CHAPTER 1 – PURPOSE AND NEED

1.1 Introduction

This document, the Environmental Impact Statement (EIS) and Land-use Plan Amendments (LUPAs), is being prepared in response to an *Application for Transportation and Utility Systems and Facilities on Federal Lands* (Standard Form 299), submitted by PacifiCorp (doing business as Rocky Mountain Power[1], the Applicant) to the Bureau of Land Management (BLM) (Case File No. WYW 174597) and U.S. Forest Service (USFS) for the Energy Gateway South Transmission Project (Project). The original application was submitted and received on November 28, 2007; revised by the Applicant on December 17, 2008, October 11, 2010, and January 15, 2013, to reflect changes in the Project description, including reducing the geographic extent of the Project; and January 15, 2013, to inform the BLM of the Applicant's preferred route. The BLM, as lead federal agency and in coordination with several cooperating agencies (including the USFS), are preparing this EIS to evaluate and disclose the potential Project-related environmental impacts that could result from implementation of the action proposed by the Applicant (Proposed Action) and alternatives of the Proposed Action.

This Project is part of the Applicant's transmission expansion program, known as Energy Gateway. In May 2007, the Applicant announced a multi-year program to reinforce its existing power transmission system by developing approximately 2,000 miles of high-voltage transmission line to provide power from existing, new renewable (e.g., wind, solar), and thermal (e.g., gas, coal) generation sources to meet growing customer needs, ease transmission congestion, and improve the flow of electricity throughout the West. Major components of the program are (1) Gateway Central; (2) Gateway West; and (3) Gateway South. The segments of each component are listed below and shown in Figure 1-1. While all segments are planned to reinforce the system, each segment operates or could operate independently of one another.

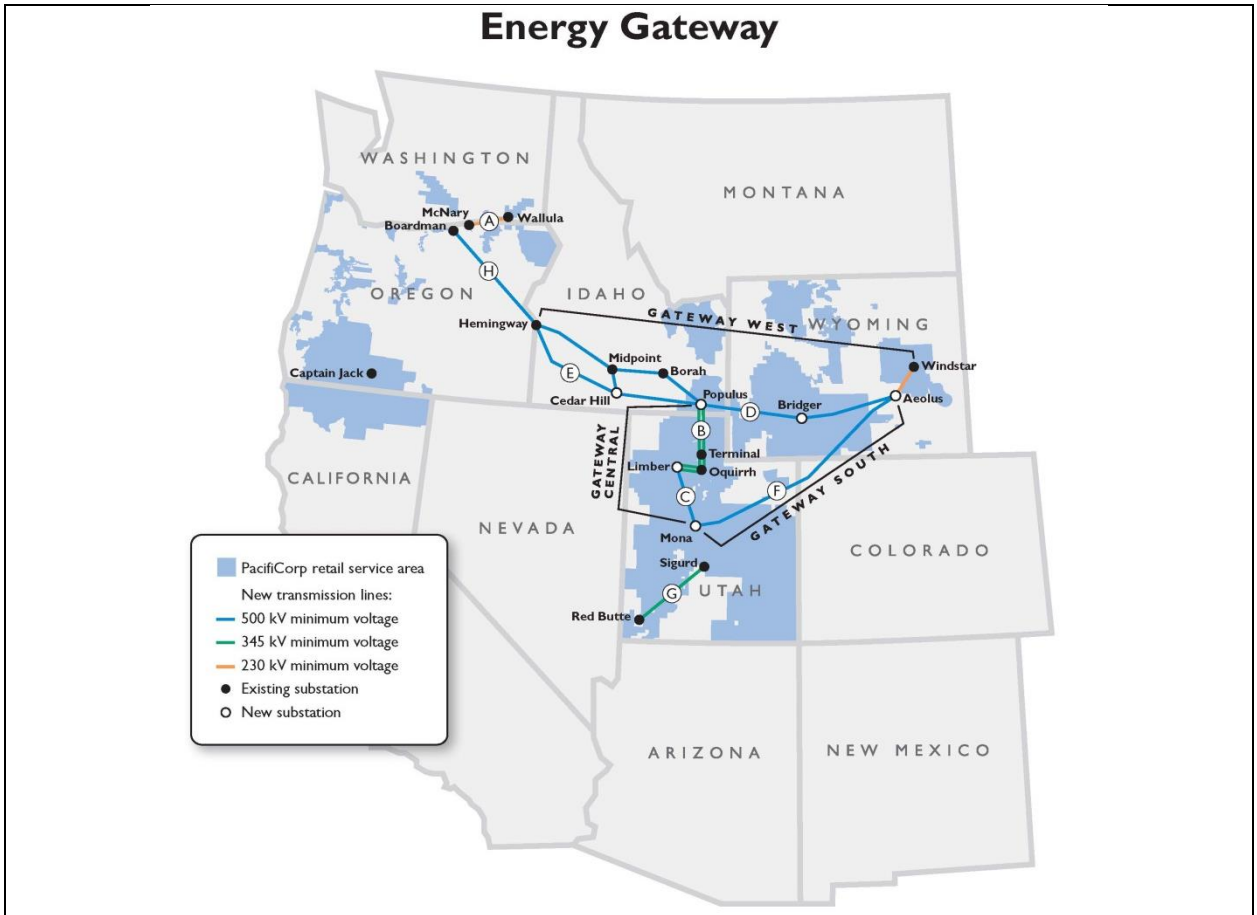
Gateway Central	Gateway West	Gateway South
Segment B –Populus to Terminal (constructed)	Segment D – Windstar to Populus	Segment F – Aeolus to Mona
Segment C – Mona to Oquirrh (constructed)	Segment E – Populus to Hemingway	Segment G – Sigurd to Red Butte (under construction)
Segment C – Oquirrh to Terminal (constructed)		

The first segment constructed, Populus to Terminal 345-kilovolt (kV) transmission line, was placed into service in November 2010. The second segment constructed, Mona to Oquirrh 500kV transmission lines, was placed into service in May 2013. Construction began on the third segment, Sigurd to Red Butte No. 2 – 345kV transmission line, in May 2013. Gateway West is planned to be constructed in phases and placed in service between 2019 and 2023. The Gateway South segment from Aeolus to Mona, the subject of this EIS, is currently planned for construction beginning in summer of 2016. The in-service date for the Project is Fall 2020.

