

APPENDIX A TO REQUEST FOR PROPOSALS

R-Project Transmission Line Supplemental Environmental Impact Statement

Scope of Work

I. Background

Nebraska Public Power District (NPPD) is proposing to construct the R-Project, a new 225-mile-long 345 kV transmission line that will extend north from NPPD's Gerald Gentleman Station near Sutherland, Nebraska to NPPD's existing substation east of Thedford, Nebraska, which is being expanded, then proceeds east, and will connect to a new substation that is being built in Holt County, Nebraska. Because the R-Project will cross habitat of the threatened American burying beetle, NPPD sought an incidental take permit (ITP) under the Endangered Species Act (ESA) from U.S. Fish and Wildlife Service (USFWS). On June 12, 2019, after a permitting process spanning more than six years, which included USFWS's preparation of a final environmental impact statement (FEIS), USFWS issued an ITP to NPPD for the R-Project.

In July 2019, a group of R-Project opponents filed a lawsuit challenging USFWS's decision under the ESA, the National Environmental Policy Act (NEPA), and the National Historic Preservation Act. On June 17, 2020, the U.S. District Court for the District of Colorado issued its decision. While the court found in favor of USFWS and NPPD on several counts, it identified certain discrete errors in the agency's decision-making process. The court thus vacated and remanded the ITP to USFWS for further proceedings consistent with the court's order.

On remand, there is a need to prepare a supplemental environmental impact statement (SEIS) to address the issues identified by the court ruling and to address new information and changed circumstances, as relevant. This document provides the scope of work for the NEPA third-party contractor (Contractor) for the remand process, including project management, analysis, and preparation of an SEIS. USFWS will issue a record of decision (ROD) based on a review of the SEIS, comments received, and the decision file.

II. Project Management and Planning

A. SEIS Preparation Plan

In coordination with USFWS, Contractor will prepare an SEIS Preparation Plan, which will include (but is not limited to) a work breakdown structure with narrative description, a timeline, and other organizational details (e.g., critical path items, agency, deliverables). The SEIS Preparation Plan will also include (1) a Communication Plan, which will address mechanisms for and frequency of communications between USFWS, NPPD, and Contractor, as well as process documentation, and (2) a Public Participation Plan, which will serve as the basis for involving the public and for coordinating /consulting with other governmental agencies with interest or expertise in the activities or issues being addressed. Contractor will implement the SEIS Preparation Plan, at USFWS's direction.

B. Public Engagement

In coordination with USFWS and NPPD, Contractor will develop and maintain a mailing list of all persons and organizations that previously expressed interest in the original R-Project permitting process, any additional persons and organizations that express interest in the R-Project remand process, or others identified by USFWS and NPPD. This mailing list will be maintained throughout the remand process until USFWS issues its ROD. Contractor, in coordination with USFWS, will support the public outreach effort throughout the remand process. This includes development of any outreach materials agreed upon to provide information to, and solicit input from, the public, tribes, and groups with historic/cultural interests. If deemed necessary by USFWS, Contractor will provide a facilitator for public or tribal meetings. All external information will require USFWS approval prior to release. USFWS will coordinate with NPPD on outreach materials, as needed.

C. SEIS Initiation and Coordination Meetings

Contractor will schedule a virtual kickoff meeting with USFWS and NPPD, prepare the meeting agenda and other documentation, and send the agenda and documentation to all persons attending the meeting. Contractor will also schedule, prepare for, arrange, and attend periodic conference calls—at a frequency to be established in the Communications Plan—with NPPD and USFWS to review completed phases of the SEIS, provide status updates on the SEIS development process, and plan upcoming activities to ensure that all NEPA requirements, technical requirements, and the NEPA schedule are being met. USFWS and Contractor will also engage in periodic conference calls, at a frequency to be established in the Communications Plan, to discuss issues associated with and progress on the development of the SEIS.

Within two business days of any calls or meetings, Contractor must provide notes from the meeting or call that identify participants, summarize at a high level the concerns discussed, describe any agreements or decisions reached, and highlight action items and due dates. Contractor will also follow up on action items after each call or meeting.

