

Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels and Fire Rehabilitation Actions

Project Name

NEPA Number DOI- BLM-AZ-C010-2012-0045-CX

A. Background

BLM Office: Kingman Field Office

Lease/Serial/Case File No.: AZPHX 83786

Proposed Action Title/Type: Amendment to Right-of-Way AZPHX 83786 to include additional access for the reconstruction, operation, maintenance, and terminations of Western Area Power Administration's Davis-Kingman 69 kV power line.

Location of Proposed Action: Secs. 7, 8, T. 21 N., R. 19 W., secs. 12, 13, 14, T. 21 N., R. 20 W., G&SRM.

Description of Proposed Action:

The proposed action is to amend Right-of-Way AZPHX 83786 to include an additional 3.7 miles of existing access road in the right-of-way for the reconstruction, operation, maintenance, and termination of Western Area Power Administration's 69 kV power line. The width for the proposed amendment would be 30 feet. This road is within AT&T's Right-of-Way AZAR 33355 (a 30 foot wide right-of-way for a communications line) and partially within AT&T's Right-of-Way AZA 24026 and Electric Lightwave's Right-of-Way AZA 27844 for fiber optic lines which are 20 feet wide and 10 feet wide, respectively. Modifications to AZPHX 83786 and a temporary use permit were approved on January 12, 2012 for reconstructing the power line.

In order for equipment and materials to be moved on this road for the reconstruction of the power line Western Area Power Administration (Western) would widen this road to approximately 16 feet from its current width of approximately 10 feet. Western would also place steel plates over areas where heavy equipment would pass over the fiber optic lines. Some areas adjacent to the bladed road surface would be impacted by tire rutting from large equipment passing each other and from long vehicles negotiating curves. Once construction is complete the affected lands would be recontoured and reclaimed to their former state in accordance with the reclamation measures described in the Plan of Development (Exhibit D of the amendment) and terms and conditions of the amended grant. Refer to these attached documents for further details.

B. Land Use Plan Conformance

Land Use Plan Name: *Kingman Resource Management Plan/EIS*

Date Approved/Amended: March 1995

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Decision L13a/V states "All other minor rights-of-way would be evaluated through the environmental review process and granted or rejected on a case by case basis. Existing rights-of-way would be used when possible to minimize surface disturbance."

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, **E(12) Grants of rights-of-way wholly within the boundaries of other compatibly developed rights-of-way**. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed (See Attachment 1), and none of the extraordinary circumstances described in 516 DM2 apply.

I considered that the impacts from this would be temporary in nature since this road exists and after reconstruction of the power line is complete the road and adjacent lands would be reclaimed to their current state.

D. Signature

Authorizing Official: / s / Ruben A. Sánchez Date: 6/14/2012
(Signature)

Name: Ruben A. Sánchez
Title: Field Manager

Contact Person

For additional information concerning this CX review, contact Andy Whitefield, Environmental Protection Specialist, BLM Kingman Field Office, 928-718-3746

Note: A separate decision document must be prepared for the action covered by the CX. See Attachment 2.

Attachment 1: Extraordinary Circumstances Review	Comment (Yes or No with supporting Rationale)
1. Have significant effects on public health or safety.	No. This road exists and by incorporating it into Right-of-Way AZPHX 83786 no effects to public health and safety are anticipated. There would be temporary improvements made to it which would allow for large equipment and truck use for reconstructing the power line, however if this road were not improved it would be expected that large equipment and trucks would use the road from Egar road in western Golden Valley into the Black Mountains that is already a part of this right-of-way, potentially having more effects to the environment.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; migratory birds; and other ecologically significant or critical areas.	No. No known natural resources and unique geographic characteristics such as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988) national monuments; migratory birds; and other ecologically significant or critical areas exist in this area. Approximately 1.25 miles of the proposed road right-of-way is within Desert Tortoise Category 3 habitat, however terms and conditions of the grant should preclude impacts to desert tortoise.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].	No. The proposed action is not controversial nor are there any unresolved conflicts concerning alternative uses of available resources.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	No. Three rights-of-way for buried communications lines exist along the road's route, two of which have been analyzed in accordance with the NEPA and through these it is known that there are no uncertain and potentially significant environmental effects or unique or unknown environmental risks that would result from the proposed action.
5. Establishes a precedent for future action or represents a decision in principle about future actions with significant environmental effects.	No. Although this action is part of the larger action of reconstructing and future maintenance of the Davis-Kingman power line it does not establish a precedent nor does it represent a decision about future actions. Any future proposals in regards to this power line would have to be processed and authorized or not in a manner according to the

