



## **Notice of Intent for Supplemental Environmental Impact Statement associated with R-Project Habitat Conservation Plan**

### ***Questions and Answers***

#### **1. What action is the U.S. Fish and Wildlife Service taking?**

Pursuant to the [National Environmental Policy Act](#) (NEPA), the U.S. Fish and Wildlife Service is publishing a Notice of Intent (NOI) to inform the public of its intent to prepare a Supplemental Environmental Impact Statement (SEIS) for an anticipated incidental take permit (ITP) application associated with Nebraska Public Power District's (NPPD) R-Project transmission line. The SEIS will evaluate the impacts related to the proposed issuance of the ITP and implementation of the associated revised habitat conservation plan (HCP), including addressing the issues identified by the U.S. District Court for the District of Colorado in its 2020 remand of the previous ITP that the Service issued on June 12, 2019.

#### **2. What is NEPA?**

The National Environmental Policy Act (NEPA) is a federal law that serves as the Nation's basic charter for making major federal decisions and determining how those decisions affect the human environment. NEPA requires that all federal agencies consider the potential environmental impacts of their proposed actions. NEPA promotes better agency decision-making by ensuring that high-quality environmental information is available to agency officials and the public before the agency decides whether and how to undertake a major federal action. Through the NEPA process, the public has an opportunity to learn about proposed federal actions and to provide timely information and comments. An EIS is a NEPA document required for major federal actions that significantly affect the quality of the human environment.

#### **3. Where are we in the NEPA process?**

The Service is in the scoping phase of the SEIS. The purpose of scoping is to solicit early input from the public, other concerned governmental agencies, the scientific community, Tribes, industry, and other interested parties on resource areas, topics, and/or alternatives that should be evaluated, as well as suggestions on data or information that should be considered in the analysis. During the scoping period, you can learn about the proposed action and the SEIS process, attend a virtual public meeting, and provide written comments on the scope and approach for completing the SEIS.

#### **4. What is a Supplemental EIS (SEIS)?**

An SEIS supplements a draft or final EIS when it is determined that 1) changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS or 2) new information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS. An SEIS is developed using the same process and format as the original EIS (i.e., draft

EIS, final EIS, and Record of Decision). This SEIS will rely on information already described in the final EIS completed in 2019, but, as necessary, update the analysis with new information and include changes due to the court remand.

### **5. Why is an SEIS needed for this project?**

On October 30, 2014, the Service published an NOI to inform the public of its intent to prepare an EIS to assess the potential impacts from the issuance of an ITP to NPPD to authorize take of the federally listed American burying beetle for the construction of the R-Project Transmission Line. On June 12, 2019, the Service concluded the NEPA process and [issued a Record of Decision and an ITP](#). In July 2019, a group of R-Project petitioners filed a lawsuit challenging the Service's decision under NEPA, Endangered Species Act (ESA), and National Historic Preservation Act. On June 17, 2020, U.S. District Court for the District of Colorado issued a decision that vacated the ITP. Due to the court decision, NPPD is resubmitting an incidental take permit application with a revised HCP. The Service's decision on an incidental take permit application requires compliance with NEPA; therefore, the Service is preparing an SEIS.

### **6. What is an incidental take permit and habitat conservation plan?**

[Section 9 of the ESA](#) prohibits the "take" of federally listed species. Take means to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct." [ESA Section 10](#) allows the Service to issue permits for the "incidental" take of endangered and threatened wildlife. These permits are called incidental take permits (ITP). ITP holders can proceed with an activity that is legal in all other respects, but that may incidentally take federally listed species.

To receive an ITP, applicants must develop, implement, and secure funding for a [Habitat Conservation Plan](#) (HCP) that minimizes and mitigates harm to species impacted by their activities.

