CHAPTER 1

PURPOSE AND NEED

1.0 PURPOSE AND NEED

Cotterel Mountain is a linear north-south ridgeline about 16 miles in length that lies in south central Idaho, between the towns of Albion to the west and Malta to the east, within Cassia County, Idaho. It is predominately federally managed public land within the Idaho Bureau of Land Management (BLM) Twin Falls District, Burley Field Office (Figure 1.0-1).

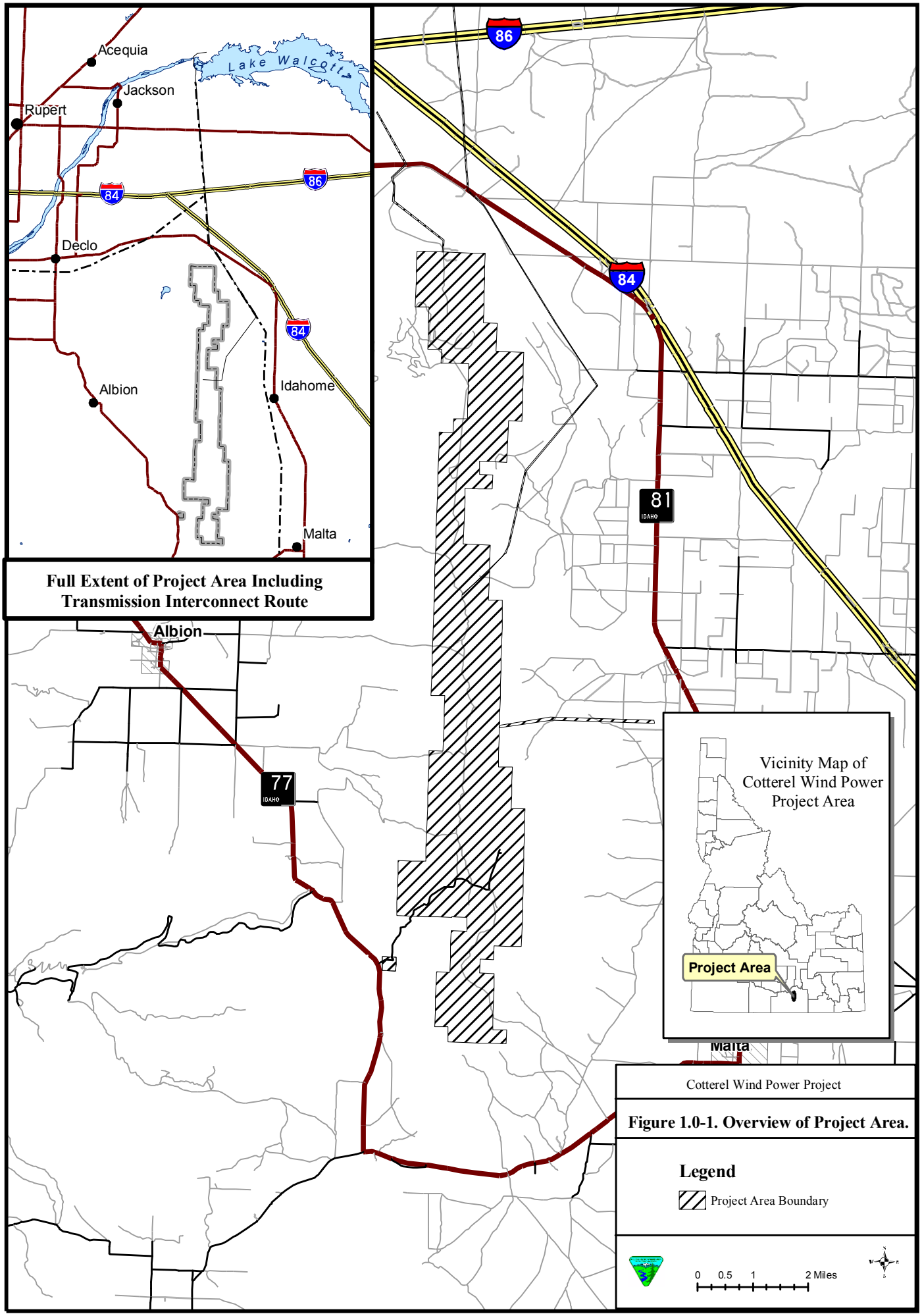
The potential for developing wind energy on Cotterel Mountain as a resource to generate electricity has been investigated for two decades. The Bonneville Power Administration (BPA) funded wind data collection activities throughout the Pacific Northwest during the 1980s. BPA is a federal agency that owns and operates the majority of the high-voltage electric transmission systems in the Pacific Northwest. Utilizing this BPA funding opportunity, the Oregon State University Energy Resources Research Laboratory collected and recorded wind data at Cotterel Mountain from 1984 through 1988.

National Oceanic and Atmospheric Administration (NOAA) meteorological data was also used to produce estimates of the level of available wind energy at various locations in several western states, including Idaho. These estimates were produced by computer simulations that analyzed decades of daily weather readings in relation to the topography of the area. The results showed that approximately two percent of Idaho landmass is in the highest wind resource categories: Class 5 (excellent), Class 6 (outstanding), and Class 7 (superb). The Cotterel Mountain ridgeline is within these three categories (Figure 1.0-2). In a United States (U.S.) Department of Energy (DOE) study of the potential for renewable resources on public lands, the Cotterel Mountain area is classified as one of 25 BLM planning units with the largest total land area with a Class 5 or greater wind resource (USDI, BLM/DOE 2003).

In late 2000, in response to the electric energy-pricing crisis in California and the Northwest, BPA issued a “Request for Proposals” (RFP) for additional electrical power generated from potential wind energy projects and Windland, Inc. (Windland), a Boise, Idaho company, began to investigate opportunities to respond to BPA’s RFP.

