



## **BLM National NEPA Register**

### **Comment Submission**

**Project: DOI-BLM-WO-2300-2022-0001-RMP-EIS - 2021 Greater Sage-grouse Land Use Plan Amendments**

**Document: 2021 GRSG Plans - Federal Register - Notice of Intent.pdf**

**Submission ID: SCP-1-500204282**

### **Comment**

Submitted on behalf of Energy and Wildlife Action Coalition

**Upload File(s)**

### Files

EWAC - Final Comment Letter re Sage Grouse BLM NOI (2-7-22).pdf

#### Submitter(s)

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**February 7, 2022**

Comments regarding:

**November 22, 2021 Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements**

Submitted by:

**Energy and Wildlife Action Coalition**

Filed electronically at: <https://go.usa.gov/xMtJQ>  
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Docket No. 223.LLHQ230000.L11700000.PI0000.LXSGCO000000

The Energy and Wildlife Action Coalition (“EWAC”)<sup>1</sup> submits these comments in response to the Bureau of Land Management’s (“BLM”) November 22, 2021 Notice of Intent to Amend Land Use Plans Regarding Greater Sage-Grouse Conservation and Prepare Associated Environmental Impact Statements (“NOI”).<sup>2</sup>

EWAC believes stakeholder input is critical to this process and appreciates the opportunity to comment. The Biden Administration has prioritized grid modernization and deployment of renewable energy on federal lands, and EWAC agrees that renewable energy and electric infrastructure development on federal lands are instrumental to achieving the Biden Administration’s goals to address climate change and ensure that safe, reliable, affordable, and increasingly cleaner energy is available to all communities throughout the United States. EWAC also understands that species conservation is not only a Biden Administration priority but also an important piece of the administration’s climate change strategy. Below EWAC provides recommendations to BLM that would help balance the Biden Administration’s renewable energy and grid modernization goals with its conservation goals as it proceeds with amending the greater sage grouse (“GRSG”) Resource Management Plans (“RMPs”).

## **I. GRSG RMP measures must be designed in a way that do not preclude other priorities.**

When amending the GRSG RMPs, and understanding that our nation’s public lands are intended to be managed for multiple uses, BLM should be careful to balance its GRSG conservation goals with other high value priorities for federal lands. In particular, EWAC strongly recommends that BLM factor the needs of renewable energy generation, transmission, and grid modernization on federal lands, and the constraints any potential amendments to the RMPs may place on the siting and operations of these critical infrastructure resources, into the consideration of any amendments. Oftentimes, landscape-scale planning focused on a particular resource can result in constraints that may preclude or complicate other priorities. Renewable energy generation and electric transmission and distribution projects have multiple constraints affecting project route and layout beyond those related to wildlife and their habitats, and the planning and approval process is already lengthy and sometimes cumbersome. Layering measure upon measure, especially at a landscape-scale, can be overly restrictive. Such an approach makes siting of electric infrastructure challenging, which in turn discourages and, in some cases, renders impossible renewable generation and electric transmission and distribution line development where projects or portions of projects overlap with federal lands. These unintended consequences would, without a doubt, prevent the Biden Administration from achieving its goals.

When developing amendments to the GRSG RMPs, BLM should consider the threat climate change poses to the long-term survival of GRSG and ensure that GRSG measures continue

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<sup>1</sup> EWAC is a national coalition formed in 2014 whose members consist of electric utilities, electric transmission providers, and renewable energy entities operating throughout the United States, and related trade associations. The fundamental goals of EWAC are to evaluate, develop, and promote sound environmental policies for federally protected wildlife and closely related natural resources while ensuring the continued generation and transmission of reliable and affordable electricity. EWAC supports public policies, based on sound science, that protect wildlife and natural resources in a reasonable, consistent, and cost-effective manner. EWAC is a majority-rules organization and therefore specific decisions made by the EWAC Policy Committee may not always reflect the positions of every member.

<sup>2</sup> 86 Fed. Reg. 66,331 (Nov. 22, 2021).

to allow for renewable energy and electric transmission and distribution projects to effectively be deployed on federal lands consistent with Biden Administration goals. BLM also should explore opportunities to prioritize approvals that would promote multiple priorities, such as transmission line projects, which by virtue of their wildfire risk management responsibilities will also provide GRSB habitat protection and support habitat regeneration.

## **II. Stakeholder engagement is critical to a successful outcome.**

Engaging with those impacted by the GRSB RMPs is a crucial component of the amendment process. EWAC greatly appreciates the opportunity to comment on the NOI and the listening sessions that have been arranged during the NOI comment period. EWAC urges BLM to continue its coordination with stakeholders on the amendments prior to publishing the draft environmental impact statements. Meaningful coordination, such as stakeholder work-sessions or similar efforts will help ensure that the amendments can be efficiently administered, provide certainty and predictability to both BLM and the regulated community, and ensure that they do not result in the unintended consequence of excluding electric infrastructure development considerations, which are key tools for BLM to achieve long-term GRSB conservation goals. BLM should incorporate measures developed by the regulated community as those responsible for their implementation have developed these measures. Additionally, continued coordination with other federal and state agencies that are responsible for administering similar goals (such as the U.S. Forest Service) will help attain consistency for those that must administer, evaluate, and comply with GRSB measures across jurisdictions.

