



***Bureau of Land Management
Director's Protest Resolution Report***

**Greenlink West Transmission
Project Final Environmental
Impact Statement and
Proposed Resource
Management Plan
Amendments**

August 27, 2024

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Acronyms

Term	Definition
ACEC	Area of Critical Environmental Concern
BLM	Bureau of Land Management
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
EIS	Environmental Impact Statement
FEIS	Final Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
GLWP	Greenlink West Project
NEPA	National Environmental Policy Act
NPS	National Park Service
PRMPAs	Proposed Resource Management Plan Amendments
PRPA	Paleontological Resources Preservation Act of 2009
RA	Resource Area
RFFAs	reasonably foreseeable future actions
RMP	Resource Management Plan
RMPA	Resource Management Plan Amendments
ROW	right-of-way
TUSK	Tule Springs Fossil Beds National Monument

Introduction

The Bureau of Land Management (BLM) Nevada State Office released the Greenlink West Transmission Project Final Environmental Impact Statement (FEIS) and Proposed Resource Management Plan Amendments (PRMPAs) on June 14, 2024. The BLM received six unique protest letter submissions during the subsequent 30-day protest period, which ended on July 15, 2024.

The planning regulations at 43 Code of Federal Regulations (CFR) 1610.5-2 outline the requirements for filing a valid protest. The BLM evaluated all protest letters to determine which protest letters were complete and timely, and which persons have standing to protest. All six letters were complete, timely, and were from parties who had standing to protest. Four of the protest letters contained valid protest issues. The BLM documents the response to the valid protest issues in this protest resolution report. The protest decision is recorded in writing along with the reasons for the decision in this protest resolution report.

After careful review of the report by the BLM's Assistant Director for Resources and Planning, the Assistant Director concluded that the BLM Nevada State Director followed the applicable laws, regulations, and policies and considered all relevant resource information and public input. The Assistant Director addressed the protests and issued a Protest Resolution Report to protesting parties and posted the report on the BLM's website; no changes to the Greenlink West FEIS/PRMPAs were necessary. The decision was sent to the protesting parties by certified mail, return receipt requested. Resolution of protests is delegated to the BLM Assistant Director for Resources and Planning whose decision on the protest is the final decision of the U.S. Department of the Interior (43 CFR 1610.5-2(b)) consistent with the BLM Delegation of Authority Manual (MS-1203 Delegation of Authority).

The report is divided into sections each with a topic heading, excerpts from individual protest letters, a summary statement of the issues or concerns raised by the protesting parties, and the BLM's response to the protests.

Protesting Party Index

Letter Number	Protestor	Organization	Determination
PP-NV-GW-EIS-24-01	Tara Jacob	United States Air Force, Nevada Test and Training Range	Dismissed – Comments Only
	John Esch	United States Air Force, Nevada Test and Training Range	
PP-NV-GW-EIS-24-02	Andrea Martinez	Walker River Paiute Tribe	Dismissed – Comments Only
PP-NV-GW-EIS-24-03	Laura Cunningham	Western Watersheds Project	Denied
	Kevin Emmerich	Basin and Range Watch	
PP-NV-GW-EIS-24-04	Sherri Grotheer	Protectors of Tule Springs	Denied
PP-NV-GW-EIS-24-05	Shaaron Netherton	Friends of Nevada Wilderness	Denied
	Patrick Donnelly	Center for Biological Diversity	
	Bertha Gutierrez	Conservation Lands Foundation	
	Olivia Tanager	Toiyabe Chapter of the Sierra Club	
	Alan O'Neil	Friends of Avi Kwa Ame	
	RN Safran	Friends of Sloan Canyon	
	Elwood Emm	Yerington Paiute Tribe	
	Andrea Martinez	Walker River Paiute Tribe	
PP-NV-GW-EIS-24-06	Kirk Peterson		Denied

ACEC Designation

Western Watersheds Project & Basin and Range Watch

Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: ACECs are a conservation emphasis of the Public Lands Rule which is now in the process of being implemented. ... FLPMA requires that agencies give priority to the designation and protection of areas of critical environmental concern. The proposed Greenlink West Right of Way traverses two nominated Areas of Critical Environmental Concern. The first is the Cactus Springs ACEC nomination which would protect 58,000 acres of desert tortoise Priority One Connectivity habitat along with rare plants, cultural sites and riparian areas. It would also traverse the 849,170 acre Esmeralda ACEC nomination submitted in 2023 by the Friends of Nevada Wilderness. The ACEC would protect rare plants, wildlife, Lands with Wilderness Characteristics, cultural sites, cultural landscapes and recreational opportunities. The BLM is reviewing the nomination for Relevance and Importance and nominated ACEC'S should be considered as Conservation Alternatives to the proposed ROW and Plan Amendments.

Kirk Peterson

Issue Excerpt Text: It is clear that the Nevada BLM, at the outset of scoping for the GLWP, is attempting to undermine the FLPMA on statue guidance for ACECs, default to the 40 year failure of the Tonopah RA RMPs to evaluate and give priority to ACECs, short- circuit any potential current and relevant information on the ecological status and environmental, cultural, and recreational resources, and malicious attempt to deter public, stakeholder, and other agency input. This undue deference by the Nevada BLM to the Proponent's (NV Energy's) preferred application for the GLWP and marginalization of the FLPMA and NEPA statutes that govern the Nevada BLM's actions and requirements cannot withstand the demand for more critical review of agency decisions and actions under the recent Supreme Court decision in *Loper Bright Enterprises v. Raimondo* (2024) The GLW FEIS/RMPA for the Goldfield-Tonopah Route Group Proposed Action falls short of this heightened scrutiny.

Summary:

Protestors stated that, per the Public Lands Rule, the BLM was required to give additional consideration in the Greenlink West FEIS/PRMPAs to two Areas of Critical Environmental Concern (ACEC) nominated by the public, the Cactus Springs ACEC and the Esmeralda ACEC, including by analyzing alternatives that would designate the nominated areas as ACECs.