The Applicant proposes to construct, operate, and maintain a 500kV, overhead, single-circuit, alternating-current (AC), transmission line beginning near Medicine Bow, Carbon County, Wyoming, at the Aeolus Substation, planned as part of Gateway West, and would extend south and west to the planned Clover Substation (currently being constructed as part of Gateway Central) near Mona, Juab County, Utah, an approximate distance of between 400 and 540 miles, depending on the route selected (Map 1-1). The

[1]Rocky Mountain Power is the trade name under which PacifiCorp delivers electricity to more than 955,000 industrial, commercial, and residential customers in parts of Wyoming, Utah, and Idaho.

Project includes two series compensation stations at points between the Aeolus and Clover substations to improve transport capacity and efficiency of the transmission line. Equipment to accommodate the 500kV transmission line would be installed at the Aeolus and Clover substations. The Project is designed to provide up to 1,500 megawatts (MW) of capacity[2] to meet current and forecasted[3] needs of the Applicant's customers.

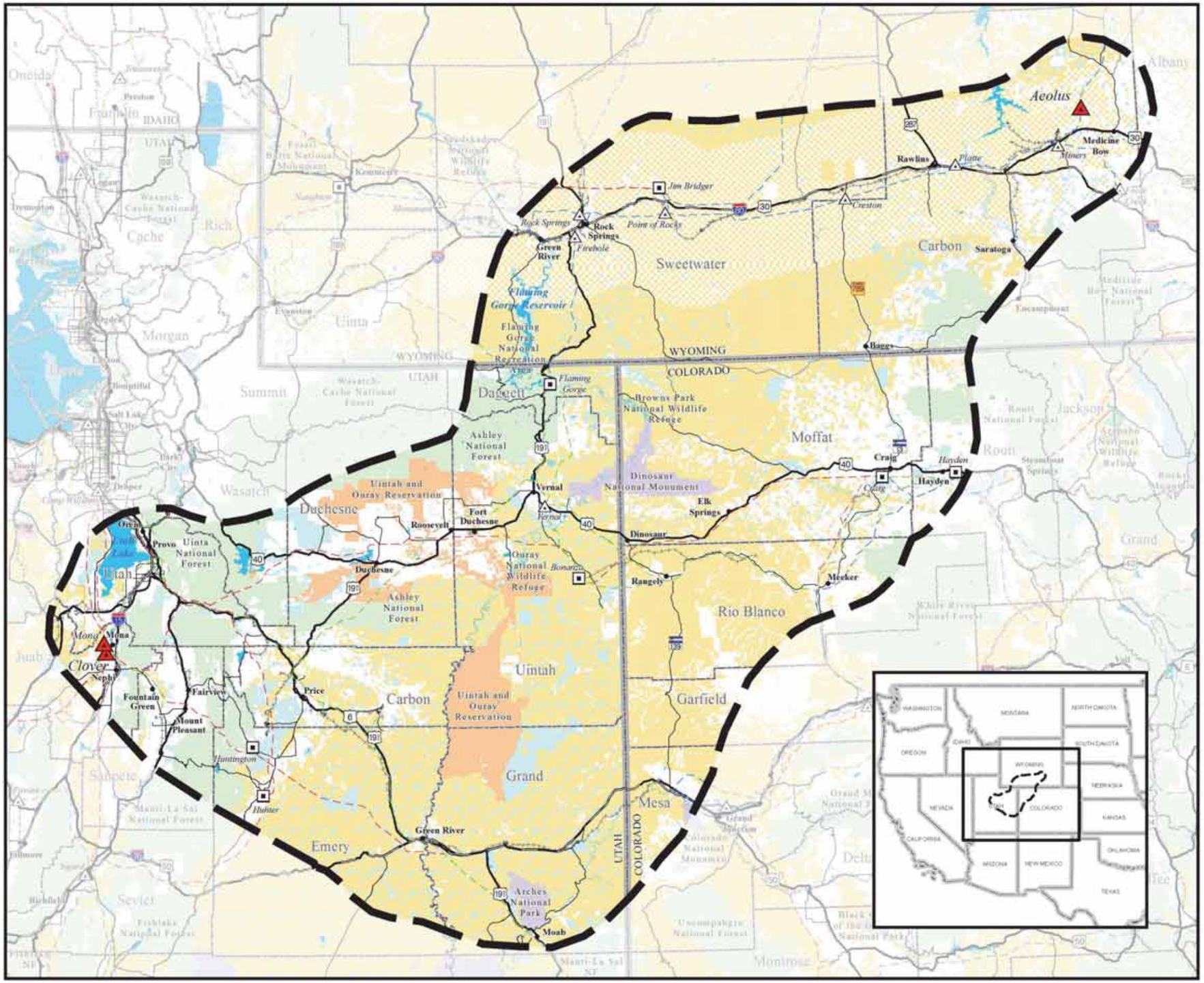


SOURCE: PacifiCorp 2013a
NOTE: This map is for general reference only and reflects current plans. It may not reflect the final routes, construction sequence, or exact line configuration.

