

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 S. Townsend Ave.
Montrose, CO 81401**

**Finding of No Significant Impact (FONSI)
COC-70174
DOI-BLM-CO-S050-2010-0048 EA**

Location:

T. 49 N., R. 8 W., NMPM
Sec. 17, W1/2SW1/4, SE1/4SW1/4;
Sec. 18, W1/2NE1/4, SE1/4 NE1/4, E1/2SE1/4.

T. 49 N., R. 9 W., NMPM
Sec. 3, W1/2NW1/4, SE1/4NW1/4, NE1/4SW1/4, NW1/4SE1/4;
Sec. 11, W1/2NE1/4, N1/2NW1/4, SE1/4NW1/4, SE1/4;
Sec. 12, SW1/4SW1/4, S1/2SE1/4;
Sec. 13, N1/2NW1/4.

T. 50 N., R. 9 W., NMPM
Sec. 34, W1/2SW1/4.

Project Name: East Montrose Electric System Improvement Project (EMP)

Applicant: Tri-State Generation and Transmission Association, Inc.

Background

The Bureau of Land Management Uncompahgre Field Office (BLM) has completed environment assessment (EA) # CO-S050-2010-0048 which analyses the effects of constructing, operating and maintaining a 115 kilovolt (kV) transmission line on public lands, and road improvements needed to construct and maintain the transmission line. The EA also analyzes the effects of constructing, operating and maintaining portions of the 115 kV transmission line and two new substations to be located on private lands in Montrose County. During the NEPA process, public workshops were held in Montrose County to solicit comments and concerns on March 21, 2007, and November 7, 2007. In 2008 and 2010, the Montrose County Planning Commission and Board of County Commissioners held public hearings regarding the proposed EMP Project and location on private lands. The County Commissioners initially approved the issuance of a Special Use Permit for the EMP on private lands in April 2008 (SU-08-0059). The permit was subsequently amended and approved by the Montrose County Commissioners in June 2010 (SU-

10-0002). The Montrose County Commissioners' Resolution No. 33-2010 was recorded by the Montrose County Assessor's Office on June 23, 2010.

The EMP 115 kV transmission line will be owned and operated by Tri-State Generation and Transmission Association, Inc. (Tri-State/applicant). The project will be located in Montrose County, Colorado, and will affect public lands administered by the BLM, private lands within the City of Montrose and private lands within unincorporated Montrose County.

Summary of Proposed Action on BLM land. The EMP includes the following actions and new facilities on public land:

1. Construct, operate and maintain the EMP 115 kV transmission line across 4.7 miles of public land. In total, the 115 kV transmission line would be 11.7 miles long, with the remaining 7.0 miles crossing private lands in unincorporated Montrose County and the City of Montrose. The 115 kV transmission line would establish a new 100 foot-wide right-of-way (ROW) across public lands.

Thirty-two (32) structures would be installed on public lands to support the 115 kV line. Twenty-two (22) of the structures would be wood H-frame designs (pole numbers 29, 30, 32, 33, 34, 38, 39, 41, 43, 44, 45, 46, 47, 48, 49, 51, 57, 58, 59, 60, 61, 63). The remaining 10 structures would be three-pole wood designs (pole numbers 27, 28, 31, 37, 40, 42, 50, 53, 56 and 62.). Above-ground heights for the 115 kV transmission structures would vary between 47.5 feet and 83.5 feet. Spans between structures would average about 800 feet.

2. Improve and maintain access routes on public lands. In total, approximately 9.5 miles of existing, new and upgraded access would be used on public lands to construct and maintain the transmission line. The ROW grant would include 7.4 miles for access routes across public lands. The remaining 2.1 miles of access are existing public roads. Of the 7.4 miles of access routes on public lands, 1.6 miles would be located within the 100 foot-wide transmission line ROW. The remaining 5.8 miles of access routes would be outside the transmission line ROW. The ROW grant would include 30 foot-wide to 50 foot-wide ROWs for access routes on public lands.
3. Use public lands temporarily for construction activities and equipment. In total, 22 acres of public land would be used temporarily during construction at structure sites, pulling sites, and for an equipment turnaround area.

Summary of Proposed Action on Private Lands. The EMP includes the following actions and new facilities on private lands:

1. Construct, operate and maintain 7.0 miles of the EMP 115 kV transmission line. The new overhead electric transmission line would interconnect to the existing Hotchkiss-North Mesa 115 kV transmission line at the Peach Valley Substation. The transmission line would cross private lands within the City of Montrose incorporated limits for 0.3 mile and private lands within unincorporated Montrose County for 6.7 miles.