	outcome of the analysis.
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	No. The environmental impacts from the reconstruction of the Davis-Kingman power line, which will cause the bulk of environmental impacts and for which the proposed action is a connected action, was found to be not significant in the analysis for this project (refer to NEPA Document DOI-BLM-AZ-CO10-2011-0054-EA)
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	No. No such properties are known to exist that could be impacted by the proposed action.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	No. No listed species or species proposed to be listed or their habitat are within the affected environment for the proposed action.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	No. No laws or requirements imposed for the protection of the environment would be violated.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	No. The effects to the population as a whole resulting from the proposed action would be the same.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	No. No limitations to access to sacred or any other sites would result in the proposed action.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	No. A term and condition was included in the amendment to AZPHX 83786 and the TUP for reconstructing the power line (Nos. 19 and 26 of Exhibits A) that construction equipment must be power washed prior to mobilization on and off site. This would also be included in the proposed amendment (see Item 17 of Exhibit B of the draft right-of-way amendment grant).

Approval and Decision Attachment 2

Compliance and assignment of responsibility: Lands and Realty

Monitoring and assignment of responsibility: Lands and Realty

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects. Therefore, it is categorically excluded from further environmental review.*

Prepared by: / s / Andy Whitefield **Date:** 6/13/2012

Andy Whitefield, Environmental
Protection Specialist Project
Lead

Reviewed by: / s / Ramone B. McCoy **Date:** 6/13/2012

Ramone McCoy
NEPA Coordinator

Reviewed by: / s / Ruben A. Sánchez **Date:** 6/14/2012

Ruben A. Sánchez
Supervisor

Project Description: The proposed action is to amend Right-of-Way AZPHX 83786 to include an additional 3.7 miles of existing access road in the right-of-way for the reconstruction, operation, maintenance, and termination of Western Area Power Administration's 69 kV power line. The width for the proposed amendment would be 30 feet. This road is within AT&T's Right-of-Way AZAR 33355 (a 30 foot wide right-of-way for a communications line) and partially within AT&T's Right-of-Way AZA 24026 and Electric Lightwave's Right-of-Way AZA 27844 for fiber optic lines which are 20 feet wide and 10 feet wide, respectively. Modifications to AZPHX 83786 and a temporary use permit were approved on January 12, 2012

for reconstructing the power line.

In order for equipment and materials to be moved on this road for the reconstruction of the power line Western Area Power Administration (Western) would widen this road to approximately 16 feet from its current width of approximately 10 feet. Western would also place steel plates over areas where heavy equipment would pass over the fiber optic lines. Some areas adjacent to the bladed road surface would be impacted by tire rutting from large equipment passing each other and from long vehicles negotiating curves. Once construction is complete the affected lands would be recontoured and reclaimed to their former state in accordance with the reclamation measures described in the Plan of Development (Exhibit D of the amendment) and terms and conditions of the amended grant. Refer to these attached documents for further details.

Decision: Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable).