Figure 1-1 Energy Gateway Program

[2]Capacity refers to the amount of power a transmission line can deliver reliably. 1,500 MW would be the maximum hourly flow that could be scheduled on the proposed transmission line.

[3]Electric load and demand forecasting involves the projection of demand levels and overall energy consumption patterns to support an electric utility's future system and business operations. Forecasts referred to here are based on the Applicant's Integrated Resource Plan (PacifiCorp 2013b), required to fulfill regulatory requirements and guidelines established by the public utility commissions of the states served by the Applicant. The Integrated Resource Plan addresses the obligations of the Applicant pursuant to its Open Access Transmission Tariff to plan for and expand its transmission system in a nondiscriminatory manner based on the needs of its native load and network customers.



Map 1-1

Project Area

ENERGY GATEWAY SOUTH TRANSMISSION PROJECT

Project Features

- Project Area Boundary
- Substation (Project Terminal)

Land Ownership

- Bureau of Land Management
- Bureau of Reclamation
- Indian Reservation
- National Park Service
- U.S. Department of Defense
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- State Land
- Private Land

General Reference

- City or Town
- Substation
- Power Plant
- 500kV Transmission Line
- 345kV Transmission Line
- 230kV Transmission Line
- 138kV Transmission Line
- Railroad
- Interstate Highway
- U.S. Highway
- State Highway
- Other Road
- Lake or Reservoir
- State Boundary
- County Boundary

SOURCES:
Land Jurisdiction, BLM 2010, 2011; City or Town, ESRI 2010;
Transmission Lines and Substations as digitized by EIG, POWERmap Platts 2009;
National Transportation Atlas Database, USDOT 2008;
Utah Highways and Roads, AGRC 2012; Water Features, ESRI 2008, USGS 2010a;
State and County Boundaries, ESRI 2008

NOTES:
• Substation symbols do not necessarily represent precise locations.

Alternative routes last revised: April 1, 2013
DRAFT EIS: February 2014

0 10 20 40 60
Miles

Also, equipment is being installed at the Clover Substation to transform (step down) the power from 500kV to 345kV to interconnect the Project with the Applicant's 345kV system. Additionally, two existing 345kV transmission lines between the Clover and Mona substations, approximately 3 miles apart, would be rebuilt to increase capacity as part of the Project. The lines would be rebuilt within the existing rights-of-way.

Part of the Project, the existing Mona to Huntington 345kV transmission line, which passes in a north-south direction to the east of the Clover Substation, would be rerouted through the Clover Substation.

The Applicant's interests and objectives for the Project are described further in Appendix A and the Project is described in more detail in Appendix B.

Approximately 1,425 miles of alternative routes, through 16 counties in Wyoming, Colorado, and Utah are being evaluated for the transmission line. Portions of the alternative routes cross land administered by 10 BLM field offices (Rawlins, Little Snake, White River, Grand Junction, Vernal, Moab, Price, Salt Lake, Richfield, and Fillmore) and three national forests (Ashley, Uinta-Wasatch-Cache[4], and Manti-La Sal). Also, depending on the route selected for construction of the transmission line, land within the boundaries of the Uintah and Ouray Indian Reservation; land administered by the National Park Service (NPS); land administered by the Bureau of Reclamation (USBR); and land administered by the Utah Reclamation Mitigation and Conservation Commission (URMCC) may be crossed. Because federal land would be crossed, the Applicant submitted an application to locate the proposed transmission facilities on federal land.

After reviewing the scope of the Project, the BLM, as the lead federal agency, determined that the Proposed Action is a major federal action and would require preparation of an EIS in compliance with requirements of the National Environmental Policy Act of 1969 (NEPA), as amended (United States Code [U.S.C.]: Title 42, Chapter 55, §4321 et seq., and the Council on Environmental Quality (CEQ) regulations for implementing NEPA (Code of Federal Regulations [CFR]: Title 40, Parts 1500–1508).

The BLM, serving as the lead federal agency for preparing the EIS and LUPAs, published a Notice of Intent (NOI) to prepare the EIS and potential LUPAs in the *Federal Register* on April 1, 2011. Twenty-eight agencies are participating as cooperating agencies in preparation of the EIS (refer to Chapter 6 for a list of cooperating agencies).

This chapter is organized in the following sections:

- 1.2 – Agencies' Purpose and Need for the Federal Action: summarizes the agencies' purpose and need in responding to the Applicant's application for right-of-way on federal land.
- 1.3 – Decisions to be Made: describes the decisions to be made by the affected federal agencies.
- 1.4 – Applicant's Interests and Objectives: summarizes the Applicant's statement regarding the purpose of and need for the Project.
- 1.5 – NEPA and Land-use Plan Amendment Process: summarizes the process followed to prepare the EIS and LUPAs.

[4]In March 2008, the Uinta National Forest and Wasatch-Cache National Forest were combined into one administrative unit. Each of these national forests is still operating under individual Forest Plans approved in 2003. When the term Uinta is used in context with the USFS, it refers to the Uinta Planning Area of the Uinta-Wasatch-Cache National Forest.