In February 2001, Windland submitted an application to the BLM Burley Field Office for a right-of-way (ROW) grant to conduct its own wind testing on Cotterel Mountain. This application was accepted by the BLM (serial number IDI-33675).

In March 2001, Windland followed their first application with a second ROW application to construct, operate and maintain a wind-driven electric power generation facility on Cotterel Mountain. This application was filed by Windland in advance of the proposed meteorological data collection in order to be “first in” consideration for such a project. This second application was accepted by the BLM. Based on the size and scope of the proposed action, the BLM determined that the construction, operation and maintenance of a wind power project on Cotterel Mountain had the potential to result in significant environmental impacts, thereby triggering the need to prepare an Environmental Impact Statement (EIS) to evaluate the proposed action and all reasonable alternatives in compliance with the National Environmental Policy Act of 1969 (NEPA).


Acequia
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Full Extent of Project Area Including Transmission Interconnect Route
81
IDAHO
Albion
77
IDAHO
Vicinity Map of Cotterel Wind Power Project Area
Project Area
Malta
Cotterel Wind Power Project
Figure 1.0-1. Overview of Project Area.
Legend
Project Area Boundary
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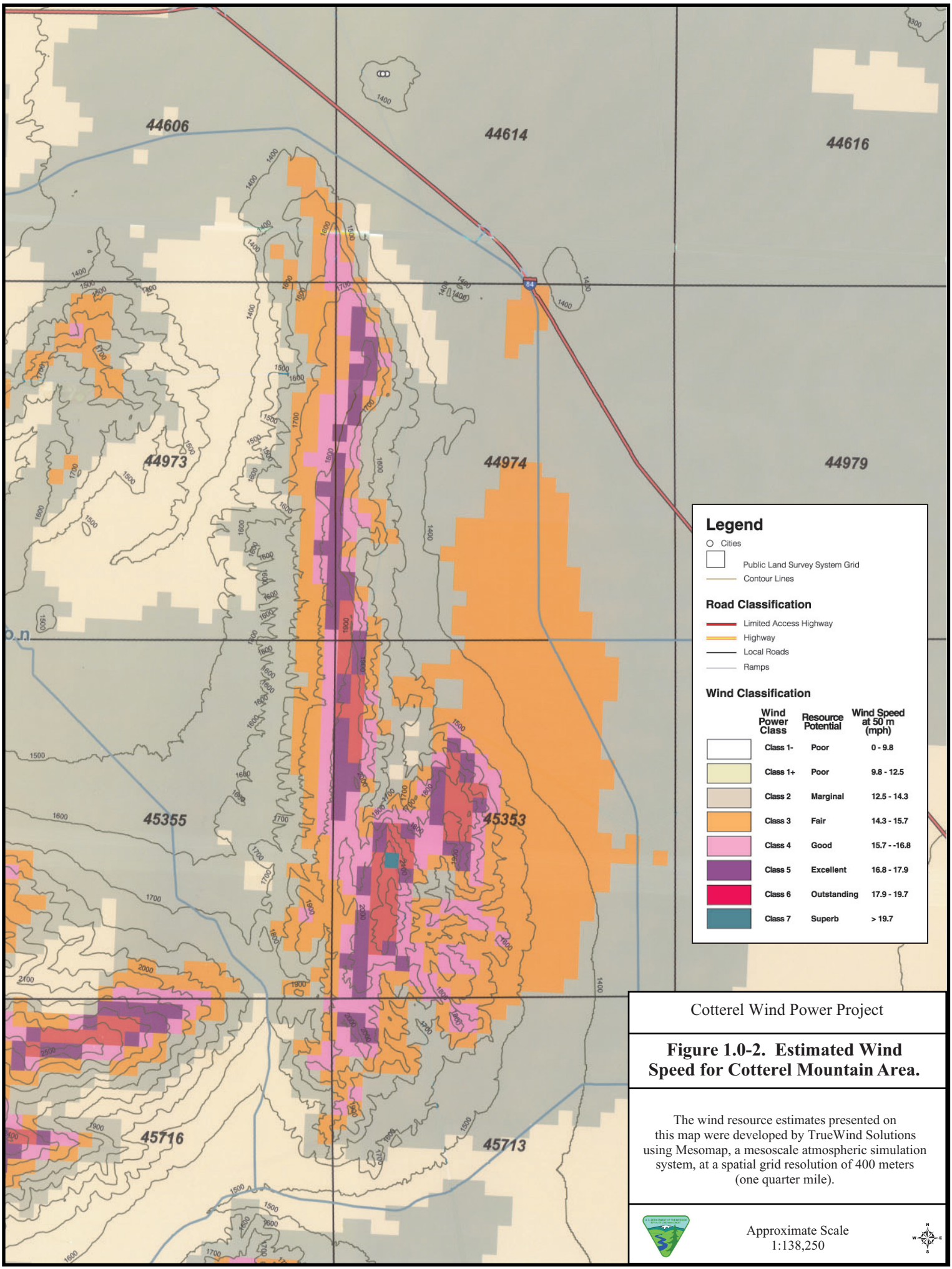

Cotterel Wind Power Project

Figure 1.0-2. Estimated Wind Speed for Cotterel Mountain Area.

The wind resource estimates presented on this map were developed by TrueWind Solutions using Mesomap, a mesoscale atmospheric simulation system, at a spatial grid resolution of 400 meters (one quarter mile).

Approximate Scale
1:138,250

In April 2001, Windland responded to the BPA RFP based on the studies showing potential for development of a wind-powered electrical generation project on Cotterel Mountain (Figure 1.0-2).

In July of 2001, the BLM issued a ROW grant authorizing Windland to install multiple wind speed and direction recording devices (anemometers) at various locations on Cotterel Mountain. Potential impacts of the wind testing proposal were analyzed in an Environmental Assessment (EA) number ID-077-EA-01-0063, and Finding of No Significant Impact was signed by the Burley Field Office Manager on July 13, 2001.