Approved By: / s / Ruben A. Sánchez **Date:** 6/14/2012
Ruben A. Sánchez
Field Manager, Kingman Field Office

Exhibits:

- 1) **Stipulations:** See the attached draft right-of-way amendment for the specific terms and conditions of the proposed action.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
RIGHT-OF-WAY GRANT/TEMPORARY USE PERMIT
SERIAL NUMBER AZPHX 83786 AMENDMENT #5

-
1. A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761) and any current or future amendment.
 2. Nature of Interest:
 - a. By this instrument, the holder:

The United States of America, acting by and through the Department of Energy, Western Area Power Administration
P.O. Box 6457
Phoenix, Arizona 85005-6457

receives a right to construct, operate, maintain, and terminate an access road on public lands (or Federal lands for MLA Rights-of-Way) described as follows:

Gila and Salt River Meridian, Arizona

T. 21 N., R. 19 W.,
sec. 7, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 8, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 21 N., R. 20 W.,
sec. 12, lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
sec. 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
sec. 14, E $\frac{1}{2}$ SE $\frac{1}{4}$.
 - b. The right-of-way or permit area granted herein is 30 feet wide, 3.719 miles long, and contains 13.525 acres, more or less.
 - c. This instrument is issued in perpetuity unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
 - d. This instrument may be renewed per 43 Code of Federal Regulations 2807.22 (a). If renewed, the right-of-way or permit shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems

necessary to protect the public interest.

- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

This grant is exempt from rental charges provided that the facilities occupying the right-of-way meet the requirements for such exemptions found at 43 CFR 2806.14, or as per future regulations established by the Secretary of the Interior.

4. Terms and Conditions:

- a. This grant or permit is issued subject to the Right-of-Way Grant Holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 90 days, or otherwise dispose of as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way or permit granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit(s) A, B, C, and D dated June 12, 2012 attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant or permit shall constitute grounds for suspension or termination thereof. Any unilateral pre-termination notice requires at least 30 days written confirmation of intent by certified mail.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the

health and safety of the public.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant or permit.

(Signature of Holder)

(Title)

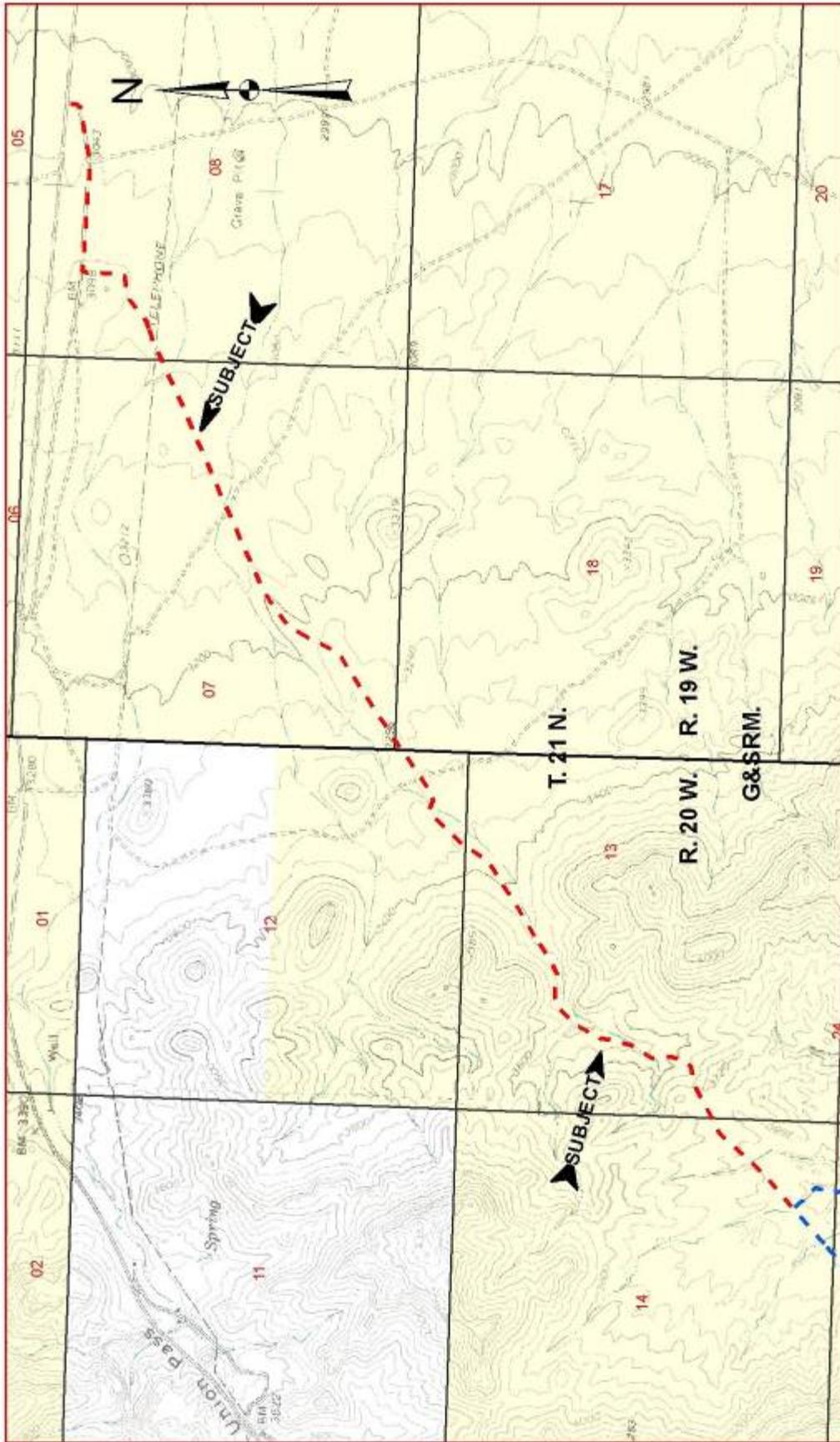
(Date)