### **7. What is the R-Project and what is the geographic area covered?**

The [R-Project](#) is a proposed 345,000-volt, 226-mile-long electric transmission line. The proposed project starts at NPPD's Gerald Gentleman Substation near Sutherland, Nebraska; goes north to a 345 kV substation located in Thomas County near Thedford; and then extends eastward to another 345 kV substation sited in Holt County, which interconnects with the Western Area Power Administration's existing Fort Thompson to Grand Island 345 kV line that is located on the eastern border of Holt County.

### **8. What is included in the R-Project HCP?**

The revised R-Project HCP describes how NPPD will conserve covered species while carrying out the project. The HCP includes measures to minimize and mitigate impacts to covered species that may occur as a result of constructing the R-Project and any emergency repairs. The HCP is part of NPPD's application for a 50-year ITP. If issued, the ITP would authorize take of the covered species that would occur from activities implemented in accordance with the HCP.

### **9. What species are covered (i.e., covered species) by the R-Project HCP?**

The [American burying beetle](#) is the species anticipated to be proposed for coverage under the R-Project Revised HCP and ITP. The American burying beetle is listed as threatened under the ESA, and is known to occur within the proposed corridor for the R-Project. The R-Project Revised HCP will include an analysis of impacts to American burying beetle and methodology for estimating and quantifying take from covered activities and minimization and mitigation measures.

### **10. How will the R-Project HCP address impacts to the American burying beetle?**

The revised HCP includes conservation measures to minimize and mitigate impacts to the American burying beetle. The conservation measures are guided by the biological goals and objectives in the conservation strategy of the HCP. The HCP also includes a monitoring strategy to determine effectiveness of the conservation measures and inform adaptive management.

The HCP will include funding information and assurances, monitoring requirements, adaptive management, and changed circumstance provisions to help ensure conservation outcomes for American burying beetle. Annual reports would confirm the amount, type, and location of impacts and mitigation, as well as the status of monitoring, adaptive management, changed circumstances, and funding.

### **11. Will other species be addressed by the HCP?**

The revised HCP is anticipated to include analysis of evaluated species, including some ESA-listed species, which are species that may occur in the project area but for which NPPD is not requesting take authorization. The HCP describes measures to avoid take of these species. Species anticipated as evaluated species may include the following:

- [Bald eagle](#) (*Haliaeetus leucocephalus*)
- [Blanding's turtle](#) (*Emydoidea blandingii*)
- [Blowout penstemon](#) (*Penstemon haydenii*)
- [Golden eagle](#) (*Aquila chrysaetos*)
- [Northern long-eared bat](#) (*Myotis septentrionalis*)
- [Piping plover](#) (*Charadrius melodus*)
- [Rufa red knot](#) (*Calidris canutus rufa*)
- [Topeka shiner](#) (*Notropis topeka [=tristis]*)
- [Tricolored bat](#) (*Perimyotis subflavus*)
- [Western prairie-fringed orchid](#) (*Platanthera praeclara*)
- [Whooping crane](#) (*Grus americana*)

### **12. Why is the whooping crane not included as a covered species in the HCP?**

Potential risk to the whooping crane was reviewed extensively during the last ITP issuance decision in 2019. The revised HCP will include risk analysis and avoidance measures for the whooping crane, but it is not anticipated to include whooping crane as a covered species (i.e., one for which an applicant is requesting authorization for incidental take). The Service will continue to review and integrate scientific and commercial data on risk of take to whooping crane throughout the permit decision process.

### **13. What activities would the Service issue an incidental take permit for under the R-Project HCP?**

The proposed covered activities in the HCP will likely include:

- Access: Creation of temporary access routes and permanent access roads.
- Right-of-way preparation: Removal of trees and tall brush from the 200-foot-wide right-of-way.
- Temporary work areas: Grading and filling to create temporary work areas including assembly areas, construction yard, staging areas, and structure work areas.
- Tower installation: Construction associated with power line foundation installation and structure erection.
- Power-line installation: Stringing, pulling, and tensioning necessary for power-line placement on towers.
- Relocation of existing infrastructure: Relocation of existing overhead distribution power lines and livestock and center-pivot irrigation wells to outside the right-of-way.
- Emergency repairs: Repairs to isolated damages, such as single insulators or weak points on conductors, as well as large-scale repairs following damage from severe weather events.
- HCP Implementation Activities: Activities identified in the conservation strategy and monitoring program that may result in short-term effects on covered species.

