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## Chapter 5.0 Consultation and Coordination

### 5.1 Introduction

During development of our EIS for ETPs for the CCSM Phase I Project, we engaged the public, agencies, and tribes in the NEPA process. The first formal step in the NEPA process is the scoping phase, a process used by federal agencies in the early stages of preparing an EIS. Scoping gives individuals and organizations the opportunity to comment and offer input on alternatives, issues, concerns, and opportunities that should be considered in a NEPA document. We documented the verbal and written input received during the scoping phase (see Section 1.8). Then we applied the input to our consideration of alternatives for evaluation, and to the scope of our effort for describing the affected environment and predicting environmental consequences of the Proposed Action and other alternatives carried forward for detailed evaluation. This chapter includes relevant coordination and consultation information (in addition to that provided in Section 1.8), and discusses how public, agency, and tribal input were considered.

We are currently in the Draft EIS review phase of the NEPA process. We notified the public, agencies, and tribes of the availability of this Draft EIS for review and comment, and will hold public, agency, and tribal meetings during the comment period. Draft EIS review comments will be considered during development of our Final EIS.

### 5.2 Public Involvement

During the scoping phase, we used a variety of outreach methods to raise the public's awareness of the EIS and solicit comments for our consideration. We issued a Final Scoping Report in April 2014 that documents the outreach, summarizes public input, and includes as appendices the Notice of Intent published on December 4, 2013, in the *Federal Register* (78 FR 7296–7298), our press release, and newspaper notices. The Final Scoping Report is available on our website (<http://www.fws.gov/mountain-prairie/wind/chokecherrySierraMadre/>). In addition, several outreach methods and the public scoping meetings are discussed below.

For the Draft EIS review phase, we notified the public (as well as agencies and tribes) of the availability of the Draft EIS for review and comment via publication of the Notice of Availability in the *Federal Register*, newspaper advertisements, press releases, and letters sent to those on the project mailing list. We will hold two public meetings to facilitate discussion on the Draft EIS and receive comments.

## 5.2.1 Scoping Phase

### 5.2.1.1 Press Release

A press release announcing the scoping phase of our EIS for ETPs for the CCSM Phase I Project was developed and published on our website on December 3, 2013. The press release announced two public meetings to discuss the proposed ETPs for the CCSM Phase I Project. The press release also provided relevant background about the CCSM Phase I Project; our responsibilities under NEPA; the dates, times, and locations of both public meetings; and information regarding the public comment period and how to comment.

### 5.2.1.2 Newspaper Notices

Newspaper notices were published in two local and two regional newspapers of record to provide awareness of our intent to prepare an EIS for ETPs for the CCSM Phase I Project and the associated scoping phase. The newspapers were strategically chosen based on their proximity to the CCSM Phase I Project in order to raise a strong local awareness of the open comment period. Table 5-1 identifies each newspaper in which notices were published and their corresponding publication dates.

**Table 5-1. Newspaper Notice Publication Details for the CCSM Phase I Project in Wyoming**

| Newspaper of Record   | Notice Publication Date(s) |
|-----------------------|----------------------------|
| Rawlins Daily Times   | January 21–23, 2014        |
| Casper Star-Tribune   | January 21–23, 2014        |
| Saratoga Sun          | January 21, 2014           |
| Wyoming Tribune-Eagle | January 19–21, 2014        |

### 5.2.1.3 Project Website

We established a website for our EIS as a way to provide the public with background information and documents regarding our consideration of whether or not to issue ETPs for the CCSM Phase I Project and the associated NEPA analysis. The EIS website offers contact information for public comment, information on the two public scoping meetings held, and links to all published information at the scoping meetings, specifically the Notice of Intent, press release, fact sheet, and a copy of the poster boards from the public scoping meetings. A link to the BLM FEIS and ROD is also available on the website. Publicly released EIS-related documents will be provided on the website as they are completed. The website can be found at <http://www.fws.gov/mountain-prairie/wind/chokecherrySierraMadre/>.