2. Construct, operate and maintain the EMP Peach Valley Substation. The substation would be located approximately 0.4 mile south of Falcon Road on private land, approximately 2.6 miles east of Highway 50, west of the Loutzenhizer Arroyo. The substation site would be approximately 3 to 5 acres in size.
3. Construct, operate and maintain the EMP East Montrose Substation. The substation would be located along Miguel Road on private land, approximately 0.2 mile south of Highway 50 and adjacent to the Project 7 Water Authority. The substation site would be approximately 3 to 5 acres in size.
4. Install four new 115 kV transmission structures and line to connect the Peach Valley Substation to the existing Hotchkiss-North Mesa 115 kV line.
5. Improve and maintain access roads on private lands in Montrose County that would be used to construct and maintain the 115 kV transmission line. Of the 36.7 miles of access roads that would be used and/or improved to construct the EMP, 27.5 miles are in unincorporated Montrose County and 1.5 miles are in the City of Montrose. The remaining miles are across public lands, described above.

Finding of No Significant Impact

Based on the analysis of potential environmental impacts contained in CO-S050-2010-0048 EA, I have determined that the Proposed Action will not have a significant effect on the human environment. The proposed action includes applicant-committed Environmental Protection Measures (EPMs) as contained in the EA and Plan of Development, see attached list.

Rationale

This FONSI is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), with regard to the context and the intensity of impacts described in the EA.

Context

The proposed action is in Montrose County, Colorado on public lands managed in accordance with the Gunnison Gorge National Conservation Area Resource Management Plan (GGNCA RMP) (BLM 2004). The proposed action crosses portions of BLM Management Units 2 and 6. Public landscapes are within the GGNCA and planning area; and primarily consist of adobe hills. The area of analysis of the EA also encompasses private lands in the Uncompahgre Valley and surrounding adobe hills of Montrose County.

Summary of Findings for RMP Conformity. The EMP transmission line and access routes have been located to conform to the intent of the RMP Land Use Planning Decisions for the GGNCA. The transmission line stays within 0.5 mile of the BLM boundary to the greatest extent possible, while also minimizing potential impacts to recreational uses and planned facilities. Environmental Protection Measures including both applicant committed and ROW stipulations

will be implemented to ensure that construction and operation effects from the EMP protect resources values in MU 2 and MU 6 and minimize potential impacts to recreational activities during the EMP construction and operational phases.

Intensity

1) Impacts that may be both beneficial and adverse.

Beneficial impacts of this project would be the contribution of construction income to the local economy and increased electrical power supply and reliability to customers in the Montrose County area. Adverse impacts on public lands include direct impacts to vegetation, wildlife habitat, suitable habitats for special status plant species; increased soil erosion at structure sites, temporary use areas and access routes; indirect impacts to the Fairview North ACEC/RNA due to increased dust or soil erosion; visual impacts to public and private lands and impacts to public land recreational uses. With implementation of the mitigation measures, all adverse impacts would be low to moderate in intensity, and less than significant.

2) The degree to which the proposed action affects public health and safety.

Mitigation would reduce the potential impacts to public health and safety to a level that is not significant. The scale of this project, and the short-term duration of construction, coupled with the mitigation measures result in a low risk to public health and safety.

3) Unique Characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

Historic or Cultural Resources.

Six National Register of Historic Places (NRHP)-eligible sites are present in the project area. One of the National Register-eligible sites is located on public lands -- Site 5MN8058.1 a segment of the AB Lateral Canal. The remaining five National Register-eligible historic sites are located on private lands. The five sites on private land are: 5MN8058.3, segment 3 of the AB Lateral Canal; 5MN1854.4, the Selig Canal; 5MN2035.2, the Loutzenhizer Canal; 5MN8059, habitation site and 5MN9141, habitation site.

Potential impacts could result from construction and operation of the transmission line and access roads, as well as on-going maintenance of the EMP. Tri-State has committed to EPM CR-1 through CR-4 to avoid and minimize potential effects to cultural resources. With implementation of these EPM's, potential direct and indirect impacts to all National Register-eligible sites would be avoided or reduced to low levels of effect.

Two historic sites are spanned and avoided by the transmission line (5MN8058.3 and 5MN8059). No direct impacts to these sites would occur from the construction of the EMP transmission line. Potential indirect impacts would be mitigated in accordance with EPM CR-1.

Four historic sites (5MN1854.4, 5MN8058.1, 5MN9141 and 5MN2035.2) have EMP transmission structures or access routes planned near them. Three of the sites (5MN1854.4, 5MN2035.2, and 5MN8058.1) are in-use irrigation canals. Potential direct and indirect impacts

to these sites would be mitigated with EPM CR-1 and CR-4. The remaining site (5MN9141) is a historic habitation site with an intact dugout structure. Construction could cause permanent (long-term), high, direct impacts to this site and its features. Potential direct and indirect impacts to this site would be mitigated to low levels with EPM CR-1 and CR-4.

The use of existing access roads across or next to the historic irrigation features would not change or adversely affect these historic properties, which would remain in use for regional agriculture. With implementation of the EPMs, impacts to cultural resources from access roads are assessed as low.

Park lands. There are no park lands in the project area.

