 years. Storage and laydown areas located on private lands are not included in this grant.



**Figure 1b.** Project Overview for Segment 9

**2.2.1 Project Plan of Development**

The 2013 POD and any updates or revisions developed by the Proponents cover construction, operation and mitigation for all areas involved with the Project. The POD contains Project maps and detailed descriptions of the transmission line and other Project components. Appendices C through S of the POD include 17 plans to avoid, minimize and/or mitigate environmental impacts that address a range of practices from reclamation to spill prevention and fire prevention. Appendices T (Preconstruction Checklist) through Z (Environmental Protection Measures) include information that will guide construction, operations, and maintenance of the Project. Table 1 in the POD lists these plans, provides a brief description of each, and indicates the plan’s current status.

The Proponents included an initial POD with their initial application in May 2007, which they later revised in whole or part in August 2008, April 2009, January/February 2010, May 2012, September 2012, January 2013 and August 2013. These PODs address all 10 segments of Gateway West. The August 2013 version of the POD is attached as Appendix B to this ROD.<sup>1</sup>

The Proponents submitted a Supplemental POD with their revised application in August 2014, with revised proposed alignments and changes specific to Segments 8 and 9, after these segments were deferred in the 2013 ROD. The BLM expects the Proponent-Grant Holders to submit another POD revision following this decision on Segments 8 and 9. The Final Project POD will be reviewed and accepted by the BLM AO prior to the agency issuing any NTPs for the Project. The Proponents may add requirements to the approved Final Project POD, but the additions may require updated resource surveys or additional NEPA reviews. Approval of changes may involve issuance of a variance or amendment to the POD, and potentially amendment to the ROW grant.

## **2.2.2 Construction Spread PODs**

Construction Spread PODs typically contain route alignment maps, construction engineering drawings and other project details, identify spatial and temporal environmental restrictions, and document the location of all required environmental protection measures (EPMs). Construction Spread PODs tier from the project-wide POD. The number and location of Construction Spread PODs will be determined after the Proponents select a construction contractor and specific construction plans are prepared. Each Construction Spread POD will be reviewed and accepted by the BLM. When accepted, an NTP issued per Construction Spread POD(s) will allow the ROW Grant Holder(s) to use the public lands covered by that POD within the terms and conditions of the ROW grant.

## **2.3 Purpose and Need for BLM Action**

The BLM's purpose and need for Federal action is to respond to the Proponents' application for a ROW grant to construct, operate, maintain, and terminate the two 500-kV transmission lines and appurtenant facilities on public lands (described in Section 2.2 above) for Segments 8 and 9 in compliance with FLPMA, BLM regulations, and other applicable Federal laws.

The BLM also considers, as part of the purpose and need for action, guidance from the Energy Policy Act of 2005 (EPAAct), which recognized the need to improve domestic energy production, develop renewable energy resources, and enhance the

---

<sup>1</sup> The August 2013 revised POD includes construction activities for Segments 1 through 3 (which traverses lands in central and western Wyoming) and Segment 4 (which traverses lands in western Wyoming and eastern Idaho). Later revisions of the POD will address construction of Segments 5 through 10 to support issuance of NTPs for various segments at appropriate times.

infrastructure (e.g., transmission lines) for collection and distribution of energy resources.

## **2.4 Statutory and Regulatory Background**

### **2.4.1 Authority under FLPMA**

Title V of FLPMA (43 U.S.C. 1761(a)(4)) authorizes the BLM, acting on behalf of the Secretary of the Interior, to grant, issue or renew ROWs over, under, and through the public lands for systems for generation, transmission, and distribution of electric energy. The BLM's implementation of ROW authorizations is detailed in 43 CFR Part 2800. The authority to grant and manage Title V ROWs on public lands is delegated to the respective BLM State Directors (BLM Manual 1203, Appendix 1). The delegated BLM Authorized Officer (AO) will administer the ROW authorization and ensures compliance with the terms and conditions of the ROW grant.

The decision(s) for the approved FLPMA ROWs contained herein apply to BLM-administered public lands in Idaho, in the BLM Burley, Shoshone, Jarbidge, Bruneau, Four Rivers and Owyhee Field Offices.

#### **2.4.1.1 BLM Land Use Plans**

FLPMA establishes policies and procedures for managing public lands. Section 202 of FLPMA (43 U.S.C. 1712) and the regulations implementing FLPMA land use planning provisions (43 CFR 1601 and 1610) guide the development, amendment and revision of land use plans for use of public lands. The BLM manages public lands under various land use plans (MFPs and RMPs) that identify management objectives, appropriate uses, restricted areas and expected practices for surface-disturbing and use activities. The BLM must consider whether the Project and alternatives are consistent with existing RMPs and MFPs as part of its decision to issue a ROW grant.

The following BLM land use plans guide management of public lands where Segments 8 and 9 of the Project are proposed:

- Monument RMP – Shoshone Field Office
- Bennett Hills/Timmerman Hills MFP – Shoshone Field Office
- Cassia RMP – Burley Field Office
- Twin Falls MFP – Burley Field Office
- Jarbidge RMP (1987) – Four Rivers Field Office<sup>2</sup>
- Jarbidge RMP (2015) – Jarbidge Field Office
- Kuna MFP – Four Rivers Field Office
- SRBOP RMP – Four Rivers Field Office

---

<sup>2</sup> Boundaries for the 2015 Jarbidge RMP do not include all lands governed by the 1987 RMP. Lands not included in the 2015 RMP are now administered by the BLM Four Rivers Field Office and will be managed under the 1987 Jarbidge RMP until the Four Rivers RMP is completed. Refer to Appendix F of the Final SEIS for details.



Bruneau MFP – Bruneau Field Office  
Owyhee RMP – Owyhee Field Office

Portions of the proposed Project and alternatives would not conform to certain management objectives of some of these land use plans. As such, the BLM considered whether to amend land use plans to ensure that the authorized Project is in conformance. These amendments were analyzed in the Draft and Final SEISs pursuant to 43 CFR 1610.5-5.

#### **2.4.2 National Environmental Policy Act (NEPA)**

Section 102(c) of NEPA, and Council on Environmental Quality (CEQ) and DOI implementing regulations (40 CFR 1500–1508 and 43 CFR 46, respectively) provide direction for integrating NEPA into agency planning efforts. The NEPA process is intended to assist Federal officials in making decisions about a project that are based on an understanding of the environmental consequences of the project. When taking actions such as processing ROW grants, the BLM must comply with NEPA and the CEQ and DOI regulations. This ROD, the Draft and Final SEIS, and the 2013 EIS that the SEIS supplements, together document the BLM’s compliance with the requirements of NEPA for the Project.

The BLM conducted scoping meetings, invited agencies with jurisdiction and/or special expertise to be cooperating agencies under 40 CFR 1501.6, and prepared a draft SEIS that analyzed the Proponent-proposed Project and alternatives, including a No Action Alternative. The Draft SEIS was published on March 11, 2016, with a 90-day public comment period. Public and agency comments and the BLM’s responses appear as Appendix L in the Final SEIS. Comments on the Draft SEIS were utilized to revise the Final SEIS. The Final SEIS was published on October 7, 2016.

#### **2.4.3 Other Authorities and Policies**

##### **2.4.3.1 Transmission-Related Authorities**

Executive Order (E.O.) 13604, issued on March 22, 2012, acknowledged the critical need for improving and investing in infrastructure, including transmission, as important to maintaining the Nation’s competitiveness. The BLM recognizes the need for upgraded and new electricity transmission and distribution facilities to improve reliability, relieve congestion, and enhance the capability of the national grid to deliver electricity, as directed in EPO and reflected in Executive policies.

On October 5, 2011, the Obama Administration announced the formation of a Rapid Response Team for Transmission (RRTT) composed of the nine Federal agencies with jurisdiction over transmission projects. This team was formed to more quickly advance the permitting for seven pilot transmission projects, including this Project. The RRTT mission is to “accelerate responsible and informed deployment of these seven key transmission facilities by:

- Coordinating statutory permitting, review, and consultation schedules and processes among involved Federal and state agencies as appropriate through

## Integrated Federal Planning;

- Applying a uniform and consistent approach to consultations with Tribal governments; and
- Expediently resolving interagency conflicts and ensuring that all involved agencies are fully engaged and meeting schedules.” (CEQ 2011)

A Presidential Memorandum issued on June 7, 2013, requires modernization of the Nation’s electric grid through improved siting, permitting, and review, as critical to, among other things, our efforts to make electricity more reliable and economic, promote clean energy sources and enhance energy security. The Climate Action Plan (Executive Office of The President 2013) sets a goal of developing 20,000 MW of renewable energy on public lands by 2020.

In December 2015, Congress enacted the Fixing America’s Surface Transportation (FAST) Act. Title 41 of the Act (“FAST-41”) creates a new entity – the Federal Permitting Improvement Council – to oversee the cross-agency Federal permitting and review process. It also expands the scope of projects for which reviews will be accelerated and establishes new procedures that standardize interagency consultation and coordination practices. FAST-41 requires the tracking of “covered projects” on a public electronic dashboard with coordinated project plans, a permitting timetable and a detailed schedule of all environmental reviews and authorizations. Title I and Title IX set out other provisions addressing the project delivery process and tracking environmental review and permitting milestones. Covered projects include energy production, electricity transmission, surface transportation, aviation, ports, waterways, water resource projects, broadband, pipelines, and manufacturing that generally involve a project investment of over \$200 million or that may involve NEPA review or permitting by more than two Federal agencies. Gateway West is covered by the FAST Act.<sup>3</sup>

In acting on these transmission-related authorities, the BLM must consider whether the proposed Project conforms to BLM land use plans, in accordance with 43 CFR 1610.5-3, as discussed in section 2.4.1.1 above.

The NEPA analysis for the Project includes information needed for determining compliance with other Federal laws and to inform and support other agency actions, including:

- NHPA – Consultation requirements with the Advisory Council on Historic Preservation (ACHP)
- CWA Section 404 permits issued by the USACE
- ESA Section 7 consultation requirements with the USFWS
- Fish and Wildlife Coordination Act consultation with the USFWS
- Migratory Bird Treaty Act compliance and consultation with the USFWS

---

<sup>3</sup> Memo for the Federal Infrastructure Permitting Improvement Steering Council (FPISC), Establishment of Covered Project Inventory (September 22, 2016).

- Bald and Golden Eagle Protection Act compliance and consultation with the USFWS

See Section 6.2 of this ROD for more information on the Project's relationship to other agency programs and policies. For more detail on permits, approvals and consultation requirements for Gateway West, please see Table 1.5-1 in the Final SEIS.

## **2.5 BLM Notice to Proceed Process**

This decision to issue a ROW grant does not authorize the Proponent-Grant Holders to commence construction of any Project facilities or proceed with other ground-disturbing activities in connection with the Project on Federal lands until the BLM AO, in accordance with 43 CFR 2807.10, issues a written Notice to Proceed (NTP), which will consist of separate work authorizations (issued as separate NTPs).

Before the BLM issues an NTP, the Proponent-Grant Holder(s) must prepare, among other items, a final Project POD that includes final engineering and design drawings. Based on the final engineering and design drawings, the Proponent-Grant Holder(s) also must complete: 1) project-wide practices and requirements in the Project POD, 2) the PODs for specific construction spreads, and 3) final mitigation plans associated with GRSG, migratory birds, wetlands, cultural resources, recreation and the SRBOP.

The Project POD will demonstrate satisfaction of the required mitigation identified in this ROD and consistent with mitigation guidance and application of the mitigation hierarchy identified by the CEQ (40 CFR 1508.20), the BLM's Mitigation Manual Section 1794 and Mitigation Handbook H-1794-1, the DOI Manual, and the requirements of the Presidential Memorandum: Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment (November 3, 2015).