(Signature of Authorized
Officer)

(Title)

(Effective Date of Grant)

EXHIBIT A
 AZPHX 83786 Amendment #5
 June 12, 2012



LEGEND

	Subject Access Road Right-of-Way		Bureau of Land Management
	Access Road Right-of-Way Authorized Under Amendment #4		Private
			State Trust



No warranty is made by the Bureau of Land Management for the use of the data for purposes not intended by the BLM.

AZPHX 83786 Amendment #5
Exhibit B
June 12, 2012

1. The Holder will designate a field contact representative who will be responsible for overseeing compliance with these mitigation measures and for coordination on compliance with the BLM. The field contact representative and authorized/qualified biologist(s) will have the authority and the responsibility to halt all project activities that are in violation of these mitigation measures. The field contact representative will be responsible for oversight of compliance with these mitigation measures, coordination with permitting agencies, land managers, and the state wildlife agency, and will serve as a contact point for personnel that encounter desert tortoises. The field contact representative will be on site during project activities and will be familiar with and have a copy of these mitigation measures.
2. No construction or reclamation activities will be allowed in bighorn sheep habitat (secs. 12, 13, and 14, T. 21 N., R. 20 W., G&SRM.) during the breeding and lambing season (February through June).
3. The Holder will construct the road and reclaim the lands within the area authorized under this right-of-way amendment in strict conformity with the approved plan of development, as made part of Right-of-Way AZPHX 83786 as Exhibit D of this amendment. Any relocation, additional construction, or use that is not in accord with the approved plan of development will not be initiated without the prior written approval of the Authorized Officer. A copy of the complete right-of-way reservation/grant, as amended, including all stipulations, will be kept on site during construction activities authorized under this right-of-way amendment. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
4. This amendment is subject to prior rights. The Holder is responsible for coordinating with rights-of-way holders for activities which could affect their rights/facilities.
5. The Holder will conduct all activities associated with the construction, operation, maintenance, and termination of the right-of-way within the authorized limits of the right-of-way.
6. The Holder will reconstruct the road, reclaim the adjacent lands, and maintain the road as described in the approved plan of development (Exhibit D of this amendment) in a manner that will reduce erosion.
7. 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 six inches deep, the soil will be deemed too wet to adequately support construction equipment.