Prime farmlands. Within the EMP area, irrigated farmlands principally lie in the northern part of the Uncompahgre Valley, between the Peach Valley and East Montrose Substations. Approximately 1.3 miles of the 115 kV transmission line crosses irrigated farmland. The NRCS has not produced maps of prime and unique farmlands for Montrose County (NRCS, 2010). Consequently, the potential short-term and long-term impacts to prime or unique farmlands are unknown. Overall impacts to irrigated agriculture are assessed as low, however, due to the relatively small amount of lands that will be permanently lost from agricultural production for transmission structures. Ten (10) H-frame structures would be located in irrigated agricultural fields, and result in a long-term loss of 140 square feet, where structure bases would be installed. Short-term impacts to farmlands would be low to moderate in degree, depending on the time of year the EMP is constructed.

Wetlands and Riparian Areas. The proposed project would not directly affect wetlands or riparian areas on public lands as the proposed EMP access routes would not cross any drainages on public lands that support riparian or wetland vegetation. Drainage crossing improvements are proposed at six locations on public land: two locations west of structure 29, and one each near structures 30, 43, 47, and 62. Five of the six crossing sites are dry washes, and none of the six support riparian or wetland vegetation. With implementation of EPMs WQ-1 to WQ-5, effects to wetlands and riparian vegetation would be avoided. Potential impacts to wetlands and riparian vegetation on public lands are, consequently, assessed as low to no identifiable effect.

Wild and Scenic Rivers. There are no designated wild or scenic rivers in the project area. Major surface waters in or near the project area include the Uncompahgre River, Loutzenhizer Arroyo and Cedar Creek that are perennial streams.

Ecologically Critical Areas. The proposed EMP transmission line is adjacent to, and outside of, the boundaries of the Fairview Area of Critical Environmental Concern/Research Natural Area (ACEC/RNA). This ACEC is located within the GGNCA RMP planning area, Management Unit 6 and consists of two land parcels. The Fairview North ACEC parcel is 175 acres and is located adjacent to the EMP 115 kV transmission line ROW, north of Highway 50 approximately one mile north of the proposed East Montrose Substation. The site was fenced by BLM in 2010. Populations of Clay-loving wild buckwheat and Montrose penstemon were the primary values for which this area was designated as an ACEC/RNA.

The construction and operation of the EMP transmission line would not result in any direct impacts to the Fairview North ACEC parcel. The EMP transmission line ROW, structures, access roads and construction and maintenance areas and activities would all be located outside

the fenced boundaries of the ACEC. Indirect impacts from increased dust and soil erosion could occur. These potential impacts would be mitigated to low levels through implementation of EPM's AR-3, AR-5 and AR-6.

4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The quality and use of the human environment in the project area is understood, has been analyzed, and is not highly controversial from a scientific standpoint. There was no information or data that would demonstrate the impacts described in the EA are highly controversial.

Since 2007, a number of public hearings and workshops have been held on the EMP to solicit public comments and address public and agency concerns and issues. The following is a brief chronology of the public outreach program and hearings. The EMP record demonstrates that the applicant-proposed route across public lands and private lands has evolved and been refined through several years of public outreach, detailed engineering, and efforts to resolve both public and private land issues. The complete record of public workshops and comment periods conducted in support of the NEPA process, are contained in the EMP Public Outreach Program.

- In 2007, Tri-State submitted a ROW application to the BLM for the EMP, which initiated the NEPA process. In the application, Tri-State requested the construction and operation of a new 115 kilovolt (kV) transmission line and access routes across public lands.
- As part of the NEPA process, a public workshop was first held in Montrose County on March 21, 2007. Preliminary alternative corridors for the EMP transmission line across private lands were initially presented to the public for review and comment. During the public comment period, 67 written comments were received. Numerous landowners expressed concerns regarding the potential effects to private land property values, existing and future land uses, and visual quality. Public comments also suggested alternative routes for placement of the EMP on public lands rather than private lands.
- Based on the March 2007 public comment record, the applicant requested that additional meetings and fieldwork be completed with BLM staff to refine alternative corridors and identify potentially feasible routes across public lands. A revised set of alternatives was developed with BLM for further analysis and consistency review with the GGNCA RMP.
- Revised routing alternatives were presented to the public at a second public workshop, held on November 7, 2007. The revised set of alternatives included new routes on BLM lands, including routes in the GGNCA RMP planning area, west and east of Flat Top. During the second public comment period, 34 written comments were received. Public comments from the second workshop substantially supported the revised alternatives on public lands, compared to the earlier routes considered on private lands.
- In 2008, the applicant submitted a Special Use Permit (SUP) Application to Montrose County, which identified an applicant-proposed corridor and route across private and public lands. The Montrose County Planning Commission and Board of County Commissioners held public hearings regarding the proposed EMP and its proposed location on private lands in the spring of 2008. Issues raised by the public primarily concerned the potential impact of the EMP on private lands and agricultural practices.

