



Rail Tie Wind Project Draft Environmental Impact Statement Virtual Public Hearing Q&A Report

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PREPARED FOR

Western Area Power Administration

PREPARED BY

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**RAIL TIE WIND PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
VIRTUAL PUBLIC HEARING Q&A REPORT**

Prepared for

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1 INTRODUCTION

This report provides a summary of the question and answer (Q&A) portions of the virtual public hearings for the Rail Tie Wind Project (the Project) Draft Environmental Impact Statement (draft EIS). As part of the public comment period for the draft EIS and in compliance with the National Environmental Policy Act (NEPA) of 1969, on April 28 and April 29, 2021, Western Area Power Administration (WAPA) held two virtual public hearings via online webinar, hosted using Zoom Webinar. The purpose of the virtual public hearings was to 1) help the public understand the NEPA process and involve the public; 2) explain how to provide comments on the draft EIS; 3) share information about the Project with the public; and 4) provide a venue for the public to provide verbal comments on the draft EIS.

The Q&A portion of the virtual public hearings allowed participants to ask questions about the NEPA process, the draft EIS, and/or the Project. Questions asked during the virtual public hearings are included in this report and have not been considered formal draft EIS comments.

WAPA will accept public input at any time during the NEPA process; however, comments submitted by Monday, May 17, 2021, will be fully considered when the draft EIS is revised. Instructions for submitting public comments are provided on WAPA's Project website (<https://www.wapa.gov/transmission/EnvironmentalReviewNEPA/Pages/rail-tie-wind-project.aspx>).

2 QUESTIONS AND ANSWERS

This section summarizes the questions received and answers provided during the virtual public hearings on April 28 and April 29, 2021. During the virtual public hearing, members of the public could submit questions in the following ways:

- Members of the public could use Zoom's Raise Hand feature in the webinar to verbally ask a question to be answered during the meeting.
- Members of the public could use Zoom's Q&A feature in the webinar to submit a question in writing to be answered during the meeting.

The public's questions and the panel's responses were read aloud during the public hearings. The panel consisted of members of the Project Team from WAPA, SWCA Environmental Consultants (SWCA), and ConnectGen Albany County LLC (ConnectGen). The reader is also referred to the meeting recordings and transcripts for questions and responses captured as part of the meeting recordings. Note that several Q&As were not recorded but were captured by the webinar's Q&A function, which functioned like a chat window, and are provided in this report.

During the virtual public hearings WAPA received a total of 42 questions from the public. All Q&As are summarized in the section below, by meeting date and topic, and are presented in the order they were shared in each hearing.

2.1 Virtual Public Hearing – April 28, 2021

2.1.1 Virtual Public Hearing Format

Q-1: How can the public get a copy of today's meeting?

A-1: A link to the recording of today's meeting will be posted to the public involvement website and on WAPAs Project website.

<https://www.swcavirtualpublicinvolvement.com/railtiewinddrafteis>

<https://www.wapa.gov/transmission/EnvironmentalReviewNEPA/Pages/rail-tie-wind-project.aspx>

Q-2: Can WAPA certify that all written comments submitted for the public hearing will in fact be read by decision-makers? (We know comments have been received but that does not mean they have been read.)

A-2: Comments will be read and used to revise the draft EIS. Decision-makers will read the draft final EIS before approval, but not the raw comments. They may ask for a briefing on the Project, as well.

Q-3: Will WAPA provide a response to written comments so that those of us who have spent the time to submit a comment will know that the comments have been read, understood, and given a reasoned consideration?

A-3: Written responses will be provided to substantive comments in the final EIS.

Q-4: When will public in-person meetings be held?

A-4: WAPA takes the health and safety of our employees and the communities we serve very seriously. In the interest of public health and safety, WAPA will not hold an in-person public hearing for the Rail Tie Wind Project draft environmental impact statement. Virtual public hearings are a safe and effective alternative that provide a forum for all stakeholders of the proposed Project to discuss the draft EIS and voice their questions and concerns. Virtual hearings are also accessible to all; there are options to register and join via telephone as well as internet.