Measures considered to avoid, minimize, or mitigate potential environmental and cultural resource impacts include Proponent-committed EPMs and mitigation measures developed through the NEPA process. These EPMs are described in the 2013 POD, which is included as Appendix B of this ROD. Collectively, they represent measures to eliminate or reduce environmental impacts that were identified and considered in the Final SEIS. This ROD adopts these measures and requires Grant Holder actions to be consistent with the language in this ROD and its appendices, including the Project POD.

The Project POD will be further developed by the Proponent-Grant Holder(s) following final engineering design. The resulting final Project POD must demonstrate means to fulfill the mitigation requirements described in this ROD and will be subject to review and acceptance by the BLM and other agencies with regulatory authority over impacted resources. It will include provisions for site-specific mitigation and monitoring during construction, operation, maintenance, and decommissioning of the Project. Site-specific application and implementation details will include the following:

- Completion of final engineering to include final structure locations, final access road layout including field verification of structure locations and proposed access roads and ancillary facilities for the Selected Alternative;

- Acquisition of remaining Federal permits and acquisition of required state and local permits, measures, stipulations and conditions of approval set forth in the Final EIS and Final SEIS, RODs, and POD covering the final designed and engineered route and mapping;
- Acquisition of use authorizations (easements) on state and private lands;
- Delineation of Jurisdictional Waters of the U.S. and any other resource surveys required to support permitting;
- Review and acceptance by BLM of the GRSG habitat equivalency assessment (HEA) based on the site-specific engineered and designed transmission line including access roads, and all ancillary facilities;
- Development and implementation of a complete mitigation and monitoring plan, including but not limited to appropriate mitigation for GRSG and for the SRBOP according to the Framework contained in Appendix K of the Final SEIS;
- Implementation of species-specific conservation measures through the Section 7 ESA consultation process to eliminate or minimize impacts on Federally listed species as identified in the biological assessment (BA) and biological opinion (BO) and Appendix H of the POD – the Plant and Wildlife Conservation Measures Plan.
- Inclusion of the Reasonable and Prudent Measures with Terms and Conditions required by USFWS in the BO. Species-specific conservation measures apply to ESA-listed species where they occur, regardless of jurisdiction.
- Mitigation of impacts to cultural resources and National Historic Trails as described in the Final SEIS Appendix K, with information contained in the executed PA and updated information from inventory studies, mitigation plans, and monitoring plans. A connected process is the creation of an HPTP, which will outline the mitigation plan for the Project, as well as provide for site-specific mitigation once all the cultural resource inventories have been completed.
- Adherence to the provisions in BLM Manual 6280, which lays out the agency policy for compliance with the National Trails System Act (NTSA). The Act stipulates that projects may not "...substantially interfere with the nature and purpose of [a congressionally designated National Historic] Trail." The 2016 SEIS addresses the provisions in BLM Manual 6280.

If the Proponent proposes to modify the ROWs approved by this project or other requirements in this ROD, NTP(s) for the Project will be issued only after examining the existing environmental analysis and determining whether any additional environmental analysis would be needed for full NEPA compliance.

## **2.6 Decisions to Be Made**



The BLM decisions being made in this ROD are:

- Whether to grant, grant with modification, or deny a ROW application to construct, operate, maintain, and decommission the proposed facilities for a transmission line on public lands;
- Whether one or more BLM land use plans should be amended to allow the proposed transmission line;
- What is the most appropriate location for the transmission line on public lands, considering multiple-use objectives; and
- What terms, conditions, and stipulations for the construction, operation, maintenance, and decommissioning of the transmission line should be applied to the ROW grant.

## **3.0 DECISION**

### **3.1 BLM Right-of-Way Authorization**

Based on review of the analysis as documented in the Draft SEIS and Final SEIS, the BLM's decision is to issue ROW grant IDI-35849-01 to PacifiCorp for two single-circuit 500-kV electric transmission lines and appurtenant facilities.

The ROW is 250 feet wide and 270.70 miles long, for a total of 8,203 acres, more or less; with additional areas for access roads and spur roads 20 feet wide, 272.28 miles long, containing 660.07 acres, more or less.

The ROW grant will permit the construction, operation, maintenance and decommissioning of the 500-kV transmission lines on the alignments analyzed as Alternative 5 and identified as the Agency Preferred Alternative in the Final SEIS, as well as ancillary facilities as described in Section 2.2 above, and subject to the terms, conditions and stipulations described in the grant.

The ROW for the operational area is granted for a term of 30 years. With this ROW grant, authorization for a temporary ROW for construction areas containing an additional 534.11 acres, more or less, is granted for 5 years, which is set to expire. The legal descriptions for the approved ROW are found in Appendix A of this ROD.

The BLM has the discretion to renew a ROW grant upon application if doing so is in the public interest. Renewal requests will be subject to NEPA review and the satisfaction of other applicable statutory and regulatory requirements (e.g., NHPA and ESA). Construction of the Project must commence within 5 years after the effective date of the ROW grant. The Grant Holder(s) may, on approval from the BLM, assign the ROW grant to another party in conformance with the requirements of 43 CFR 2800.

Once the grant is issued, the Proponents become Grant Holders, and as such must pay rent in accordance with 43 CFR 2806 from the date the ROW grant is issued. However,

payment of rent does not entitle Holders to use the granted areas for any Project activities prior to the completion of the actions required in this ROD, and receipt of an NTP from the BLM's AO. The Holder(s) may, after BLM approval, assign the ROW grant to another party in conformance with 43 CFR 2800.

All standard terms, conditions, and stipulations found in the BLM standard ROW grant form, SF 2800-14, will apply (43 CFR 2800) to grant IDI--35849-01.

As a requirement of the ROW authorization, the Proponents will provide for an environmental compliance inspection contractor (CIC), to be approved by the BLM as lead Federal agency, to represent the BLM during the construction and reclamation phases of the Project. The CIC will report directly to the BLM. The primary role and responsibility of the CIC is to ensure compliance with all terms, conditions, and stipulations of the ROW authorization, the POD, and other permits, approvals, and regulatory requirements, as described in Section 1.4 of the Final EIS and Section 1.5 of the Final SEIS.

In addition, the CIC shall follow the Environmental Compliance Management Plan, included as Appendix C of the POD. The Proponents will also be responsible for monitoring the reclamation of the transmission line, temporary access roads, and ancillary facilities, as described in the Reclamation Plan and Noxious Weed Plan, included as Appendices D and E of the POD.

With an approved ROW grant, the Grant Holders are authorized to construct and operate facilities, once the requirements specified in the authorizing ROD are met. The ROW grant approved with this ROD includes terms and conditions outlined in the 2013 Final EIS and ROD, the 2016 Final SEIS, the BO, the PA, and other applicable Federal rules and regulations. In addition, the Grant Holders must comply with applicable state and local laws and rules before beginning construction.

Use of any public lands as authorized under this ROW grant is contingent on the Grant Holders supplying final engineering design construction plans as part of a final POD, which the BLM will review and approve before issuing an NTP (see Section 2.5 above). Until the BLM issues an NTP, no surface-disturbing activities can occur. The Holders must prepare and gain BLM approval for all items detailed in Section 2.5 of this ROD before the BLM will issue an NTP. On receipt of the NTP, the Holders may begin constructing and operating the transmission line and all ancillary facilities as described in the final Project POD.

The BLM also expects the Project to receive Certificates of Public Convenience and Necessity from the appropriate State public service/utility commission. If the Project fails to obtain these approvals, the BLM will determine whether the ROW grant is still valid.

To the extent the Selected Alternative does not progress to construction or operation or is proposed to be changed so that it appears to the BLM to be a new project proposal on the approved project site, that proposal may be subject to additional NEPA review.

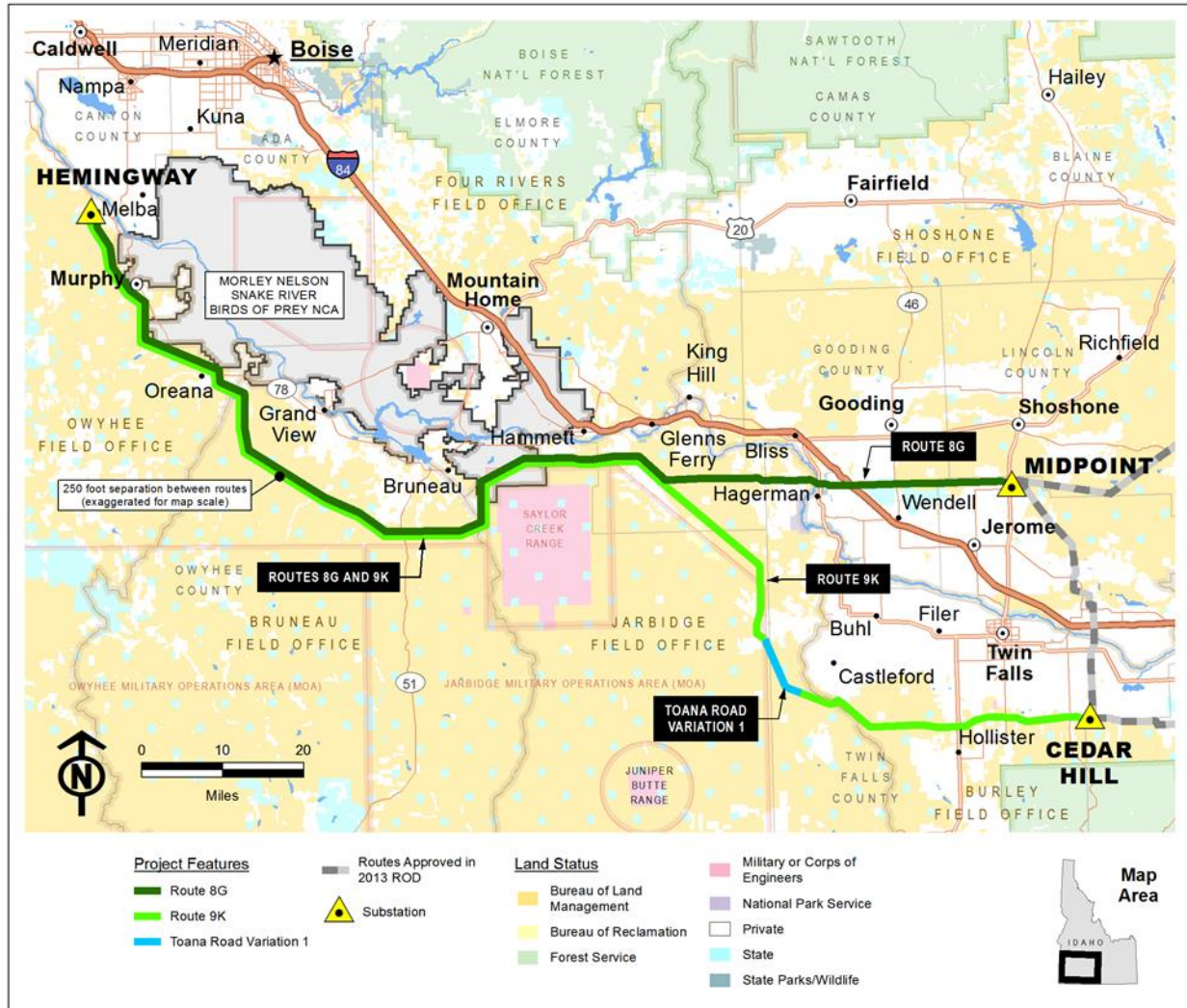


Figure 2. Selected Alternative

### 3.2 Decision Rationale

Approval of the ROW grant for the Selected Alternative fulfills the BLM's purpose and need for action by responding to the Proponents' application under Title V of FLPMA (43 U.S.C 1761) as described in Sections 2.2 and 2.3 above and the Final SEIS. With the adoption of amendments to the BLM land use plans listed in Sections 2.4.1.1 and 3.3 of this ROD, the Selected Alternative as identified is consistent with all BLM RMPs and MFPs where the Project is located on BLM-managed public lands.