On December 19, 2002, the BLM published a Notice of Intent (NOI) to prepare an EIS for the full project proposal in the Federal Register (Appendix A). The NOI identified the proposed Cotterel Wind Power Project (Proposed Project) area and location as well as BLM's intention to hold agency and public scoping meetings. The initial scoping period ran for 60 days and concluded on February 21, 2003.

On June 21, 2005, a Notice of Availability (NOA) was published in the Federal Register and the Draft EIS was made available to the public (Appendix A). The publishing of the NOA in the Federal Register marked the beginning of the 90-day public comment period for the Draft EIS.

The Final EIS presents the alternatives under consideration and those considered but eliminated. Alternative A – The No Action Alternative, Alternative B – The Proposed Action Alternative, Alternative C – Agencies Preferred Alternative, and Alternative D are evaluated. The BLM will make a decision as to whether or not to move forward with the project (or to grant the requested ROW) after 30 days from the Federal Register publication of the NOA for this Final EIS.

The Proposed Project, if approved, would be developed on Cotterel Mountain. The Proposed Project ROW application area is approximately 4,545 acres, extending approximately 16 miles from north to south along the Cotterel Mountain ridgeline. Major components of the Proposed Project and project alternatives include:

- Multiple wind turbines and turbine foundations;
- Multiple pad-mounted transformers;
- Buried power collection and communication cables;
- Several miles of project access roads;
- Meteorological towers on foundations;
- One to two substations;
- 138 kilovolt (kV) overhead power transmission line;
- Operations and maintenance building; and
- Portable on-site cement batch plant and rock crusher.

During construction, there would also be several on-site temporary equipment storage and construction staging areas. There may also be additional equipment storage and construction staging

areas in the vicinity of Cotterel Mountain. A detailed description of the Proposed Project and construction methods are more fully described in Chapter 2.

Since the release of the Proposed Cotterel Wind Power Project Draft EIS, the BLM has published the *Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States* to address the future development of wind energy resources on all BLM-administered public lands across the western states (USDI, BLM 2005). It provides valuable information about wind energy development, including recommended best management practices. It amends BLM land use plans that were silent on wind energy development but that had no restrictions precluding it. It is not site-specific and makes no decisions regarding the Proposed Project.

1.1 THE APPLICANT

Windland is a privately owned wind energy development company located in Boise, Idaho. The company has a long history of developing and operating wind power plants. Windland currently manages wind farms in California and has additional projects under and/or proposed for development in Idaho, Oregon and California. Windland is considered a pioneer in the American wind energy industry, having owned and operated a wind farm near Tehachapi, California since 1982. This wind farm is one of only a handful in the nation operated continuously by the same organization for over two decades.

Windland is currently the sole ROW Applicant for the Proposed Project. However, Windland is pursuing the development of the Proposed Project with Shell WindEnergy, Inc. (SWEI). Shell Oil Company (part of the Shell Group) wholly owns SWEI. SWEI currently has over 1,000 megawatts (MW) of wind projects under various stages of development in the U.S. and European Union and is the second largest owner of wind farms in the U.S.

It is the intent of Windland and SWEI that prior to any construction of the Proposed Project, they would jointly form a limited liability company (LLC), or other corporate entity and Windland would then apply to the BLM for an assignment of the ROW application, IDI-33676, to the LLC or other corporate entity. The new LLC or other corporate entity would be used for constructing, owning and operating the Proposed Project.

1.2 PURPOSE OF AND NEED FOR THE PROPOSED ACTION

1.2.1 The Purpose of the Proposed Action

The purpose of the Proposed Action is to develop an economically feasible wind-powered electric generation facility on Cotterel Mountain, creating an environmentally sensitive alternative renewable energy source.

The President's National Energy Policy encourages the development of renewable and alternative energy resources, including wind energy, as part of an overall strategy to develop a diverse portfolio

of domestic energy supplies (NEPDG 2001). The National Energy Policy also encourages the development of renewable energy. The U.S. Congress and Executive Branch re-instituted a 1.8-cent per kilowatt-hour production tax credit to encourage the development of clean wind energy. This Federal tax credit equals approximately 25 percent of the productive value of a project. These principles are reinforced in the comprehensive Energy Policy Act of 2005.

To date, the BLM has been the only federal agency with wind energy production, with about 510 MW of installed wind power capacity (USGAO 2005). This wind energy development is located in Southern California and Wyoming. As of June 2005, the BLM had authorized 88 applications for wind energy development on their land and had 68 pending applications, most of which are in California and Nevada. There are seven action applications on BLM land in Idaho. Energy development on BLM-administered lands is regulated through its process for granting private parties access to public federal lands, which is referred to as granting a "right-of-way" authorization.

The Department of the Interior (USDI) and, more specifically, the BLM is seeking opportunities to develop renewable energy resources including wind energy. To accomplish this, the BLM in 2005 finalized the Programmatic Wind Energy EIS assuring a common direction and policy for permitting wind facilities on public land. The presence of an adequate wind energy resource is a necessary precondition for an area to be a candidate for development of a wind energy project. The site must also have adequate construction and transmission access. There must be adequate access from the proposed wind project site to existing transmission lines that would carry the power produced by the wind farm to consumers. The proposed Cotterel Mountain site meets these conditions.

1.2.2 The Need for the Proposed Action

The 2003 energy forecast estimated demand for electricity growing in the northwestern U.S. by an annual average of 214 MW (NWPCC 2003). Similarly, the Idaho Power Company (IPC), the largest electric utility in southern Idaho (Figure 1.2-1), predicted a 1.9 percent per year system load growth in the region it serves near the Proposed Project area (IPC 2002). The Proposed Project would provide an alternative renewable energy source in an area that has a demonstrated increasing demand. IPC and PacifiCorp issued (in 2005 and 2003 respectively) RFPs for wind energy in their service districts, actively seeking renewable energy alternatives to traditional energy development. The IPC RFP was for 200 MW and the PacifiCorp RFP was for 500 MW of wind power.