Q-5: In a "hearing" there are sides that Ask questions and respond. I understand that you will "answer" questions at the end. However, this Zoom does not allow for a back-and-forth conversation. How does WAPA & SWCA believe that this is a "proper hearing" and is fair to the public?

A-5: The Project Team will respond to as many questions as possible during the hearings. There is no difference in terms of how the Project Team will handle comments from the public, whether from an in-person or virtual hearing. All comments, regardless of the form of delivery, will be analyzed and considered. Even with the opportunity for verbal comments provided by the virtual hearings, written comments provided electronically are the most effective way for the public to submit their comments and concerns about the proposed Project. In our experience, written comments are usually more reasoned, complete, and better supported than verbal comments.

Q-6: Will those who submitted public comment, and received a response from WAPA, have an opportunity to provide a counter response?

A-6: Responses to comments and questions will be made in the final EIS through changes to the document text and possibly a comment/response table in the final EIS. Additional comments can be made throughout the NEPA process.

2.1.2 National Environmental Policy Act

Q-1: Has WAPA ever issued a no-connection determination? If so, when was the last time?

A-1: WAPA has not, to our knowledge, denied an interconnection request at the environmental stage. Several have been denied at the feasibility stage or system impact study stage. This was because there was not sufficient capacity available, or the cost of system improvement was too high. Only the interconnections that passed these hurdles went on to be analyzed in a NEPA process. WAPA's decision to approve or deny an interconnection request is limited by Federal Energy Regulatory Commission (FERC) orders regarding open access to transmission; generally, WAPA must have very compelling power system reasons not to approve a request.

Q-2: Has WAPA ever issued a no-connection determination based on a visual impact determination? If so, when was the last time and what Project?

A-2: No, WAPA has not denied an interconnection due to visual impacts.

Q-3: How was Tetra Tech chosen as a consultant? Was it a bid process?

A-3: Tetra Tech was selected as ConnectGen's environmental consultant through a competitive request for proposals (RFP) process performed by ConnectGen. Similarly, SWCA was selected as WAPA's third-party NEPA contractor, by WAPA, through a competitive RFP process. These were entirely separate procurements.

Q-4: Does ConnectGen have determinative input in the EIS decision?

A-4: ConnectGen does not have any input into or influence over WAPA's interconnection decision.

Q-5: When will the interconnection determination be made?

A-5: The interconnection request decision will be made by WAPA after the final EIS has been released to the public and the availability period has occurred. This is currently expected in early 2022.

Q-6: If WAPA has never made a no-connect decision based on environmental concerns, why should we submit concerns on the EIS?

A-6: Environmental information is just one of several factors considered in the decision to approve an interconnection. Even within the confines of the FERC Orders, WAPA could use negative environmental impacts to deny an interconnection request.

Q-7: If WAPA does not have the authority to make a determination based on environmental impact, why go through this process at all?

A-7: Environmental information is just one of several factors considered in the decision to approve an interconnection. Even within the confines of the FERC Orders, WAPA could use negative environmental impacts to deny an interconnection request.

Q-8: Could you please answer in the Q&A the question of whether WAPA has ever made a no-connect determination based on an EIS?

A-8: A similar question was previously responded to. WAPA has not denied an interconnection request based on identified environmental impacts.

Q-9: Who are the decision-makers of the record of decision for WAPA?

A-9: Concurrences are made by the NEPA document manager, environmental team lead, natural resources manager, public affairs office, chief operations officer, and general counsel's office. The decision is then made by WAPA's administrator.

2.1.3 Project Description

Q-1: Why not resurrect another wind farm – specifically abandoned farm south of Cheyenne?

A-1: When identifying sites for wind development, ConnectGen considers both greenfield locations as well as opportunities to re-power older wind projects. The Rail Tie Wind Project location was selected due to a number of factors including wind resource, availability of transmission, and environmental factors.

Q-2: Why not rehab abandon wind farm south of Cheyenne?

A-2: Previously answered.

Q-3: Why not rehab wind farms in Oklahoma and California instead of causing further damage to our natural landscape?