Effects on BLM-managed public lands, lands managed by other agencies, and private lands have been considered, along with the implications of altering those BLM land use plans that needed amendment to allow the Project.

The decision is informed by four key elements:

1. *Consideration of the purpose and need*  
The BLM developed and considered the action alternatives in the SEIS in relation to both the purpose and need for agency action (see Sec. 2.3 above) and the Proponents' stated purpose and need for proposing the Project and submitting the ROW application (see Sec. 1.0 of the Final SEIS).
2. *Adoption of the mitigation and monitoring requirements as stipulations for the Project*  
Consideration of the SEIS action alternatives included whether adequate avoidance, minimization and compensatory measures could be developed to ensure enhancement, no net loss, or net conservation gain for resources, as appropriate.
3. *Consideration of resource issues*  
The Final SEIS analyzes in detail the direct, indirect, and cumulative effects of the action alternatives on each resource identified during the scoping process for the SEIS. This SEIS supplements the resource impact analysis for Segments 8 and 9 in the 2013 Final EIS for Gateway West. Resource impacts were then balanced with siting criteria for the Project (see Sec. 6.1.2 below).
4. *Consideration of comments and concerns presented in the public review process and the Governors' Consistency Review process*  
The many comments received during the original Gateway West EIS process and those submitted during the SEIS process were fully considered along with the resource impact analysis. Each substantive comment was responded to (Appendix L of the 2013 EIS and Appendix L of the SEIS), in some cases with changes to the text of the NEPA documents or additional analysis. The issues raised in the Idaho Governor's Consistency Review and the Governor's appeal of that Consistency Review were also fully considered and addressed before this ROD was signed (see Sec. 7.1 below).

### **3.3 Land Use Plan Amendments Decision**

As part of the decision to grant a ROW for Segments 8 and 9, the BLM approves the following five land use plan amendments in the Twin Falls and Bruneau MFPs and the SRBOP RMP. The approved plan amendments address inconsistency with VRM objectives, and allow the ROW for the Project outside corridors designated in land use plans. See Section 4.1.2 of this ROD for additional discussion of the plan amendments and Section 2.3.5 and Table 2.3-1 of the Final SEIS for analysis of the necessary amendments associated with each SEIS alternative, including the Selected Alternative.

#### **3.3.1 Twin Falls MFP**

Amendment SEIS-1 revises the "Land 4.1" decision to allow the development of this Project. The new "Land 4.1" decision provides: "*Allow future major power transmission lines (line of at least 46-138 kV which originate and terminate outside of the MFP area)*"

*to be constructed within the recommended corridors. Also allow construction of transmission lines between the corridors. Do not permit power lines to the west or the east of the two corridors. Allow a 500-kV transmission line ROW outside existing corridors. Exempt service lines from restriction.”*

Amendment SEIS-2 amends the VRM direction in the Twin Falls MFP and 1989 Plan Amendment regarding the management of the Salmon Falls Creek ACEC as follows: *“The Class I and II areas adjacent to the Roseworth Corridor (established by the 2015 Jarbidge RMP) will be reclassified to match the VRM classes in the Jarbidge RMP. Allow a 500-kV transmission line to cross Salmon Falls Canyon through the ACEC, consistent with the corridor established in the Jarbidge 2015 RMP.”*

### **3.3.2 SRBOP RMP**

Amendment SEIS-8 amends the Sensitive Species decision as follows: *“Sensitive Plant Habitat Include in all BLM authorizations permitting surface disturbing activities (non-grazing), requirements that (1) affected areas be reseeded with a perennial vegetative cover, and (2) surface disturbing activities be located at least 1/2 mile from occupied sensitive plant habitat. The Gateway West transmission line and ancillary facilities will be allowed within 0.5 mile of occupied, sensitive plant habitat, with appropriate mitigation to protect sensitive plants, including slickspot peppergrass.”*

Amendment SEIS-13 amends the Utility and Communications Corridors Management action to allow development of this Project as follows: *“Restrict major utility developments to the two utility corridors identified (Lands Map 3) and allow additional major powerline ROWs as applicable with laws and values for which the SRBOP NCA was designated. Allow two additional 500 kV transmission line ROWs to leave the designated WWE corridor and exit the SRBOP NCA due south of Bruneau Dunes State Park.”*

### **3.3.3 Bruneau MFP**

Amendment SEIS-12 amends the restriction for visual resource impacts in this MFP as follows: *“The area designated as VRM Class II adjacent to Castle Creek will be reclassified to VRM Class III.”*

## **4.0 ALTERNATIVES CONSIDERED**

### **4.1 Alternatives Analyzed in Detail in the SEIS**

The BLM evaluated seven action alternatives in the SEIS, each of which consists of a different pairing of route alignments for Segments 8 and 9. Each of these alternatives are described in detail in Sections 2.3.1 through 2.3.3 of the Final SEIS; their comparative characteristics and effects are summarized in Tables 2.7-1 and 2.7-2.

**Alternative 1 – The Proposed Action, the Revised Proposed Routes for Segments 8 and 9.** Alternative 1 has a combined length of 295 miles. Two portions of the new 500-kV line (totaling 25.7 miles) would be double-circuited on new H-frame structures with existing 138-kV lines along the Baja Road within the SRBOP. This would require

removal of an existing transmission line along a total of 25.6 miles. Approximately 83.3 miles of this alternative would be within the SRBOP.

**Alternative 2 – Revised Proposed 8 and FEIS Proposed 9.** Alternative 2 has a combined length of 291.9 miles, which is the shortest length among the seven alternatives. It would require removal of an existing transmission line along 1.1 miles of the route. Approximately 35.1 miles of this alternative would be within the SRBOP. This alternative maximizes use of the WWE Corridor for Segment 9.

**Alternative 3 – Revised Proposed 8 and Route 9K.** Alternative 3 has a combined length of 304.3 miles and would require removal of an existing transmission line along 1.1 miles of the route. Approximately 31.3 miles of this alternative would be within the SRBOP.

**Alternative 4 – Route 8G and FEIS Proposed 9.** Alternative 4 has a combined length of 309.1 miles. It would require removal of an existing transmission line along 1.9 miles of the route. Approximately 23.5 miles of this alternative would be within the SRBOP.

**Alternative 5 – Route 8G and Route 9K (Selected Alternative, with one variation).** Alternative 5 has a combined length of 321.5 miles, which is the highest total length among the seven alternatives. However, the majority of the alignment would consist of two lines located no less than 250 feet apart, rather than two separate lines affecting different areas. It would require removal of an existing transmission line along 1.9 miles of the route. The two routes would follow the same alignment within the SRBOP for approximately 9.9 miles each regardless of land ownership (approximately 8.8 miles on lands administered by the BLM), for a combined total of approximately 19.7 miles of new transmission line in the SRBOP. This alternative minimizes crossing of the SRBOP. Inclusion of the Toana Road Variation 1 avoids impacts to the historic Toana Freight Road, which is listed on the NRHP, and minimizes impacts to GRSG habitat in the area.

Two additional variations of Alternative 5 (the Preferred Alternative) were developed for the Final SEIS (see Section 5.1.2.5): a Helicopter-Assisted Construction variation that would apply between MP 141 of Route 9K/MP 112 of Route 8G and the Hemingway Substation, and a West-wide Energy Corridor variation that would apply to the same portions of the two segments.

**Alternative 6 – Route 8H Route and FEIS Proposed 9.** Alternative 6 has a combined length of 299.7 miles, and would require removal of an existing 138-kV transmission line along 25.7 miles of the route as well as a 1.9-mile rebuild of an existing 500-kV line. Approximately 74.7 miles of this alternative would be within the SRBOP. Two portions of the new 500-kV line (totaling 25.7 miles) would be double-circuited on new H-frame structures with the existing 138-kV lines within the SRBOP.

**Alternative 7 – Route 8H and Route 9K.** Alternative 7 has a combined length of 312.1 miles. It would require removal of an existing 138-kV transmission line along 25.7 miles of the route as well as a 1.9-mile rebuild of an existing 500-kV line. Approximately 70.9 miles of this alternative would be within the SRBOP. Two portions of the new 500-kV

line (totaling 25.7 miles) would be double-circuited on new H-frame structures with the existing 138-kV lines within the SRBOP.

Two route variations were developed for Segment 9 to avoid paralleling the Toana Freight Wagon Road, a National Register historic property. The BLM Jarbidge Field Office recommended Variation 1, which would parallel the Toana Road within 0.25 mile between MP 38.2 and 40.6 of the Revised Proposed Route for Segment 9, and parallel the Road within 1 mile through Blue Gulch between MPs 40.6 and 43.5. The BLM developed Variation 1-A to minimize visual impacts to the Toana Road. In addition, this variation would also utilize existing roads and minimize new road construction in the area. Either of these variations could be incorporated into any of the seven Action Alternatives.

#### **4.1.1 No Action Alternative**

The No Action Alternative analyzed in the SEIS is the predicted result of denying the ROW application. The effects of the No Action Alternative are discussed in detail in Chapter 3 of the SEIS. The cumulative effects of this alternative are presented in Chapter 4. The SEIS notes that while Project-related impacts to resources would not occur, selecting the No Action Alternative would have no effect on growth in demand for transmission capacity, and that a lack of construction of new transmission lines could result in substantial adverse impacts on economic growth, including loss of jobs, in the Pacific Northwest region, which encompasses Idaho, Washington, Oregon, Montana and several Canadian provinces.<sup>4</sup>

#### **4.1.2 Land Use Plan Amendments**

BLM planning regulations (43 CFR 1610.5-3) require that Project-specific decisions, including authorized uses of land, conform to or be consistent with the applicable land use plan(s). Actions that result in a change in the scope of resource uses, terms, conditions, and decisions of Federal agency land use plans, including the approval of this proposal, may require amendment of one or more of the plans. The BLM, the Proponents and cooperating agencies worked together to develop routes that would conform to existing Federal land use plans where practicable. However, this objective was not reached for a number of the alternative routes analyzed in the SEIS. As a result, the BLM has elected to amend the affected plans where the Project does not conform to applicable plan requirements. Plan amendments that would be necessary to implement each of the evaluated alternatives were identified and analyzed in the Final SEIS.

The proposed BLM plan amendments would: (1) allow a 500-kV transmission line ROW outside of existing energy transmission corridors, and (2) reclassify VRM areas from Class I to Class II or from Class II to Class III.

---

<sup>4</sup> McBride, S.A., K.S. Myers, R.F. Jeffers, M.M. Plum, R.J. Turk, and L.R. Zirker, 2008. The Cost of Not Building Transmission: Economic Impact of Proposed Transmission Line Projects for the Pacific NorthWest Economic Region. Idaho National Laboratory. Prepared for the Pacific Northwest Economic Region under DOE Idaho Operations Office Contract DE-AC07-05ID14517. Available online at:

[http://pnwersenergyhorizon.com/files/PNWERReport\\_Rev2c\\_Final\\_16Jul08\\_ntwtm3.pdf](http://pnwersenergyhorizon.com/files/PNWERReport_Rev2c_Final_16Jul08_ntwtm3.pdf)



The BLM's Selected Alternative is in conformance with the Monument, Cassia, 1987 and 2015 Jarbidge<sup>5</sup>, and Owyhee RMPs and the Bennett Hills/Timmerman Hills and Kuna MFPs. It is not in conformance with the SRBOP RMP, and the Twin Falls and Bruneau MFPs. The BLM proposed five plan amendments to address these non-conformance situations and approves them as part of this ROD.