Meeting the need for additional demand for electricity in southern Idaho is complicated by limitations to the capacity of the existing electric transmission resources in that area. In southern Idaho, the transmission of electricity is constrained by certain components in the transmission grid. The term "transmission constraint" refers to a limit in the electrical transmission system that could prevent the delivery of electricity to a portion of the grid. Two transmission constraints in southern Idaho are located near American Falls in southeastern Idaho and near the Brownlee Dam in west-central Idaho (Figure 1.2-2). The Proposed Project lies "inside" these transmission constraints.

Idaho Power Company typically generates 55 percent of its electricity at hydroelectric dams on the Snake River. The amount of hydro-generated electricity varies yearly because of the inter-annual variability of precipitation. During years of poor snow pack conditions less of its electric generation comes from hydro, forcing IPC to increase its reliance on the coal and gas fired plants that it owns and operates at Jim Bridger, Wyoming; Boardman, Oregon; Valmy, Nevada; and Mountain Home, Idaho and on power purchases on the wholesale market (IPUC 2003). Because the inter-annual variability of wind energy is lower than the inter-annual variability of precipitation powering hydro-generated electricity, cost effective wind generated electricity can effectively supplement the current supply of electrical generation in southern Idaho (Figure 1.2-3). Other utilities in the northwestern U.S. (including PacifiCorp, Portland General Electric, and Puget Sound) have identified renewable energy resources (such as wind power) as appropriate resources to meet the growing demand for electricity in their service territories.

The Proposed Project would contribute to meeting the economic needs of Cassia County and the surrounding communities. Cassia County and the surrounding area experienced business closures and work force layoffs. The downturn in employment is primarily the result of a decline in the local food processing industry, which includes the closing of the large Simplot Plant in Heyburn, Idaho, who was a primary employer in the local community.

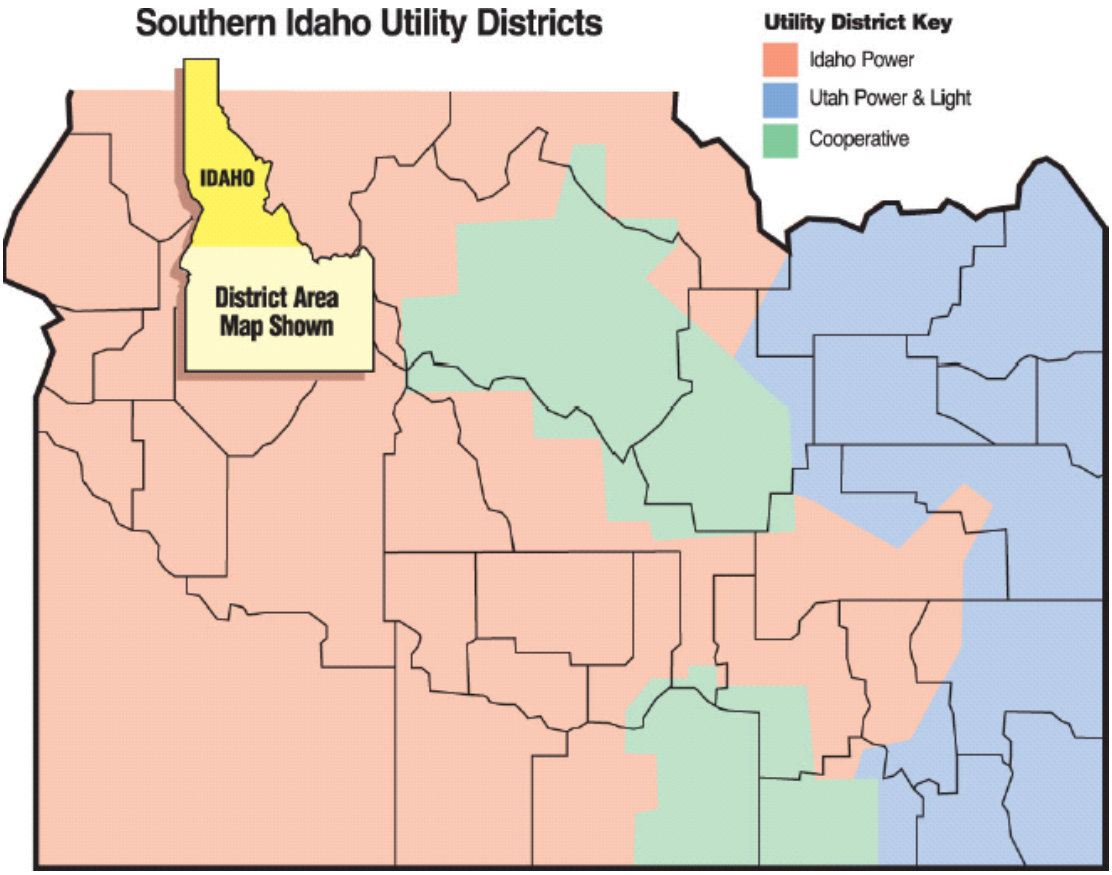

Figure 1.2-1. Southern Idaho Utility Districts.