Response:

The BLM's consideration of the ACEC nominations received during the comment period for the Draft Environmental Impact Statement (EIS)/Draft Resource Management Plan Amendments (RMPAs) was consistent with existing policies and the applicable regulations. Section 202(c)(3) of the Federal Land Policy and Management Act (FLPMA) requires that the BLM give priority to the designation and protection of ACECs in the development and revision of land use plans (43 United States Code (U.S.C.) 1712(c)(3)). FLPMA defines ACECs as "areas within the public lands where special management attention is required...to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards" (*Id.* 1702(a)). The BLM's planning regulations, which were recently revised as part of the Public Lands Rule, 89 *Federal Register* 40,308 (May 9, 2024), address the identification, evaluation, and designation of ACECs during the development and revision of RMPs and during amendments to RMPs when evaluation and designation of ACECs are within the

scope of the amendment, as reflected in 43 CFR 1610.4-1 through 4.9. 43 CFR 1610.7-2(b) (2024) (see also 43 CFR 1610.7-2 (2017)) states that ACECs “shall be identified and considered throughout the resource management planning process (see §§ 1610.4-1 through 1610.4-9).” As reflected in existing policies and the new regulations, which went into effect on June 10, 2024, shortly before the BLM published the Greenlink West Final EIS/PRMPAs, the BLM reviewed nominated ACECs to determine whether they have relevant and important values and need special management (43 CFR 1610.7-2(a); BLM IM 2023-013; BLM Manual 1613, *Areas of Critical Environmental Concern*). However, the BLM determines the appropriate time for and may defer the evaluation of ACECs nominated outside of the planning process, including if evaluation and designation of ACECs are not within the scope of an RMPA associated with the BLM’s review of a proposed activity (43 CFR 1610.7-2(i); BLM Manual 1613). Under these circumstances, the BLM has discretion in the selection of ACECs for the various alternatives and may defer consideration of a nominated ACEC to a future planning process (43 CFR 1610.7-2(i)(2)).

Based on the Greenlink West EIS/RMPAs’ purpose and need, impact analysis, and goals and objectives, the BLM chose not to address the nominations of the Cactus Springs and Esmeralda/Fish Creek ACECs in the PRMPAs (Greenlink West FEIS/PRMPAs p. 3-329). In doing so, the BLM is following the policies outlined in the 1988 ACEC Manual 1613 and IM-2023-13 regarding a publicly submitted ACEC nomination outside of a Resource Management Plan (RMP) revision process, which is also consistent with the new regulations at 43 CFR 1610.7-2(i). Both policies direct that the BLM prepare a relevance and importance values report. In 2024, the BLM prepared relevance and importance values reports for both the Cactus Springs and Esmeralda/Fish Lake ACEC nominations and, as part of those reports, has reviewed whether and what interim special management attention is needed for these areas. In the case of the Cactus Springs ACEC nomination, the relevance and importance values report identified interim special management attention specific to solar energy development (e.g., vegetation retention requirements, grading limitation requirements), which does not apply to the Greenlink West EIS/RMPAs. In the case of the Esmeralda/Fish Lake ACEC nomination, the relevance and important values report concluded that no interim special management attention was needed.

In the case of both ACEC nominations, the State Director has determined to defer any further evaluation of the presence of relevant and important values and the need for special management attention associated with these ACEC nominations to a future RMP revision process (43 CFR 1610.7-2(i)). The nominated ACECs are discussed as reasonably foreseeable future actions (RFFAs) in Section 3.18.4 of the Greenlink West FEIS/PRMPAs (p. 3-309) and in Appendix T (Greenlink West FEIS/PRMPAs pp. T-91 and T-92).

The BLM properly addressed the nominations of potential ACECs in the Greenlink West FEIS/PRMPAs. Accordingly, this protest issue is denied.

NEPA – Cumulative Impacts Analysis

Western Watersheds Project & Basin Range Watch Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: The FEIS Fails to take a Hard Look at Cumulative Impacts. ... The BLM did not address the cumulative impacts to Esmeralda County.

Summary:

Protestors stated that the BLM violated the National Environmental Policy Act (NEPA) by not adequately analyzing cumulative impacts, particularly on Esmeralda County, in the FEIS/PRMPAs.

Response:

Pursuant to the Council on Environmental Quality's (CEQ) NEPA regulations, the BLM is required to consider the environmental impacts of a proposed action and any reasonable alternative when preparing an EIS, which includes the cumulative effects (40 CFR 1502.16(a)(1) and BLM Handbook H-1790-1, Section 6.8.3). The CEQ regulations define cumulative effects as "...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions" (40 CFR 1508.1(g)(3) (2022)).

The BLM fully analyzed the environmental effects associated with the Proposed Action and the alternatives for the Greenlink West Transmission Project in the Greenlink West FEIS/PRMPAs, including the cumulative impacts consistent with the requirements of 40 CFR 1502.16 and 1508.1(g). The cumulative impact analysis in the Greenlink West FEIS/PRMPAs is based on the broad nature and scope of the proposed management options under consideration at the land use planning level. The cumulative impact analysis considered the effects of the planning effort when added to other past, present, and reasonably foreseeable (not highly speculative) Federal and non-Federal actions. The cumulative impacts that would result from construction, operations, and maintenance of the Greenlink West Transmission Project combined with past, present, or RFFAs were analyzed in Section 3.18 of the Greenlink West FEIS/PRMPAs (pp. 3-305 through 3-339).

The geographic extent of cumulative effects varies according to the affected resource analyzed; Esmeralda County was among the geographic areas studied, as shown in Appendix T, *Cumulative Effects Analysis Areas and Reasonably Foreseeable Future Actions*. Also as shown in Appendix T, portions of Esmeralda County are within the cumulative effects analysis area for nearly all resources including air quality and climate change, cultural resources and Native American religious concerns, mineral resources, soil resources, federally listed species whose habitat occur within Esmeralda County, paleontological resources, public health and safety, special designation areas, visual resources, and water resources. The cumulative effects analysis area for each resource was determined prior to identifying the past, present, and RFFAs for analysis consideration (see Table T-1, Appendix T). As part of this cumulative analysis, all RFFAs were assessed in detail based on project description and spatial information. For all RFFAs, projects were categorized into various types (i.e., transportation, mining, general construction), vicinity (rural, semi-rural, unknown, urban), and land use (existing roadway, existing facility, previously disturbed, undeveloped, unknown). The list of RFFAs focused on the identification of large projects such as interstate and state route transportation projects, energy-related projects, and general construction projects expected to exceed 5 acres. An analysis of cumulative impacts for the cumulative effects analysis areas for each resource, which are the combined direct and indirect effects of the present and RFFAs in addition to the direct and indirect impacts of the Action Alternatives and No Action Alternative, is provided in Section 3.18.6 of the Greenlink West FEIS/PRMPAs (pp. 3-310 through 3-339). These impacts would apply to Esmeralda County when the county is within the cumulative effects analysis area, as shown in Appendix T.