- 1.6 – Scoping and Public Involvement: summarizes the scoping process and other public involvement, issues identified and where they are addressed in the EIS, and issues considered but eliminated from detailed analysis.
- 1.7 – Relationships to Policies, Programs, and Plans: describes laws, regulations, and agency policies guiding the preparation of the EIS; describes the West-wide Energy Corridor (WWEC) Programmatic EIS and supplemental guidance regarding the WWEC settlement agreement; lists the applicable land-use plans; and summarizes consultation and coordination conducted for this EIS.
- 1.8 – Relationship to Other Plans: describes the relevance of land-use plans of counties and Wyoming conservation districts crossed by the alternative routes.
- 1.9 – Major Authorizing Laws and Regulations: lists the major authorizing laws and regulations relevant to the Project with which the federal agencies must comply.
- 1.10 – Federal, State, and Local Permits: lists the major federal, state, and local permits and approvals that could be required for the Project.

1.2 Agencies' Purpose and Need for the Federal Action

The purpose of this federal action is to respond to the Applicant's right-of-way application for construction, operation, and maintenance of the proposed transmission line and associated facilities on federal land.

The purpose and need of the BLM stems from the overarching policy and direction in the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and its mission, which is multiple-use, sustained-yield management of the National System of Public Lands. The purpose and need of the USFS stems from the overarching policy and direction in the Multiple-use Sustained-yield Act of 1960, as amended, which authorizes and directs the Secretary of Agriculture to develop and administer the renewable resources on the National Forest System lands for multiple use and sustained yield of the products and services. The FLPMA also provides the BLM and USFS with discretionary authority to grant use (i.e., right-of-way and special-use authorization, respectively) of land they administer, taking into consideration impacts on natural and cultural resources (including historical resources). In doing so, the BLM and USFS must endeavor "to minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment" through avoidance or mitigation (FLPMA Title V).

The agencies' purpose and need is further guided by the President's Climate Action Plan (President of the United States 2013), which is a broad-based plan to cut carbon pollution. Part of the plan focuses on expanding and modernizing the electric grid to promote clean energy sources. To this end, the agencies are charged with analyzing applications for utility and transportation systems on federal land they administer. When analyzing applications, the agencies also must consider the 2011 Western Electricity Coordinating Council (WECC) 10-Year Regional Transmission Plan recommendations regarding future transmission needs (WECC 2011).

1.3 Decisions to be Made

The decision to be made by the BLM and USFS is whether or not to grant the Applicant a right-of-way to construct, operate, and maintain the proposed facilities on land they administer and under what terms and conditions. In so doing, the BLM, as lead agency, in coordination with cooperating agencies, analyzes, through the EIS, the Applicant's plan for and the potential environmental impacts of constructing,

operating, and maintaining the Project. Based on the analysis presented in this EIS, the BLM will issue a Record of Decision (ROD) on whether or not to grant a right-of-way on land administered by the BLM, and the USFS will issue a ROD on whether or not to grant special-use authorization for land administered by the USFS. Depending on the route selected, other federal agencies and the Ute Indian Tribe also may have decisions to make if the Proposed Action affects land administered by them. If the selected route crosses land of the Uintah and Ouray Indian Reservation and/or individual Indian-owned land, on obtaining consent from the tribe and/or Indian landowner(s), the Bureau of Indian Affairs (BIA) may issue encroachment permits and grants of easement for the Proposed Action. If the selected route crosses the Deerlodge Road entrance to Dinosaur National Monument, land owned in fee by the NPS, NPS may grant a right-of-way across the road for the Proposed Action. Per NPS Director's Order No. 53, NPS can only decide to issue a right-of-way grant if there is no practicable alternative to such use of NPS lands. If the selected route crosses land administered by the USBR, the USBR may issue a license for the Proposed Action. If the selected route crosses land administered by the URMCC, the URMCC may issue a license agreement for the Proposed Action. If applicable, these agencies may each issue a ROD.

In accordance with 43 CFR Part 1610.0-5(b), actions that occur on federal lands administered by the BLM and USFS, including a decision to grant a right-of-way (BLM) or special-use authorization (USFS) under Title V of the FLPMA, are guided by decisions specified in the existing BLM Resource Management Plans (RMPs) and USFS Land and Resource Management Plans (LRMPs). The pertinent RMPs and LRMPs for BLM- and USFS-administered lands potentially crossed by the proposed transmission line and associated facilities are listed in Section 1.7.3. The authorizations and actions proposed for approval in this EIS have been evaluated to determine whether they conform to the decisions in the referenced land-use plans. The BLM and USFS have determined that, depending on the route selected, the Proposed Action would not conform to certain aspects of the relevant land-use plans. That is, in some cases, the authorizations and actions proposed in this document for approval would result in a change in the scope of resource uses, terms and conditions, and decisions of agency land-use plans, which would require an amendment of those plans. In addition to the decision whether to grant the Applicant right-of-way to construct, operate, and maintain the proposed facilities on land they administer and under what terms and conditions, the BLM and USFS must decide whether one or more RMPs and/or LRMPs should be amended to allow for a right-of-way for the proposed transmission line and associated facilities. The BLM and USFS are integrating the land-use planning process for amending agency land-use plans as described in 43 CFR 1610 and 36 CFR 219.13, respectively, with NEPA compliance for the proposed rights-of-way for the Project on BLM- and USFS-administered land. The potential LUPAs that may be required for approval of the Proposed Action are described in Chapter 5, which also includes a description of the planning process and results of the analysis of the environmental consequences of amending the land-use plans.

1.4 Applicant's Interests and Objectives

The Applicant's interests in and objectives for the Project are summarized in this section and presented in more detail in Appendix A.