8. DISCOVERY OF CULTURAL RESOURCES IN THE ABSENCE OF MONITORING: If, in its operations, operator/holder discovers any previously unidentified historic or prehistoric cultural resources, then work in the vicinity of the discovery will be suspended and the discovery promptly reported to BLM District Manager. BLM will then specify what action is to be taken. If there is an approved "discovery plan" in place for the project, then the plan will be executed. In the absence of an approved plan, BLM will evaluate the significance of the discovery and consult with the State Historic Preservation Officer in accordance with 36 CFR Section 800.11. Minor recordation, stabilization or data recovery may be performed by BLM or a permitted cultural resources consultant. If warranted, more extensive treatment by a permitted cultural resources consultant may be required of the operator/holder prior to allowing the project to proceed. Further damage to significant cultural resources will not be allowed until any required treatment is successfully completed. Failure to notify BLM about a discovery may result in civil or criminal penalties in accordance with the Archeological Resources Protection Act of 1979 (as amended).

9. Work areas under this amendment within desert tortoise habitat (secs. 13 and 14, T. 21 N., R. 20 W., G&SRM.) will adhere to the following mitigations measures:

- a. Within 48 hours or prior to onset of surface-disturbing activities, the construction right-of-way within desert tortoise habitat that is subject to immediate disturbance will be inspected by a qualified biologist for tortoises and their burrows. Tortoises should be moved less than 48 hours in advance of the habitat disturbance so they do not return to the area in the interim (Refer to Exhibit C, Tortoise Handling Procedures).
- b. All tortoises found on the ground surface within construction corridors will be moved a minimum of 500 feet but not more than 1/2 mile, from their original location and placed in a shaded location. Tortoises that wander onto construction corridors during construction periods will also be removed to a safe location as necessary and will be moved solely for the purpose of preventing death or injury (Refer to Exhibit C, Tortoise Handling Procedures).
- c. If a tortoise is endangered by any construction, the activity will cease until a worker who has been through the tortoise education program can move the tortoise out of the line of danger in accordance with stipulations 9. a. and b. above.
- d. Tortoise burrows within construction rights-of-way that are avoidable will be protected by the installation of welded wire fencing or other appropriate fencing placed at a maximum distance from the burrow allowable by construction activities. If a minimum fence distance from such burrows of 15 feet cannot be accommodated, the burrow will be excavated. Tortoises removed from excavated burrows during inactive periods will be relocated to unoccupied natural burrows (Refer to Exhibit C, Tortoise Handling Procedures).

Item 9, cont'd.

- e. All locations of desert tortoise or their sign will be mapped on a 7½ minute topography map with Township, Range, section and quarter section noted, date, observer's name, and vegetation type. Copies of this information will be given to the BLM authorized officer and to the Arizona Game and Fish Department, Heritage Data Base Manager, in Phoenix.
- f. The Holder is required to obtain all necessary permits for handling or collecting of desert tortoise prior to construction (Refer to Exhibit C, Tortoise Handling Procedures).
- g. The proponent will develop and implement a worker education program that addresses (i) the occurrence and distribution of the desert tortoise within the construction area; (ii) measures being implemented to protect the tortoise and its habitat in the construction area; (iii) specific protocols to observe if desert tortoises are encountered in the field.
- h. The proponent will limit speed of all vehicles within the right-of-way area and access roads to 15 miles per hour on BLM administered public lands to prevent running over desert tortoises. Construction and maintenance employees will also be advised that care should be exercised when commuting to and from the project area to reduce road mortality.