The analysis took into account the relationship between the Proposed Action and these RFFAs. This served as the determining factor as to the level of analysis performed and presented. The information presented in the Greenlink West FEIS/PRMPAs enables the decision-maker to make a reasoned choice among alternatives.

The BLM adequately analyzed cumulative effects in the Greenlink West FEIS/PRMPAs. Accordingly, this protest issue is denied.

NEPA – Impacts Analysis

Western Watersheds Project & Basin Range Watch

Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: The FEIS Fails to take a Hard Look at the Proposed Project’s Impacts to Paleontological Resources and Tule Springs Fossil Beds National Monument.

Western Watersheds Project & Basin Range Watch

Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: The FEIS Fails to take a Hard Look at the Proposed Project’s Impacts to Biological Soil Crusts.

Western Watersheds Project & Basin Range Watch

Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: The FEIS Fails to take a Hard Look at the Project’s Impacts to Rare Plants.

Western Watersheds Project & Basin Range Watch

Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: The FEIS Fails to take a Hard Look at the Proposed Project’s Impacts to Joshua Trees.

Western Watersheds Project & Basin Range Watch

Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: The FEIS Fails to take a Hard Look at the Proposed Project’s Impacts to the Amargosa Toad.

Western Watersheds Project & Basin Range Watch

Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: The FEIS Fails to take a Hard Look at the Proposed Project’s Impacts to the Mojave Desert Tortoise.

Western Watersheds Project & Basin Range Watch

Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: The FEIS Fails to take a Hard Look at the Proposed Project’s Impacts to Sage Grouse.

Western Watersheds Project & Basin Range Watch

Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: The FEIS Fails to take a Hard Look at the Proposed Project’s Impacts on Pygmy Rabbit.

Western Watersheds Project & Basin Range Watch

Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: The FEIS Fails to take a Hard Look at the Proposed Project’s Impacts to Big Game.

***Western Watersheds Project & Basin Range Watch
Lauren Cunningham & Kevin Emmerich***

Issue Excerpt Text: The FEIS Fails to take a Hard Look at the Proposed Project’s Impacts to Visual Resources.

***Western Watersheds Project & Basin Range Watch
Lauren Cunningham & Kevin Emmerich***

Issue Excerpt Text: The FEIS Fails to take a Hard Look at Climate Impacts.

***Western Watersheds Project & Basin Range Watch
Lauren Cunningham & Kevin Emmerich***

Issue Excerpt Text: The FEIS Fails to Take a Hard Look at the Proposed Project’s Impacts to Recreation. BLM fails to address significant concerns of local communities to the impacts to recreation and tourism that building this massive high voltage transmission line and cumulative impacts would bring to the region.

Summary:

Protestors stated that the BLM violated NEPA by not taking a hard look at the FEIS/PRMPAs’ impacts on several biological and critical resources, including impacts on paleontological resources, the Tule Springs Fossil Beds National Monument (TUSK), biological soil crusts, rare plants, Joshua trees, Amargosa toads, the Mojave Desert tortoise, sage-grouse, pygmy rabbit, big game, visual resources, climate impacts, recreation, and tourism.

Response:

The Greenlink West FEIS/PRMPAs demonstrate that the BLM took a “hard look” at the impacts associated with the Proposed Action and alternatives consistent with the obligations under NEPA. NEPA directs that data and analyses in an EIS must be commensurate with the importance of the impact (40 CFR 1502.15), and that NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail (40 CFR 1500.1(b), 1502.1). The level of detail of the NEPA analysis must be sufficient to support reasoned conclusions by comparing the amount and the degree of change (impact) caused by the proposed action and alternatives (BLM Handbook H-1790-1, Section 6.8.1.2). The BLM need not speculate about all conceivable impacts, but it must evaluate the reasonably foreseeable significant effects of the proposed action.

The BLM analyzed the potential impacts of the Greenlink West FEIS/PRMPAs on paleontological resources under all alternatives in Section 3.8, *Paleontological Resources* (pp. 3-159 through 3-186) including direct and indirect impacts. Potential cumulative impacts on paleontological resources are analyzed in Section 3.18.6.8 (Greenlink West FEIS/PRMPAs pp. 3-324 through 3-325) and a mitigation plan is provided in and in Appendix L, *Paleontological Resource Mitigation Plan*. Although the TUSK is outside of the BLM’s decision area for the PRMPAs and is under the jurisdiction of the National Park Service, the BLM analyzed impacts on resources within the TUSK throughout the FEIS/PRMPAs and specifically discusses potential impacts on paleontological resources within the TUSK in Appendix Z (Greenlink West FEIS/PRMPAs pp. Z-1214 through Z-1215). The BLM also discusses potential impacts on other resources specifically within the TUSK including biological resources, special status species, visual resources and visitor experience, recreation resources, and public health in Appendix Z (Greenlink West FEIS/PRMPAs pp. Z-1214 through Z-1217).

The BLM analyzed the potential impacts of the Greenlink West FEIS/PRMPAs on earth resources, including biological soil crusts, on in Section 3.9, *Earth Resources*, of Appendix AB of the Greenlink West FEIS/PRMPAs (pp. AB-28 through AB-46) and in Appendix Z under the Response to 155.KE-8 (p. Z-570). The BLM notes that biological soil crusts (biocrusts) have not been documented in the planning area but acknowledges that they may be present (Greenlink West FEIS/PRMPAs Appendix AB, p. AB-31). The Greenlink West FEIS/PRMPAs analyze potential impacts specifically on biocrust resources in Section 3.9 of Appendix AB (pp. AB-31 through AB-32 and AB-37) and references mitigation measures that would be implemented to avoid, minimize, or mitigate impacts, which are further described in Appendix C (pp. C-15 and C-23).

The BLM analyzed the potential impacts of the Greenlink West FEIS/PRMPAs under each alternative on rare plants in Section 3.1, *Federally Listed Species*, Section 3.3, *Special Status Species*, and Appendix I, *Special Status Species Considered*, of the Greenlink West FEIS/PRMPAs (Greenlink West FEIS/PRMPAs pp. 3-2 through 3-55, 3-55 through 3-106, and Appendix I). Special status species with the potential to be affected by the Greenlink West FEIS/PRMPAs are provided in Appendix I, which includes the information sources of how those species' potential to occur within the analysis area was evaluated. Table I-1 in Appendix I starting on page I-29 lists the rare plant species with the potential to occur in the analysis area and a detailed analysis of the potential impacts on those species under each alternative is provided in Section 3.3.4 (Greenlink West FEIS/PRMPAs pp. 3-78 through 3-106).