A-3: Previously answered.

Q-4: Can updated and accurate of wind turbine placement, concerned blasting will affect my water well.

A-4: The NEPA process began when ConnectGen was early in their engineering design, and as such was conducted to consider impacts from the range of turbine models being considered. ConnectGen has advanced their design at this point, focusing on 120 turbines (Vestas 4.2 megawatt), 590 feet tall. The EIS analyses are inclusive of this model and therefore remains a valid disclosure of the impacts expected.

Q-5: It appears from the maps that some wind turbines will be closer to public roads than 1.5 times the turbine height. Is this true?

A-5: Yes. The 1,000-foot siting corridors studied in the draft EIS were designed to meet the Albany County zoning ordinance and associated setback requirements, which includes a 1.1-times-tip-height setback from public roads and railroads.

2.1.4 Project Team

Q-1: List of donations ConnectGen has made to entities in Albany County?

A-1: In an effort to be a good community member, ConnectGen has donated to local charities and organizations such as United Way and the Pilot Hill Project. As part of the long-term engagement in Albany County, ConnectGen anticipates future opportunities to sponsor local community events and charitable organizations. ConnectGen has not made donations to any Albany County or City of Laramie agencies or elected officials.

Q-2: On WAPA's website, the organization is described as dealing with hydroelectric. I'm curious why they are now considering being involved with ConnectGen and wind energy sources.

A-2: WAPA's business is marketing and transmitting hydropower generated by Federal dams in the western U.S. However, as a transmission system owner and operator, WAPA must consider interconnection requests under open access to transmission regulations just like any other utility.

Q-3: How many on the call have visited the proposed Rail Tie Wind Farm Project?

A-3: The EIS Project Team visited the Project Area during the scoping process.

2.1.5 Resource-Specific Questions

Q-1: If even one eagle is killed by a wind turbine, why is that not a violation of Federal law?

A-1: Bald and golden eagles are protected by the Bald and Golden Eagle Protection Act (BGEPA), originally passed in 1940. In addition to individuals, both active and inactive nests are also protected with buffer distances to prevent disturbance of nesting-related activities. Take of an eagle or its nest is not a violation of Federal law if authorized by a BGEPA permit, which are administered by the United States Fish and Wildlife Service (USFWS).

Q-2: If the population of eagles in the Project Area is small (single digits), why is killing one eagle not considered a significant population impact?

Q-2: Bald and golden eagles have different population trajectories and therefore the impact from the death of one eagle differs by species. Regardless, WAPA has recommended ConnectGen pursue a BGEPA permit for this Project to cover possible impacts to both eagle species.

Q-3: The EIS identifies strong visual impact to the Ames Monument. How do the proposed mitigation measures mitigate the strong visual impact?

A-3: Measures to mitigate visual impacts to Ames National Historic Landmark will be determined in consultation with the Wyoming State Historic Preservation Officer and the other consulting parties. Ideas raised by consulting parties are presented in the draft programmatic agreement and measures agreed upon will be handled through the development of a historic properties treatment plan as required in the final programmatic agreement.

Q-4: Please give me the complete name of the permit, and if I had one, the letters and what the complete name of that permit is.

A-4: Since you are on the phone and it's hard—you can't read the Q&A responses—it's called the Bald and Golden Eagle Protection Act. And the permit has the same name. So, the acronym is BGEPA.

Q-5: Is there, or why isn't there, a provision in the mitigation measures in the EIS to paint one of the turbine blades to reduce avian impacts?

A-5: The commenter appears to be referencing results from a recent study published in 2020 in the *Journal of Ecology and Evolution*. Although the study results have shown to be promising, the study was performed at a small scale, and additional research is necessary to replicate results. Additionally, the painting of turbine blades may result in other impacts, such as visual, or inconsistencies with county turbine painting requirements.

Q-6: Why is WAPA using wrong acoustic report?