The Applicant's interests in and objectives for the Project are tied to PacifiCorp's obligations as a regulated utility to provide increased capacity (as required to serve growing loads); provide safe, reliable electricity to its customers at a reasonable cost; address constraints in PacifiCorp's existing transmission system; and provide electricity to the wholesale market when excess electricity exists or when required for other system-balancing alternatives. Through planning studies and analysis, the Applicant determined its existing system, last upgraded more than 25 years ago, is fully used and needs to be upgraded. As mentioned in Section 1.1, in 2007, Rocky Mountain Power committed to expanding its transmission network to ensure sufficient capacity would be available to meet the needs of its existing and new

customers. The Project is planned to provide additional power transmission to meet forecasted customer load and growth.

Since 1996, the population in the counties served by the Applicant has grown substantially. While near-term economic conditions have slowed, the Applicant's service territory continues to growth in all customer segments, and currently forecasts an increase overall energy usage across its system at an average of 2.3 percent per year over the next 5 years and by 2 percent each year over the next 10 years (Appendix A). The Applicant currently has approximately 12,500 MW of existing resources, and its 10-year planning forecast predicts it will need approximately 15,000 MW by 2020 (Appendix A).

The Applicant needs to make improvements to its bulk transmission network to reliably transport electricity from generation resources (owned generation and market purchases) to various load centers. Additional transmission infrastructure is needed to:

- Maintain compliance with mandated national reliability standards that require the Applicant to have a plan to "operate to supply projected customer demands and projected Firm Transmission Services, at all demand levels over the range of forecast system demands…"[5]
- Meet obligations and requirements specifically required under the Applicant's Federal Energy Regulatory Commission approved Open Access Transmission Tariff
- Ensure customers have an adequate supply of reliable and low-cost energy
- Reliably deliver power to continuously changing customer energy-supply demands under a wide variety of system operating conditions
- Supply all electrical demand and energy requirements of customers at all times, taking into account scheduled and unscheduled system outages
- Allow the Applicant to access energy available from existing markets and to sell excess generation to those existing markets when it is economic to do so for customers
- Support options for generation resource development, including economically feasible renewable generation as specified in the Applicant's current and future Integrated Resource Plans (PacifiCorp 2013b).
- Meet the current and reasonably anticipated energy-supply requirements, policies, rules and laws at the federal level and in the states the Applicant serves

In particular, the Project is needed to fulfill the following key responsibilities of the Applicant:

- **Serve Native Load.** The Applicant is responsible for providing electric service to 1.7 million retail customers in the states of California, Idaho, Oregon, Utah, Washington, and Wyoming. The Applicant has a legal obligation to ensure sufficient firm point-to-point and network transmission capacity is available to meet the electric demands of all its customers now and into the future.
- **Serve Third Party Network Customers.** In addition to providing service to its native-load customers, the Applicant also is required to provide transmission service to its third-party network customers, which in turn directly serve customers in these same states. The Applicant has a legal responsibility to provide reliable transmission service to third parties to the degree transmission capacity is available.
- **Ensure Reliability.** The Project is needed to improve the Applicant's ability to provide reliable electrical service to all its customers in a nondiscriminatory manner. The Project also is needed to provide redundancy during transmission and generation contingencies for other planned and

[5]North American Electric Reliability Council Transmission Planning Standard TPL-002-1

existing transmission segments (Gateway West and Gateway Central, respectively, refer to Section 1.1), thereby providing operational flexibility for the bulk electric system, ensuring reliability, and supporting capacity ratings for each segment.

- **Access to Energy Resources.** The Applicant has a legal obligation to transport identified third-party network generation to serve network loads. The Project is needed to provide the Applicant with access to rich and diverse generation resources throughout its service territory needed to meet the growing electrical demands of its customers. In general, expansion of the transmission system is needed to accommodate a variety of future resource scenarios and plans.

These factors are described in more detail in Appendix A.

1.5 NEPA and Land-use Planning Process

The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences and that take action to protect, restore, and enhance the environment (40 CFR 1500.1(c)). Analysis and disclosure of the effects of a proposed action and its alternatives are the underlying NEPA principles that move agencies toward achieving this goal. NEPA analysis is a sequential, systematic process. It must be prepared using an interdisciplinary approach and the disciplines of preparers must be appropriate to the scope of the analysis and to the issues identified in the scoping process (40 CFR 1502.6).

All actions approved or authorized by the federal land-managing agencies must conform to current land-use plans for the lands they administer (43 CFR 1610.5-3 [BLM] and 36 CFR 251 [USFS]). Any new authorizations or actions approved based on a project-specific EIS must be provided for specifically in the land-use plan or be consistent with the terms, conditions, and decisions in the approved land-use plan. An amendment of the land-use plan (i.e., a modification of one or more parts of an existing plan) may be necessary to consider a proposed action that may result in a change in the scope of resource uses or a change in the decisions of the approved land-use plan. If the federal land-managing agency determines that a plan amendment may be necessary, preparation of the project-specific EIS and the analysis necessary for the LUPAs may occur simultaneously (43 CFR 1610.5 and 36 CFR 219.5). In instances, such as this, when a project-specific EIS is being used to analyze a proposed action that may not conform to current land-use plans, the options are (1) adjust the proposed action to conform to the plan or achieve consistency with decisions in the approved land-use plan or (2) prepare the EIS to include analysis of potential LUPAs.

The NEPA and land-use planning process is being completed in accordance with BLM Land Use Planning Handbook H-1601-1 (2005a) and USFS Land Management Planning Handbook Forest Service Handbook 1909.12 (USFS 2006). The process is tailored to the anticipated level of public interest and includes opportunities for public involvement. A summary of the process is shown in Figure 1-2 and described in the subsections below. A more detailed explanation of the process of developing alternatives, developing the baseline data inventory, impact assessment and mitigation planning, comparing alternatives, and selecting an Agency Preferred Alternative is provided in Section 2.5.1.