Regarding Joshua trees, the western Joshua tree (*Yucca brevifolia*), eastern Joshua tree (*Y. jaegeriana*), and Bailey's greasewood (*Sarcobatus baileyi*) do not have special status under any state for Federal agencies. The BLM analyzed the potential impacts of the Greenlink West FEIS/PRMPAs on general vegetation, which includes Joshua trees, in Appendix AB, Section 3.2, *General Vegetation* (pp. AB-1 through AB-10). Additionally, Appendix C, *Environmental Mitigation Measures*, contains mitigation measures that would apply to Joshua trees including BIO-13, BIO-17, BIO-34, BIO-39, BIO-47, CON-10, FOREST-1 through FOREST-3, OPS-4, REC-12, and REC-19 (Greenlink West FEIS/PRMPAs Appendix C, pp. C-7, C-9, C-10, C-11, C-12, C-14, C-21, C-33, and C-42). Additionally, BIO-15 would require a Proponent to document and avoid/minimize impacts on unique habitats, such as Sarcobatus Flats, which contains Joshua trees (Greenlink West FEIS/PRMPAs Appendix C, p. C-7).

The BLM analyzed the potential impacts of the Greenlink West FEIS/PRMPAs on special status terrestrial wildlife including Amargosa toads in Section 3.3, *Special Status Species* (pp. 3-55 through 3-105). Amargosa toad is one of the species listed in Appendix I, *Special Status Species Considered*; therefore, the analysis of the potential impacts on these species under each alternative applies to Amargosa toad and is specifically described in Section 3.3.4 (Greenlink West FEIS/PRMPAs pp. 3-78 through 3-106). The BLM provided additional information specific to Amargosa toad in its Response to 155.KE-72 and Response to 155.KE-105 in Appendix Z of the Greenlink West FEIS/PRMPAs (pp. Z-585 and Z-590). As noted in those responses, environmental mitigation measures BIO-25, BIO-26, and BIO-31 are established to specifically protect Amargosa toad and its habitat by halting construction-related activities during heavy rainfall events (Greenlink West FEIS/PRMPAs Appendix C, pp. C-8 and C-9).

The BLM analyzed the potential impacts of the Greenlink West FEIS/PRMPAs on special status terrestrial wildlife including Mojave Desert tortoise in Section 3.1, *Federally Listed Species* (Greenlink West FEIS/PRMPAs pp. 3-1 through 3-55); Section 3.3, *Special Status Species* (Greenlink West FEIS/PRMPAs pp. 3-55 through 3-105); Appendix I, *Special Status Species Considered*; and in Appendix Z under the Responses to 156.AM-11 and 156-12, the Response to 80.JC-3, and the Response to 79.PD-2 (Appendix Z, pp. Z-605 and Z-1092). There are specific subsections in Greenlink West FEIS/PRMPAs Section 3.1.4.2 analyzing the direct and indirect impacts in detail under each alternative on Mojave Desert tortoise and referencing mitigation measures to mitigate or

minimize impacts on the species (Greenlink West FEIS/PRMPAs pp. 3-31 through 3-37, 3-41, 3-42, 3-43, 3-47, 3-48, 3-51, 3-52, and 3-54).

The BLM analyzed the potential impacts of the Greenlink West FEIS/PRMPAs on sage-grouse in Section 3.1, *Federally Listed Species* (Greenlink West FEIS/PRMPAs pp. 3-1 through 3-55), as well as in Appendix Z under the Response to 114.CL-11 (Appendix Z, p. Z-256). There are specific subsections in Greenlink West FEIS/PRMPAs Section 3.1.4.2 analyzing the direct and indirect impacts in detail under each alternative on bi-state sage-grouse and referencing mitigation measures to mitigate or minimize impacts on the species (Greenlink West FEIS/PRMPAs pp. 3-20 through 3-29, 3-41, 3-42, 3-47, 3-48 through 3-50, 3-51, 3-52, and 3-53).

The BLM analyzed the potential impacts of the Greenlink West FEIS/PRMPAs on special status species in Section 3.3, *Special Status Species* (Greenlink West FEIS/PRMPAs pp. 3-55 through 3-105), which applies to pygmy rabbit as indicated in Appendix I, *Special Status Species Considered*, although the species has a low potential to occur within the analysis area. The BLM also addresses impacts on pygmy rabbit in Appendix Z under the Response to 155.KE-17 (Appendix Z, p. Z-573). As indicated in that comment response, although there is a low potential for the species to occur within the analysis area, the Greenlink West FEIS/PRMPAs Section 3.1.4.12 has been updated to identify the Anti-Perching/Nesting mitigation measure that tubular H-frame and monopole structures with avian perch deterrents would be implemented within specific areas that would largely occur within the potential for contemporary range for pygmy rabbit (Greenlink West FEIS/PRMPAs p. 3-53).

The BLM analyzed the potential impacts of the Greenlink West FEIS/PRMPAs on big game species in Section 3.5.4, *General Wildlife*, of Appendix AB, *Other Resources/Uses Analyzed in Detail* (Appendix AB, pp. AB-21 through AB-27) and in Appendix Z within the section titled *Master Response on Big Game Species* (Appendix Z, p. Z-1208). The analysis area for Appendix AB Section 3.5.4, *General Wildlife*, occurs within 17 movement/migration corridors (13 bighorn sheep, 3 mule deer, and 1 pronghorn) as shown on Figure AB-6 (p. AB-22). The general wildlife analysis area occurs within three wintering ranges for bighorn sheep and two wintering ranges for mule deer and the potential impact on these species under each alternative is discussed in Section 3.5.4, *General Wildlife*, of Appendix AB. Impacts on special status and general wildlife species, including big game, would be minimized through implementation of environmental mitigation measures, which are provided in Appendix C of the Greenlink West FEIS/PRMPAs, specifically BIO-1 through BIO-4, BIO-6 through BIO-9, BIO-11, BIO-14 through BIO-18, BIO-27 through BIO-28, and BIO-34 through BIO-35 to minimize impacts on bighorn sheep; BIO-36, HAZMAT_WASTE-10, HAZMAT_WASTE-13, and HAZMAT_WASTE-21 to reduce wildlife access to anthropogenic resources; and BIO-27 and BIO-28 to prohibit the use of helicopters and/or blasting within active lambing areas and to restrict construction activities within desert bighorn sheep and mule deer winter ranges.