BLM staff attended the county's hearings and provided comments regarding the applicant-proposed route on public lands. The County Commissioners approved the issuance of a Special Use Permit for the EMP on private lands in April 2008 (SU-08-0059). As a condition of the SUP, the Commissioners directed the applicant to work with private landowners during the engineering and design of the project to further minimize potential effects to private lands.

- In 2009, the applicant completed preliminary design and engineering for the EMP and conducted additional fieldwork with BLM staff to review the locations of structures and access routes on public lands. Further refinements to the project location were made on public lands to minimize potential impacts to special status plant species (Clay-loving wild buckwheat) and soil erosion.
- In 2010, the applicant submitted a revised SUP application to Montrose County that addressed the Commissioners' 2008 request that the applicant work with landowners to further reduce potential impacts to private lands and agricultural practices. BLM staff attended the county's hearings and provided comments regarding the applicant proposed route on public lands. The permit was subsequently amended and approved by the Montrose County Commissioners in June 2010 (SU-10-0002).

5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The proposed action is not unique for this area, as utility projects have been previously approved. The BLM has experience in implementing and monitoring similar projects, the effects of which have been found to be reasonably predictable. Effects from the proposed action would not be classified as highly uncertain or involving unique or unknown risks.

6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

Consenting to the construction and operation of the EMP would not create a precedent for future utility or energy development. The BLM administers other utility activities in the general area. Any future proposals would have to be evaluated on their own merits based on the issues and impacts related to the location, timing, and intensity of each action. The proposed action does not set a precedent for a future consideration.

7) Consideration of the action in relation to other actions with individually insignificant but cumulatively significant impacts.

Other projects, including other energy developments, are foreseeable, but it is not anticipated that cumulative impacts of any significance would occur. The limited scale of EMP creates minimal individual effects, as well as minimal cumulative effects when added to the existing situation and other potential activities.

8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NRHP) or may cause loss or destruction of significant scientific, cultural, or historic resources.

Six NRHP eligible sites were recorded during surveys for the EMP. These are discussed under Intensity, No. 3 above. Compliance with Section 106 of the National Historic Preservation Act of 1966 has been completed. If any unidentified sites are discovered during implementation, they would be avoided or mitigated so that they would not be impacted.

9) *The degree to which the action may adversely affect an endangered or threatened species or its critical habitat.*

A number of Federally Threatened, Endangered or Candidate Species (USFWS 2010), BLM Sensitive Species (Siders 2010) and State of Colorado Listed Species (Colorado Division of Wildlife 2007c), have been reviewed and considered in the NEPA process and the Endangered Species Act (ESA) Section 7 ESA compliance. Surveys of the project area were completed in 2008-2010. Consultations with the U.S. Fish and Wildlife Service (FWS) have been completed. BLM submitted a Biological Assessment to FWS dated July 2011. FWS has concurred via a letter dated September 9, 2011. The findings for potential impacts can be found in section 7.2.7 of the EA. Impacts are determined to not be significant.

10) *Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.*

The proposed action does not threaten violation of any laws or regulations imposed for the protection of the environment.

Determination

This Finding of No Significant Impact is based on the information contained in the EA and my consideration of criteria for significance (40 CFR 1508.27). It is my determination that: 1) the implementation of the proposed action will not have significant environmental impacts; 2) the Proposed Action is in conformance with the Gunnison Gorge National Conservation Area Resource Management Plan; and 3) the Proposed Action does not constitute a major federal action having significant effect on the human environment. Therefore, an Environmental Impact Statement is not necessary.

Approved:

*This is a draft (unsigned) FONSI released
with the draft EA for public review and
comment*

Barbara Sharrow
Field Manager
BLM, Uncompahgre Field Office

Date

As part of the Proposed Action, Tri-State has adopted a number of Environmental Protection Measures (EPMs) to avoid and minimize impacts. EPMs are measures taken in the design and implementation phases of a Proposed Action to avoid or minimize a foreseeable effect to a resource. When implemented, EPMs reduce the potential impact to project area resources.