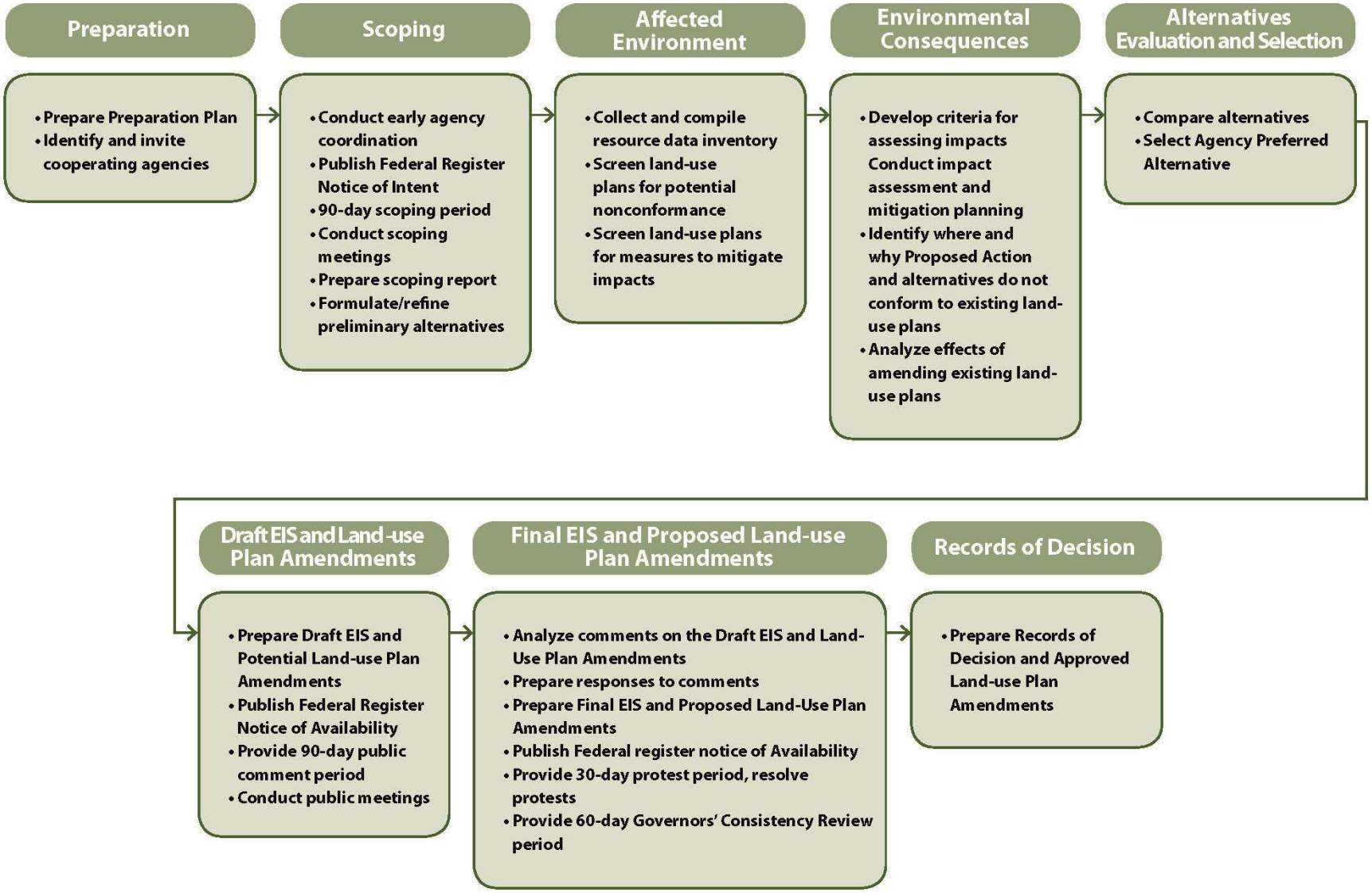


Figure 1-2 Environmental Impact Statement and Land-use Planning Process for Energy Gateway South Transmission Project

1.5.1 Preparation Plan

A preparation plan is a comprehensive plan that, based primarily on the preliminary issues to be addressed for a proposed action, provides the foundation for performing the process—management direction, oversight, organization and structure, and focus for the preparation of an EIS and land-use plan amendment(s). In late 2009, the BLM, in coordination with the cooperating agencies, prepared the preparation plan for this Project. It includes sections on Project background, quality assurance and control, anticipated issues and management concerns; legal, regulatory, and policy guidance; project organization (roles and responsibilities); process for EIS development; summary of early agency coordination; public involvement plan; summary work plan; document management plan including a protocol and file guide for maintaining the Administrative Record; and geographic information system (GIS) data-management plan.

A more concise Project Charter was prepared for the BLM State Directors to ensure clear and effective communication by clarifying Project scope and objectives; identifying team structure, roles and responsibilities; major Project deliverables; and defining the BLM Project Manager's authority.