D. Decision File and Administrative Record

In accordance with Department of the Interior and Freedom of Information Act guidelines and requirements, Contractor will contemporaneously compile and maintain the decision file that documents each step of the NEPA remand process including key analysis documentation, data documentation, and public interaction. Contractor must ensure that this decision file and administrative record has secured access between Contractor and USFWS only. Contractor will maintain an electronic database for the decision file to minimize the time and effort required for locating and retrieving materials. The database shall include a chronological history of all correspondence, studies, comments, and other materials and documents USFWS considered in preparation of the SEIS. The decision file must be organized and consistent and must minimize the duplication of materials. Records must be named and formatted according to USFWS instructions. Contractor will develop metadata for GIS files or data files applied in NEPA. All documents and records will be maintained on a weekly basis and shall be accessible for download by designated USFWS persons.

Because the SEIS will supplement the FEIS for the R-Project, the decision file for the remand process should be added to the decision file for the FEIS, but the decision file must be organized in a manner such that any additional documents that USFWS considered on remand can be easily identified. If the R-Project is subject to a legal challenge, Contractor will assist USFWS in using the decision file to prepare the administrative record to be filed with the court.

III. Notice of Intent and Scoping

USFWS will provide Contractor a format for a Notice of Intent (NOI) for the Draft SEIS. Contractor will prepare and submit a draft NOI for the Draft SEIS to USFWS for review and finalization. USFWS will publish the NOI in the Federal Register. If scoping is deemed necessary by USFWS, Contractor will prepare ads for placement in local and regional newspapers to announce the notice of intent, the open public comment period, and the dates, locations, and times of any public meetings.

A. Public Comments

If scoping is deemed necessary by USFWS, Contractor will develop a database for capturing and tracking public comments received during the scoping public comment period. Contractor will ensure that the database will have the functionality necessary to track how the comments were submitted, who submitted them, and what category the comments may cover. Contractor will prepare a report that describes the comments received, categorizes comments by subject, and includes a summary of comments that are beyond the scope of the SEIS.

B. Public Meetings

If scoping is deemed necessary by USFWS, Contractor will coordinate with USFWS during the scoping public comment period in preparation for the formal public meetings. Contractor will prepare maps and graphics for the meetings, coordinate the court reporter or audio equipment needed for recording verbatim testimony, and attend and participate in the meetings, as required. Meetings may be done virtually (possibly in addition to the in-person meetings); in which case Contractor will set up the virtual platform and run the virtual component. Assume a total of three meetings; either conducted virtually and/or in-person, potentially one each in Sutherland, Burwell, and Thedford, Nebraska (or other locations to be determined).

IV. Administrative Draft SEIS

NPPD is in the process of updating the R-Project Habitat Conservation Plan (HCP) to incorporate additional information that has become available since NPPD and USFWS finalized the HCP in December 2018. NPPD will deliver the draft revised HCP to USFWS. After USFWS has completed its review and NPPD has incorporated USFWS's comments, NPPD will provide the revised draft HCP to USFWS for dissemination to Contractor for use in the preparation of the Administrative Draft SEIS.

USFWS anticipates that the Administrative Draft SEIS will include much of the material from the FEIS. However, special emphasis will be needed to address the issues remanded by the court and any new information that materially affects the impact analysis of the FEIS. Contractor will be expected to review and address issues identified in the court's decision and updated draft

HCP and incorporate new information to draft an Administrative Draft SEIS. Contractor will not be required to conduct surveys or collect additional data, but may be required to conduct literature searches and provide access to and coordinate with highly skilled subject(s) expertise to complete risk analyses for USFWS's consideration. USFWS, NPPD, or other entities will make available all needed data.

The Administrative Draft SEIS must be consistent with the most current NEPA statutes, regulations, and Executive Orders. It must also include supporting tables, figures, maps, and appendices. Contractor will submit the Administrative Draft SEIS to USFWS for review and comment.

V. Draft SEIS

A. Preparation of the Draft SEIS and Notice of Availability

Contractor will revise the Administrative Draft SEIS to address comments received and prepare the updated Draft SEIS for final review by USFWS prior to being printed and distributed to the public for review. Contractor must obtain written verification of approval from USFWS to print the Draft SEIS. The Draft SEIS is to be reproduced in sufficient quantities to meet the anticipated need and is to be prepared for printing in accordance with USFWS standards. Contractor should assume that 50 copies of the Draft SEIS will need to be printed and distributed, if specifically requested by the public. Contractor will make the Draft SEIS available electronically and in 508-compliant PDF format for posting on USFWS's website. Contractor will oversee distribution and delivery of the Draft SEIS for public review as directed by USFWS. Contractor will deliver an electronic (on digital data storage device) and one hard copy of the Draft SEIS to the Environmental Protection Agency as directed by USFWS.

