

Notice of Availability for R-Project Transmission Line Revised R-Project Habitat Conservation Plan for American Burying Beetle and Draft Supplemental Environmental Impact Statement

Questions and Answers

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

Under the [National Environmental Policy Act](#), the U.S. Fish and Wildlife Service is publishing a notice of availability to inform the public and seek comment about the revised habitat conservation plan and draft supplemental environmental impact statement for a proposed transmission line, known as the R-Project, in Nebraska.

This announcement initiates a 60-day public comment period to receive input from the public, governmental agencies, the scientific community, Tribes, industry, and other interested parties on draft supplemental EIS associated with the revised HCP.

Why is the Service publishing these NEPA documents?

The Nebraska Public Power District prepared a revised habitat conservation plan in support of its new application for an incidental take permit under the Endangered Species Act to authorize the take of the federally threatened American burying beetle that may result from potential activities involved during the construction, operation and maintenance of the transmission line.

The draft SEIS evaluates the impacts related to the proposed issuance of the ITP and implementation of the associated revised 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.

What is the R-Project and what is the geographic area covered?

The [R-Project](#) is a proposed 345-kilovolt, 226-mile-long electric transmission line. The proposed project starts at Nebraska Public Power District'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.

What is NEPA?

The National Environmental Policy Act 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 environmental impact statement is a NEPA document required for major federal actions that significantly affect the quality of the human environment.

What is a supplemental environmental impact statement?

A draft supplemental environmental impact statement supplements a draft or final environmental impact statement 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. A SEIS is developed using the same process and format as the original EIS (i.e., draft EIS, final EIS, and Record of Decision).

Why is a SEIS needed for this project?

On October 30, 2014, the Service published a notice of intent to inform the public of its intent to prepare an Environmental Impact Statement to assess the potential impacts of the issuance of an incidental take permit to Nebraska Public Power District 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 National Environmental Policy Act process and [issued a Record of Decision and an ITP](#).

In July 2019, a group of petitioners filed a lawsuit challenging the Service's decision under NEPA, Endangered Species Act, and National Historic Preservation Act. On June 17, 2020, the U.S. District Court for the District of Colorado issued a decision that vacated the ITP. Due to the court decision, NPPD submitted a new incidental take permit application with a revised Habitat Conservation Plan. The Service's decision on an incidental take permit application requires compliance with NEPA; therefore, the Service has prepared a draft supplemental environmental impact statement.

What is an incidental take permit and habitat conservation plan?

[Section 9 of the](#) Endangered Species Act 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 and permittees can proceed with an activity that is legal in all other respects, but that may incidentally take federally listed species.

To receive an incidental take permit, applicants must develop, implement, and secure funding for a [habitat conservation plan](#) that minimizes and mitigates harm to species impacted by their activities.

What is included in the R-Project Revised HCP?

The revised R-Project Habitat Conservation Plan describes how the Nebraska Public Power District 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 incidental take permit. If issued, the ITP would authorize the take of the covered species that would occur from activities implemented under the HCP.

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

The [American burying beetle](#) is the species proposed for coverage under the R- Project Revised Habitat Conservation Plan and incidental take permit. The American burying beetle is listed as threatened under the Endangered Species Act and is known to occur within the proposed corridor for the R-Project. The R-Project Revised HCP includes an analysis of impacts on the American burying beetle and methodology for estimating and quantifying take from covered activities and minimization and mitigation measures.

How does the R-Project HCP address impacts on the American burying beetle?

The revised Habitat Conservation Plan 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 the effectiveness of the conservation measures and inform adaptive management.

The revised HCP includes funding information and assurances, monitoring requirements, adaptive management, and changed circumstance provisions to help ensure conservation outcomes for the 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.

Will other species be addressed by the HCP?

The revised habitat conservation plan includes an analysis of evaluated species, including some additional species listed under the ESA, that may occur in the project area but for which the Nebraska Public Power District is not requesting take authorization. The HCP describes measures to avoid take of these species. Evaluated species 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*)
- [Tricolored bat](#) (*Perimyotis subflavus*)
- [Western prairie-fringed orchid](#) (*Platanthera praeclara*)
- [Whooping crane](#) (*Grus americana*)

Why is the whooping crane not included as a covered species in the HCP?