### 5.2.1.4 Social Media

We used social media to raise awareness of the public comment period during the scoping phase for this EIS. Approximately 15 Tweets were published on Twitter advertising the public comment period with an accompanying link to our EIS website. These Tweets were Retweeted by several followers.

### 5.2.1.5 Public Scoping Meetings

We held two public scoping meetings for our EIS in conjunction with the BLM's scoping meetings for an EA of the CCSM Phase I Project. Table 5-2 identifies the date, time, location, and number of attendees at each public scoping meeting. The number of attendees listed for each meeting does not include our staff and contractors, staff from the BLM and PCW, and their contractors who were present at the meetings.

**Table 5-2. Public Scoping Meeting Details for the CCSM Phase I Project in Wyoming**

| Date and Time  | Location   | Attendees                 |
|--|--|---------------------------|
| Monday, Dec. 16, 2013<br>4:00–6:30 p.m.<br><i>Presentations at 4:30 p.m. and 5:30 p.m.</i> | Jeffrey Center<br>315 West Pine Street<br>Rawlins, Wyoming 82301                 | Public – 21<br>Agency – 7 |
| Tuesday, Dec. 17, 2013<br>4:00–6:30 p.m.<br><i>Presentation at 4:30 p.m.</i>               | Platte Valley Community Center<br>210 West Elm Street<br>Saratoga, Wyoming 82331 | Public – 29<br>Agency – 8 |

The meetings were organized in an open house format during the scoping period. We, along with representatives of the BLM and PCW, gave brief formal presentations at each meeting to provide general information on the CCSM Phase I Project, as well as our role and that of the BLM in considering issuing permits for the CCSM Phase I Project. The purpose of these meetings was to provide information to the public, as well as answer questions regarding the NEPA process and the agencies' roles, and to receive input regarding any issues and alternatives recommended for evaluation in our EIS.

A fact sheet was provided at the public scoping meetings, and poster boards were on display in the meeting locations, explaining the CCSM Project background and the need for our EIS for ETPs for the CCSM Phase I Project. Our EIS team members were available for personal, one-on-one interaction during the meetings to answer questions or clarify project details.

## 5.2.2 Draft EIS Review Phase

The Draft EIS will be available for review and comment during the public comment period. We will announce to the public the timeframe of the comment period and the date, time, and location of each public meeting on the Draft EIS. The purpose of the meetings will be to receive comments on the Draft EIS and to discuss potential environmental impacts of construction and operation of the CCSM Phase I Project. An electronic version of the

Draft EIS is available for online review or download from our website at <http://www.fws.gov/mountain-prairie/wind/chokecherrySierraMadre/>. The Draft EIS was filed electronically with EPA and can also be accessed at EPA's NEPA website at <http://www2.epa.gov/nepa>.

As noted in Section 3.1, the emphasis in this EIS is on biological resources, with other resources described and evaluated in detail with regard to their potential for being affected by the take of bald and golden eagles and other special status species. Consequently, we anticipate that comments and questions will focus on our responsibility to approve or deny ETPs.

All comments received during the comment period will be reviewed prior to preparing the Final EIS. We will prepare responses to all comments received.

### 5.3 Agency Coordination

We have coordinated with federal, state, and local agencies throughout the NEPA process. In addition, we have coordinated with cooperating agencies (that is, a group of agencies that were more closely involved in our NEPA process through their legal responsibilities and their special responsibilities), as discussed in Section 5.3.2.

#### 5.3.1 Agency Notification

Agency notification letters included information on the CCSM Phase I Project, the EIS scoping period, and how to provide comments. A copy of a generic notification letter is included in the Final Scoping Report. Agencies and other interested parties were also encouraged to stay current on the status of our EIS by visiting our website (<http://www.fws.gov/mountain-prairie/wind/chokecherrySierraMadre/>).