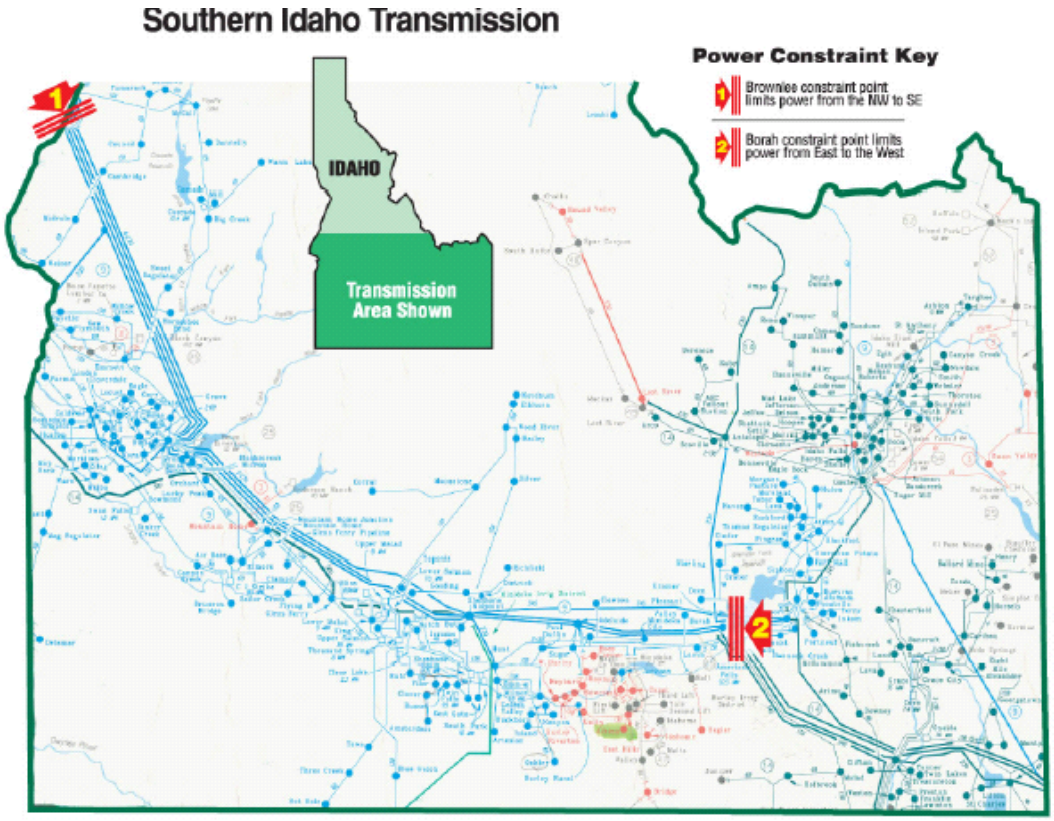

Figure 1.2-2. Electrical Transmission Grid of Southern Idaho.

The Proposed Project would create both temporary and permanent long-term jobs. Construction activity would result in favorable trends for employment and economic benefits within Cassia County. Employment effects would include (1) indirect employment resulting from the purchase of goods and services by firms involved with construction, and (2) induced employment resulting from construction workers spending their income in the local area. Similarly, indirect and induced income and spending effects would also occur as "ripple" effects or economic multiplier effects as construction dollars come into the local economy. Beneficial impacts to local businesses and the economy would include:

- Spending by "temporary" construction workers for food, gas, and lodging;
- Spending by construction contractors for supplies and standard materials needed for construction (these would include but not be limited to road construction fill and surfacing, concrete materials and water); and
- Additional permanent jobs and related income adding to the local economy.