EMP Environmental Protection Measures

NO.	Description
Project-wide Measures (Public and Private Lands)	
<i>Aesthetics/Visual Resources</i>	
A-1	The contractor shall exercise care to preserve the natural landscape and shall conduct his construction operations so as to prevent any unnecessary destruction, scarring or defacing of the natural surroundings in the vicinity of the work. Except where clearing is required for permanent works, approved temporary or permanent construction roads, staging areas or excavation operations, vegetation shall be preserved and shall be protected from damage by the contractor's construction operations and equipment.
A-2	Any scarring, defacing, damage or destruction of the natural landscape resulting from construction operations shall be repaired by the contractor to the satisfaction of Tri-State and the affected landowner(s).
A-3	In order to minimize visual impacts, the following will be implemented, as applicable: <ul style="list-style-type: none"> • Conductors (new and replacement conductors) will be non-specular. • Stone used for drainage crossings shall be from a source with a color blends in with the native light tan soil.
A-4	All construction material, waste and debris shall be removed from the project area in a timely manner. Burning or burying of waste materials on the right-of-way or at the construction site will not be allowed. All materials resulting from the contractor's clearing operations shall be removed from the right-of-way.
<i>Access Routes</i>	
AR-1	All access routes will be improved according to the POD, and as specified by BLM in the Conditions of Approval (COA).
AR-2	All access routes will be maintained to ensure long-term bucket truck access for maintenance activities, in accordance with the POD (Attachment 1) and BLM standards.
AR-3	Routine Road Maintenance: Routine road maintenance will occur during the dryer summer and autumn months. Routine surface disturbing activities will not occur from March 1 through May 31 if necessary to protect wet soils. No construction or routine maintenance activities will be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 4 inches deep for a distance of 10 feet on native surface roads, the soil shall be deemed too wet to adequately support construction equipment. If equipment or vehicles create ruts in excess of 1 inch deep on graveled roads and 4 inches deep on non-graveled roads, the roads shall be deemed too wet to support construction equipment.
AR-4	Emergency Access: Emergency access will be allowed during any time of the year. In the event of an emergency, Tri-State will notify the BLM as soon as possible. Tri-State will meet with BLM onsite after an emergency to determine the required rehabilitation work and to establish a rehabilitation schedule. If emergency access to the Transmission Line is required during wet weather, or if other maintenance activities result in the removal of vegetation, or substantial vehicle impacts to existing native vegetation or soil, revegetation of disturbed areas will be completed as directed by the BLM. Reclamation and revegetation will be implemented, as required, as soon as is practical after any emergency road access or maintenance work needed to repair the Transmission Line.

NO.	Description
Project-wide Measures (Public and Private Lands)	
	If emergency line maintenance is required during the winter or spring months, care will be taken to minimize erosion and sedimentation. This may involve the temporary installation of culverts or bundled PVC pipes, and the use of flow diversion structures and sediment traps (straw bale dikes, sediment filter fabric, etc.) below maintenance areas to trap sediment.
AR-5	Only the minimum amount of soils and vegetation will be disturbed as necessary for the maintenance of the access routes and the safe and reliable operation of the transmission line. If excavation is necessary, topsoil will be conserved and reused as cover on temporarily disturbed areas to facilitate re-growth of vegetation. Vegetation will be cleared only from those areas necessary to obtain adequate working width and turning radius space for maintenance equipment and allow for the safe operation of the transmission line.
AR-6	Water bars on the access roads will be maintained and/or constructed as specified by the BLM. Water bars are to be constructed to: 1) simulate the imaginary contour lines of the slope (ideally with a grade of 1 to 2%); 2) drain away from the disturbed area; and 3) begin and end in vegetation or rock whenever possible.
Air Quality	
AQ-1	The contractor shall utilize such practicable methods and devices as are reasonably available to control, prevent and otherwise minimize atmospheric emissions or discharges of air contaminants.
AQ-2	Possible construction related dust disturbance shall be controlled by the periodic application of water to all disturbed areas along the right-of-way and access roads.
AQ-3	If necessary, dust control measures will be implemented to reduce wind erosion and blowing dust. A stormwater management plan will be approved prior to construction that will incorporate soil stabilization and erosion control measures as well.
AQ-4	Vehicles and equipment showing excessive emission of exhaust gases due to poor engine adjustments or other inefficient operating conditions shall not be operated until corrective adjustments or repairs are made.
Biological Resources	
BR-1	Vegetation shall be preserved and protected from damage by construction operations to the maximum extent practicable. Removal of trees will be limited to those necessary for construction of the line and/or those that pose a threat to safe and reliable operation and maintenance of the line, or as otherwise determined by Tri-State and the affected landowner(s).
BR-2	Water turn-off bars or small terraces shall be installed across all temporary construction access roads and trails on hillsides to prevent erosion and facilitate natural revegetation.
BR-3	The contractor shall avoid all impacts to surface waters, wetland and riparian areas that are not permitted by the US Army Corps of Engineers. Where such avoidance is not possible, a qualified biological consultant shall conduct a site specific assessment to determine the level of potential impacts and identify appropriate mitigation measures, including obtaining USACE approval if appropriate.
BR-4	Riparian and Wetland Features - Protection of Known Sites: Riparian and wetland resources that will be avoided during project construction will be marked and buffered prior to construction activities and will be monitored to be sure no ground disturbing activities or secondary impacts (erosion or sedimentation) occur to these areas during or after active construction activities, unless appropriate crossing permits have been obtained and permit conditions are met.
BR-5	On completion of the work, all work areas, except any permanent access roads/trails, shall be regraded, as required, so that all surfaces drain naturally, blend with the natural terrain, and are left in a condition that