The potential risks to the whooping crane were reviewed extensively during the last

incidental take permit issuance decision in 2019. The revised Habitat Conservation Plan includes a risk analysis and avoidance measures for the whooping crane but does not include the whooping crane as a covered species (i.e., one for which an applicant is requesting authorization for incidental take). The U.S. Fish and Wildlife Service will continue to review and integrate scientific and commercial data on the risk of take to whooping crane throughout the permit decision process.

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

The proposed covered activities in the habitat conservation plan 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 yards, 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 are 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 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.

Are effects on cultural resources and historic properties addressed in the draft SEIS?

Yes, effects on cultural resources and historic properties are evaluated in the draft supplemental environmental impact statement (Section 3.10, Cultural Resources).

The Service is also conducting a separate [Section 106](#) consultation under the National Historic Preservation Act with the Nebraska State Historic Preservation Office, the Advisory Council on Historic Preservation, and other consulting parties. The Service also invited Tribes to participate in government-to-government consultation on Tribal cultural and historical resources.

What alternatives were considered and carried forward in the draft SEIS?

Based on the court decision and comments received during scoping, the Service evaluated multiple new alternatives, including alternatives that would minimize/avoid effects on historic properties and conservation easements, and an alternative that would include the application of a new avian collision avoidance system. Alternatives carried forward for further analysis include 1) No action alternative, 2) Proposed Action: tubular steel monopole and steel lattice tower structures (current R-Project; preferred alternative), 3) Alternative A: 2018 FEIS R-Project and Habitat Conservation Plan, and

4) Alternative B: Tubular Steel Monopole Construction Only.

Will the effects of renewable energy projects be analyzed in this draft SEIS?

Yes, renewable energy that is reasonably foreseeable and related to the R-Project is analyzed in the draft supplemental environmental impact statement. The 2019 final Environmental Impact Statement included an analysis of the effects of one wind energy project, Thunderhead, based on the existing interconnection agreement between the wind project and the R-Project. Thunderhead has since been approved for interconnection with an existing Western Area Power Administration transmission line and is in operation.

However, since the FEIS, the Service identified nine renewable energy projects that are reasonably foreseeable with construction or increased generation are related to the R-Project (either through interconnection or contingency on R-Project for overall network upgrade), as described in Section 3.1.3 of the SEIS. Therefore, potential effects on the human environment associated with nine renewable projects have been included in each section of Chapter 3 of the SEIS.

Are effects on protected species from the proposed R-Project and renewable energy projects analyzed in the SEIS?

Yes, the Special Status Species section (Section 3.7) of the Supplemental Environmental Impact Statement describes the effects on state and federally-protected species. This section has been updated to include six additional species since the final environmental impact statement due to additional Endangered Species Act status reviews since the SEIS and the expanded study area from related renewable energy projects.

How can the public provide comments during the public comment period?

The 60-day public comment period ends on April 9. 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 at www.regulations.gov. In the search box enter (Docket Number FWS-R6-ES-2014-0048).
- During the in-person or virtual public meetings (see below).

Will there be any public meetings?

The Service will host two in-person and one virtual public meeting to allow the public the opportunity to submit comments, learn more about the process, and ask questions.

In-Person:

- Tuesday, Feb. 27, 2024, from 5-7:00 p.m. Central Standard Time. North Platte, Nebraska, Prairie Arts Center.
- Thursday, Feb. 29, 2024, from 1-3:00 p.m. Central Standard Time. Broken Bow, Nebraska, Mid Plains Community College.

Virtual:

- March 7, 2024, from 5-7:00 p.m. Central Standard Time.

Additional information about the public meetings will be posted on the project website, www.fws.gov/project/r-project-transmission-line.

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

- North Platte Public Library, 120 W 4th St, North Platte, NE 6910
- Thomas County Library, 501 Main St, Thedford, NE 69166
- Taylor Public Library, 106 William St., Taylor, NE 68879

What are the next steps?

After the public comment period, the Service will prepare the final supplemental environmental impact statement and work with the Nebraska Public Power District on any necessary updates to the revised habitat conservation plan based on public comments received. A second notice of availability will be published when the final SEIS is completed. The Service anticipates a final SEIS will be ready for public review in the summer of 2024.

For more information about the HCP and the National Environmental Policy Act process, visit the U.S. Fish and Wildlife Service-sponsored project website at www.fws.gov/project/r-project-transmission-line.