#### 5.3.2 Cooperating Agency Coordination

Based on feedback from agency notification and internal discussions, we extended an invitation to 19 agencies to become a cooperating agency on our EIS for ETPs for the CCSM Phase I Project. A copy of the letter sent to cooperating agencies is included in the Final Scoping Report.

Five agencies are recognized as cooperating agencies to this EIS: the BLM, Carbon County, the Saratoga-Encampment-Rawlins Conservation District, Wyoming Game and Fish Department, and Wyoming Industrial Siting Council. The input from the cooperating agencies was documented in a Final Cooperating Agencies Meeting Report (USFWS 2014f) and was considered when we developed our range of alternatives in the Draft EIS. The cooperating agencies were also offered a chance to review and provide input on this Draft EIS prior to the public review and comment period.

## 5.4 Tribal Coordination

We recognize that tribal governments are sovereign nations located within and dependent upon the United States. Because of this, we have a responsibility to tribes when considering our actions that may affect tribal rights, resources, assets, and traditions. Specifically, we recognize that bald and golden eagles are of great spiritual and cultural importance to many tribes. These species have migratory ranges extending well outside of the vicinity of the CCSM Phase I Project in Carbon County, Wyoming. As a result, we have identified BCRs as an appropriate scale for addressing many migratory bird populations. We provided notification to tribes with land located in the boundaries of BCRs 10, 16, 17, or 18, which are the regions through which potentially affected golden eagles may migrate.

Consistent with the National Historic Preservation Act of 1966 and EO 13175, Consultation and Coordination with Indian Tribal Governments, we invited 71 tribes to participate in government-to-government consultation (see Section 1.8.4). The Final Scoping Report provides additional information on early coordination with tribes. In this EIS, Section 3.9.2.4 describes the consultation process and includes a list of tribal concerns and comments on the effects on eagles, effects on cultural and religious resources and traditions, and opportunities for mitigation.

Eight tribes have been engaged in ongoing consultation: the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, Chippewa Cree Indians of the Rocky Boy's Reservation, Comanche Nation, Eastern Shoshone Tribe/Eastern Shoshone Business Council, Northern Arapaho Tribe/Northern Arapaho Business Council, Northern Cheyenne Nation, Santa Clara Pueblo, and Shoshone-Bannock Tribes of the Fort Hall Reservation. We have held consultation meetings with each of these tribes, including a roundtable discussion held in partnership with the BLM in Rawlins on October 16, 2015.

The USFWS has also engaged Native American tribes in programmatic consultation on eagle policy through webinars and a series of Eagle Summits. This outreach extended to tribes beyond the regions with potential impacts from the CCSM Phase I Project. A webinar concerning proposed changes to eagle regulations was held on November 19, 2013, and attended by nine representatives from eight tribes, as shown in Table 5-3. The most recent Eagle Summit, Eagle Summit III, was held in Denver, Colorado, on March 20 and 21, 2014, with an opportunity for government-to-government consultation on both days. Representatives from 29 tribes attended the summit, with representatives from 19 tribes present at the consultation sessions, as shown in Table 5-3. Several tribal representatives indicated that their involvement did not constitute formal government-to-government consultation, but they did participate in the ensuing discussion (USFWS 2014d). A description of the CCSM Project and consideration to issue ETPs for the CCSM Phase I Project was presented at the summit, and comments were solicited.

Table 5-3. Tribal Representation at Eagle-Related Meetings and CCSM Consultations for the CCSM Phase I Project in Wyoming