The necessary amendments to BLM land use plans (RMPs/MFPs) associated with each SEIS alternative, including the Selected Alternative, are detailed in Section 2.3.5 and Table 2.3-1 of the Final SEIS.

## **4.2 Alternatives Considered but Not Analyzed in Detail**

Fifty alternative route variations were considered but not analyzed in detail in the Draft or Final SEIS. The reasons for not fully considering them are discussed in Section 2.5 of the Final SEIS.

## **4.3 Final SEIS Agency Preferred Alternative**

The Agency Preferred Alternative was identified in the Final SEIS as Alternative 5 with Toana Road Variation 1.

## **4.4 Environmentally Preferable Alternative**

Because it would cause the least damage to the biological and physical environment, the environmentally preferable alternative for the Project is the No Action Alternative (see Section 2.4 of the Final SEIS). Under the No Action Alternative, the Project would not be constructed across Federal lands. The RMPs or MFPs amendments discussed in the SEIS would not be approved, and no Project-related impacts to vegetation, soils, wildlife species or other resources would occur. There would be no impacts to the resources and values of the SRBOP. However, impacts would continue as a result of natural events (such as fire, drought, and severe weather) as well as from existing developments within the Analysis Area and from other projects or other competing land uses. There would also be no Project-related impacts to agriculture, transportation, scenery, or other aspects of the human environment. Other transmission line projects may be proposed to meet regional energy needs if the Gateway West lines are not built.

The No Action Alternative would not meet the BLM's purpose and need, which includes increasing electricity transmission capacity, reducing operational limitations and improving reliability of the national grid.

For the reasons detailed in this ROD, the BLM has not selected the No Action Alternative; however, the Selected Alternative has been designed to avoid and minimize environmental impacts wherever possible, including through required mitigation and monitoring (see Section 5.0 below), while still allowing the Project to be constructed and operated to meet the purpose and need.

---

<sup>5</sup> Portions of the area managed under the 1987 RMP are not included in the 2015 Jarbidge RMP; therefore, the 1987 RMP still applies to these areas. Refer to Appendix F of the Final SEIS for details.



Potential impacts associated with the construction, operation, and maintenance of the proposed action and alternatives (including the No Action Alternative) were identified and discussed for each resource in Chapter 3 and for cumulative impacts in Chapter 4 of the Final SEIS. Impacts identified for each resource under each alternative were analyzed and compared, in terms of potential changes in the intensity, magnitude, and spatial and temporal extent. The BLM has determined that the Selected Alternative provides the most public benefits, balances multiple resource conflicts, and avoids the most resource impacts of the alternatives analyzed.

## **5.0 MITIGATION and MONITORING**

### **5.1 Statement of All Practicable Mitigation Adopted**

As the Federal lead agency, the BLM is responsible for ensuring compliance with all mitigation measures for the Project adopted in the Final SEIS. As required by NEPA (40 CFR 1505.2(c)) and as identified in the policy direction cited below, and the BLM NEPA Handbook H-1790-1 and H-1794 as updated on December 22, 2016, all practicable mitigation measures that are necessary to fully mitigate the potential effects of the Project according to Federal laws, rules, policies and regulations are adopted for the Project through this ROD.

### **5.2 Project-Specific Mitigation Measures**

#### **5.2.1 Policy Guidance**

The November 3, 2015 Presidential Memorandum: *Mitigating Impacts on Natural Development and Encouraging Related Private Investment* (80 FR 68743) directs agencies to implement landscape-scale mitigation for project development impacts “through policies that direct the planning necessary to address the harmful impacts on natural resources by avoiding and minimizing impacts, then compensating for impacts that do occur.” In addition, “Agencies’ mitigation policies should establish a net benefit goal or, at a minimum, a no net loss goal for natural resources the agency manages that are important, scarce, or sensitive, or wherever doing so is consistent with agency mission and established natural resource objectives.” *Id.* at 68745 (Section 3(b)).

The Presidential Memorandum instructs agencies to consider the extent to which the beneficial environmental outcomes that will be achieved are demonstrably new and would not have occurred in the absence of mitigation (i.e., additionality). It also calls for mitigation to be durable, transparent, monitored, and adaptively managed.

DOI Manual 600 DM 6, *Implementing Mitigation at the Landscape-scale*<sup>6</sup> calls for landscape-scale mitigation for impacts from projects proposed for lands managed by

---

<sup>6</sup> DOI (Department of the Interior). 2015. Chapter 6: Implementing Mitigation at the Landscape-scale. Public Lands Series, Part 600, Public Land Policy. 600 DM 6. October 23, 2015. Available online at <https://www.doi.gov/sites/doi.gov/files/uploads/TRS%20and%20Chapter%20FINAL.pdf>.

Department of the Interior agencies and further specifies the meaning and purpose of compensatory mitigation.

BLM Interim Mitigation Policy (2013-WO-IM-142) provided guidance during development of the SEIS for identifying, analyzing and requiring compensatory mitigation, as appropriate, to address reasonably foreseeable residual effects to resources, values, and functions from land use activities on public lands. The mitigation requirements included in this ROD are consistent with the final BLM mitigation policy issued on December 22, 2016 (BLM Manual Section 1794; 2016-WO-IM-021).

The policies, definitions and standards in the Presidential Memorandum, the DOI Manual and the BLM Manual are among the considerations for the Gateway West Project.

Congress established the SRBOP for the “conservation, protection and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith, and of the scientific, cultural, and educational resources and values” (Section 3(a)(2) of P.L. 103-64). With development and implementation of the Compensatory Mitigation Plan for the Project, as required by BLM, the Proponents will be taking the necessary steps to compensate for residual Project impacts and achieve enhancement (i.e., net benefit) of SRBOP resources and their values, services and functions as mandated by the enabling statute.

## **5.2.2 Compensatory Mitigation for Greater Sage-Grouse Habitat**

The Project is one of a limited number of Presidential priority projects that were well underway before the development of the GRSG approved resource management plans (ARMPAs) and associated EISs. The ROD and ARMPA for Idaho and Southwest Montana specifically indicate (LR-13) that the management directions for realty action decisions that designate PHMAs and IHMAs avoidance areas for major ROWs do not apply to Gateway West.

Nonetheless, through the Project-specific NEPA and decision making process, the BLM determined that mitigating impacts to GRSG and their habitat, including a net conservation gain, will still be necessary, and in coordination with the Proponents and Cooperating Agencies identified conservation measures for GRSG similar to those in the GRSG ROD and ARMPA for Idaho.

### **5.2.2.1 Comprehensive Habitat Mitigation Plan**

Appendix C-3 of the 2013 Final EIS and Appendix C of the 2013 ROD outline in detail an approach for assessing the compensatory mitigation obligation for Gateway West impacts to GRSG and their habitat. The process and methods described in these appendices and the *Framework for Sage-grouse Impacts Analysis for Interstate Transmission Lines* (Appendix J-1 in the 2013 Final EIS) will guide the development of a final Comprehensive Gateway West Sage-Grouse Habitat Mitigation Plan to achieve the net conservation gain required for the species.

As required by this decision, the Comprehensive Plan must establish: 1) the process through which the BLM will assess direct and indirect impacts through the HEA process

once final route alignments have been engineered; 2) the steps that the BLM and Proponents have already taken to mitigate impacts through avoidance (including siting and co-location) and minimization (application of design features and other measures, such as seasonal buffer restrictions);<sup>7</sup> and 3) the steps that the ROW Grant Holders must take to identify the residual impacts that may occur even after the application of avoidance and minimization measures. The BLM will require the Comprehensive Plan to identify compensatory mitigation measures necessary to address these residual impacts to achieve a net conservation gain (specific to PHMA, IHMA and GHMA) in Idaho.

After the Comprehensive Plan is developed, the BLM and other Federal, State and local agencies with sage-grouse expertise will review it for adequacy. The BLM will not issue NTPs for the respective portions of the Project, until the Plan has been accepted.

#### **5.2.2.2 Indirect Effects to Greater Sage-Grouse Habitat**

Prior to the 2015 GRSG decisions, the BLM, USFWS, and state wildlife agencies collaborated on an evaluation of the 2013 Gateway West *Draft Off-site Compensatory Mitigation to Offset Project Impacts to Greater Sage-Grouse* and found that it did not adequately address the Project's indirect effects of "behavioral avoidance" and "increased avian predator presence and predation" on GRSG. As described in the Final SEIS, the BLM will require further collaboration among the Grant Holders and state and Federal agencies to develop a compensatory mitigation framework that will allow the Proponents to develop a comprehensive Gateway West Sage-Grouse Habitat Mitigation Plan that fully compensates for all direct impacts and all potential indirect impacts to GRSG to achieve a net conservation gain.

The Proponents have committed to completing a modified HEA that incorporates a methodology to address the indirect effects of "behavioral avoidance" and "increased avian predator presence and predation." The final process and guidance may require state-specific adjustments and further collaboration with State of Idaho agencies for appropriate application in Idaho.

#### **5.2.3 Migratory Bird Habitat Conservation**

The POD commits to appropriate avoidance and minimization measures that would reduce impacts to migratory birds during construction and operation. Reclamation requirements will restore habitats within the areas disturbed during construction and appropriate seed mixes will be considered to restore the habitats back to an ecologically functioning vegetation community similar to what was disturbed for operation and maintenance. The BLM's obligations under Executive Order 13186 Responsibilities of Federal Agencies to Protect Migratory Birds (January 17, 2001) and resulting MOU between the BLM and USFWS to Promote the Conservation of Migratory Birds (April 12, 2010) are met through the on-site mitigation that is being applied to the projects through avoidance, minimization, and reclamation of disturbed habitats. The BLM's obligations and conservation responsibilities under the MOU are also met through the

---

<sup>7</sup> These measures and design features are analyzed in the 2013 Final EIS and the 2016 Final SEIS.

many habitat improvement and restoration projects completed on BLM-managed lands to benefit multiple species.

The Proponents, the BLM and the USFWS are further developing the Migratory Bird Habitat Conservation Plan included as Appendix C to the 2013 ROD. The plan focuses on mitigating effects to migratory bird habitats in forested and woodland habitats. The Proponents may submit one or more plans to cover different portions of the Project area.

The compensatory mitigation identified in the GRSG HEA will also benefit sagebrush-obligate migratory bird species. The majority of habitat crossed in Idaho is sagebrush and will be covered by the GRSG HEA and associated mitigation. The Selected Alternative does not cross old-growth pinyon-juniper, thus no mitigation for that habitat type will be necessary.

The BLM will review all plans, consult with the USFWS, and, will not issue NTPs for the respective portions of the Project area until the applicable plan is accepted.

#### **5.2.4 Programmatic Agreement for Cultural Resources**

The PA (Appendix E of the 2013 ROD and referenced in the 2016 Final SEIS) was negotiated pursuant to the NHPA by the BLM, the SHPOs for Idaho and Wyoming, the ACHP, Shoshone-Paiute Tribes, Shoshone-Bannock Tribes, and other consulting parties and executed on September 12, 2013. It is incorporated into this ROD, and the ROW grant includes the terms and conditions in the PA.