1.5.2 Scoping

Scoping is a collaborative public involvement process used to identify issues that should be addressed during the NEPA and planning process. Scoping for the Project is addressed briefly in Section 1.6 and in more detail in Section 6.3 but, by way of introduction, included early, internal coordination meetings; announcements including a *Federal Register* NOI to prepare an EIS for the proposed Project in Wyoming, Colorado, and Utah and possible LUPAs[6]; 12 public meetings in locations in the Project area in May and June 2011; and preparation of a Scoping Report (BLM 2011a)[7] documenting the activities and results of the process. As a result of the 90-day scoping process, alternatives to the Proposed Action were developed (Section 2.5.1.1) and the preliminary alternative routes submitted to the BLM by the Applicant, as part of the application for locating the transmission line on federal land, were refined.

1.5.3 Affected Environment

To understand and characterize the existing condition of the environment potentially affected by the Project, data were collected and compiled for each of the resources or uses addressed in the EIS, between September 2011 and April 2012, from the most recent data available—primarily literature, published and unpublished reports, land-use plans, maps, and agency databases (refer to Section 2.5.1.2 for more information). This inventory of resource data served as the baseline for impact assessment and mitigation planning.

During this period, BLM and USFS land-use plans, regulations, policy, and guidance were reviewed to identify and compile a comprehensive list of any best management practices, stipulations, and other measures that could mitigate impacts of the Project on the environment. From this comprehensive list, selective mitigation measures (Table 2-13) were derived to apply, as warranted to reduce impacts of the Project.

Also, BLM and USFS land-use plans were reviewed (Section 1.7.3) and potential terms, conditions, and/or decisions with which the Proposed Action may not conform were noted for further review. State, county, and Wyoming conservation district land-use plan information were reviewed as well.

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[6] *Federal Register* Volume 76, Issue 63 (April 1, 2011) Pages 18241 to 18243

[7] Access at (http://www.blm.gov/wy/st/en/info/NEPA/documents/hdd/gateway_south.html).

The Agency Interdisciplinary Team and cooperating agencies were provided the opportunity to review the environmental inventory for adequacy and accuracy, the approach for conducting impact assessment and mitigation planning (including criteria developed for determining levels of impact and application of mitigation), and the selective mitigation measures to reduce impacts, as well as a list of potential BLM and USFS LUPAs.

1.5.4 Environmental Consequences

Once the Agency Interdisciplinary Team and cooperating agencies provided comments on the draft materials listed in the paragraph above, a team of resource specialists analyzed the potential effects of the Proposed Action on the resources; applied measures to mitigate effects, where warranted; and identified the residual effects (Section 2.5.1.2). The Agency Interdisciplinary Team and cooperating agencies were provided the opportunity to review and comment on the results of the impact assessment and mitigation planning process. At the same time, the resource specialists were able to discern where and why the Proposed Action would not conform to terms, conditions, and/or decisions of certain land-use plans.

1.5.5 Alternatives Evaluation

The alternative routes were screened, evaluated, and compared, and a preliminary Agency Preferred Alternative on federal land was selected and announced publicly in July 2013 (Section 2.5.1.3). The Agency Preferred Alternative was confirmed in December 2013 and included a modification to the preliminary Agency Preferred Route in Wyoming after consideration of comments received from Sweetwater and Carbon counties in Wyoming and Moffat County in Colorado.

1.5.6 Draft Environmental Impact Statement and Land-use Plan Amendments

This document, Draft EIS and LUPAs, has been prepared to disclose the potential effects of implementing the Proposed Action and potential LUPAs. A Notice of Availability (NOA) has been published in the *Federal Register*, marking the beginning of a 90-day public comment period. During the 90-day period, the BLM will accept comments on the Draft EIS and LUPAs and, to facilitate and encourage the public to comment, the BLM will conduct 11 meetings in the same locations as the scoping meetings (conducted in 2011). Comments received during the 90-day comment period will be considered prior to a decision on the Proposed Action. Only parties who offer comments during this period will have a right to appeal the decision.

1.5.7 Final Environmental Impact Statement and Proposed Land-use Plan Amendments

Public comments on the Draft EIS and LUPAs will be compiled and reviewed and responses to the substantive comments will be prepared for inclusion in the Final EIS and Proposed LUPAs. A *Federal Register* NOA of the Final EIS and Proposed LUPAs will be published, which will contain information about the Project and the 30-day availability period on the Final EIS and the 30-day protest period on the Proposed LUPAs and filing instructions. Any protests received and determined to have standing will be resolved before proceeding. Also, the BLM will provide a 60-day review period to the Governors of the states in which LUPAs are being proposed to promote consistency with state and local plans, policies, and programs. The availability and protest periods and Governors' consistency review will occur simultaneously. Any responses from a Governor on consistency must be resolved before RODs are issued.

1.5.8 Records of Decision and Approved Land-use Plan Amendments

The RODs will be prepared by the BLM and the USFS to document the selected alternative and associated mitigation measures and the approved LUPAs. Depending on the route selected, other federal cooperating agencies may have decisions to make. If that is the case, each of those federal agencies affected may prepare a ROD. The RODs will explain the rationale for the decision(s). The LUPAs will be approved when the decision maker for the applicable agency signs the ROD adopting the amendments.

An agency-approved Plan of Development (POD), based on information and data carried forward from the EIS, would be required as a condition of signing any RODs and incorporated by reference into any ROD issued on the analysis in this EIS. The POD would describe in detail the activities associated with construction, operation, and maintenance. The POD would provide direction to the Applicant's construction personnel, construction contractor(s) and crews, compliance inspection contractor (CIC), environmental monitors, and agency personnel regarding specifications of construction. The POD also would provide direction to the agencies and the Applicant's personnel for operation and maintenance of the Project. The content of the POD is described in more detail in Section 2.4. This version is referred to as the NEPA POD.