The BLM analyzed the potential impacts of the Greenlink West FEIS/PRMPAs under each alternative on visual resources in Section 3.15, *Visual Resources* (Greenlink West FEIS/PRMPAs pp. 3-239 through 3-304), including direct and indirect impacts. Potential cumulative impacts on visual resources are analyzed in Section 3.18.6.15 (Greenlink West FEIS/PRMPAs pp. 3-334 through 3-335). These analyses identify the visual resource analysis area, describe the methods used to analyze impacts on visual resources, describe the existing landscape characteristics and scenic quality, then provide a detailed analysis of potential environmental consequences to visual resources under each alternative from construction, operations and maintenance, and decommissioning of the project. There is also an entire section in Appendix C of environmental mitigation measures specific to visual resources (Greenlink West FEIS/PRMPAs pp. C-47 through C-48) to mitigate and minimize potential impacts on visual resources.

The BLM analyzed the potential impacts of the Greenlink West FEIS/PRMPAs on climate in Section 3.10, *Air Quality, Climate Change, and Greenhouse Gas Emissions* (Greenlink West FEIS/PRMPAs p. 3-186), as well as in Appendix AB (pp. AB-46 through 52). Potential cumulative impacts on air quality, climate change, and greenhouse gas emissions are analyzed in Section 3.18.6.10 (Greenlink West FEIS/PRMPAs pp. 3-327 through 3-328). These analyses identify the air quality, climate change, and greenhouse gas emissions analysis area; describe the methods used to analyze impacts on these resources; describe the current conditions regarding air quality, climate change, and greenhouse gas emissions; then provide a detailed analysis of potential environmental consequences to these resources under each alternative from construction, operations and maintenance, and decommissioning of the project. There is also an entire section in Appendix C of environmental mitigation measures specific to air quality (Greenlink West FEIS/PRMPAs pp. C-3 through C-4) to mitigate and minimize potential impacts on air quality and climate change.

The BLM analyzed the potential impacts of the Greenlink West FEIS/PRMPAs on recreation and tourism in Appendix AB within the subsections titled *Tourism* and *Outdoor Recreation* of Section 3.16, *Socioeconomic Resources and Environmental Justice* (Appendix AB, pp. AB-131 through AB-133, AB-146 through AB-147, AB-149, and AB-152 through AB-154). These sections provide an overview of current conditions related to the economic impact that tourism has generated in the recent past and an overview of the economic contribution of outdoor recreation in the recent past, identify public land in the analysis area that is open for recreational purposes, then provide a detailed analysis of potential environmental consequences to these resources under each alternative from construction, operations and maintenance, and decommissioning of the project, and reference mitigation measures to mitigate or minimize impacts on these resources.

The BLM complied with NEPA’s requirement to analyze the environmental consequences/impacts on paleontological resources, the TUSK, biological soil crusts, rare plants, Joshua trees, Amargosa toads, Mojave Desert tortoise, sage-grouse, pygmy rabbit, big game, visual resources, climate impacts, and recreation and tourism in the Greenlink West FEIS/PRMPAs. Accordingly, this protest issue is denied.

NEPA – Purpose and Need

Western Watersheds Project & Basin Range Watch Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: The BLM’s Purpose and Need Statement is unreasonably narrow, which precludes the agency from considering other reasonable alternatives to achieve the agency’s broader goals. The FEIS Purpose and Need statement fails to acknowledge the environmental impacts of the proposed project and compliance requirements under the National Environmental Policy Act.

Western Watersheds Project & Basin Range Watch Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: Because the FEIS has an unreasonably narrow statement of purpose and need, it therefore results in BLM’s failure to analyze a reasonable range of alternatives. The FEIS fails to consider many of the reasonable alternatives in draft comments on the EIS. Several of the considered alternatives were eliminated even though there are alternatives suggested and proposed that would eliminate several environmental impacts.

*Friends of Nevada Wilderness, Center for Biological Diversity, Conservation Lands Foundation, Toiyabe Chapter of the Sierra Club, Friends of Avi Kwa Ame, Friends of Sloan Canyon, Yerington Paiute Tribe, Walker River Paiute Tribe
Shaaron Netherton, Patrick Donnelly, Bertha Gutierrez, Olivia Tanager, Alan O’Neil, R.N. Safran, Elmwood Emm, Andrea Martinez*

Issue Excerpt Text: The Purpose and Need for this Greenlink Transmission FEIS has not been well balanced with the mission of the BLM and FLPMA’s requirement for RMPs particularly in light of the virtually expired BLM land use plans in this portion of the Battle Mountain District. We are protesting the narrowness of the Purpose and Need for this EIS Section 1.3 (page 1-4). ... To remedy these failures, BLM should broaden the purpose and need and the alternative selection and analysis to better meet the intent of FLPMA sec 202 particularly since the Battle Mountain RMP is so woefully out of date.

Summary:

Protestors stated that the BLM violated NEPA by making the purpose and need of the Greenlink West FEIS/PRMPAs too narrow, which does not allow for an adequate range of alternatives, including alternatives that were proposed by the public and would eliminate several environmental impacts. In addition, protestors stated that this inadequate range of alternatives does not meet the intent of FLPMA Section 202.

Response:

In accordance with NEPA, the BLM has discretion to establish the purpose and need for a proposed action (40 CFR 1502.13). The BLM must construct its purpose and need to conform to existing decisions, policies, regulation, or law (BLM Handbook H-1790-1, Section 6.2). The purpose and need may not be so narrow that only one alternative becomes a foreordained outcome, and may not be so broad that an infinite number of possibilities could accomplish the goals of the project.

The Proponents’ goals, as stated in Section 1.2 of the Greenlink West FEIS/PRMPAs, is to provide redundancy, reliability, and resiliency of electrical power to the Reno-Sparks area. The BLM established the purpose and need statement for the Greenlink West FEIS/PRMPAs in Section 1.3 (pp. 1-4 and 1-5) and addressed its responsibilities under Federal regulations and policies. Construction of the Greenlink West Transmission Project is not predicated on development of the pending applications for solar projects or any other RFFAs along the approximately 472-mile transmission route (Greenlink West FEIS/PRMPAs pp. EX-33 and 3-309). If the right-of-way (ROW) applications for the Greenlink West Transmission Project were to be denied by the Federal ROW agencies, the applicants for the pending solar project applications would look at other transmission lines to distribute their generated power.