NO.	Description
Project-wide Measures (Public and Private Lands)	
	will facilitate natural revegetation, provide for proper drainage and prevent erosion.
BR-6	<p>Endangered Species – Clay-loving wild buckwheat:</p> <p>All areas of suitable habitat for clay-loving wild buckwheat within 100 meters from any disturbance will be surveyed on public lands and on directly affected private lands, prior to construction, where landowner permission is granted. If clay-loving wild buckwheat plants are found within 100 meters of disturbance areas including access routes, USFWS will be contacted, and consultation re-initiated if necessary.</p> <p>A compliance biologist will be present for all construction activities within 100 meters of any known clay-loving wild buckwheat individual. Dust mitigation activities will be used within 100 meters of any known clay-loving wild buckwheat individual to minimize the amount of dust released into the air including the use of water and silt fences if necessary as determined by a compliance biologist.</p> <p>Along the right-of-way, within 100 meters of known clay-loving wild buckwheat populations, disturbances including vehicle use and cable drag should be avoided to the extent possible.</p> <p>Construction and maintenance activities will comply with all mitigation required in the Biological Assessment approved by the USFWS.</p>
BR-7	All temporary disturbed areas, except the access route running surfaces, will be reseeded with certified weed-free seed mixes as specified by BLM or the landowner. All such areas shall be seeded using the BLM-approved seed mix for this community type, with revegetation efforts continuing until the revegetated area supports at least 50% of the native perennial plant cover found in the undisturbed vegetation in this area.
BR-8	The transmission line will be constructed in accordance with recommendations and standards of the Avian Power Line Interaction Committee (APLIC 1994, 2006).
BR-9	<p>Construction: Pre-construction surveys for nesting raptors and all other migratory birds will be completed in suitable habitat if surface disturbance activities are to be conducted during the avian breeding season, March 15 through August 15. No construction or surface occupancy activities will occur within 0.5 mile of the known golden eagle nest near structure 55 between December 15 and July 15. If eagles are not actively nesting after April 15, construction and routing maintenance activities will be permitted.</p> <p>Pre-construction surveys for prairie dogs and burrowing owls will be completed in suitable habitat if construction activities are to be conducted between March 15 and October 31 in those areas. If nesting burrowing owls are found, no human encroachment within 150 feet would be permitted during the nesting season from March 15 to October 31.</p> <p>Maintenance: The same seasonal restrictions described above for construction will also apply to routine maintenance of the transmission line. In the case of an emergency (electrical outage), access to the area would be permitted at any time of the year. Tri-State would contact the USFWS as soon as possible and implement mitigation measures as necessary.</p>
Cultural Resources	
CR-1	Prior to construction, all supervisory construction personnel will be instructed on the protection of cultural resources with reference to relevant laws and penalties, and the need to cease work in the location if cultural resource items are discovered.
CR-2	Cultural and Paleontological Resources - Inadvertent Discovery: If any cultural resources are inadvertently unearthed or otherwise encountered during maintenance activities, work will cease in the area of the discovery until the resources can be identified and appropriate resource protection measures can be

NO.	Description
Project-wide Measures (Public and Private Lands)	
	implemented. Tri-State will notify the BLM officials.
CR-3	Cultural and Paleontological Resources - Inadvertent Discovery: Pursuant to 43 CFR 10.4(g), Tri-State must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), Tri-State must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
CR-4	Cultural Resources - Protection of Known Sites: A qualified archaeologist will direct the placement of temporary fencing to protect NRHP eligible sites (confidential site information is shown on BLM Map Exhibits). Site flagging will be completed prior to the implementation of access road improvement or maintenance, and prior to any potential surface disturbance (e.g., installation of new poles, pole replacements, etc.). A qualified archaeologist will be given advance notification (2 weeks minimum) prior to the start of all maintenance/improvement activities in the vicinity of the above sites to enable the scheduling of temporary fence installation. The fencing will be removed immediately after maintenance/improvement activities are completed. Construction and maintenance personnel will be trained to recognize the markers and understand the equipment movement restrictions involved.
Fire Prevention/Control	
FP-1	Construction vehicles shall be equipped with government approved spark arresters.
FP-2	The contractor shall maintain in all construction vehicles a current list of local emergency response providers and methods of contact/communication.
Floodplains	
FL-1	Prior to construction, a county floodplain permit will be obtained, if required. Structure erection is not expected to result in significant impacts to the floodplain structure or function.
Hazardous Materials	
HM-1	<p>Tri-State shall comply with all applicable federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, Tri-State shall comply with the Toxic Substance Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the ROW or on facilities authorized under this ROW grant (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.). Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency or state government as a result of a reportable release or spill of any toxic substance shall be furnished to the authorized officer concurrent with the filing of the reports to the involved federal agency or state government.</p> <p>No bulk fuel storage will occur within the public lands portion of the right-of-way project. All fuel and fluid spills within this area will be handled in accordance with appropriate state and federal spill reporting and response requirements.</p> <p>Any waste generated as a result of the proposed action will be properly disposed in a permitted facility. Solid waste generated during construction and periodic maintenance periods will be minimal. All hazardous materials will be handled in accordance with applicable local, state and federal hazardous material statutes and regulations.</p>