Pursuant to 36 CFR 800.14(b), the PA provides for alternative compliance with the requirements of Section 106 of the NHPA. It specifically establishes areas of potential effect and sets forth a process for identifying and evaluating historic properties; reporting, consultation and review procedures; Tribal consultation requirements and procedures; preparation of HPTPs; and procedures for developing plans to address inadvertent discovery of cultural resources or human remains.

The need for inadvertent discovery plans and site-specific HPTPs cannot be fully known until completion of final project design and Class III (on-the-ground) surveys of cultural and historic resources typically visible at or above the ground surface. If these resources are identified and determined eligible for the NRHP, an HPTP would be prepared in coordination with the consulting parties to determine avoidance, minimization and mitigation actions appropriate for the site. The HPTP would have a corresponding NTP that would release the area to the ROW holder use only after the HPTP has been reviewed by the PA signatories and accepted by the BLM. In addition, buried cultural resources or human remains could be uncovered during Project excavations. If this occurs, work will stop immediately in the area. An inadvertent discovery plan will be developed for each discovery and NTPs issued upon acceptance of each inadvertent discovery plan.

An HPTP for National Historic Trails and contributing landscapes is being prepared separately, due to the linear nature of the trails and the expanse of the associated landscapes. A draft *Compensatory Mitigation Plan for Unavoidable Impacts to Historic*

*Trails* is included as Appendix F to the 2013 ROD. No NTPs will be issued in the areas impacting National Historic Trails until after acceptance of the HPTP for National Historic Trails.

The Grant Holder(s) will post a BLM-approved financial security with the BLM in an amount sufficient to cover all post-fieldwork costs associated with implementing each HPTP or other treatment activities, as negotiated by the Proponents where they contract for services in support of this PA. Such costs may include, but are not limited to, treatment; post-field analyses; research and report preparation; interim and summary report preparation; the curation of Project documentation and artifact collections in a BLM- approved curation facility; and the repatriation and reburial of any human remains, sacred objects, or objects of cultural patrimony.

The Grant Holder(s) will post a financial security prior to the BLM issuing a NTP for the segment where historic property treatment is required. The security posted is subject to forfeiture if the Holders do not complete tasks within the time period established by the applicable HPTP, provided, however, that the BLM and the Holder(s) may agree to extend any such time periods. The BLM will notify the Holders that the security is subject to forfeiture and will allow the Holders 15 days to respond before action is taken to forfeit the security. The BLM will release the financial security, in whole or in part, as specific tasks are completed and accepted by the BLM.

### **5.2.5 Compensatory Mitigation for and Monitoring of Unavoidable Impacts to Waters of the United States – Clean Water Act**

Section 404 of the CWA (33 U.S.C. 1344) authorizes the USACE to regulate the discharge of the dredged or fill materials into navigable waters of the U.S. The USACE will determine whether authorization of proposed activities by Nationwide Permits is appropriate or whether certain activities require an individual permit evaluation. The USACE has stated that it anticipates issuing Nationwide Permits that will allow construction of the Project in jurisdictional waters of the U.S. Verification by the USACE that activities are already authorized by nationwide permits is not a new federal action requiring a ROD. The USACE would prepare a separate ROD for individual permit authorizations, if needed, because issuance of a permit would be a new Federal action.

The Framework Compensatory Mitigation Plan (Appendix G of the 2013 ROD) outlines mitigation projects on Proponent-owned properties that, when fully detailed and approved by the USACE, will compensate for impacts from construction, operation, and maintenance of all Gateway West segments, 1 through 10, and commits the Grant Holders to full compensation once routes are finalized and design engineering is completed.

### **5.2.6 Threatened and Endangered Species – Biological Opinion**

The USFWS issued a BO for Gateway West on September 12, 2013 (Appendix H to the 2013 ROD). The effects to the relevant ESA-listed species from the Selected Alternative would be the same, fewer, or non-existent in comparison to the agency-

preferred alternative routes for Segments 8 and 9 in the 2013 Final EIS. Additionally, all EPMs related to ESA-listed species identified in the 2013 Final EIS and 2016 SEIS, and required in this ROD will be implemented for the Selected Alternative.

To assure compliance with Section 7 of the ESA, the BLM received written acknowledgement from the USFWS regarding this conclusion (see Appendix C of this ROD) and requested continued acceptance of the BA and the accepted BO originally prepared for Gateway West. The ROW grant includes the Reasonable and Prudent Measures and implementing Terms and Conditions in the BO (Appendix H of the 2013 ROD), and the BLM will not issue an NTP until the Grant Holders demonstrate compliance, as appropriate, with the terms and conditions of the BO.

#### **5.2.6.1 Determination of No Effect on Slickspot Peppergrass (*Lepidium papilliferum*)**

On August 17, 2016, the USFWS reinstated the threatened status of Slickspot peppergrass, effective September 16, 2016 (81 *Federal Register* 55058–55084). At the time the 2013 Final EIS was completed, Slickspot peppergrass was proposed for listing as endangered under the ESA. The USFWS concurrence determined that, while the 2013 Final EIS preferred alternative route for Segment 8 “may affect” and was “likely to adversely affect” Slickspot peppergrass and its proposed critical habitat, the Project would not jeopardize the continued existence of the species or destroy or adversely modify its proposed critical habitat.

In contrast, the Selected Alternative routes in this ROD do not cross Occupied Habitat, Slickspot Habitat, proposed Critical Habitat, or any known Slickspot element occurrences (EOs). In a December 13, 2016 memorandum to the USFWS, the BLM clarified that no Potential Habitat would be crossed by the SEIS preferred alternative routes for Segments 8 and 9 and thus, would have “no effect” on Slickspot peppergrass.

In the December 16, 2016 response memorandum, the USFWS acknowledges the BLM’s “no effect” determination for the SEIS Segments 8 and 9 preferred alternative routes, based on the lack of proposed Critical Habitat within or adjacent to these routes, which are the Selected Routes in this ROD. With the replacement of the 2013 preferred Final EIS routes for Segments 8 and 9 with the Final SEIS preferred alternative routes for these segments, the effects analyses and conclusions for Slickspot peppergrass and its proposed critical habitat in the 2013 concurrence no longer apply to the Project.

#### **5.2.6.2 Determination of No Effect on Yellow-billed Cuckoo (*Coccyzus americanus*)**

In the December 16, 2016 memorandum, the USFWS acknowledges the BLMs “no effect” determination for the Yellow-billed cuckoo based on documentation that cuckoos have rarely been found in southwestern Idaho, and that riparian/wetland habitats along the SEIS Preferred routes for Segments 8 and 9 do not have characteristics of suitable habitat. In addition, direct and indirect impacts to the species will not occur because: 1) riparian habitats will be spanned by transmission lines, and 2) environmental protection

measures will be implemented to avoid noise-disturbing activities when any individual migrating cuckoos may be present.

The BLM also determined that the Selected Alternative routes will have “no effect” on proposed Critical Habitat for the Yellow-billed cuckoo because the nearest proposed Critical Habitat for the species is found 35 miles north of the Project. The USFWS acknowledgement of the BLM’s “no effect” determination for SEIS Segments 8 and 9 is based on the distance between proposed Critical Habitat and the Selected Alternative routes.

### **5.3 Compensatory Mitigation for Enhancing SRBOP Resources**

Resource specialists from the BLM and Proponents have developed a framework for compensatory mitigation of impacts to resources and values in the SRBOP (see Final SEIS Appendix K) intended to guide the development of the Compensatory Mitigation Plan (CMP) for the Project, to meet the enhancement standard for the SRBOP required in P.L. 103-64. The CMP will become part of the final Project POD.

#### **5.3.1 The Compensatory Mitigation Framework**

The principles, standards and technical elements in the Framework are drawn from and are consistent with DOI and BLM policy and guidance. The Framework lists categories of potential mitigation measures for the SRBOP and documents the planning completed by the BLM and the Proponents in preparing the Final EIS and SEIS to ensure that the Project complies with applicable laws, regulations, policies, and plans related to affected resources and their values, services, and functions. After final engineering and design of the Project is completed, the BLM and the Proponents will utilize the Framework to develop a CMP.

#### **5.3.2 The Compensatory Mitigation Plan**

The CMP will identify specific compensatory mitigation projects, or measures, intended to offset Project impacts across all affected land ownerships and jurisdictions. CMP implementation will be made a condition of the ROW grant and permits issued to the Proponents, and once the BLM determines that the CMP is sufficient and that implementing it will be consistent with applicable laws and policies, the BLM will use the CMP to develop individual project authorizations.

These mitigation projects and measures will be incorporated into the Project POD. No NTP will be issued for the Project until the Project POD has been reviewed and accepted by the BLM AO (see Section 2.5 above).

Any subsequent NEPA analysis required for CMP site-specific projects will be done on a case-by-case basis. Since the CMP’s overall success may depend on the successful implementation of each CMP mitigation project component, the BLM will retain discretion to suspend or terminate the ROW authorization in the event that any CMP mitigation project is not successfully implemented.

## **5.4 Environmental Protection Measures**

As part of their Proposed Action, the Proponents included EPMs designed to avoid or minimize environmental impacts. The current POD contains a list of EPMs (see Appendix B of this ROD) covering the following topics:

- Construction, operations, and maintenance
- Visual resources
- Cultural and paleontological resources
- Plant and wildlife resources, including threatened, endangered and sensitive species
- Geologic hazards and soil resources
- Water resources
- Safety measures
- Reclamation of construction disturbances
- Land use and agriculture
- Traffic and transportation management
- Air quality
- Electrical environment
- Public safety, and
- Noise

EPMs are required on Project segments authorized in the 2013 ROD (Segments 1-7 and 10), as appropriate to site-specific circumstances, and will be similarly required on the segments authorized in this ROD (Segments 8 and 9). Relevant EPMs and their expected effects are discussed in the resource subsections of Chapter 3 of the Final SEIS.

Additional mitigation and monitoring measures to minimize or compensate for resource impacts were developed through the NEPA process. Proposed mitigation measures for SRBOP resources were initially described in Appendix K of the Final SEIS. These measures will be incorporated into the Environmental Protection Plans contained in the Final Project POD. Additional mitigation and monitoring measures that will be developed after final engineering design will be required as a condition of the ROW grant that will be added to the Final Project POD.

## **5.5 Monitoring and Enforcement**

NEPA (40 CFR 1505.2(c)) requires monitoring to ensure that Federal agency decisions are carried out in full. Ensuring that mitigation conditions are implemented is the responsibility of the lead agency or other appropriate consenting agencies. As lead agency for Gateway West, the BLM will:

- Include appropriate conditions in grants, permits, or other approvals;



- Condition funding of actions on mitigation;
- Upon request, inform cooperating, consenting or commenting agencies on progress in carrying out adopted mitigation measures; and
- Upon request, make available to the public the results of relevant monitoring.

An Environmental Compliance Management Plan for project construction and the monitoring of avoidance and minimization measures is part of Appendix C of the POD. Monitoring long-term, off-site, compensatory and adaptive management elements of resource-specific mitigation are components of the other mitigation plans (Appendices D through S, W, and Z of the POD) and the PA and BO (Appendices E and H, respectively, of the 2013 ROD). Together, these plans satisfy the requirements of 40 CFR 1505.2(c).

## **6.0 MANAGEMENT CONSIDERATIONS IN CHOOSING THE SELECTED ALTERNATIVE**

The Selected Alternative meets the BLM's purpose and need for federal action as described in Section 2.3 of this ROD and Section 1.3.1 of the Final SEIS.