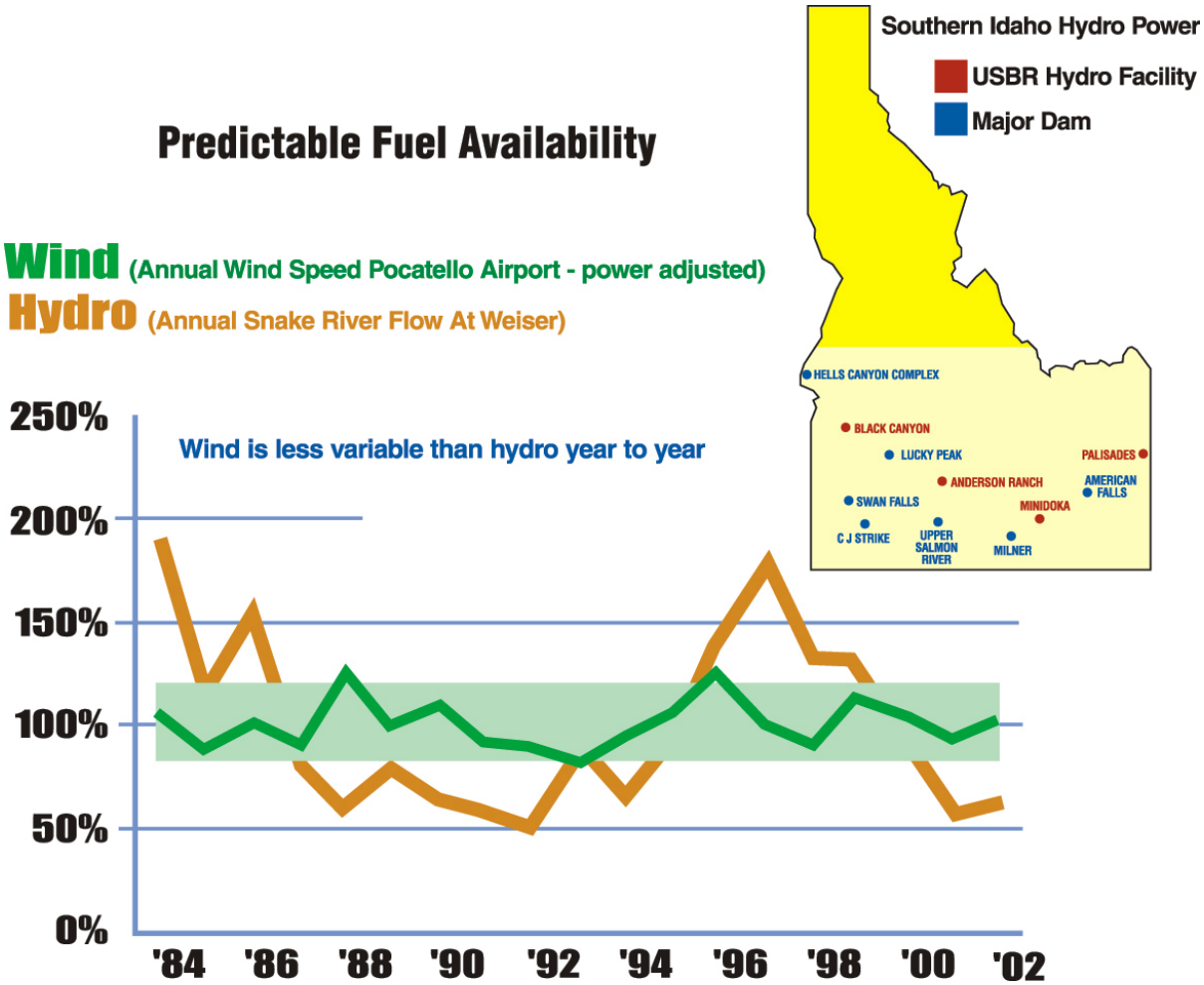

Figure 1.2-3. Comparison of Predictable Fuel Availability of Wind and Hydro Electrical Generation.

1.3 LEAD, COOPERATING AND PARTICIPATING AGENCIES

The BLM is the lead federal agency responsible for conducting the preparation of the draft and final EIS and the associated analysis. The Proposed Project area is located entirely within the Burley BLM Field Office administrative boundary. The Proposed Project is predominantly sited on public land but would also affect small amounts of state and private land as well.

Cooperating agencies are federal agencies that have jurisdiction by law (40 Code of Federal Regulations (CFR) Section 1501.6) and will make a decision relative to the project based on the analysis disclosed in this EIS. Cooperating agencies may also have special expertise or have information that will assist in development of the analysis. In this analysis, the cooperating agencies include the BPA, U.S. Fish and Wildlife Service (USFWS), Idaho Department of Lands (IDL), Bureau of Reclamation (BOR), U.S. Army Corp of Engineers, the Minidoka County Commissioners, and Cassia County Commissioners, representing the local government.

The Idaho Department of Fish and Game (IDFG) is a participating agency and is providing input relevant to wildlife and wildlife habitat.

1.4 GOVERNMENT-TO-GOVERNMENT CONSULTATION

The U.S. has a unique legal relationship with Indian tribal governments as set for in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian Tribes.

The Federal Government, under the law of the U.S., in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian Tribes to self-government. As sovereign nations, Indian Tribes exercise inherent powers over their members and territory. The U.S. continues to work with Indian Tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights.

In this analysis, the BLM has formally initiated consultation with the sovereign nations of the Shoshone-Bannock Tribes and the Shoshone-Paiute Tribes. This consultation has been initiated with these Tribal Governments in the manner as requested by them.

1.5 INTERAGENCY WIND ENERGY TASK TEAM (IWETT)

The IWETT is a core group of representatives from USFWS, BLM, and IDFG that was formed in 2004 under a charter written to assist in the development of alternatives and mitigation recommendations for wildlife and wildlife habitat. Its guiding charter is displayed below:

IWETT Charter

> "This charter sets the goals of the Interagency Wind Energy Task Team in relationship to the Cotterel Wind Energy Proposal, presently being analyzed by the Bureau of Land Management (BLM) in Burley, Idaho. This team consists of representatives from the BLM, U.S. Fish & Wildlife Service, and Idaho Department of Fish & Game. Technical guidance relevant to the construction, operation and maintenance of a wind energy development will be provided by the applicant, Windland, Inc. and co-developer, Shell WindEnergy, Inc. The goals are as follows:
>
> - Review baseline technical reports and data;
> - Assist and contribute to the development of mitigation measures;
> - Assist and contribute to development of adaptive management strategies;
> - Assist with development and/or further enhancement of alternatives; and
> - Identify additional data needs, if appropriate.

All goals are intended to be achieved in a timely manner.

This interagency effort is intended to contribute collective agency experience and scientific expertise to the development of the Draft and Final Environmental Impact Statement being prepared by the BLM. It shall be considered part of the analysis process and does not constitute any decision action on the part of any of the participating parties."

1.5.1 Adaptive Management

This team has contributed significantly to the analysis process. Its recommendations have been taken into consideration and used in the impact analysis and in the development and enhancement of alternatives, mitigation and monitoring strategies for the Proposed Project. As a result of these efforts a strong adaptive management approach has been included in the Proposed Project design.

Adaptive management is a relatively new tool designed to improve decisions regarding the planning, design, management and operation of large engineered projects in relationship to their setting. Adaptive management is a highly-valued management concept and iterative process that has been at the core of many inter-agency and intra-agency discussions specific to the development, design and operation of the Cotterel Wind Energy Project.

1.5.2 Sage-Grouse

The IWETT team also brought to the forefront that little is know about the importance of Cotterel Mountain to sage-grouse. Therefore, in an effort to better understand the use of Cotterel Mountain by sage-grouse, a detailed and long-term study of this species was implemented and is ongoing. In 2003, 2004, and 2005, sage-grouse lek surveys and lek counts were conducted on Cotterel Mountain. A radio telemetry study was initiated in the spring of 2004 and is ongoing. The results of these studies would be used to provide pre-construction data to serve as a baseline against which to evaluate the impacts of the Proposed Project, if approved, on Cotterel Mountain sage-grouse.

1.5.3 Cumulative Effects

The IWETT team also discussed the importance of cumulative effects. Resulting from the discussion is a comprehensive analysis of cumulative effects beginning in Section 4.16 in Chapter 4 of this document.