## **III. GRSB RMP measures must be practicable to administer and implement.**

Currently, the application of the GRSB RMPs to a project involves careful evaluation of several documents to determine which measures may apply. For example, in a single state an RMP, amended RMP, and implementation plan may all apply to a portion of a project. Measures within these documents can sometimes conflict with each other and it is difficult to ascertain which measures have been superseded and which may still apply. In some instances, even BLM staff have been unable to ascertain which measures are applicable to a project. This has led to confusion and delays in project development. Given the multitude of environmental, engineering, safety, design, and cost considerations that must be factored into the development of renewable energy facilities and transmission and distribution line infrastructure, increasing clarity on how to determine applicable conservation measures will ease administration of the GRSB RMPs for both BLM and project proponents. In its efforts to amend the GRSB RMPs, EWAC recommends that BLM consider a web catalog or key to improve clarity.

In addition to improving clarity for determining applicable measures, the measures themselves should be written such that project proponents can confidently design, operate, and maintain projects knowing they are in compliance with the RMPs. Clarity of the measures provide project proponents with certainty and predictability, which are critical to the delivery of safe and reliable energy. Clear measures also improve communication between project proponents and BLM and help BLM administer the GRSB RMPs, thereby allowing for more efficient processing and compliance evaluations.

It is equally important that the measures are practicable, realistic, and technically and economically feasible. Setbacks and other design criteria (e.g., perch deterrents) should also not be unduly restrictive and be based on best available science, including both published and unpublished industry data, and not conflict with other protected resources (e.g., migratory bird conservation). Given the various constraints that must be reconciled for successful renewable energy and electric transmission and distribution projects, BLM should work with electric transmission, distribution providers, and renewable energy developers to ensure measures are reasonable, and that implementation is feasible.

By way of example, some EWAC members have encountered an existing GRSG RMP measure prescribing that in certain areas and within a certain proximity to GRSG leks, transmission lines (new and existing projects) must either bury the lines or install perch deterrents. It is inappropriate to require such an either/or measure – particularly considering the limited effectiveness of anti-perching devices and cost-prohibitive nature of burying overhead transmission power lines. Further, interpretation on how to apply these measures has proven challenging across various BLM offices and other jurisdictions, at times leading to onerous requests being made of facility owner/operators, particularly those operators that are performing upgrades to existing facilities.

The efficacy and efficiency of incorporating these measures is also questionable, particularly where the federal right-of-way is a very short portion of the overall project. In such instances, the project proponent incurs increased costs, complexity, and land disturbance within the public lands portion of a project with no real environmental benefit, as adjacent non-federal lands portions of the same project can continue to be maintained in a different fashion. Further, advantages of this measure for GRSG are questionable. Burying of transmission lines increases the disturbance footprint, which increases fire risk that can threaten GRSG habitat.

Perch deterrents have limited benefit to the GRSG as potential predators can perch on other facility structures (e.g., conductors) or other natural or anthropogenic perches on the landscape, and perch deterrents can unintentionally create raven or raptor nesting substrates. Thus, project proponents are then in a situation where they are required to choose between a potentially cost-prohibitive and hazardous solution or expending costs to install deterrents that provide limited benefit to the GRSG. For those that are unable to bury the relevant portion of the transmission line, certain BLM offices have interpreted this measure to require perch deterrents on every pole or tower; other BLM offices have worked with project proponents to develop a more nuanced approach. To improve clarity and practicability, BLM should rely on existing industry best management practices. For example, the Avian Power Line Interaction Committee (“APLIC”) has developed the 2015 Best Management Practices for Electric Utilities in Sage-Grouse Habitat (“APLIC GRSG BMPs”).<sup>3</sup> The APLIC GRSG BMPs incorporate measures thoughtfully designed by industry-participants and participating state and federal agencies that are biologically supportable and capable of implementation. EWAC understands that BLM staff are not in the

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<sup>3</sup> Avian Power Line Interaction Committee (APLIC). 2015 Best Management Practices for Electric Utilities in Sage-Grouse Habitat. Edison Electric Institute and APLIC. Washington, DC. © 2015 by the Edison Electric Institute (EEI). All rights reserved. Published 2015. Printed in the United States of America. *Available at*, [http://www.aplic.org/uploads/files/15646/SAGR%20BMP%20FINAL\\_June%202015.pdf](http://www.aplic.org/uploads/files/15646/SAGR%20BMP%20FINAL_June%202015.pdf)

business of developing, constructing, and operating electric infrastructure, thus it is sensible for BLM to rely on the expertise of the regulated community to inform their decision-making with respect to these types of impact-reduction measures, particularly where resource agencies have already contributed to the development of those measures. Relying on industry best management practices can help BLM incorporate measures that have been developed by those that are responsible for implementing the measures and which have proven beneficial to GRSG, are effective, practicable, and consistent with utility safety and other requirements.

**IV. BLM should appropriately credit avoidance and minimization measures and provide an efficient pathway for offsetting unavoidable impacts.**

In developing amendments to the GRSG RMPs, the BLM should make efforts to appropriately acknowledge project proponent efforts to avoid and minimize impacts to GRSG. Early avoidance and minimization measures are valuable and should be factored into BLM's evaluation of a project. These measures are often coordinated with federal, state, and other stakeholders early in project development and carefully incorporate and balance stakeholder interests. Compensatory mitigation should be appropriate only where impacts remain after implementation of avoidance and minimization measures. BLM should also consider the creation of a habitat preservation fund to provide an efficient pathway to offsetting habitat impacts where impacts may be unavoidable.

**V. Conclusion**

EWAC is appreciative of the land use planning initiative undertaken by BLM to address the management of GRSG and sagebrush habitat on BLM-managed public lands, and respectfully requests that these comments be given due consideration. EWAC looks forward to continued coordination and participation in this process and is happy to discuss any aspects of these comments in greater detail as may be helpful.

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