### **14. Will effects to cultural resources and historic properties be addressed in the SEIS?**

Yes, effects to cultural resources and historic properties will be evaluated in the SEIS. We will also be conducting a separate [Section 106](#) consultation under the National Historic Preservation Act with the Nebraska State Historic Preservation Office (History Nebraska), the Advisory Council on Historic Preservation, and other interested parties. We are also inviting tribes to participate in government-to-government consultation on tribal cultural and historic resources.

### **15. Will effects from renewable energy projects be analyzed in this ITP decision?**

Yes, renewable energy that is reasonably foreseeable will be analyzed in the SEIS. We appreciate any information related to renewable energy near the R-Project area.

### **16. How can I provide comments during the NEPA scoping period?**

The scoping period for this SEIS is 30 days, from November 18, 2022, through December 18, 2022. Comments must be postmarked by December 18, 2022, to be considered in the Draft SEIS.

During the scoping period, the Service requests your comments on the scope of the SEIS, including the following topics:

- Scope of the EIS analysis – Specific topics or resources that should be considered in the SEIS
- Alternatives – Alternatives to the proposed action that should be evaluated in the SEIS
- Data or information – Suggestion on data or information that should be considered in the SEIS

**Comments may be submitted using one of the following methods:**

- Hard Copy – Submitted by U.S. Mail: Public Comments Processing; Attn: Docket No. FWS-R6-ES-2014-0048; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike, Falls Church, VA 22041–3803.
- Electronically: Visit the Federal eRulemaking Portal: [www.regulations.gov](http://www.regulations.gov). In the search box enter (Docket Number FWS-R6-ES-2014-0048).

**Comments will be posted on:** <http://www.regulations.gov>. We request that you send comments only by the methods described above. This generally means that we will post any personal information you provide.

**17. When and where are public scoping meetings being held?**

The Service will host two virtual public scoping meetings to allow the public the opportunity to learn more about the process and ask questions. You can pre-register for the virtual meeting at [www.fws.gov/project/r-project-transmission-line](http://www.fws.gov/project/r-project-transmission-line).

Virtual dates and times are:

- December 8, 2022; 10:00 a.m. central standard time
- December 8, 2022; 6:30 p.m. central standard time

To ensure accessibility, the recording of the public scoping meeting will be available online at [www.fws.gov/project/r-project-transmission-line](http://www.fws.gov/project/r-project-transmission-line) and at the following library locations:

- North Platte Public Library, 120 W 4th St, North Platte, NE 69101;
- Thomas County Library, 501 Main St, Thedford, NE 69166; and
- Taylor Public Library, 106 William St., Taylor, NE 68879

The Service is interested in making public meeting materials accessible to all interested parties, which is why we elected to have:

- Virtual meetings;
- Presentation viewing at public libraries; and
- Presentation viewing online through the Service’s website. The virtual option would benefit interested parties with the limited ability to travel to a public meeting site; the library option provides access for those with limited internet; and the website option allows interested parties to view the presentation at any time of day.

**18. What are the next steps?**

Upon close of the scoping period, the Service will prepare a Draft SEIS considering the effects of the HCP and any alternatives identified during public scoping. A second opportunity for public comment will be provided when the Draft SEIS is completed. The Service anticipates a Draft SEIS will be ready for public review in the summer of 2023.

For more information about the HCP and the NEPA process, visit the Service-sponsored project website at [www.fws.gov/project/r-project-transmission-line](http://www.fws.gov/project/r-project-transmission-line)