NO.	Description
Project-wide Measures (Public and Private Lands)	
<i>Land Use, Recreation, Range and Authorized Activities</i>	
LU-1	All activities associated with the operation and maintenance of the EMP 115 kV transmission line will take place within the authorized limits of the transmission line and access right-of-way grant. Additional access routes or cross-country travel will not be allowed outside of the right-of-way for the transmission line and access routes without prior review and approval by the BLM.
LU-2	The contractor will limit movement of crews, vehicles and equipment on the right-of-way and approved access roads to minimize damage to property and disruption of normal land use activity.
LU-3	When weather or ground conditions permit, the contractor shall eliminate all construction ruts that are hazardous to operations and/or movement of vehicles and equipment. Such ruts shall be leveled, filled and graded, or otherwise eliminated in an approved manner. Damage to ditches, tile drains, terraces, local roads and other similar land use features shall be corrected as necessary by the contractor. The land and facilities shall be restored as nearly as practicable to their original condition.
LU-4	Structure foundation holes will not be left open overnight and will be covered. Covers will be secured in place and will be strong enough to prevent livestock, wildlife, or the public from falling through and into a hole.
LU-5	Public Access: Tri-State will work with BLM to restrict access to the right-of-way as determined necessary by BLM. Closure (signs or gates) of improved access routes near habitat with clay-loving wild buckwheat may be considered as determined necessary by BLM. .
LU-6	Damaged Fences and Gates: If damaged, fences, gates, and brace panels will be reconstructed to appropriate landowner or BLM standards as determined by the authorized officer.
LU-7	<p>Recreation-OHV Trails-Public Safety: The following measures will be implemented to minimize impacts to recreational trail users.</p> <p>Prior to initiation of project activities there will be information signs posted at the trail map locations in the Flat Top and Peach Valley OHV staging areas that describes the nature of the activities, the anticipated period of implementation, and the general location of the OHV trail system that will be impacted. BLM recreation staff will be consulted regarding the design and placement of the informational signs.</p> <ul style="list-style-type: none"> • During project activities there will be signs located at the OHV track trail entrances to the right-of-way and access routes to warn trail users of the project activities that are occurring on the trails. Access will be kept open for all the trails through the area other than restricting access to the transmission line work areas for public safety. • If temporary trail closures are required, flaggers will be present along the trails to maintain the trail closures. <p>Construction staff will be informed of the nature of the recreation activities that will be occurring on the BLM lands during the project implementation phase..</p>
LU-8	Range: A 25 mph speed limit will be imposed on all construction-related vehicle traffic in the Brush Point Allotment during the grazing season.
LU-9	Range: As part of the pre-construction environmental briefing, all construction personnel will be notified that livestock may be present during the grazing season, and fence gates are to be left as they are found (i.e. left closed, if fence gates are closed; or left open, if fence gates are found open).
Noise	

NO.	Description
Project-wide Measures (Public and Private Lands)	
N-1	Construction vehicles and equipment shall be maintained in proper operating condition and shall be equipped with manufacturers' standard noise control devices or better (e.g., mufflers, engine enclosures). Project activities will only occur during daylight hours to avoid noise after sunset.
Public Health and Safety	
PH-1	Tri-State shall comply with applicable state standards for public health and safety, environmental protection and siting, construction, operation, and maintenance, if these state standards are more stringent than federal standards for similar projects.
Soils	
S-1	Movement of construction vehicles and equipment shall be limited to the right-of-way and approved access roads.
S-2	All soils compacted by construction operations shall be loosened, leveled, and reseeded as approved by the property owner.
S-3	Excess Soil Excavation: Excess soil excavated from the holes of any poles will be evenly spread on the access routes in the immediate vicinity of the pole structure.
Traffic	
Traffic-1	The contractor shall make all necessary provisions for conformance with traffic safety standards and shall conduct construction operations so as to offer the least possible obstruction and inconvenience to public traffic.
Training	
Trng-1	<p>Tri-State and its contractors will inform their employees about activities permitted within the right-of-way for the transmission line and access routes. As part of this measure, Tri-State will provide contractors and employees copies of these Design Criteria/Environmental Protection Measures and POD maps showing allowable activities and access route maintenance levels.</p> <p>Prior to any on-the ground project activities beginning, a pre-work meeting will be held with all Tri-State contractors. Coordination meetings to discuss site operations, maintenance and reclamation shall be scheduled at least once annually.</p>
Trng-2	Tri-State and its contractors will inform their employees about relevant federal and state regulations intended to protect cultural resources and special status biological resources. Training will include an explanation of the need to avoid known resource sites, cease work when previously undiscovered cultural resource items are encountered and the possibility of prosecution for removal of such items and/or damage to archaeological sites. Regulatory training shall also include training on the Stormwater Management Plan requirements and any Army Corps of Engineers (ACOE) permit requirements (e.g., Nationwide Permit).
Water Quality	
WQ-1	Construction activities shall be performed by methods that prevent entrance or accidental spillage of solid matter, contaminants, debris, and other objectionable pollutants and wastes into flowing streams or dry water courses, lakes and underground water sources. Such pollutants and wastes include, but are not restricted to, refuse, garbage, cement, concrete, sanitary waste, industrial waste, radioactive substances, oil and other petroleum products, aggregate processing tailings, mineral salts and thermal pollution.