### **6.1.1 Meeting the Applicants' Need and Objectives**

The Selected Alternative meets Project objectives and is technically and economically feasible. The Selected Alternative will provide for efficient, cost-effective, and economically feasible transmission of electric power from renewable and non-renewable sources to markets in the Rocky Mountain and Pacific Northwest regions. It meets WECC planning criteria and line separation requirements. A detailed description of the Proponents' objectives for the Project is presented in Section 1.1 of the Final SEIS and section 2 of the POD.

### **6.1.2 General Siting Criteria**

In defining which alternatives and routes to analyze in detail (see Sections 4.1 and 4.2 above), as well as in choosing the Selected Alternative, the BLM applied the following general criteria:

- To reduce the proliferation of ROWs on public land, locate the proposed transmission line in or adjacent to designated corridors or existing linear facilities.
- Recognize that decisions may involve prioritizing one resource value over another. For example, the Final SEIS Preferred Alternative generally avoids most of the SRBOP, would impact the least private land, and avoids all Priority GRSG habitat, but it would utilize fewer miles of the WWE Corridor and run parallel or adjacent to existing transmission lines less than some other alternatives.

- Acknowledge other Federal, state, and local decisions and authorities. Attempt to have the BLM decision complement other authorizing entities, but recognize that some BLM policies/positions may be different from other preferences/positions.
- Avoid impacts to resources, if possible; then minimize impacts to the greatest extent practicable.
- Mitigate unavoidable impacts at the point of impact; if mitigation on-site is not practicable, compensate at a commensurable off-site location and/or in a commensurable way, recognizing that it may not be possible to completely mitigate all impacts.

### **6.1.3 Resource Issues and Potential for Mitigation**

The BLM also considered a series of additional resource-related siting criteria when determining which routes to analyze in detail and in choosing the Selected Alternative. Detailed information on the criteria for each resource and mitigation considerations can be found in the introductory material for each resource section of Chapter 3 in the Final SEIS.

#### National Historic Trails

- If impacts cannot be avoided, develop mitigation measures based on site-specific HPTPs.

#### Visual Resources

- Do not locate transmission line in VRM Class I areas.
- Avoid VRM Class II areas.
- Use topographic screening placement to reduce tower visibility from key observation points.
- Require non-reflective towers and conductor wires.
- Wherever possible, locate lattice towers beyond the view of a casual observer (0.5-1 mile, depending of viewing point and whether viewer is stationary or moving).

#### Cultural Resources

- Avoid disturbance near sites that are on or eligible for the NRHP.
- Implement appropriate mitigation for unavoidable effects, guided by an HPTP developed under the approved PA.
- If the landscape contributes to the National Register eligibility of a site, locate the transmission line to minimize the visual effects by applying visual effects criteria.

#### Native American Cultural and Spiritual Values

- Where known, consider Native American cultural and spiritual practices, both historical and contemporary, in siting the transmission line.

#### Socioeconomics

- Expect that the State of Idaho and local governments will exercise their regulatory authority and apply mitigation as appropriate within their jurisdictions based on the analysis of socioeconomic effects in the SEIS.

#### Vegetation, Invasive Plant Species, Soils, Wetland and Riparian Areas

- Minimize surface disturbance to these interrelated resources and ensure adequate reclamation.
- Include BMPs set out in the BLM RMPs covering the Project area as terms and conditions of the ROW grant.
- Authorize only the minimum area needed for construction activities on public land.
- Incorporate BMPs to prevent the introduction and spread of invasive plant species into the Proponents' POD (see Appendix E of the POD).
- Where wetland and riparian areas cannot be avoided, practices and mitigation are governed by CWA permits issued by the USACE.
- Species will be selected to ensure rapid stabilization of disturbed areas and return to pre-disturbance composition as quickly as environmental conditions allow, with a preference for native species wherever appropriate to achieve management goals.
- Topsoil will be preserved and handled to ensure successful reclamation (see Appendix D of the POD).

#### Special Status Plant and Animals

- For those species with protected status under the ESA, the BLM will apply all conditions and requirements contained in the USFWS BO, including Reasonable and Prudent Measures and implementing Terms and Conditions.
- Pre-construction surveys for special status wildlife and plants species/groups will identify occupied habitat, which will be avoided to the extent practicable. Seasonal restrictions will be applied to occupied habitat where appropriate.
- Collaboratively developed GRSG avoidance, minimization, and mitigation measures will be reviewed and accepted by the BLM before construction activities on public lands are allowed. (See section 2.5.3 above.)

#### Other Fish and Wildlife

- BLM RMP requirements such as seasonal construction restrictions and set-backs from specific habitat areas are incorporated into the POD.
- Procedures detailed in RMPs for exceptions to wildlife restrictions will be followed. State game and fish agencies will be consulted on exception requests.
- The Proponents will develop a Migratory Bird Habitat Conservation Plan that must be accepted by the BLM before construction activities on public lands

are allowed. (See section 2.5.4 above.)

#### Minerals

- Site project facilities to recognize prior surface and mineral rights.

#### Paleontological Resources

- Avoid known fossil-bearing areas.
- Conduct pre-construction surveys in potential fossil-bearing areas.
- Ensure the identification, protection, and mitigation of impacts to fossil resources by following the Proponents' Paleontological Resources Protection Plan (see Appendix J of the POD), which must be accepted by the BLM before construction activities on public lands are allowed.

#### Geologic Hazards

- Avoid known geologic hazard areas such as those prone to subsidence, landslides and earthquakes.
- Ensure project facilities are adequately designed to meet known geologic hazards.

#### Water Resources

- Recognize that many siting criteria and practices for soils and vegetation protection and reclamation also contribute to protecting water resources, including BMPs for minimizing erosion and stabilizing disturbed areas (see above).
- Use existing stream and drainage crossings whenever possible.
- If new crossings are needed, BMPs for crossing design and construction techniques will be followed.
- If the crossing affects waters of the United States, USACE CWA permit requirements will be followed.
- Water used for construction purposes will be acquired from approved sources.
- Additional mitigation practices are described in the Framework Stormwater Pollution Prevention Plan (Appendix F of the POD), the Framework Construction Spill Prevention, Containment, and Countermeasures Plan (Appendix G of the POD), and the Framework Stream, Wetland, Well, and Spring Protection Plan (Appendix I of the POD).

#### Land Use and Recreation

- Avoid developed recreation sites and other designated areas such as National Monuments, National Conservation Areas (NCAs), Wilderness Study Areas, Areas of Critical Environmental Concern, Wild and Scenic Rivers, National Wildlife Refuges, state and county parks, and other special management areas where practicable, consistent with Departmental and Bureau policy.
- Co-locate the Project with existing development.

- Seek accord with BLM, State, and local land use plans.
- Encourage Proponents to avoid residences, planned developments, municipal areas, agricultural facilities, pivot irrigation, advanced positioning systems used in farm equipment, industrial and mining areas, and military use areas.

#### Transportation

- Avoid airports and military air operations training areas.
- Ensure transmission line crossings of highways and railroads do not impede their operation.
- Use existing roads for access to project sites wherever possible (see section 2.2 above).
- Ensure adequate traffic control during construction periods.

#### Electrical Environment and Safety

- Construct project components to applicable industry standards to avoid creating induced voltage or electrical interference in nearby equipment.
- Clear underlying and adjacent vegetation in accordance with standards listed in the 2006 Memorandum of Understanding among the Edison Electric Institute, U.S. Forest Service, DOI, and EPA.<sup>8</sup>

#### Snake River Birds of Prey National Conservation Area

- Avoid siting the lines within NCA boundaries or minimize the number of miles sited within the NCA, consistent with BLM Manual 6220 National Monuments, National Conservation Areas, and Similar Designations.
- As required by the SRBOP enabling statute, demonstrate that any proposed ROW within the SRBOP meets the purpose for which the NCA was established (see P.L. 103-64, Section 3(a)(2)).

Based on the analysis in the SEIS, the BLM concludes that none of the route alternatives for Segments 8 and 9 would exhibit systematic bias toward minority or low-income populations or communities of shared interest covered by Environmental Justice policies and regulations. As there are no impacts in this category, no mitigation criteria have been applied.

### **6.1.4 Public Comments and Concerns**

The BLM chose the Selected Alternative after careful consideration of public comments and concerns. The BLM received 147 individual letters submitted during the Draft SEIS comment period, and the letters included 711 individual comments. These letters and comments were reviewed by a team of analysts and logged into a database that was

---

<sup>8</sup> Edison Electric Institute. 2006. Memorandum of Understanding Among the Edison Electric Institute and the U.S. Department of Agriculture Forest Service and the U.S. Department of the Interior Bureau of Land Management Fish and Wildlife Service National Park Service and the U.S. Environmental Protection Agency. Available online at: [http://www.ivmpartners.org/eei\\_mou.pdf](http://www.ivmpartners.org/eei_mou.pdf).

used to track and sort comments for response in the Final SEIS. Appendix L of the Final SEIS contains each unique substantive comment received and its associated response.

### **6.1.5 Statement of No Unnecessary or Undue Degradation**

FLPMA specifies that in “managing public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands” (43 U.S.C. § 1732(b)). The process for siting and evaluating Gateway West has included extensive efforts on the part of the BLM, the States of Idaho and Wyoming, local governments, public commenters, and other agencies to identify a project that accomplishes the purpose and need for agency action while preventing any unnecessary or undue degradation of the lands, including:

- Siting proposed facilities in or adjacent to designated corridors or existing linear facilities, and avoiding lands specifically designated for the protection of any resources;
- Evaluating alternative locations that could meet the Proponents’ purpose and need for the proposed project but which would result in greater avoidance and/or minimization of impacts; and
- Developing mitigation measures, including compensation requirements, to further reduce impacts.

In addition, BLM ROW regulations require the BLM to limit the grant to those lands which the agency determines the ROW applicant will occupy with authorized facilities; are necessary for constructing, operating, maintaining, and terminating the authorized facilities; are necessary to protect public health and safety; will not unnecessarily damage the environment; and will not result in unnecessary or undue degradation.

The lands described in Appendix A of this ROD are the minimum necessary to accommodate the Project. The Proponents have identified and propose to utilize previously disturbed access routes and disturbed areas within existing ROWs and designated corridors to the extent feasible to minimize the need to disturb additional areas. All temporary disturbances associated with the Project will be restored and revegetated to minimize erosion in accordance with approved restoration and revegetation plans. Public health and safety will not be compromised by the Project because construction work areas will be posted and public access to those areas controlled to prevent possible injury to the public.

Based on the comparative analysis of each alternative’s potential to meet the purpose and need, and the environmental impacts that would be associated with each alternative as discussed in the Final SEIS, the Selected Alternative does not unnecessarily damage the environment or create unnecessary or undue degradation of the lands.

### **6.1.6 Statement of Technical and Financial Capability**

FLPMA and implementing regulations provide the BLM with authority to require a project application to include information on an applicant's technical capability to construct, operate and maintain the electrical transmission facilities applied for. In their ROW application and POD, the Proponents – both of which currently operate hundreds of miles of existing transmission lines in the region – have provided information on the availability of sufficient capitalization to carry out all activities identified in their ROW application for the Project, including preliminary studies, site testing and monitoring. The BLM has determined that the Proponents have the technical and financial capability required to construct, operate and maintain the approved Project.

### **6.1.7 Applicable Laws, Regulations and Policies**

The BLM has met all Federal obligations requiring specific actions or reviews as part of Federal approval, as described in Section 6.4 below.

## **6.2 Connected Actions**

One of the Proponents' purposes of Gateway West is to improve the reliability of the existing transmission grid in Wyoming, Idaho and the Intermountain-Pacific Northwest region. Independent electricity generators may arrange transmission contracts on existing transmission lines, Gateway West, or other proposed high-voltage transmission lines. To the extent that other projects may contribute to the cumulative effects, these are considered in the cumulative analysis sections of the EIS and SEIS.

