**R-Line Transmission Line**

**O'Fallon's Bluff among reasons federal judge revokes permit for**

**Nebraska Public Power District's R-Project**

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Jun 17, 2020

The North Platte Telegraph

from the web on June 18, 2020 - https://www.nptelegraph.com/news/local\_news/ofallons-bluff-among-reasons-federal-judge-revokes-permit-for-nebraska-public-power-districts-r-project/article\_86179a8e-b100-11ea-b5a1-4be0a2b5141c.html



*A federal judge vacated a permit for Nebraska Public Power District's R-Project Wednesday.*

*Among the reasons for the decision is the potential impact the project would have on O'Fallon's Bluff,*

*an Oregon Trail landmark in Lincoln County.*

*Todd von Kampen / The North Platte Telegraph*

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A Colorado federal judge has vacated a key permit for Nebraska Public Power District’s R-Project transmission line, citing its potential impact on a key Oregon Trail landmark in Lincoln County as one reason.

The ruling Wednesday by U.S. District Judge William J. Martinez of Denver overturns a June 12, 2019, “incidental take permit” issued to NPPD regarding the 225-mile-long line’s potential impact on the endangered American burying beetle.

It cites three reasons, the first being that the U.S. Fish and Wildlife Service — which issued the permit — “inadequately considered the effects of the R-Project on the O’Fallon’s Bluff segment of the Oregon and California Trail” near Sutherland.

The judge also said the agency failed to analyze “potential wind-turbine development” in Antelope County, near the line’s proposed eastern end.

He also found fault with the language of an April 2019 “programmatic agreement” covering that matter and other issues.

Friday’s Telegraph will feature reactions from various parties involved in the R-Project dispute.

Barring an appeal, Wednesday’s order throws the R-Project back to Fish and Wildlife, which took local testimony including the R-Project’s likely impact on O’Fallon’s Bluff at a July 2018 public hearing in North Platte.

Lincoln County historians and tourism groups urged Fish and Wildlife then to require an alternate route that went away from — instead of directly over — “swale” ruts carved into O’Fallon’s Bluff by thousands of wagons between 1843 and 1866.

Though Martinez’s order doesn’t permanently forbid construction of the R-Project, it found enough merit in the challenge filed by the Oregon-California Trails Association, the Western Nebraska Resources Council and the Hanging H East and Whitetail Farms East ranches between Paxton and Sutherland.

The main thrust of NPPD’s “incidental take permit” request addresses its plans to minimize construction-related losses of burying beetles, notably development of an alternative habitat in Blaine County.

But the challengers’ lawsuit, filed last July 5, said Fish and Wildlife’s granting of the “incidental take permit” didn’t fully address the project’s compliance with all relevant federal laws.

They include not only environmental laws and regulations but also the R-Project’s potential to impact historic landmarks, Martinez wrote.

In a 116-page opinion, the judge rejected most of the challengers’ allegations while criticizing both sides for the quality of their arguments.

“Many are of the underdeveloped, ‘see what sticks’ variety; many are inexcusably belated ... and there are a surprising number of seemingly relevant arguments not made,” Martinez wrote.

But he agreed that Fish and Wildlife needed to look again at the R-Project’s potential to interfere with the historic appreciation of O’Fallon’s Bluff.

The judge cited a March 2016 email from the National Park Service warning Fish and Wildlife that the R-Project’s opening miles north from NPPD’s Gerald Gentleman Station “would cross the Mormon Pioneer, California, Oregon and Pony Express National Historic Trails at a particularly sensitive location.”

In addition to O’Fallon’s Bluff near the South Platte River, the line would cross similar Mormon Trail swales north of the North Platte River. Those were acknowledged in but not directly related to Wednesday’s ruling.

The Park Service encouraged an alternate route that “would cross the trail corridor in places where the trail and its setting already have been compromised or destroyed,” Martinez wrote, quoting its email.

But Fish and Wildlife’s final “environmental impact statement” said it was too late for major route changes, though it said the R-Project would have “a long-term, high-intensity indirect (visual, auditory and atmospheric) effect” on O’Fallon’s Bluff.

The July lawsuit said Fish and Wildlife had “fail(ed) to analyze (or adopt) a route” that would have run east from Gerald Gentleman “and thus avoided most (if not all) of the affected historic resources located directly north of the substation,” meaning O’Fallon’s Bluff.

Martinez agreed.

“Neither the (Fish and Wildlife) Service nor the (Nebraska Public) Power District responds to this argument,” the judge wrote. Their “silence on this point appears to implicitly concede error, and the court finds error regardless.”

Federal historic preservation law requires other federal agencies to “stop, look and listen” before granting permits “when their action will affect national historical assets,” Martinez wrote, quoting an earlier federal court decision.