10. The Holder will minimize disturbance to existing fences and other improvements on public land. The Holder is required to promptly repair improvements to at least their former state. Functional use of these improvements will be maintained at all times. Holder will contact the owner of any improvements prior to disturbing them. When necessary to pass through a fence line, the fence will be H-braced on both sides of the passageway prior to cutting the fence.

11. Project features that might trap wildlife such as open trenches, pits, open pipes, etc., will be covered overnight or modified to prevent entrapment of wildlife.

12. No pets (e.g., dogs) will be allowed on construction site.

13. The Holder will remove only the minimum amount of vegetation necessary for the construction and maintenance of the road.

14. All viable cacti, yucca, nolina (beargrass) ocotillo, agave, or other state protected plants on public lands will be avoided where possible. Where they cannot be avoided the holder will transplant them on public lands within this ROW. Yucca, nolina, and agave plants will be transplanted, the same day that they are uprooted. Cacti may be stockpiled for up to 2 weeks and replanted. Where practical these plants will be used to reclaim areas disturbed by construction activities.

15. Construction sites will be maintained in a sanitary condition at all times; waste materials at those sites will be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. Holder will maintain the right-of-way area in a safe, usable condition, as directed by the authorized officer. Porta-potty areas will be kept in a sanitary condition and cleaning and maintenance must be in conformance with standard waste company procedures.

16. The holder will protect all survey monuments. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments and civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of these by the holder or anyone operating on his behalf, the holder will immediately report the incident to the authorized officer and the respective installing agency (if known) in writing. The holder will be responsible for the restoration of the monument(s) in a manner suitable to the authorized officer after consultation with all parties involved. If Bureau cadastral or other Federal surveyors are used to restore the monument(s), the holder will be liable to the United States for the costs.

17. All vehicles and equipment will be washed at the contractor's storage facility prior to arriving on the construction site to prevent the introduction of weed seed. All vehicles and equipment will be washed prior to leaving the construction site to prevent weed seeds from leaving the site.

18. The Holder will be responsible for weed control on disturbed areas within the limits of the right-of-way. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the grant stipulations.

19. Use of pesticides will comply with the applicable Federal and state laws. Pesticides will be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder will obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pests(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the Authorized Officer. Emergency use of pesticides shall be approved in writing by the Authorized Officer prior to such use.

20. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 US Code § 9601, et seq., or the Resource Conservation and Recovery Act, 42 US Code § 6901, et seq.) will be used, produced, transported, released, disposed of, or stored within the right-of-way area at any time by the Holder. The Holder will immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances will be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.

21. The Holder will immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the right-of-way potentially affecting the right-of-way of which the Holder is aware.

22. As required by law, the Holder will have responsibility for and will take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the right-of-way.

23. The Holder will not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder will be responsible for dust abatement within the limits of the right-of-way and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder will be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the right-of-way.

24. Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

25. The holder shall comply with all State and Federal laws applicable to the authorized use and such additional State and Federal laws, along with the implementing regulations, that may be enacted and issued during the term of the grant.

26. The United States Department of Energy, in the manner and to the extent provided by the Federal Tort Claims Act, as amended (28 United States Code (USC) Sections 2671-2680) will be liable for, and will hold the Department of Interior harmless from, claims for damage or loss of property, personal injury or death caused by the acts or omissions of the United States Department of energy, its officers, employees and agents in the use of the right-of-way.

B. TERMINATION

1. Ninety days prior to termination of the right-of-way, Holder will contact the Authorized Officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan will include, but is not limited to, removal of facilities, drainage structures, or surfacing material, re-contouring, and seeding. The Authorized Officer must approve the plan in writing prior to the Holder's commencement of any termination actions.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Kingman Field Office
2755 Mission Boulevard
Kingman, Arizona 86401
www.az.blm.gov



AZPHX 83786 Amendment #5
Exhibit C
June 12, 2012

GUIDELINES FOR HANDLING DESERT TORTOISE ENCOUNTERED ON ROADS AND VEHICLE WAYS

1. Stop your vehicle and allow the tortoise to move off the road.
2. If the tortoise is not moving, gently** pick up the tortoise and move it approximately 200 feet off the road to a shaded location.
 - a. **Do not** turn the tortoise over.
 - b. Move the tortoise in the direction it was traveling. If it was crossing the road, move it in the direction it was crossing.
 - c. Keep the tortoise within 12-18 inches of the ground, move slowly so as not to cause it to become alarmed.
 - d. Release the tortoise under the shade of a bush or rock.