## **6.3 Conformance with BLM Land Use Plans**

The record indicates that the Selected Alternative for the Project can be authorized on BLM-administered public lands in accordance with FLPMA, BLM regulations, and other applicable Federal laws and policies for responding to applications for ROWs on BLM-managed lands, with the adoption of the identified land use plan amendments. Project construction and maintenance on the route alignments in the Selected Alternative would result in fewer significant, unmitigable impacts to biological, cultural, water and visual resources than would occur with the other alternatives analyzed in the Final SEIS, with the exception of the No Action Alternative. Selecting the No Action Alternative (i.e., denying the application for a ROW on public lands and not authorizing construction of the Project) would not meet the Proponents' stated purpose and need and would not comply with laws, regulations and policies governing energy-related ROW grants on public lands.

## **6.4 Required Actions**

The following Federal statutes require that certain specified actions be completed prior to issuing a ROD and approving a project.

#### 6.4.1 Endangered Species Act – Section 7 Consultation

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. The USFWS served as a Cooperating Agency for the 2013 EIS and the 2016 SEIS.

The BLM submitted a BA for the entire Gateway West project in April 2013 that was found to be adequate for the USFWS to issue a BO. On September 12, 2013, the USFWS issued a BO with the following determinations applicable to Segments 8 and 9:

The Project may affect, but is not likely to adversely affect, the following species:

- Banbury Springs limpet (*Lanx sp.*);
- Bliss Rapids snail (*Taylorconcha serpenticola*);
- Bruneau hot springsnail (*Pyrgulopsis bruneauensis*);
- Snake River Physa (*Physa natricina*);
- Canada lynx (*Lynx canadensis*);
- Grizzly bear (*Ursus arctos*); and
- Bull trout (*Salvelinus confluentus*) designated critical habitat

In a December 16, 2016 Memorandum to the BLM Idaho Deputy State Director, the USFWS accepted and acknowledged the supplemental information the BLM provided in the ESA Compliance Memorandum, which documents changes to Segments 8 and 9 since the publication of the 2013 Final EIS, and updated the applicable impact assessment and effects determination found in the original BA.

The USFWS Memorandum acknowledges the continued "may affect, not likely to adversely affect" determinations for the Banbury Springs limpet, the Snake River physa, the Bliss Rapids snail, the Bruneau hot springsnail, and designated critical habitat for the Bull trout. The Memorandum goes on to state,

“The Service acknowledges that the existing section 7 consultation adequately addresses the effects of the SEIS Segments 8 and 9 preferred alternative routes on these four listed snail species and on bull trout critical habitat. As no reinitiation triggers for section 7 consultation under the ESA, have been tripped, further section 7 consultation on the effects of SEIS Segments 8 and 9 on the Banbury Springs limpet, the Snake River physa, the Bliss Rapids snail, the Bruneau hot springsnail, and critical habitat for the bull trout is not necessary.”

<sup>9/10</sup>

---

<sup>9</sup> Canada lynx and Grizzly bear could have occurred in the analysis area for the original 2013 EIS and thus were addressed in the 2013 BO. However, occurrences of these two species are unlikely in the analysis area for Segments 8 and 9 as defined in the 2016 SEIS and thus are not addressed in the 2016 Memorandum.

<sup>10</sup> Formal consultation re-initiation is required (50 CFR 402.16) where a Federal agency retains discretionary involvement or control over an action has been retained and if: (1) the amount or extent of incidental take is exceeded; (2) new information reveals effects of the authorized action that may affect listed species or critical habitat in a manner or to an extent not considered in the BO; (3) the authorized action is subsequently modified in



This ROD requires that the Grant Holder(s) comply with all species-specific conservation measures identified in the BA, and as analyzed in the BO and Informal Consultation for the Project, prior to issuance of an NTP. To support this, the ROW grant contains a standard stipulation that requires compliance with the mitigation measures resulting from the Section 7 consultation.

The BO is included in Appendix H of the 2013 ROD; the 2016 USFWS Memorandum is included in Appendix C of this ROD. Species-specific conservation measures from the ESA Section 7 consultation will be added to the Final Project POD and will apply to the range of each Federally listed species and its habitat. The Grant Holder(s) also must comply with the non-discretionary Reasonable and Prudent Measures and Terms and Conditions required by USFWS in the BO.

#### **6.4.1.1 Yellow-billed cuckoo (*Coccyzus americanus*)**

The BO did not include a determination for the yellow-billed cuckoo, as it was a Candidate species at the time. It has since been listed as Threatened. However, the BLM has determined that the Selected Alternative would not affect habitat for this species, and the USFWS has acknowledged this determination (see section 5.2.5.2 above). As such, there are no required actions for the Yellow-billed cuckoo.

#### **6.4.1.2 Slickspot peppergrass (*Lepidium papilliferum*)**

The USFWS has acknowledged the BLM's determination of no effect on Slickspot peppergrass for the Selected Alternative (see section 5.2.5.1 above). As such, there are no required actions for Slickspot peppergrass.

#### **6.4.2 Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act and Executive Order 13186**

The BLM coordinated with the USFWS (see Section 5.2.2 above) concerning requirements of the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act and E.O. 13186. The Proponents' programmatic Avian Protection Plans (Appendix D of the 2013 ROD) address the take of all raptors and identify Project-wide steps required to ensure that migratory bird impacts are mitigated to the greatest extent possible including, but not limited to, ongoing surveys, impact monitoring, and facility design. Based on USFWS recommendations, the BLM will require the Proponents to develop a Migratory Bird Habitat Conservation Plan prior to issuing any NTP for construction activities. (See Section 2.5 above.)

#### **6.4.3 Clean Air Act, as Amended**

The emissions calculations disclosed in the SEIS indicate that none of the Gateway West facilities is to be considered stationary sources during construction, nor will they

---

a manner that causes an effect to the listed species or critical habitat not considered in this BO; or (4) a new species is listed or critical habitat designated that may be affected by the action. In instances where the amount or extent of incidental take is exceeded, the specific action(s) causing such take shall be subject to re-initiation expeditiously.

be large enough subsequent to construction to trigger the Prevention of Significant Deterioration or New Source Review requirements of the Clean Air Act.

The SEIS further concludes that emissions from the construction and operation of the Project in nonattainment areas will be below the conformity thresholds for pollutants specified in 40 CFR 93.153 (b) and therefore, the Project is exempt from comprehensive conformity analysis. In addition, violations of the National Ambient Air Quality Standards (40 CFR 50) resulting from construction and operation are not anticipated.

#### **6.4.4 Clean Water Act, Executive Order 11988 and Executive Order 11990**

The USACE, a cooperating agency for the SEIS, determines whether authorization of proposed activities by nationwide permits is appropriate or whether certain activities require an individual permit evaluation. The USACE anticipates issuance of Section 404 Nationwide Permits that will allow Project construction in jurisdictional waters of the United States. (See section 2.5 above for additional information on this permit and the BLM NTP process.)

#### **6.4.5 National Historic Preservation Act - Section 106 Consultation**

In accordance with 36 CFR 800.14(b), the BLM has prepared a PA in consultation with the ACHP, the SHPO in Idaho, and other interested parties, including Native American Tribes (see Section 7.4 below). The SHPO was a Cooperating Agency for the SEIS. The executed PA is provided in Appendix E of the 2013 ROD. See also Section 5.2.3 of this ROD. The PA was developed over the course of a series of meetings between December 3, 2009, and June 20, 2013, and outlines stipulations concerning the identification, assessment, and treatment of cultural resources for the Project. Discussions and coordination with ACHP and SHPO related specifically to Segments 8 and 9 continued during the SEIS. (See Section 2.5 above for additional information about development of the PA and how it will be implemented during the BLM NTP process.)

#### **6.4.6 Executive Order 12898 (Environmental Justice)**

As discussed in Section 3.5 of the Final SEIS, the Project overall does not appear to exhibit systematic bias toward placement in minority or low-income communities. Potential environmental justice populations are therefore not expected to be disproportionately affected by the impacts associated with Gateway West.

## **7.0 CONSISTENCY and CONSULTATION REVIEW**

In developing this decision, BLM line officers and resource specialists worked with cooperating agencies, other government officials, stakeholders, and the Proponents' managers, engineers, and environmental managers to refine implementation measures and construction techniques to reduce impacts, based on resource issues identified, at

specific locations or areas. Through this collaboration, additional detailed mitigation was developed that has or will be incorporated into the POD to outline construction techniques and detail the various measures specifically developed to reduce impacts on identified natural and cultural resources during construction, operation, and maintenance of the Project that will result from this decision.

## **7.1 Governor's Consistency Review**

The BLM's planning regulations (43 CFR 1610.3-2(e)) provides governors of states where plan amendments are proposed a 60-day consistency review period to "identify any known inconsistencies with State or local plans, policies or programs" with regard to the proposed plan amendments. The Governor's consistency review period for the SEIS project began on October 7, 2016, and ended on December 6, 2016.

On December 7, 2016, the Idaho Governor's Office submitted a Governor's Consistency Review letter to the BLM Idaho State Director asserting that the proposed plan amendments were inconsistent with State and county plans, policies, or programs.

The Idaho Governor identified in the December 6<sup>th</sup> review the following inconsistencies:

- The Governor's consistency review states that the Preferred Alternative is inconsistent with the State's plans, policies;
- The proposed land use plan amendments SEIS-12 and SEIS-13 are inconsistent with 2012 Idaho Energy Plan;
- The proposed land use plan amendments SEIS-12 and SEIS-13 are inconsistent with Owyhee County Comprehensive Plan and the Owyhee County Natural Resource Plan;
- The proposed land use plan amendments SEIS-12 and SEIS-13 are inconsistent with State's sage-grouse management plan and Executive Order 2015-04; and
- The Compensatory Mitigation Framework for the SRBOP must be released for public comment.

The proposed land use plan amendments SEIS-12 and SEIS-13 amend current land use plans to allow the ROW to leave the designated, Western Electric Coordinating Council, West-wide Energy Corridor (WECC).

In the December 6<sup>th</sup> review, the State's remedy is to select and approve the Alternative 1 route alignment which is the Proposed Action Alternative in place of the Agency Preferred Alternative. Alternative 1 also allows the ROW to leave the WECC and would have the greatest impact on the SRBOP among the alternatives analyzed.

In a letter dated December 16, 2016, which was sent via first-class mail and hand-delivered to the Governor's Office on December 19, 2016, the BLM Idaho State Director, after closely examining the Governor's arguments, determined that the proposed amendments seek "consistency to the extent practicable" with State and local plans, and dismissed the Governor's assertions and recommendation to select Alternative 1. The response also noted that the Idaho Governor had 30 days to submit

a written appeal to the BLM Director of the BLM Idaho State Director's rejection of the Governor's recommendation pursuant to 43 CFR 1610.3-2(e).

On January 18, 2017, the Governor appealed the BLM Idaho State Director's decision to not accept his recommendations to the BLM Director. In the Governor's appeal letter, the State of Idaho requested the BLM Director to reconsider the issues and recommendations raised in the Governor's Consistency Review letter. The Governor's appeal concluded that two of the five proposed plan amendments, SEIS-12 and -13, are inconsistent with the 2012 Idaho Energy Plan, the State's Greater Sage-grouse Plan, Owyhee County's Comprehensive Plan, Owyhee County Natural Resource Plan, and Executive Order 2015-04 – Idaho's sage-grouse management plan.