A-6: WAPA is using the correct acoustic report for the EIS. The acoustic report developed for the EIS uses the "noisiest" turbine option out of the full range of turbine options under review for the EIS, which is the General Electric (GE) turbine. This is

appropriate because the EIS considers a range of turbine options. Conversely, the Albany County permit application is focused on a specific turbine type, so that acoustic report focuses specifically on the V150-4.2 turbine. Both the EIS and the Albany County permit applications are using the correct acoustic reports for their respective purposes.

Q-7: How many additional vehicle collisions can be expected due to the increased truck traffic on U.S. 287 during construction and decommissioning?

A-7: Section 3.13 of the draft EIS contains information on “Transportation and Access” including truck traffic. The draft EIS concludes that the Project would contribute to changes in traffic volumes on roadways; however, there would be no degradation to the level of service for routes used for Project activities, including U.S. 287. After reading this section of the draft EIS you may still have questions or disagree with the information presented there. In that case, please submit specific comments on those points, and provide any additional information you might have. The Project Team can then assess your input and make appropriate changes to the document.

Q-8: Does the EIS indicate this is critical wildlife habitat, if so what species?

A-8: There is no designated critical habitat protected pursuant to the Endangered Species Act within the proposed Project’s footprint.

Q-9: Who is responsible for drop in property values effected by wind farm? Many property owners are placing properties up for sale.

A-9: Section 3.12 of the draft EIS contains information on “Social and Economic Resources,” including impacts to property values. The draft EIS concludes that the Project would not be expected to materially decrease the property values for nearby homes; relevant studies of the effects of wind facilities on residential property values have shown small increases and decreases that are not statistically significant related to the announcement or presence of wind facilities, and any predicted or observed changes are influenced by other multiple factors.

After reading this section of the draft EIS you may still have questions or disagree with the information presented there. In that case, please submit specific comments on those points, and provide any additional information you might have. The Project Team can then assess your input and make appropriate changes to the document.

Q-10: Will the Rail Tie Project obtain a BGEPA permit to take eagles? If so, will there be an opportunity for public input on this permit?

A-10: WAPA has recommended the Rail Tie Wind Project obtain a BGEPA permit but would not be involved with that process. The USFWS administers those permits and uses a national-level process and framework to assess possible eagle take from proposed projects, as well as what types and levels of mitigation measures would be required to offset any authorized take. Any eagle take authorized by the USFWS pursuant to BGEPA is required to be offset with quantifiable mitigation to benefit eagles. The process for issuing a BGEPA permit is determined by USFWS.

Q-11: If a person or a company gets a BGEPA permit it absolves them of the Federal requirements to not kill eagles? If WAPA has suggested that ConnectGen gets a BGEPA permit then, don’t they know that there will be impacts to eagles? If there are known impacts to eagles, why aren’t there mitigation measures included in the EIS to protect eagles, such as paint one blade?

A-11: It is generally correct that an Incidental Take Permit issued pursuant to BGEPA allows the possible take of an eagle incidental to otherwise lawful activities. However, authorized incidental take must be appropriately and sufficiently mitigated for the USFWS to issue an Incidental Take Permit. While the USFWS has published general wind energy guidelines, specific mitigation measures are identified during the Project-specific BGEPA permitting process administered by the USFWS.

Q-12: Is habitat protected for eagles?

A-12: Federal laws (notably, the Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, and Endangered Species Act) do not protect habitat of eagles. However, eagles do have more protections than other bird species, notably around nests that are even inactive (defined by the lack of eggs or chicks).

Q-13: The EIS suggests that local fire departments can respond to any fires in the Project Area. Has there been any analysis of the rate at which potential grass fires could spread versus the response times of the local fire departments?

A-13: This specific question was not identified during the public scoping period; therefore, the specific analysis of the rate of fire spreading vs. local response time was not analyzed in the draft EIS. Additional information on wildfire impacts is described in section 3.16 of the draft EIS.

Q-14: If ice accumulates on the turbine blades, how far will it be thrown?

A-14: The draft EIS states that ice throw from turbines may occur up to 1.5 times the turbine blade tip height.

Q-15: The current acoustical assessment technical report shows that the proposed Project will NOT meet the county regulation of “not to exceed” 55 dBA [A-weighted decibels] at a non-participating property line. It will violate this regulation in many locations.