** Tortoise store water in their bladder. If a tortoise becomes alarmed its defense is to void its bladder onto the captor. This could lead to dehydration of the tortoise and potentially to death.

3. Prior to moving any parked vehicle or equipment at the project site check for tortoise under the vehicles.



Davis-Kingman Tap 69-kV Transmission Line Rebuild Project
AZPHX 83786 Amendment #5
Exhibit D
Plan of Development

Western Area Power Administration (Western) proposes to rebuild the Davis-Kingman Tap 69-kV Transmission Line on the existing 100 foot wide transmission line right-of-way (ROW) with 30- and 50-foot wide access roads. Amendment No. 4 to the ROW, PHX-083786, was authorized on January 9, 2012. This amendment authorized new access roads, additional transmission ROW and temporary use permits for construction activities associated with the Davis-Kingman Tap 69-kV Transmission Line Rebuild Project.

This plan is submitted to the Bureau of Land Management (BLM) by Western as part of the application (SP-299). Western requests permanent access right-of-way, 30 feet wide starting at Highway 68 going southwest for about 3.16 miles until this portion of the AT&T cable road connects with the portion of the AT&T road previously authorized in Amendment No. 4.

PURPOSE AND NEED FOR THE FACILITY (Project Description)

A portion of AT&T's cable road, located in Sec 23, T21N, R20W, was authorized in Amendment No. 4 as Western's access to the Davis-Kingman Transmission Line right-of-way. At that time Western anticipated minor improvement to the road during construction activities near structures 10-5 and 11-1. Western assumed the cable road north of this area up to Highway 68 would not be disturbed and could be traversed by heavy equipment.

Western, in conjunction with AT&T and Integra Telecom has determined that heavy equipment may cause damage to fiber located in certain areas along the roadway. As part of an AT&T encroachment permit for use of the cable road, Western has agreed to certain terms and conditions for using the cable road.

Western has also agreed that once heavy equipment access is no longer required for the rebuild project Western will restore any disturbed area to its previous condition. Western will still require the use of the cable for future maintenance activity.

Right-of-Way Location:

The AT&T cable road crosses BLM land from Highway 68 southwest to the Davis-Kingman 69-kV Transmission Line ROW near structures 10-5 and 11-1 or more specifically as follows:

T21N, R19W, Sections 7, and 8
T21N, R20W, Sec 12, 13, 14, and 23

The road is also depicted on Attachment B, an aerial photo map.

Design Factors:

The subject road, as measured from the edges of disturbance, is approximately 10 feet wide. It is anticipated that this road will require widening to a width of 16 feet in width to accommodate construction equipment. Some rutting outside of this area may occur as a result of vehicles/equipment passing and/or by the turning of longer vehicles (tractor-trailer rigs, pole haulers) swinging wide on the exterior angle of curves.

AT&T personnel will stake locations where heavy equipment would cross directly over the top of AT&T underground facilities. At these locations Western agrees to protect the underground facilities by placing ¾ inch steel plates covering an area approximately 20' X 10' at a 90 degree angle and cover plates with 2 feet of compacted dirt. This is to mitigate any movement of the plates when crossing over plates and cable with the vehicles.

AT&T will not require the protection of underground facilities for light duty vehicle traffic, including but not limited to cars, pick-up trucks, and four-wheeled drive line trucks.