The Idaho State Director concluded that these two amendments would allow a transmission line outside the two designated utility corridors. Amendment SEIS-13 would not be needed if the line followed the WWEC, which is a designated utility corridor under the SRBOP RMP. The State has opposed placing the lines in the WWEC, and so the line was moved slightly west of the WWEC to avoid private land in Owyhee County. The State-preferred Alternative would also require plan amendments allowing two new corridors, totaling approximately 70 miles, within the SRBOP. Selecting the alternative with much greater adverse impacts on the SRBOP would not be consistent with federal policies for managing the NCAs and could result in higher costs for compensatory mitigation of those impacts.

Additionally, the Idaho State Director addressed the Governor's arguments that the proposed land use plan amendments (LUPAs) are inconsistent with the 2012 Idaho Energy Plan regarding reliability and affordability, concluding that the BLM did consider these factors and acknowledged information, statements, and support from the Western Electricity Coordinating Council and the Federal Energy Regulatory Commission.

With respect to effects on sage-grouse, BLM is implementing the 2015 Approved RMP Amendment (ARMPA) for sage-grouse habitat management on public lands the agency administers in Idaho. The ARMPA specifically exempts the Gateway West project from certain management decisions. Nevertheless, effects on sage-grouse are analyzed and disclosed in both the 2013 FEIS and the FSEIS. BLM, in conjunction with the Proponents, will develop the Gateway West Greater Sage-Grouse Habitat Mitigation Plan that will be a condition of the ROW grant.

In addition, the Governor voiced concern with the Owyhee County's preemptive refusal to issue a conditional use permit for BLM's Agency Preferred Alternative. As pointed out by the State Director, the Proponents have yet to submit a proposal for a conditional use permit for the project. It is hoped that through micro siting it may be possible to route the transmission lines in a way that gains the approval of Owyhee County and the commissioners. Moreover, whether it is through Owyhee County's Power Zoning Overlay District, a legislative solution, and/or eminent domain, there does appear to be a path forward for the issuance of a conditional use permit for BLM's Agency Preferred Alternative.

The BLM Director concurred with the State Director's analysis and issued a final response to the Governor affirming the BLM Idaho State Director's decision and

concluding the proposed LUPAs are consistent with state or local plans, policies and programs to the extent practical, while also meeting Federal laws, regulations and policies, including those specifically relating to the SRBOP NCA. No modifications or corrections were made to the Proposed Plan Amendments or Preferred Alternative in response to the Governor's Consistency Review. (See Appendix D of this ROD for details on the Consistency Review process for the Project).

The Idaho Governor's Office of Energy Resources served as a Cooperating Agency for the SEIS and actively participated in all phases of the process. The Director of the Office served as a member of the Gateway West RAC subcommittee (see Section 7.2 below) and coordinated the State's review of and responses to the Draft SEIS and Final SEIS, while also serving as primary public point of contact on the State's regulatory role in the Project.

## **7.2 Resource Advisory Council**

In response to a BLM request in November 2013, the Boise RAC formed a subcommittee to examine options for siting Segments 8 and 9 of Gateway West. The subcommittee examined a number of routing options – many of which were similar to routes evaluated in the 2013 Final EIS – along with design features not previously studied in detail. The subcommittee also examined the Proponents' proposal for mitigating effects to and enhancing resources in the SRBOP.

The subcommittee presented two reports to the full RAC, which then forwarded them as presented to the BLM. The Proponents subsequently revised their proposed routes for Segments 8 and 9 and refined their mitigation package into a Mitigation and Enhancement Portfolio, which they submitted as part of a revised POD (see Sections 1.1 and 1.2.6 and Appendix B of the Final SEIS). The BLM included the two RAC reports as information gathered during scoping for the SEIS (see Appendix H of the Final SEIS).

## **7.3 Cooperating Agencies**

### **7.3.1 Federal Agencies**

- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- National Park Service
- Federal Energy Regulatory Commission

### **7.3.2 State Agencies**

- Idaho Governor's Office of Energy Resources
- Idaho Department of Fish and Game
- Idaho State Historic Preservation Office

### **7.3.3 Local Agencies**

- Twin Falls County, Idaho
- City of Kuna, Idaho

### **7.3.4 Electric System Regulators**

For Gateway West and the SEIS, the BLM coordinated with those bodies that regulate the reliability and rate structure of electric utility grid companies in the United States, WECC, FERC and the Idaho Public Utility Commission (PUC). The WECC is a self-governing board of utility companies, empowered by FERC with ensuring the operation and reliability of the Western electricity grid. Through a three-step process the WECC determines if a project is needed and if it meets the Council's reliability criteria. Gateway West has received approvals from WECC through all steps of that group's process. Details on the Federal role in transmission planning and WECC's path rating review process are in Section 1.4.2 of the Final SEIS.

FERC is a Federal cooperating agency due to its jurisdiction under sections 4(e) and 15 of the Federal Power Act (FPA) and its license to Idaho Power Company to operate and maintain the C.J. Strike Hydroelectric project. The Commission also has jurisdiction with the Swan Falls Hydroelectric project. Both projects occupy Federal lands managed by the BLM. For Gateway West, the BLM has engaged FERC at several points during development of the NEPA analysis, and the Commission reviewed both the Draft and Final SEIS.

The IPUC approval process involves issuing a "Certificate of Public Convenience and Necessity." The IPUC process will not begin until after the BLM ROW grant is issued. Should a certificate be denied or the IPUC action require a route that is different from the one the BLM authorized, the BLM will review the situation to determine whether the ROW grant should be amended and whether additional environmental analysis is needed. More information on state regulation of transmission is found in Section 1.4.3 of the Final SEIS.

### **7.3.5 Other Agencies**

The EPA reviewed the Draft and Final SEIS and provided comments on mitigation for effects addressed under the CWA.

## **7.4 Government-to-Government Consultation**

The BLM conducted consultation with Native American Tribes and groups that may have knowledge of the cultural resources of the proposed Project area, in accordance with Section 106 of the NHPA, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archaeological Resources Protection Act, and their associated EOs.

The Shoshone-Bannock Tribes and the Shoshone-Paiute Tribes were provided copies of both the Draft and Final SEIS. The BLM continues to consult with these Tribes on a government-to-government basis. The BLM has additional consultation commitments with the Shoshone-Paiute Tribes under a Memorandum of Agreement signed for this Project.

## **8.0 AGENCY and PUBLIC INVOLVEMENT**

### **8.1 Scoping Process**

Scoping, open to the public and conducted early in the process, served to identify the range, or scope, of issues to be addressed in the SEIS. The scoping comment period for the SEIS began on September 19, 2014, and concluded on October 24, 2014.

The scoping period was announced using a variety of tools:

*Federal Register* – The BLM published a Notice of Intent (NOI) in the *Federal Register* on September 19, 2014 (79 *Federal Register* 56399) stating the BLM's intent to prepare an SEIS to support consideration of the Proponents' August 2014 application for a ROW grant to use public lands for Segments 8 and 9 of the Project.

*News Releases* – The BLM prepared and distributed news releases to local and regional newspapers and radio and TV stations in Idaho and the region to announce the scoping period and publicize the scoping meetings. The news releases were posted on the BLM Idaho Project Web site (see below) and are contained in Appendix C-2 of the Scoping Report. Postings were also made to BLM-Idaho's Facebook page and Twitter account.

*BLM Gateway West Project Web site* – The BLM established a Project Web site for the SEIS to publish documents, notify the public of the public meetings, provide general project overview information and take public comments. The URL [http://www.blm.gov/id/st/en/prog/nepa\\_register/gateway-west.html](http://www.blm.gov/id/st/en/prog/nepa_register/gateway-west.html) was included in all news releases, newsletters and social media postings throughout the SEIS process.

The BLM hosted four public meetings in October 2014 to provide information that allowed the public and agencies to identify issues and concerns. A total of 189 members of the public attended the public scoping meetings. The formal record of scoping period activities can be found in the Scoping Summary Report, available online at the URL listed above. A total of 740 individual scoping comments were identified and coded. These letters and comments were reviewed by a team of analysts and logged into a database that was used to track and sort comments throughout the Project's NEPA process. Scoping comments were addressed in the Draft SEIS.

## **8.2 SEIS Public Review process**

### **8.2.1 Draft SEIS**

The availability of the Draft SEIS and the public comment period were announced using a variety of tools:

*Federal Register* – The BLM and the EPA published a Notice of Availability in the *Federal Register* on March 11, 2016 (81 Federal Register 12932), announcing release of the Draft SEIS and the beginning of a 90-day public comment period.

*Newsletter* – Approximately 4,670 printed newsletters and 2,800 electronic versions were sent to the Project mailing list contacts.

*News releases* – The BLM prepared and distributed two news releases on the Draft SEIS comment period and public open house meetings. The first news release was distributed on March 11, 2016, to announce the release of the Draft SEIS, the start of the 90-day comment period and the public open house schedule. A second news release was distributed on March 30, 2016, to announce the addition of a fifth public meeting in Hagerman, Idaho.

*BLM Gateway West Project Website* – The BLM Project website was updated with the release of the Draft SEIS. An electronic version of the document was made available to the public for viewing and download, and content was added on the public meeting and comment period schedule, along with a guide to finding information related to particular resources in the document and an online comment form. The site received 1,431 views during the comment period on the Draft SEIS.

*BLM Gateway West Online open house* – The Project public involvement contractor maintained an online open house website for the Project from April 4, 2016, through June 9, 2016, to supplement the BLM website. It included all displays, materials and other information available at in-person open houses, including the Proponents' online interactive map. The site received more than 190 visits from 125 users, and 13 comments were submitted through the online open house.

The BLM hosted five public meetings in April 2016 to provide information on the document and encourage public comments on the Draft SEIS. A total of 284 members of the public attended the public meetings.

There were 147 individual letters submitted during the Draft SEIS comment period, and included in those letters were 711 individual comments. These letters and comments were reviewed by a team of analysts and logged into a database that was used to track and sort comments for response in the Final SEIS. Comments and BLM responses appear in Appendix L of the Final SEIS.

### **8.2.2 Final SEIS**

The availability of the Final SEIS was announced using a variety of tools:



*Federal Register* – The BLM and the EPA published Notices of Availability in the *Federal Register* on October 7, 2016 (81 FR 69845), announcing the release of the Final SEIS and the beginning of the period to protest the proposed land use plan amendments.

*Newsletter* – The BLM prepared and distributed a newsletter using an updated mailing list.

*News release* – The BLM prepared and distributed a news release regarding the Final SEIS and 30-day period for protesting the proposed land use plan amendments.

*BLM Gateway West Web site* – The BLM Project Web site was updated to announce the release of the Final SEIS. An electronic version of the document was made available for viewing and download. Updated content included the Project newsletter and information on how to submit a Protest of the proposed land use plan amendments.

### **8.2.3 Protest and Resolution**

During the 30-day protest period that began on October 7, 2016, and ended on November 7, 2016, any person who had participated in the planning process and believed that they would be adversely affected by the land use plan amendments associated with authorization of the Selected Alternative had the opportunity to protest the proposed amendments to the BLM Director.

Eleven formal protest letters were filed with the BLM. All protesting parties received response letters from the BLM Director conveying the Director's decision on their filings. Issues raised in protests and the Director's responses to each are detailed in Appendix D of this ROD. The report is also available online, <https://www.blm.gov/programs/planning-and-nepa/public-participation/protest-resolution-reports>.

The Report's determinations are summarized as follows:

1. The issues/comments presented in eight protests were denied;
2. Two protests were deemed opinions only and dismissed; and
3. One protestor was determined to have no standing in the process history.

As a result, no changes were made to the proposed plan amendments or decision.