A-15: WAPA’s EIS is an entirely separate process from the Albany County permitting process. The turbine option and layout being permitted through the Albany County Wind Energy Conversion System permit process does comply with the 55 dBA noise limit at non-participating property lines, as shown by the acoustic report submitted with the county permit application.

Q-16: Given that the siting corridors studied in the [draft] EIS are closer to public roads than 1.5 times the turbine height, why was ice throw not considered a threat to public health and safety?

A-16: Ice throw was considered as an impact to public health and safety in section 3.10 of the draft EIS.

Q-17: When will the correct acoustic assessment be available for public comment?

A-17: WAPA is using the correct acoustic report for the EIS. The acoustic report developed for the EIS uses the “noisiest” turbine option out of the full range of turbine options under review for the EIS, which is the GE turbine. This is appropriate because the EIS considers a range of turbine options. Conversely, the Albany County permit application is focused on a specific turbine type, so that acoustic report focuses specifically on the V150-4.2 turbine. Both the EIS and the Albany County permit applications are using the correct acoustic reports for their respective purposes.

2.1.6 Taxes and State/County Regulations

Q-1: Does WAPA care if Rail Tie does not meet county and state regulations?

A-1: WAPA has and will continue to consider if the Project meets county and state regulations. However, there are separate processes for the county and state permits.

Q-2: Are wind farms of this magnitude federally taxed like an industry?

A-2: Yes, the Rail Tie Wind Project will pay Federal income tax. Additionally, it will pay sales and use tax, the wind excise tax, and property taxes to the State of Wyoming and Albany County.

Q-3: What tax incentive ConnectGen does receive from Federal Government?

A-3: Once built and operational, the Rail Tie Wind Project would receive the Federal Production Tax Credit that is available for wind projects. The amount of the tax credit is based on the amount of wind energy produced by the Project.

2.2 Virtual Public Hearing – April 29, 2021

2.2.1 Purpose, Need and Project Alternatives

Q-1: As far as a visual impact concerns that have been identified cannot be easily mitigated, would WAPA suggest to ConnectGen that they convert a wind project to solar?

A-1: WAPA's role is to consider the interconnection request submitted by ConnectGen. While WAPA will make suggestions to developers, WAPA ultimately does not have regulatory authority over the proposed action for the wind farm that has been considered as a connected action. Your suggestion for an alternate energy generation source has been noted.

Q-2: Why is there such an urgent need for this Project, especially when there isn't a market need for this energy?

A-2: There is a market for the wind energy. The Project is responding to the increasing demand for renewable energy power. Many utilities in Wyoming and surrounding states have announced plans to procure wind energy in the coming years. This demand from utilities for renewable energy is a result of multiple factors including the low cost of wind energy, state renewable energy portfolio requirements, and the planned retirements of thermal generation plants.

Q-3: What are the other alternatives for this project in the county? Could it be located somewhere else in the county, so that it still benefits the county?

A-3: Prior to beginning development of the Rail Tie Wind Project, ConnectGen reviewed possible locations for the wind project across the entire state of Wyoming. Dozens of factors, including but not limited to the wind resource, availability of transmission, and avoidance of environmentally sensitive areas, determined that the current Project location was the best location for this wind project.

Q-4: What is the cost to move it to a better location in a better part of the county?

A-4: Because WAPA did not receive an interconnection request related to facilities in other locations of Albany County, no cost comparison was available or produced.

Q-5: If there is such a demand for this Project, why are the windmills in the Round Top project not running or running slowly? If there is a demand for wind energy, why isn't that project running at full capacity?

A-5: We believe you are referring to the Roundhouse Wind Project. We are not involved with that project or familiar with its operational parameters; however, wind turbines may spin slowly or be periodically curtailed for various reasons, including during certain environmental or meteorological conditions, and for performance of routine operations and maintenance.

2.2.2 Project Team

Q-1: Is one role of the WAPA team to help mitigate any impacts that have been identified as significant by the draft EIS before connection to the WAPA grid?