NO.	Description
Project-wide Measures (Public and Private Lands)	
WQ-2	Dewatering work for structure foundations or earthwork operations adjacent to, or encroaching on, streams or water courses shall be conducted as necessary in order to prevent muddy water and eroded materials from entering the streams or watercourses by constructing intercepting ditches, bypass channels, barriers, settling ponds or other approved methods. Proper permits will be obtained before any such work is completed.
WQ-3	Excavated material or other construction materials shall not be stockpiled or deposited near or on stream banks, lake shorelines or other water course perimeters where they can be washed away by high water or storm runoff or can in any way encroach upon the actual water source itself.
WQ-4	Waste waters from construction operations shall not enter streams, water courses or other surface waters without use of such turbidity control methods as settling ponds, gravel-filter entrapment dikes, approved flocculating processes that are not harmful to fish, recirculation systems for washing of aggregates or other approved methods. Any such waste waters discharged into surface waters shall be essentially free of settleable material. Settleable material is defined as that material that will settle from the water by gravity during a 1-hour quiescent period.
WQ-5	A Stormwater Management permit will be acquired from the State of Colorado and the supporting Plan shall be developed to address all construction and reconstruction activities. The plan shall conform with all EPA and Best Management Practices (BMP) requirements.
Weeds	
NW-1	Noxious Weeds: To minimize introduction of noxious weed seed sources to the project area, the following measures will be performed: All heavy equipment utilized during construction will be power washed and free of debris prior to departure from the equipment storage facility. Washing of equipment prior to transport from one work site to another is not recommended, as on-site washing of equipment increases the chance of weed seed dispersal by drainage of water off of the site, across an area greater than the size of the work site. Equipment will have accumulations of mud 'knocked off' instead. This method promotes containment of weed seeds on the work site. All seed mixes and mulch used for reclamation activities will be certified weed-free.
NW-2	In order to control the spread of noxious weeds, infestations of treatable noxious weeds will be pre-treated prior to construction with BLM approved herbicide. For a period of three years after construction, Tri-State will hire an independent contractor to evaluate and report annually to BLM on the status of reclaimed sites and the presence of noxious or invasive weeds. Where invasions of weedy species are noted by the contractor, Tri-State will treat noxious weeds using methods approved by BLM. A compliance biologist will be present if treatment will occur within 100 meters of known populations of clay-loving wild buckwheat to avoid inadvertent overspray.
ACEC – Fairview Area of Critical Environmental Concern/Research Natural Area (ACEC/RNA)	
ACEC-1	Tri-State will cooperate with BLM in implementing measures that may be determined necessary in the future to limit potential road access from the EMP right-of-way to the Fairview ACEC
ACEC-2	In order to avoid potential impacts to the Fairview ACEC/RNA area during construction, the boundary of the ACEC (recently fenced) will be flagged prior to construction as an avoidance area. Monitoring will be conducted during construction to ensure that all construction activities and equipment remain outside the ACEC and avoid impacts to the ACEC fence.
Additional BLM Mandatory Measures for Public Lands	
BLM-1	Routine Construction and Maintenance. No routine surface disturbing activities will occur from March 1

NO.	Description
Project-wide Measures (Public and Private Lands)	
	through May 31 if necessary to protect wet soils.
BLM-2	<u>Civil Rights.</u> Tri-State or Tri-State's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
BLM-3	<u>Herbicides.</u> Tri-State will be responsible for weed control on disturbed areas within the limits of the right-of-way for the duration of the grant. Tri-State will consult with the authorized officer for planning acceptable weed control measures on all noxious and invasive weed infestations within the limits of the right-of-way. The use of pesticides shall comply with federal and state laws governing their proper use, storage, and disposal, and any limitations imposed by the Secretary of the Interior. A pesticide use proposal number and pesticide application record form will be obtained from the BLM prior to any herbicide treatments, and herbicide application records will be turned into the BLM 15 days following application. A compliance biologist will be present if treatment will occur within 100 meters of known populations of clay-loving wild buckwheat to avoid inadvertent overspray.
BLM-4	<u>Weeds.</u> All construction equipment to be used in connection with this project will first be power washed thoroughly and be free of debris to minimize the introduction and spread of noxious and invasive weed species to the area. Any equipment taken off-site will also be power washed prior to being returned to work on the Transmission Line and access roads. An inspection of the equipment will be completed by the BLM before equipment is brought onto BLM lands.
BLM-5	No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant. Trash created by maintenance crews will be removed from the site on a daily basis.