NEPA does not require consideration of all possible alternatives, merely that the agency considers a reasonable range of alternatives (40 CFR 1502.14). As part of the NEPA process for the Greenlink West Transmission Project, the BLM has considered reasonable alternatives that also consider the goals of the Proponent per 40 CFR 1502.13, which states, “When an agency’s statutory duty is to review an application for authorization, the agency shall base the purpose and need on the goals of the applicant and the agency’s authority.” In evaluating the Proponent’s application, the BLM considered a range of reasonable alternatives based on whether such alternatives are technically and economically feasible; meet the purpose and need for the Proposed Action; and, where applicable, meet the goals of the Proponent (see BLM NEPA Handbook H-1790-1, Section 6.6 and Section 6.6.3). The Action Alternatives were informed through coordination with the Cooperating Agencies, the public, the Proponent, and the BLM to avoid and/or minimize impacts (see Greenlink West

FEIS/PRMPAs Chapter 5, *Consultation and Coordination*, pp. 5-1 through 5-9). The BLM considered 34 transmission alternatives and five substation and two microwave location alternatives in addition to the Proponent’s Proposed Action (Greenlink West FEIS/PRMPAs Appendix Z, p. Z-577). Twelve of the transmission alternatives and all the substation and microwave alternatives were fully analyzed in the FEIS/PRMPAs (Greenlink West FEIS/PRMPAs Sections 2.1 and 2.2, pp. 2-1 through 2-39). The No Action Alternative was also analyzed in the FEIS/PRMPAs. Furthermore, Appendix AA of the Greenlink West FEIS/PRMPAs discloses the alternatives considered but eliminated from detailed analysis and provides rationale as to why these alternatives were eliminated.

The BLM properly established the purpose and need for the Greenlink West FEIS/PRMPAs and adequately analyzed a reasonable range of alternatives. Accordingly, this protest issue is denied.

NEPA – Range of Alternatives

Protectors of Tule Springs

Sherri Grotheer

Issue Excerpt Text: The EIS process was flawed by its failure to consider alternatives or provide concrete evidence of the impracticability of alternatives. The FEIS process led by the BLM is defective on its face for failure to fully consider and evaluate a range of reasonable alternatives. Consideration of alternatives is the “heart of the environmental impact statement.”⁵ Moreover, in this instance the NPS may approve a ROW permit only if evidence demonstrates that there is no practicable alternative for it to stay within the boundary of the Renewable Energy Corridor. In fact, alternatives exist that would minimize or eliminate impacts to TUSK. However, the BLM conducted no detailed analysis of several seemingly viable options. The report claims that these options were not fully evaluated as they were deemed to be technically or economically infeasible.⁶ However, neither the draft or Final EIS provide details as to the technical or economic infeasibilities.

***Friends of Nevada Wilderness, Center for Biological Diversity, Conservation Lands Foundation, Toiyabe Chapter of the Sierra Club, Friends of Avi Kwa Ame, Friends of Sloan Canyon, Yerington Paiute Tribe, Walker River Paiute Tribe
Shaaron Netherton, Patrick Donnelly, Bertha Gutierrez, Olivia Tanager, Alan O’Neil, R.N. Safran, Elmwood Emm, Andrea Martinez***

Issue Excerpt Text: The alignment of Greenlink West is clearly driven by NV Energy as the proponent but the BLM is required by NEPA to address alternatives. Our repeated requests through scoping and EIS comments and a meeting with the Nevada BLM State Director for a meaningful analysis of an alternative through Esmeralda County was not acted upon.

Kirk Peterson

Issue Excerpt Text: Despite all of this very specific “input from on input from the public [and] Cooperating Agencies,” no “Action Alternatives were developed” or analyzed for the Goldfield-Tonopah Transmission “route group” within either the Draft EIS/RMPA or the Final EIS/RMPA. The statement within B. Proposed Action Alternatives (Page EX-7) is deceptive and untrue. This indicates that neither the DEIS/RMPA nor the FEIS/RMPA are in compliance with NEPA of FLPMA. This kind of slip-shod justification by the Nevada BLM will not stand up to the heightened scrutiny under the recent the Supreme Court decision in *Loper Bright Enterprises v. Raimondo* (2024).

Summary:

Protestors stated that the BLM violated NEPA by dismissing alternatives proposed by the public that would minimize impacts on the TUSK in the Greenlink West FEIS/PRMPAs without adequate rationale. The BLM also violated NEPA by failing to meaningfully analyze reasonable ranges of alternative routes through Esmeralda County and for the Goldfield-Tonopah Transmission route group in the FEIS/PRMPAs.

Response:

When preparing an EIS, NEPA requires an agency to rigorously explore and objectively evaluate all reasonable alternatives and, for alternatives that were eliminated from detailed study, to briefly discuss the reasons for their elimination (40 CFR 1502.14(a)). When there are a very large number of alternatives, the BLM may only analyze a reasonable number to cover the full spectrum of alternatives (BLM NEPA Handbook H-1790-1, Section 6.6.1, quoting Question 1b, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981). Reasonable alternatives include those that are practical or feasible from technical and economic standpoints and using common sense, rather than those simply desirable from the standpoint of the applicant (BLM NEPA Handbook, H-1790-1, at page 50 [citing Question 2a, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981]; see also 40 CFR 1502.14).

As outlined above, agencies may dismiss an alternative from detailed analysis (40 CFR 1502.14) and are not required to consider all possible alternatives. An alternative may be eliminated from detailed study if it is determined not to meet the proposed action's purpose and need; it is determined to be unreasonable given the BLM mandates, policies, and programs; it is substantially similar in design to an alternative that is analyzed; its implementation is speculative or remote; or it is technically or economically infeasible (BLM Handbook H-1790-1, Section 6.6.3). The agency must also briefly discuss the reasons for having dismissed the alternative from detailed analysis (40 CFR 1502.14) and is not required to give detailed consideration to alternatives that are unlikely to be implemented because they are infeasible, ineffective, or inconsistent with the purpose and need for agency action.