1.6 CONFORMANACE WITH EXISTING LAND USE PLAN

The BLM existing Cassia Resource Management Plan, 1985 (Cassia RMP) limits ROW to existing facilities and locations and does not address wind energy development. At the time of preparation of the Cassia RMP, Cotterel Mountain was not considered as a wind energy site. In addition, the proposed action is not consistent with the Cassia RMP. The Cassia RMP states that BLM will not approve any additional ROW authorizations in Management Unit 11. An amendment to the Cassia RMP is being proposed and evaluated in this Final EIS. The NOI also states the BLM's intention to

amend the Cassia RMP. The proposed amendment would revise the existing restrictions that limit ROW development in the Cotterel Mountain Management Area. The amendment would allow for the granting of a ROW for the development of the Proposed Project. This proposed action and alternatives are consistent with the Cassia RMP in meeting all other land management objectives.

1.7 SCOPING

In December 2002, a scoping statement was mailed to government agencies, municipalities, Native American Tribes, grazing permittees, lease operators, industry representatives, environmental organizations, and individuals having a potential interest in the Proposed Project. Local and regional media also received the scoping statement and a press release. The scoping statement explained the Proposed Project and requested comments regarding issues and concerns that should be addressed in the Draft EIS. Three public scoping meetings were held in the towns of Albion on January 7, 2003; Burley on January 8, 2003; and Boise, Idaho on January 9, 2003, with 135 total attendees. Initial scoping comment letters were encouraged through February 21, 2003 to help the BLM identify issues that would guide the formulation of alternatives to the proposed action. Written comments were received from 47 individuals, three Federal and state agencies, and five interest groups. A list of all respondents is presented in Chapter 5.

On June 21, 2005, a Notice of Availability (NOA) was published in the Federal Register and the Draft EIS was made available to the public (Appendix A). The publishing of the NOA in the Federal Register marked the beginning of the 90-day public comment period for the Draft EIS. During the comment period, interested parties were invited to submit comments on the Draft EIS to the BLM. A second round of public scoping meetings were held to describe the content of the Draft EIS and to receive public comments. Public meetings were held: Tuesday July 26, 2005 in Burley, Idaho; Wednesday July 27 in Albion, Idaho; and Thursday July 28, 2005 in Boise, Idaho.

This Final EIS incorporates revisions to the Draft EIS made in response to comments submitted during the 90-day public comment period. During the public comment period, 72 written comments were received by the BLM. The comments received during the public comments period and responses to the comments are provided in Appendix H of the Final EIS.

1.7.1 Significant Issues Identified and Used to Develop Alternatives

NEPA requires Federal agencies to identify and analyze significant issues related to a proposed action and its alternatives. Significant issues primarily serve as the basis for developing and comparing alternatives. While the focus of the analysis is on significant issues identified, all issues brought forward through the scoping process are considered. The following is a list of significant issues identified by the public, Shoshone Bannock Tribes, the Shoshone Paiute Tribes, BLM, and other governmental organizations that were used to develop alternatives and assess impacts of the Proposed Project. The significant issues addressed in this Final EIS include:

- Sage-grouse – Commentors were concerned that the Proposed Project would result in the loss of sage-grouse habitat, loss of nesting habitat and disturbance to leks. Grouse could also be killed by colliding with wind turbines.

- Tribal treaty rights or heritage links to public lands – The Tribes expressed a desire that these be maintained and protected.

- Migratory birds including raptor migration – Commentors expressed concern over migratory birds being killed by colliding with wind turbines.

- Public access – Commentors expressed the need to continue to allow and protect public access to Cotterel Mountain.

- Visual resources – Commentors expressed concern about the visual impact to the town of Albion and other communities, as the Proposed Project would be in close proximity to towns, ranches, and homes.

- Conformance with the Cassia RMP – Internal review disclosed the proposed action was not in conformance with the Cassia RMP and an amendment would be required.

1.7.2 Other Issues and Concerns Addressed

Other issues and concerns were identified by the public, BLM, Shoshone Bannock Tribes, Shoshone Paiute Tribes, and other governmental organizations regarding the Proposed Project and its alternatives. They are listed below and described in more detail in Chapter 3 of this Final EIS.

- Air Quality
- Ridgeline and cultural significance to Tribes
- Historical migrations routes of Tribes
- Geology
- Soils
- Water Resources (including surface, groundwater, and springs)
- Noise/vibration/harmonics
- Vegetation
- Noxious weeds
- Wildlife
- Wind turbine effects on birds and bats
- Direct and indirect wildlife habitat loss
- Mule deer winter range
- Increased human activity on Cotterel Mountain and its effects on wildlife
- Threatened, Endangered, and Sensitive Species and their habitats
- Cultural and historical resources

- Socioeconomics
- Land use
- Private land values
- Increased traffic on local roads during construction
- Livestock grazing
- Recreation

1.7.3 Why Cotterel Mountain and not Elsewhere?

The EIS addresses creating power with wind energy, but does not address other locations for the Proposed Project. The Applicant's proposal identified the Proposed Project area for development. The wind resource in southern Idaho has been studied since the 1980s. The results showed that less than two percent of the Idaho landmass is in the top three wind resource categories: Class 5 (excellent), Class 6 (outstanding), and Class 7 (superb). The majority of the Cotterel Mountain ridgeline is within one of these three categories. Based on the above-mentioned studies and wind data collection that the Applicant completed, the Proposed Project site has a proven wind resource suitable for producing electricity at competitive prices. Other possible project site locations could jeopardize project feasibility because of a lack of sufficient wind resource or remoteness from nearby power transmission lines or barriers to access by construction equipment.

1.7.4 Issues Deemed Outside the Scope of the EIS

Some issues were found to be outside of the scope of the EIS. These included management direction or habitat suitability assessments for the reintroduction of big horn sheep into the Cotterel Mountain. The potential impacts of the Proposed Project to the suitability of the Cotterel Mountain for reintroduction of big horn sheep will not be addressed in the EIS. The loss of sage-steppe habitat for sage-grouse will be assessed as it relates to the Proposed Project. However, it is outside the scope of this EIS to assess the loss of sage-steppe habitat from a range management standpoint in regard to grazing. The issue of whether or not the wind turbines would be manufactured in the U.S. was deemed outside the scope of the EIS because the source and manufacturer of the turbines will have no effect on the development or analysis of the alternatives. Other issues of concern included the need for development of all forms of renewable energy.