| Tribe   | Eagle Policy Webinar (Nov 19, 2013) | Eagle Summit (March 20-21, 2014) | Eagle Summit Consultation Session (March 20-21, 2014) | Individual Consultation Meetings (various dates) | Tribal Roundtable (October 16, 2015) |
|---|-------------------------------------|----------------------------------|---|--|--------------------------------------|
| Cheyenne River Sioux Tribe of the Cheyenne River Reservation        |                                     | X                                |   | X  | X                                    |
| Chippewa Cree Indians of the Rocky Boy's Reservation                |                                     | X                                | X   | X  | X                                    |
| Comanche Nation   |                                     | X                                | X   |  | X                                    |
| Confederated Salish and Kootenai Tribes                             | X                                   | X                                | X   |  |                                      |
| Crow Tribe  |                                     | X                                | X   |  |                                      |
| Eastern Shoshone Tribe/Eastern Shoshone Business Council            |                                     | X                                | X   | X  | X                                    |
| Gros Ventre and Assiniboine Tribes of Ft. Belknap                   | X                                   |                                  |   |  |                                      |
| Kiowa   |                                     | X                                |   |  |                                      |
| Lower Brule Sioux Tribe   | X                                   | X                                | X   |  |                                      |
| Navajo Nation   |                                     | X                                |   |  |                                      |
| Northern Arapaho Tribe/Northern Arapaho Business Council            |                                     | X                                | X   | X  | X                                    |
| Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation |                                     | X                                | X   |  | X                                    |
| Northern Ute Tribe  |                                     | X                                |   |  |                                      |
| Oglala Sioux  | X                                   |                                  |   |  |                                      |
| Osage Nation  |                                     | X                                | X   |  |                                      |

| Tribe  | Eagle Policy Webinar (Nov 19, 2013) | Eagle Summit (March 20-21, 2014) | Eagle Summit Consultation Session (March 20-21, 2014) | Individual Consultation Meetings (various dates) | Tribal Roundtable (October 16, 2015) |
|--|-------------------------------------|----------------------------------|---|--|--------------------------------------|
| Paiute Indian Tribe of Utah                              | X                                   |                                  |   |  |                                      |
| Ponca Tribe of Nebraska                                  |                                     | X                                | X   |  |                                      |
| Prairie Band Potawatomi Nation                           |                                     | X                                | X   |  |                                      |
| Pueblo of Pojoaque                                       |                                     | X                                |   |  |                                      |
| Pueblo of San Felipe                                     |                                     | X                                | X   |  |                                      |
| Pueblo of Santa Ana                                      |                                     | X                                | X   |  |                                      |
| Pueblo of Santa Clara                                    |                                     | X                                | X   | X  | X                                    |
| Rosebud Sioux Tribe                                      |                                     | X                                |   |  |                                      |
| Santee Sioux Nation                                      |                                     | X                                | X   |  |                                      |
| Shoshone-Bannock Tribes of the Fort Hall Reservation     | X                                   | X                                | X   | X  | X                                    |
| Sisseton-Wahpeton Oyate of the Lake Traverse Reservation | X                                   | X                                | X   |  |                                      |
| Southern Ute Indian Tribe                                | X                                   | X                                |   |  |                                      |
| Spirit Lake Tribe  |                                     | X                                |   |  |                                      |
| Taos Pueblo  |                                     | X                                |   |  |                                      |
| Te-Moak Tribe of Western Shoshone Indians of Nevada      |                                     | X                                |   |  |                                      |
| Ute Indian Tribe of the Uintah and Ouray Reservation     |                                     | X                                | X   |  |                                      |
| Ute Mountain Ute Tribe                                   |                                     | X                                | X   |  |                                      |

## 5.5 Scoping Comments

An overview of comments received during the scoping phase for this EIS is provided in Section 1.8.2. A detailed compilation of individual scoping comments received, organized by comment topic, is provided in an appendix to the Final Scoping Report. This section of the EIS focuses on the consideration of the comments and their application to development of the EIS.

### 5.5.1 NEPA and EIS Processes

We coordinated with BLM regarding the scope of the BLM NEPA documents and the ETPs, and we decided that our EIS should be a separate document from the BLM FEIS. We and the BLM have separate responsibilities and separate actions regarding the CCSM Project. We have used data and analysis performed by the BLM as much as possible to reduce duplication and redundancy, and much of the information from BLM FEIS was incorporated by reference in accordance with 40 CFR 1502.21.