“Thus, after gathering useful information on a proposed permit, an agency could legitimately conclude, ‘We see your need for this project but you have not persuaded us that you need to build the project precisely there; permit denied.’

“Yet the (Fish and Wildlife) Service seems not to have considered this possibility, and at the very least said nothing indicating that it understood this alternative was available to it.”

Several of the more than 100 people attending the agency’s lengthy North Platte hearing on July 25, 2018, urged precisely that alternative.

They included two Nebraska members of the Oregon-California Trails Association, Sutherland trail historian Linda Tacey and — via letter — North Platte/Lincoln County Visitors Bureau executives Lisa Burke and Muriel Clark.

“The only acceptable solution is to avoid the adverse effects altogether” and move the line, Burke wrote in her letter.

“All this (risk) could be eliminated by moving the route a little bit,” Jim Hoaglund, who owns the land containing the O’Fallon’s Bluff trail ruts, told Fish and Wildlife officials that night.

“I don’t know why we have to keep tearing up American history.”

Martinez’s order refused to let Fish and Wildlife’s permit remain in place while it reconsiders the burying-beetle permit.

“If this court were to allow the permit to remain in place pending that decision, then construction could go forward in the meantime and perhaps cause the very harms the avoidance of which would otherwise have prompted the (Fish and Wildlife) Service to deny the permit,” the judge wrote.

[**Nebraska Public Power District says R-Project route won’t change after federal judge vacates permit**](https://www.wind-watch.org/news/2020/06/19/nebraska-public-power-district-says-r-project-route-wont-change-after-federal-judge-vacates-permit/)

***Credit:*** By Todd Von Kampen | The North Platte Telegraph | [www.nptelegraph.com](https://www.nptelegraph.com/news/nebraska-public-power-district-says-r-project-route-won-t-change-after-federal-judge-vacates/article_dd14fade-b1e1-11ea-9cb4-2f4762f34ce7.html)

From the web on June 24, 2020: <https://www.wind-watch.org/news/2020/06/19/nebraska-public-power-district-says-r-project-route-wont-change-after-federal-judge-vacates-permit/>

Nebraska Public Power District remains committed to building its R-Project transmission line where it’s planned to go, the utility’s top executive said Thursday after a Colorado federal judge imposed a legal roadblock.

That includes building the 345-kilovolt line straight north from Gerald Gentleman Station and over historic Oregon Trail “swale” ruts – a major factor in the judge’s ruling.

“Nothing’s changed from a factual basis to change our decision at this point” on where the line should run, NPPD CEO Tom Kent said in a conference call with reporters.

“From what we’ve seen, we’re in the best place from a utilities standpoint,” he added.

U.S. District Judge William Martinez Wednesday vacated a June 2019 U.S. Fish and Wildlife Service environmental permit for the R-Project, listing questions over its impact on O’Fallon’s Bluff near Sutherland as his first reason.

He said the agency also failed to examine possible environmental and historic preservation impacts of an Antelope County wind farm now being built that plans to tie into the 225-mile line.

Martinez’s 116-page ruling handed a victory to four entities that sued last July over the agency’s decision: the Oregon-California Trails Association, the Western Nebraska Resources Council and the Hanging H East and Whitetail Farms East ranches between Paxton and Sutherland.

It’s not clear whether NPPD could or would appeal the ruling, Kent said, because the utility is an “intervenor” in the case on the side of Fish and Wildlife.

The Denver judge said Fish and Wildlife’s order granting the permit didn’t review possible routes to avoid O’Fallon’s Bluff, despite saying in its final environmental impact statement that running electrical lines over it would have “a long-term, high-intensity indirect (visual, auditory and atmospheric) effect.”

Thousands of wagons on the Oregon-California Trail crossed the bluff from 1843 to 1866, cutting deep dips that remain today. It parallels Interstate 80 to the south between Sutherland and Hershey.

The “incidental take permit” that Martinez overturned primarily addresses NPPD’s plans to mitigate long-term losses of endangered American burying beetles during R-Project construction.

But federal law also requires the agency to look at a project’s compliance with all other relevant federal laws, including the National Historic Preservation Act, the judge said.

When it came to the O’Fallon’s Bluff ruts, Fish and Wildlife “seems not to have considered” alternative routes running away from the bluff instead of over it, Martinez said.

In his Thursday conference call, Kent said NPPD did consider alternatives but decided the proposed route “was the best route to address all the issues we looked at, including the cultural resources impacts.”

But neither the agency nor NPPD would discuss alternatives to crossing O’Fallon’s Bluff with local and state historic preservation officials, said Jim Griffin, director and curator of the Lincoln County Historical Museum.

Because of that, he said, the museum refused to sign an April 29 “programmatic agreement” that “no further work will be done to resolve any adverse effects to historic properties” from the line.