The typical assumptions for personnel and equipment required for the rebuild is listed in Attachment A.

Reclamation

Upon the completion of construction activities Western will remove steel plates and will recontour and reclaim the property to its previous condition bringing the width of the road as measured from the edges of disturbance back to its previous 10 foot width. Western will apply seed to the disturbed areas and areas significantly impacted from vehicle use outside of the road by using the seed mix and rates shown in the table below. Prior to seeding a seedbed would be prepared by “roughing up” these areas. Seeding may be broadcast by hand or from an ATV and will be broadcast evenly. Seed will be covered within one day of being applied by dragging a piece of chain link fence behind an ATV or similar light vehicle. Areas significantly impacted from vehicle use are defined as those areas where enough vehicle use has occurred which has obliterated enough of the vegetation to where raking out the tracks would not sufficiently restore the vegetation to its former condition.

Species	Rate per Acre, Pure Live Seed
Desert Globemallow (<i>Sphaeralcea ambigua</i>)	5 lb.
Desert Marigold (<i>Baileya multiradiata</i>)	2 lb.
Desert Lupine (<i>Lupinus sparciflorus</i>)	9 lb.
Flattop Buckwheat (<i>Eriogonum fasciculatum</i>)	1/2 lb.
Creosote Bush (<i>Larrea tridentata</i>)	1/2 lb.
Purple Threeawn (<i>Aristida purpurea</i>)	1/2 lb.

* If seed is unavailable, substitutes for the seed mix would be used upon coordination and approval by the BLM authorized officer.

Resource Values and Environmental Concerns:

Environmental impacts and mitigation will be discussed in the CX. All mitigation requirements listed in the CX will be included in the construction specifications. Land use decisions that affect the project will be described in the CX.

Operation and Maintenance:

For emergency questions call Western's Dispatch at 1-800-973-7583 or routine questions contact Lands at (602) 605-2525.

Attachment A

TYPICAL ASSUMPTIONS FOR PERSONNEL AND EQUIPMENT REQUIRED

Tasks	Staffing	Equipment
Access roads, gates and clearing	2 to 4 equipment operators	1 motor grader; 1 pickup truck; 1 D9-bulldozer (tracked); 1 backhoe
Preparing structure sites, construction yard, wire handling site	8 to 12 laborers/equipment operators	1 dozer or motor grader; 2 pickup trucks
Materials hauling	4 to 8 laborers/equipment operators	1 to 2 tractor trailers; 1 to 2 tractor-mounted cranes; 1 to 2 pickup trucks; 1 to 2 flatbed trucks
Removal of existing structures	3 to 5 laborers/equipment operators	1 crane, 50- to 100-ton capacity; 2 flatbed trucks; 1 tractor trailer; 2 pickup trucks
Foundation excavation	4 to 8 laborers/equipment operators	2 tractors with augers; 2 pickup trucks; 1 backhoe; 1 compressor
Foundation setting	12 to 18 laborers/equipment operators	3 flatbed trucks; 3 crew pickup trucks; 3 air compressors; 3 hydro lifts
Concrete placement	4 to 5 laborers	2 cement mixer trucks; 1 pickup truck; 1 manhaul
Structure assembly	6 to 12 linesmen/groundsmen and crane operators	1 to 3 hydraulic cranes; 4 to 6 pickup trucks; 1 to 3 flatbed trucks; 1 compressor
Structure erection	5 to 8 linesmen/groundsmen and crane operators	1 crane, 50- to 100-ton capacity; 2 pickup trucks
Wire stringing	15 to 20 linesmen/groundsmen	2 pullers; 2 tensioners; 4 reel stringing trailers; 1 materials truck; 2 dozers; 5 to 6 pickup trucks; 1 to 2 quads
Cleanup	2 to 4 laborers	1 bulldozer w/ripper (tracked vehicle); 1 grader; 1 front-end loader; 1 tractor/harrow/disk; 1 pickup truck