A-1: The proposed Project is a ConnectGen proposal. WAPA does encourage developers to implement all reasonable and feasible environmental protection measures. In addition to the measures developed in the EIS, the National Historic Preservation Act Section 7 process may result in additional mitigation measures for Ames Monument and other eligible historic properties.

2.2.3 Resource-Specific Questions

Q-1: Albany County has a robust outdoor economy. Does the EIS address the potential economic impact of this Project?

A-1: Section 3.12 of the draft EIS discusses social and economic resources. After reading this section of the draft EIS you may still have questions or disagree with the information presented there. In that case, please submit specific comments on those points, and provide any additional information you might have. The Project Team can then assess your input and make appropriate changes to the document.

Q-2: Is there an impact to access to outdoor recreation areas?

A-2: The Project Area is 80% private land and 20% state land. Access to publicly accessible state land would be restricted during construction for safety but would remain accessible for recreation during Project operations.

The draft EIS concludes that: "The Project could temporarily restrict or close portions of recreation areas in the Project Area; however, the use of recreation areas would not be entirely precluded." The full analysis of the impact to access to outdoor recreation can be found in Section 3.11 of the draft EIS.

After reading this section of the draft EIS you may still have questions or disagree with the information presented there. In that case, please submit specific comments on those points, and provide any additional information you might have. The Project Team can then assess your input and make appropriate changes to the document.

Q-3: How many tons of concrete will be put in the ground for this Project and have the carbon impacts of this Project been considered?

A-3: The amount of concrete that will be required for the Project will depend on the final design, and more specifically, the number of turbine foundations and foundation types that will be constructed. At this time, a precise estimate of tons of concrete has not been determined. For more information on the impacts of concrete production for the Project, including air quality and greenhouse gas impacts, please see section 3.3 of the draft environmental impact statement.

Q-4: What does the EIS say about property values surrounding the proposed Project Area?

A-4: Section 3.12 of the draft EIS contains information on social and economic resources, including impacts to property values. The draft EIS concludes that the Project would not be expected to materially decrease the property values for nearby homes; relevant studies of the effects of wind facilities on residential property values have shown small increases and decreases that are not statistically significant related to the announcement or presence of wind facilities, and any predicted or observed changes are influenced by other multiple factors.

After reading this section of the draft EIS, you may still have questions or disagree with the information presented there. In that case, please submit specific comments on those points, and provide any additional information you might have. The Project Team can then assess your input and make appropriate changes to the document.

Q-5: What is the noise associated with the wind turbines? Has that been looked at?

A-5: Section 3.10 of the draft EIS discusses public health and safety, including noise and vibrations. If, after reading this section you have questions or disagree with the information presented, please submit specific comments on those points, and provide any additional information you might have. The Project Team can then assess your input and make appropriate changes to the document.

Q-6: Are bigger turbines noisier than the smaller turbines?

A-6: Larger turbines emit slightly less sound than smaller turbines. This is partially because the blades of the larger turbines rotate more slowly than smaller turbines. The acoustic report for the draft EIS modeled the “noisiest” turbine option out of the full range of turbine options being considered by the applicant. This “noisiest” turbine is, in fact, also the smallest turbine model out of the options considered.

3 ADDITIONAL INFORMATION

For more information on the Project, please visit the public involvement website (<https://www.swcavirtualpublicinvolvement.com/railtiwinddrafteis>) and WAPA’s Project website (<https://www.wapa.gov/transmission/EnvironmentalReviewNEPA/Pages/rail-tie-wind-project.aspx>).

To submit a public comment, please email RailTieWind@wapa.gov or use the online form provided on the websites listed above. Written comment can also be mailed to the WAPA Headquarters Office (Mark Wieringa, Western Area Power Administration, Headquarters Office A9402, P.O. Box 281213, Lakewood, Colorado 80228-8213); however, please note that access to WAPA’s headquarters office is limited because of the COVID-19 pandemic, so written comments mailed to the WAPA Headquarters Office may be delayed in reaching the Project Team.

The public comment period ends on Monday, May 17, 2021.