1.8 FEDERAL AND STATE AUTHORITIES AND ACTIONS

Table 1.8-1 lists all authorizing actions required for project compliance with all relevant Federal and state laws. The development of energy resources is part of the BLM management program under the authority of the Federal Land Policy and Management Act of 1976. The development of energy-generation facilities is an integral part of the President's National Energy Policy, which encourages the development of renewable energy resources, including wind energy, as part of an overall strategy to develop a diverse portfolio of domestic energy supplies for the nation's future and decrease reliance on external suppliers.

Table 1.8-1. Federal and State Authorities and Actions for the Proposed Project.

Agency	Action	Authority
U.S. Bureau of Land Management	Draft EIS, Final EIS, Cassia RMP Amendment, and Record of Decision preparation	NEPA, 40 CFR Parts 1500-1508; Federal Land Policy and Management Act of 1976 (as amended), Public Law 94-579
	ROW grant	U.S. Department of the Interior, Federal Land Policy and Management Act of 1976 (as amended) Public Law 94-579; 43 CFR 2800
	Notice to Proceed	BLM Manual H-2801-1 ROW Plan of Developments
Bonneville Power Administration	Cooperating agency - support renewable energy sources ROW crossing permit Interconnection approval	Public Law 96-501 BPA Open Access Tariff
U.S. Bureau of Reclamation	Granting of ROW	
U.S. Environmental Protection Agency	Permit for treatment, storage, or disposal of hazardous wastes Air Quality Construction Stormwater Permit	Resource Conservation and Recovery Act Clean Air Act as amended 1990 Clean Water Act as amended 1977
U.S. Fish and Wildlife Service	Cooperating agency. Review impact on federally listed or proposed TES species of fish, wildlife, plants, and migratory birds Preparation of Biological Opinion of potential project impacts on Threatened and Endangered species Provides input on recommended mitigation measures	Fish and Wildlife Coordination Act of 1934, as amended 1946, 1977 (16 U.S.C. 661-667e); Endangered Species Act of 1973 (16 U.S.C. Sections 1531 *et seq.*); Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703 *et seq.*); Eagle Act (16 U.S.C. 668-668d)
Idaho Department of Fish and Game	Review impact, wildlife, and wildlife habitat and assist in developing mitigation measures	Fish and Wildlife Coordination Act of 1934, as amended 1946, 1958, 1977 (U.S.C. 661-667e)
Idaho Department of Lands	Granting of ROW	State of Idaho Administrative Rule 20.03.08 Easements on State Owned Land

Table 1.8-1. Federal and State Authorities and Actions for the Proposed Project.

Agency	Action	Authority
Idaho Department of Environmental Quality	Permit for Concrete Batch Plant Permit for Mobile Rock Crusher Air Quality	Administrative Rule 5801200 and Permit by Rule requirements 5801795 Clean Air Act as amended 1990
Idaho State Historic Preservation Office	Consult with BLM on-site eligibility and the effects of the Proposed Project on eligible sites Provide determination of eligibility	National Historic Preservation Act of 1966, as amended (16 U.S.C. 470)
U. S. Bureau of Alcohol, Tobacco and Firearms	Explosives for turbine foundation blasting	CFR Title 27, Alcohol, Tobacco and Firearms, Revised April 1, 2003
South Central District Health Department	O&M Building Septic System	IDAPA 58 Title 01 Chapter 3 Rules for Individual Subsurface Sewage Disposal
Idaho Transportation Department	Oversize Load Permits	IDAPA 39 Title 03 Chapter 13
Federal Highway Administration	Transmission line crossing Interstate 84	CFR Title 23, Highways
Federal Aviation Administration	Determination of No Hazard to Air Navigation	CFR Title 14 Aeronautics and Space Federal Aviation Regulations

1.9 DECISIONS TO BE MADE

1.9.1 Bureau of Land Management

The BLM will make a decision whether or not to grant a ROW to allow for the construction, operation, and maintenance of the Proposed Project on federal lands. The BLM will also make a decision whether or not to amend its existing Cassia RMP, which will allow for the granting of the ROW if so decided. Both decisions will be outlined in a Record of Decision, based on the outcome of the EIS. If the Record of Decision is to grant the ROW, the ROW grant would only be issued upon completion and approval of Plan of Development. The Plan of Development would also be made a part of the ROW Grant.

1.9.2 Bonneville Power Administration

The BPA will make a decision whether or not to offer contract terms for the interconnection of the Windland project to the Federal Columbia River Transmission System (FCRTS) if necessary. BPA has adopted an Open Access Transmission Tariff for the FCRTS, consistent with the Federal Energy Regulatory Commission's (FERC) *pro forma* open access tariff*. Under BPA's tariff, BPA offers transmission interconnection to the FCRTS to all eligible customers on a first-come, first-served basis.

> *Although BPA is not subject to FERC's jurisdiction, BPA follows the open access tariff as a matter of national policy. This course of action demonstrates BPA's commitment to non-discriminatory access to its transmission system and ensures that BPA will receive non-discriminatory access to the transmission systems of utilities that are subject to FERC jurisdiction.

1.9.3 U.S. Bureau of Reclamation

The BOR will make a decision on whether or not to grant a ROW for a portion of any transmission line that would cross lands managed by the BOR.

1.9.4 U.S. Fish & Wildlife Service

The USFWS will issue a Biological Opinion based on the Biological Assessment of impacts to threatened and endangered species.

1.9.5 Idaho Department of Lands

The IDL will make a decision whether or not to grant a ROW for a portion of any transmission line, any wind turbines, or any access roads that would cross state land.

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