The BLM considered potential transmission line route alternatives within the Greenlink West FEIS/PRMPAs by grouping them into smaller geographic areas to allow for localized comparisons along the various line routes. In order to compare the impacts across all alternatives, common start and end points were determined for each group (see Greenlink West FEIS/PRMPAs Table 2-4, p. 2-19). Each transmission line route group is described in detail in Section 2.2 of the FEIS/PRMPAs. The TUSK Transmission Line Route Group Alternatives that were analyzed in detail in the FEIS/RMPAs are discussed in Section 2.2.2 (pp. 2-21 through 2-26) and the Goldfield-Tonopah Transmission Line Route Group Alternatives in Section 2.2.5 (pp. 2-31 through 2-34). Within these sections, the BLM discusses alternatives suggested during the public scoping and comment periods. Section 2.4 (p. 2-39) refers the reader to Appendix AA for a full description of alternatives raised during public scoping and comment periods that were considered but eliminated from detailed analysis. As noted in Appendix AA, the BLM did consider these alternatives and explained that each of the alternatives was eliminated from detailed analysis in the FEIS/PRMPAs because they would be ineffective in responding to the purpose and need; technically or economically infeasible; substantially similar in design to an alternative analyzed; or substantially similar to alternative(s) analyzed in terms of effects (BLM NEPA Handbook H-1790-1, Section 6.6.3). Alternative routes that were considered but eliminated from detailed analysis related to the TUSK Transmission Line Route group are described in Sections 2.3.1 through 2.3.6 of Appendix AA, including TUSK Transmission Alternative E, which would have routed outside of the TUSK; alternate routes related to the Goldfield-Tonopah Transmission Route group are described in Sections 2.3.16 through 2.3.19 of Appendix AA.

As noted in the NEPA regulations (40 CFR 1502.14(a) and (f)), the EIS only needs to briefly discuss the reasons that specific alternatives were eliminated. The discussions outlined in Appendix AA provide this brief discussion. Therefore, the BLM properly considered all alternatives submitted by the public, including the protestor’s noted transmission line route alternatives, and dismissed them in accordance with NEPA regulations. Accordingly, this protest issue is denied.

NEPA – Supplemental EIS

Western Watersheds Project & Basin Range Watch Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: Moving the transmission route east from the gold exploration areas near Beatty, onto new lands adjacent to the Nevada Test and Training Range (Department of Defense), likely could significantly impact archaeological and cultural resources, federally threatened Mojave desert tortoise, desert bighorn sheep habitat, golden eagle nesting and foraging habitat, rare plant habitat, and recreation in a manner or to an extent not already considered, therefore a supplemental NEPA review is required. An agency must prepare a supplemental NEPA analysis if [t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” 40 C.F.R. § 1502.9(c)(ii). New roads needed for construction, the placement of giant transmission towers and bases dug into the ground, noise, and collision hazards for wildlife need to be analyzed for this new route location.

Summary:

Protestors stated that the BLM violated NEPA by proposing to move the transmission route onto new lands adjacent to the Nevada Test and Training Range between the Draft EIS and FEIS. The protestor states that new roads, the placement of transmission towers, and the associated impacts on soil, noise, and wildlife fall under rule 40 C.F.R. 1502.9(c)(ii) and therefore the BLM should prepare a supplemental EIS.

Response:

NEPA requires agencies to prepare supplements to either a Draft or Final EIS if “[t]he agency makes substantial changes to the proposed action that are relevant to environmental concerns,” or if “[t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts” (40 CFR 1502.9(d)(1)(i)-(ii)). “Substantial changes” are those that would result in significant effects outside the range of effects analyzed in the Draft or FEIS (BLM Handbook H-1790-1, p. 29). A supplemental EIS may also be required when a new alternative is added that is outside the spectrum of alternatives already analyzed, and not a variation of an alternative, or a combination of alternatives, already analyzed in the EIS (BLM Handbook H-1790-1, p. 29). In addition, per the BLM NEPA Handbook (H-1790-1), substantive comments, among other things, can present reasonable alternatives outside of those analyzed in the EIS. The CEQ NEPA regulations recognize that in response to substantive comments, the BLM may develop and evaluate suggested alternatives not previously given serious consideration by the agency (40 CFR 1503.4(a)(2)).

The BLM’s development and evaluation of the Beatty Transmission Alternative L between the Greenlink West Draft EIS/RMPAs and FEIS/PRMPAs did not trigger the need for a supplemental EIS. As the protestors noted, the BLM received substantive comments regarding the potential conflicts with future mineral exploration and mining operations. All substantive comments received on the Greenlink West Draft EIS/RMPAs as well as the BLM’s responses to those comments are

provided in Appendix Z and substantive comments specifically related to future mineral exploration and mining operations can be found in comment letter 09.WC (Appendix Z, pp. Z-30 through Z-34), comment letter 128.WB-1 (pp. Z-328 through Z-339), and comment letter 205.KW-1 (pp. Z-1186 through Z-1206). In response to these comments, the BLM developed and evaluated a new alignment as Beatty Transmission Alternative L, which is described in Section 2.2.3 of the Greenlink West FEIS/PRMPAs (pp. 2-26 through 2-31). As described in that section and shown on Figure 2-11 (Greenlink West FEIS/PRMPAs p. 2-29), Beatty Transmission Alternative L would shift approximately 0.75 mile to the east approximately 11 miles north of where the Proposed Action would cross US 95 in Crater Flat before turning north and running parallel to the Proposed Action for approximately 12 miles before rejoining the Proposed Action alignment for approximately 2 miles. Beatty Transmission Alternative L would then align with an approximately 8-mile segment of Beatty Transmission Alternative H. Beatty Transmission Alternative L would avoid the proposed Nevada Test and Training Range Federal land transfer area and span the two parcel corners of the Atwood Preserve (Greenlink West FEIS/PRMPAs pp. 2-30 through 2-31). The BLM analyzed the direct, indirect, and cumulative impacts associated with this alternative in Chapter 3 (Section 3.3.4.6, pp. 3-92 through 3-96). The impacts from Beatty Transmission Alternative L would not result in effects outside of the spectrum of effects analyzed in the Draft EIS/RMPAs because it falls within the spectrum of the Beatty Transmission Route Group alternatives previously analyzed in the Draft EIS/RMPAs as shown on Figure 2-11 (p. 2-29). Consequently, there is neither a substantial change nor significant new circumstances or information relevant to environmental concerns; therefore, a supplemental EIS is not required.

The BLM has determined that there are no new significant circumstances or information relevant to environmental concerns proposed in the Greenlink West FEIS/PRMPAs, or its impacts; therefore, the BLM is not required to prepare a supplemental EIS. Accordingly, this protest issue is denied.