USFWS will provide Contractor a format for a Notice of Availability (NOA) for the Draft SEIS. Contractor will prepare and submit a draft NOA for the Draft SEIS to USFWS for review and finalization. USFWS will publish the NOA in the Federal Register. Contractor will prepare ads for placement in local and regional newspapers to announce the availability of the Draft SEIS, the open public comment period, and the dates, locations, and times of any public meetings.

B. Public Comments

Contractor will develop a database for capturing and tracking public comments received during the Draft SEIS public comment period. Contractor will ensure that the database will have the functionality necessary to track how the comments were submitted, who submitted them, and what category the comments may cover. Contractor will prepare a report summarizing comments received during the Draft SEIS public comment period.

C. Public Meetings

Contractor will coordinate with USFWS during the Draft SEIS public comment period in preparation for the formal public meetings. Contractor will prepare maps and graphics for the meetings, coordinate the court reporter or audio equipment needed for recording verbatim testimony, and attend and participate in the meetings, as required. Meetings may be done virtually (possibly in addition to the in-person meetings); in which case, Contractor will set up virtual

platform and run the virtual component. Assume a total of three meetings; either conducted virtually and/or in-person, potentially one each in Sutherland, Burwell, and Thedford, Nebraska (or other locations to be determined).

VI. Final SEIS

A. Response to Public Comments

Contractor will ensure that all comments on the Draft SEIS received during the public comment period, including those received at public meetings, are compiled, identified, and catalogued. Contractor will coordinate with USFWS to prepare draft responses to the public comments for USFWS's review and will incorporate USFWS's input into the final responses to comments, which may be a standalone report or an appendix to the Final SEIS. USFWS may request that NPPD assist in responding to public comments on the Draft SEIS. Contractor will incorporate NPPD's input into the final responses to comments to the extent it is directed to do so by USFWS.

B. Preparation of the Final SEIS

Contractor will revise the Draft SEIS as necessary based on public comments received, as directed by USFWS. The Final SEIS will also describe the process USFWS used to respond to public comments. Contractor will submit a preliminary Final SEIS to USFWS for review and comment. Contractor will incorporate comments from USFWS in the updated Final SEIS for printing and distribution to the public. USFWS will approve the release of the Final EIS to the public.

Contractor will print an appropriate number of Final SEIS documents, distribute them to individuals and entities on the mailing list that have requested a copy, make the Final SEIS reasonably available in public libraries and federal agency offices, and prepare and post the Final SEIS on USFWS's website. Contractor should assume that a minimum of 50 copies of the Final SEIS will need to be printed and distributed. If requested by the public, Contractor will prepare a draft of the NOA of the Final SEIS and draft Record of Decision, which USFWS will publish in the Federal Register. Contractor will make the Final SEIS available electronically and in 508-compliant PDF format for posting on USFWS's website. Contractor will oversee distribution and delivery of the Final SEIS for public review as directed by USFWS. Contractor will deliver an electronic (on digital data storage device e.g. USB flash drive) copy and one hard copy of the Draft SEIS to the Environmental Protection Agency as directed by USFWS. Contractor will prepare paid ads in local newspapers to announce the availability of the Final SEIS.

C. Response to Public Comments on the Final SEIS

Contractor will ensure that all comments on the Final SEIS received during the 30-day NOA are compiled, identified, and catalogued. Contractor will coordinate with USFWS to prepare draft responses to the public comments for USFWS's review and will incorporate USFWS's input into the final responses to comments, which may be a standalone report or an appendix to the Record of Decision. USFWS may request that NPPD assist in responding to public comments on

the Final SEIS. Contractor will incorporate NPPD's input into the final responses to comments to the extent it is directed to do so by USFWS.

VII. Record of Decision

Contractor will assist USFWS in the writing of the draft ROD. The ROD is prepared to document the selected alternative and any accompanying mitigation measures. USFWS will finalize and distribute the ROD.