“We did address them, and they refused to listen to us,” Griffin said.

He attended the agency’s July 25, 2018, public hearing in North Platte at which several witnesses urged Fish and Wildlife to require that the R-Project route avoid O’Fallon’s Bluff.

Lisa Burke, executive director of the North Platte/Lincoln County Visitors Bureau, said she was “pleasantly surprised” that local objections over O’Fallon’s Bluff made a difference.

“My gut told me big business would end up winning,” said Burke, co-author with assistant director Muriel Clark of a letter entered into the 2018 hearing record. “I’m glad they didn’t.”

Trevor Jones, director and CEO of History Nebraska and Nebraska’s state historic preservation officer, noted the importance of O’Fallon’s Bluff and similar Mormon Trail swale ruts north of Sutherland.

“The State Historic Preservation Office supports the preservation of these resources and will continue to work through the federal review and compliance process to advocate for historic properties as new options are identified,” Jones said.

Though he vacated Fish and Wildlife’s permit, Martinez mostly sided with the agency on dueling studies over potential threats to burying beetles, whooping cranes, least terns and piping plovers along the R-Project route itself.

But the agency sidestepped evaluating either environmental or historic impacts from the Thunderhead Wind Energy Center southwest of Neligh, the judge added.

The 108-turbine site lies east of the line’s planned eastern terminus at NPPD’s Holt County Substation, which is located near Clearwater and the Wheeler-Antelope county line.

Martinez said developers’ plans to connect Thunderhead with the R-Project line required Fish and Wildlife to “properly evaluate” the wind farm’s possible environmental and historic impacts on Antelope County. It did not, he wrote.

State Sen. Tom Brewer of Gordon welcomed Wednesday’s ruling, even though Martinez mostly rejected arguments echoed by Sandhills constituents who fear the R-Project will spawn hundreds of wind turbines on their fragile land.

“If you can’t bring the power to the wind farms, I don’t know if the wind farms will continue to build,” Brewer said Thursday.

“If (the ruling) stops this, I’m particularly happy. I don’t care how they do it – just that they do it.”

With its ability to proceed at least suspended, Kent said, NPPD will seek to store and secure construction supplies at depots it set up under an agreement between both sides in the lawsuit.

He said the deal also let NPPD begin preparing to upgrade its Thedford and Clearwater substations, along with clearing vegetation and some other site preparation along the route.

***Source:*** By Todd Von Kampen | The North Platte Telegraph | [www.nptelegraph.com](https://www.nptelegraph.com/news/nebraska-public-power-district-says-r-project-route-won-t-change-after-federal-judge-vacates/article_dd14fade-b1e1-11ea-9cb4-2f4762f34ce7.html)

*This article is the work of the*[*source*](https://www.wind-watch.org/news/2020/06/19/nebraska-public-power-district-says-r-project-route-wont-change-after-federal-judge-vacates-permit/)*indicated. Any opinions expressed in it are not necessarily those of National Wind Watch.*  
  
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Invenergy Selects IEA to Build Thunderhead Wind Energy Center

Posted by

[**Michael Bates**](https://nawindpower.com/author/michael-bates)

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December 3, 2019

From the web on 24 June 2020: <https://nawindpower.com/invenergy-selects-iea-to-build-thunderhead-wind-energy-center>

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[](https://nawindpower.com/wp-content/uploads/2019/12/Nebraska.jpg)

Infrastructure and Energy Alternatives Inc. (IEA), a construction company with specialized energy and heavy civil expertise, has been awarded a contract for the buildout of the Thunderhead Wind Energy Center in Antelope and Wheeler counties in Nebraska.

The project, which is being developed by Chicago-based Invenergy, will consist of 108 GE turbines with 300 MW of capacity. The power will be delivered into the Nebraska electrical grid.

Work on the project began in November, with completion scheduled for September 2020. The scope of IEA’s work includes construction of project access roads and turbine foundations, as well as erection of the turbine.

https://zackinpublications.com/adserver/www/delivery/lg.php?bannerid=2653&campaignid=1412&zoneid=88&loc=https%3A%2F%2Fnawindpower.com%2Finvenergy-selects-iea-to-build-thunderhead-wind-energy-center&cb=cca4f753f1The contract was secured by IEA Constructors, a subsidiary of IEA that manages utility-scale energy and heavy civil infrastructure projects.

“The Thunderhead wind farm is an important example of the wind projects that continue to fill our pipeline,” says JP Roehm, IEA’s CEO. “IEA has developed a strong reputation for delivering efficiently and safely on wind projects throughout North America, and new business momentum is solid as a result.”

IEA has assembled more than 7,200 wind turbines across North America. Invenergy has developed 150 projects with more than 24 GW of capacity.