### 5.5.2 Statements of Opposition and Statements of Support

Commenters provided statements against and for permitting of the CCSM Phase I Project. Based on our thorough evaluation of the comments and potential impacts, we do not have a preferred alternative at this time and are awaiting input from the public, agencies, and tribes on the Draft EIS to determine our course of action. We will identify our preferred alternative and our rationale for our preference in our Final EIS.

### 5.5.3 Purpose and Need

In consideration of comments, our purpose and need statement addresses statutory authorities and goals, and also allows the consideration of alternatives that differ from the current plan of development. As noted in Section 5.5.4 below, we considered several alternatives, ultimately screening out alternatives that would not meet the purpose and need (other than the No Action alternative, as required by CEQ regulations) using screening criteria described in Section 2.1.1.

### 5.5.4 Alternatives

We considered comments when we developed the range of alternatives as well as when we selected alternatives to carry forward for detailed analysis. Chapter 2.0 explains how potential alternatives were identified, how several alternatives were screened out prior to detailed analysis, and the rationale for carrying forward particular alternatives. Regarding the permit timeframe, at the time of scoping, the permit period was considered to potentially be up to 30 years (the proposed duration of the CCSM Phase I Project). Subsequently, a recent court decision set aside the rule authorizing 30-year permits (see Section 2.3.2), so this EIS reviewed impacts associated with a 5-year duration.

### 5.5.5 Eagle Conservation Plan and Eagle Take Permits

Although the ECP has been developed with input and recommendations from us, the ECP was prepared by PCW. The ECP is included in this EIS as Attachment A.

The ETPs, if granted, will state how eagle mortalities will be documented and disclosed, and will include adaptive management over the life of the permit. We will take an oversight and enforcement role under any ETPs granted.

### 5.5.6 Eagles and Eagle Data

Eagle data used for our analysis were based on information gathered over several years (see Section 3.8.2.1), and were considered to be the best available data for considering impacts on eagles and estimating allowable take numbers during construction and operation of the CCSM Phase I Project. The data included nest locations, migratory pathways, and habitat for eagles and eagle prey species. We considered both direct and indirect impacts on eagles during construction and operation of the CCSM Phase I Project.

### 5.5.7 Wildlife

Based on our role regarding permitting for the CCSM Phase I Project, our EIS focuses on potential impacts on bald and golden eagles. As noted in Section 3.1, emphasis in our EIS is on biological resources, with other resources described and evaluated in detail with regard to their potential for being affected by the take of bald and golden eagles and other special status species. Consequently, we also address impacts on other birds, fish, bats, and many other species, as well as their habitats. Greater sage-grouse were considered in their role as prey for eagles, and Alternative 2 (Proposed Action with Different Mitigation) would involve habitat enhancement, with prey enhancement as an essential component. Separately, the BLM has established requirements for PCW regarding protection of greater sage-grouse habitat.

### 5.5.8 Additional Resource Areas

Many of the specific comments pertaining to resources not evaluated in detail in our EIS apply to the purview of the BLM and were addressed in the BLM FEIS, EA1, and EA2, as appropriate. Tribal input was considered in identifying and evaluating mitigation options. Ongoing consultation with tribes may provide further input on permit conditions if we grant ETPs. The cumulative impact analysis in Chapter 4.0 of our EIS considers other major projects currently located, or reasonably foreseeable, in and near the Phase I development and infrastructure areas. Our cumulative impact analysis specifically addresses potential impacts from the CCSM Phase II Project.

### 5.5.9 Construction and Decommissioning

The SPODs developed by PCW include our input on the locations, footprints, and timing of construction activities in an effort to reduce construction-related impacts. As noted in our EIS in Section 2.2.1.2.2, decommissioning activities are not covered under the scope of the ETPs currently being applied for and are therefore not evaluated in this EIS.

## 5.6 Draft EIS Review Comments

Following the current comment period, the Draft EIS may be modified based on the public, agency, and tribal comments received. All comments and responses will be summarized in a Comment Analysis Report and considered in our Final EIS.