Tule Springs Fossil Beds National Monument

Western Watersheds Project & Basin Range Watch

Lauren Cunningham & Kevin Emmerich

Issue Excerpt Text: The FEIS Preferred Alternative Violates the Enabling Legislation of the Tule Springs Fossil Beds National Monument. The Proposed Action Alternative for the Greenlink West also violates the law by placing a non-renewable energy corridor inside the National Monument. On December 19, 2014, Congress established Tule Springs Fossil Beds National Monument as a national park unit, and the Proponent received a right-of-way outside of the boundary of the National Monument. Placing the giant high-voltage transmission project inside the boundary of the park is inconsistent with the enabling legislation.

Protectors of Tule Springs

Sherri Grotheer

Issue Excerpt Text: The alignment of the Greenlink West transmission project within the boundaries of TUSK is inconsistent with the stated purpose of the enabling legislation and contrary to federal law . As specifically acknowledged in the draft EIS: “The ... Proposed Action would have a long-term presence in the Monument that would conflict with the TUSK’s purpose to preserve landmarks, structures, and objects of natural, historic, or scientific interest.”

Protectors of Tule Springs

Sherri Grotheer

Issue Excerpt Text: The National Park Service Organic Act of 1916 and the legislation establishing TUSK also prevent the degradation of resources. In this case, the resources of

significant concern that would be destroyed under the preferred alternative are fossils, the very resource for which the park is named.

Protectors of Tule Springs
Sherri Grotheer

Issue Excerpt Text: The boring, auguring, and drilling activities described in the EIS as necessary for the siting of power poles within the monument boundaries are inherently destructive to the fossil resources which are known to exist in the area and, therefore, are unlawful pursuant to the federal protections set forth in PRPA, the NPS Organic Act and the TUSK Enabling Legislation.

Summary:

Protestors stated that approval of the proposed ROW in the Greenlink West FEIS/PRMPAs would violate the enabling legislation of the TUSK by siting the ROW within the monument boundary, affecting paleontological resources, and conflicting with its purpose to preserve landmarks, structures, and objects of natural, historic, or scientific interest.

Response:

Initial planning for an extra-high-voltage transmission line was filed (along with a constraint study) with the first plan of development to the BLM in 2011. On January 12, 2023, the Proponent filed an Application for Transportation, Utility Systems, Telecommunications, and Facilities on Federal Lands and Property (Standard Form 299) with the National Park Service for a ROW Permit under 54 U.S.C. 100902, 36 CFR 14, and National Park Service policies. The Proponent’s application sought a 30-year 105-foot-wide ROW for operations and maintenance within the TUSK. The National Park Service must fulfill its responsibility under National Park Service ROW regulations to manage the TUSK in compliance with the 2015 National Defense Authorization Act (Public Law 113-291), the enabling legislation, and the National Park Service 2006 Management Policies. The Proponent’s ROW application will be processed in accordance with the National Park Service ROW permitting guidance document, Reference Manual 53-B (RM-53B), and all other applicable regulations and policy. Under 54 U.S.C. 100902, the National Park Service has the authority to issue a ROW permit for utilities. For more information, see Appendix B of the Greenlink West FEIS/PRMPAs for the Proponent’s current Greenlink West Transmission Project Preliminary Plan of Development.

In addition, a high-voltage transmission corridor ROW was specifically identified and authorized in the legislation that enabled the TUSK (Section 3092(a)(4)). Furthermore, the National Park Service’s Tule Springs Fossil Beds National Monument Foundation Document’s Special Mandates (June 2019) include a number of mandates for the management of the park. One of the mandates states that “a 400-foot-wide ROW will be issued to a qualified electric utility for the construction and maintenance of high-voltage transmission facilities.” The Proponent is a qualified electric utility, which is defined in 2092(a)(1)(I) as a “public or private utility technically and financially capable of developing a high-voltage transmission facility.” The Proposed Action analyzed in the Greenlink West FEIS/PRMPAs consists of a 105-foot-wide ROW instead of the 400-foot-wide ROW for the utility corridor that was authorized in the 2014 TUSK enabling legislation.

Section 202 (c)(9) of FLPMA requires that “land use plans of the Secretary under this section shall be consistent with state and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.” However, BLM land use plans may be inconsistent with state, local, and Tribal plans where it is necessary to meet the purposes, policies, and programs associated with

implementing FLPMA and other Federal laws and regulations applicable to public lands (43 CFR 1610.3-2(a)). In accordance with this requirement, the BLM has given consideration to state, local, and Tribal plans as well as National Park Service regulations that are germane to the development of the Greenlink West FEIS/PRMPAs. The BLM has worked closely with state, local, and Tribal governments and the National Park Service during preparation of the Greenlink West FEIS/PRMPAs. Chapter 5 of the Greenlink West FEIS/PRMPAs as well as Section 1.6 describe coordination that has occurred throughout the development of the Greenlink West FEIS/PRMPAs. A list of the local, state, and Tribal plans that the BLM considered can be found in Section 1.6 of the Greenlink West FEIS/PRMPAs (pp. 1-7 through 1-9).

As to protestors' concerns that designation of the ROW would affect paleontological resources, which are one of the objects of value specially called out in the enabling legislation of the Monument, the Greenlink West FEIS/PRMPAs specifically addresses potential impacts on paleontological resources within the TUSK in Appendix Z (pp. Z-1214 through Z-1215). In summary, potential impacts on paleontological resources from the Greenlink West FEIS/PRMPAs would occur during construction, which is outside of the scope of the PRMPAs. However, recommendations for paleontological resources mitigation in the Greenlink West FEIS/PRMPAs include the development of a detailed paleontological resources monitoring and mitigation plan that would address construction activities in terms of both location and activity type. Measures to avoid and/or minimize impacts on paleontological resources are detailed in the Greenlink West FEIS/PRMPAs Appendix C (p. C-35) and in Appendix L, *Paleontological Resource Mitigation Plan*. Additionally, the Proponent would obtain any necessary Paleontological Resources Preservation Act permits to the extent that there is the possibility of affecting (or needing to excavate) paleontological resources consistent with 43 CFR 49.100.

The BLM has given consideration to state, local, and Tribal plans as well as National Park Service regulations that are germane to the development of the Greenlink West FEIS/PRMPAs and complied with NEPA's requirement to analyze the environmental consequences/impacts on paleontological resources within the TUSK. Accordingly, this protest issue is denied.

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