When resource pedestrian surveys (e.g., biological, cultural, paleontological resources) have been completed, any refinements to environmental protection measures would be incorporated into the POD. This more detailed version is referred to as the construction POD, which would be required as a condition of signing any federal land-use authorization (e.g., right-of-way grant, special-use authorization, license agreement) and would be incorporated into such land-use authorization.

1.6 Scoping and Public Involvement

1.6.1 Process Summary

The CEQ regulations for implementing the NEPA direct that, to the fullest extent possible, federal agencies must encourage and facilitate public involvement in decisions that affect the quality of the human environment and involve the public early on and throughout the process (40 CFR 1506.6). In response, the BLM prepared a public involvement plan as part of the EIS Preparation Plan. The purpose of the plan is to serve as a guide for conducting public involvement activities integrated with the NEPA process.

The first opportunity for the public to be involved in the Project was scoping. The purpose of scoping was to identify the range, or scope, of issues early in the NEPA process that should be addressed in the EIS. As mentioned previously, a NOI was published in the *Federal Register* on April 1, 2011, announcing preparation of the EIS and possible LUPAs as well as announcing the opportunity for the public to participate in the process and provide input. Publication of the NOI on April 1, 2011, initiated the formal scoping period, which ended on June 30, 2011, a period of 90 days. During this period, 12 open-house meetings were held (May and early June 2011), in locations along the alternative routes, to inform the public about the Project and NEPA process and to solicit input on the Project and potential issues.

Written comments were accepted by the BLM in letters or comment forms at the scoping meetings, by email, and by U.S. mail. All comments received were analyzed and assisted in defining the issues to be analyzed for the EIS. A more detailed description of the scoping process, comments received, and results is presented in the *Energy Gateway South Transmission Project Environmental Impact Statement Scoping Report* (BLM 2011d), which is available for review on the BLM Project website

(http://www.blm.gov/wy/st/en/info/NEPA/documents/hdd/gateway_south.html). Additional description of the public involvement effort is presented in Chapter 6.

The range of issues summarized in Section 1.6.2 and addressed in the EIS was derived from the ongoing public involvement and scoping process. Activities that assisted in identifying the issues related to the Proposed Action are listed in Section 6.3.1.

1.6.1.1 Applicant-initiated Activities

In January 2009, the Applicant began briefing community leaders on the Project, which has continued periodically throughout the Project. In the fall of 2009, the Applicant also initiated meetings with counties and cities that require conditional use permits or general plan amendments.

In March and April 2011, the Applicant hosted 11 meetings in the Project area, to which the landowners within a 2-mile-wide corridor along the alternative routes were invited. The purpose of the landowner meetings was to introduce the Project, answer questions the landowners may have, and to encourage participation in the BLM's scoping meetings for the EIS.

In late summer 2012, the Applicant convened four community working groups; the members of which represent diverse interests in the Project area. The purpose of the community working groups is to establish groups representing a range of opinions in a forum allowing exchange of information, discussion of issues, and informal dialogue. The community working groups include representatives of federal, state, county, and municipal government agencies; agriculture; real estate and/or land development; special-interest groups, business interests; and landowners and citizens on behalf of their communities. The first meetings of the community working groups were conducted in September 2012. Issues raised by the community working groups were communicated to the BLM by the Applicant and are addressed in the EIS.

A summary of Applicant-initiated public outreach activities, including community leader briefings, meetings associated with conditional use permits, and the meetings of the community working groups, is presented in Appendix C.

1.6.2 Issues Addressed

The issues identified from scoping were used to identify, refine, and evaluate alternatives, and to direct the level of effort needed for each of the environmental resource studies. The issues are related to the Project purpose and need, alternative transmission line routes, air quality, noise, geology, soils and paleontological resources, water resources, wildlife and vegetation, wildland fire ecology and management, cultural resources, tribal concerns, visual resources, land use and recreation resources, social and economic conditions, health and safety, project description, public involvement, and electronic device reception interference. Table 1-1 is a list of the issues raised during scoping and where each issue is addressed in the EIS.

TABLE 1-1 CONCERNS AND ISSUES RAISED BY THE PUBLIC AND GOVERNMENT AGENCIES	
Issue	**Section(s) of the EIS Where Addressed[1]**
Project Purpose and Need	
What technical data from PacifiCorp (doing business as Rocky Mountain Power, [Applicant] need to be included in the Environmental Impact Statement (EIS) to support the Applicant's purpose and need for the Energy Gateway South Transmission Project (Project)?	2.3, 2.4, Appendix B
What are the Applicant's needs for future transmission?	1.4, Appendix A
What are the federal agencies' responsibilities to enable an environmentally responsible economy and infrastructure?	1.2, 1.3
Alternative Transmission Line Routes	
What energy corridors and other designated and/or existing utility corridors are available for Project siting?	2.5
Can the transmission line be located in less populated areas and, to the extent possible, on lands administered by the Bureau of Land Management and U.S. Forest Service?	2.5
Air Quality	
What are the effects on air quality from Project construction?	3.2.1
What is an adequate analysis of impacts on air quality for the Project?	3.2.1
Noise	
What are the disturbances of transmission line noise on private property owners or public land users?	3.2.21
Water Resources	
What are the impacts of the Project on surface water and groundwater quality and quantity and overall watershed health?	3.2.4
What are the impacts of the Project on residential water supplies?	3.2.4
What are the impacts of the Project on irrigation systems?	3.2.4, 3.2.10
What coordination is needed with other agencies having jurisdiction over waterbodies or water resources?	1.10, 3.2.4
What are the impacts of the Project on wetlands, riparian areas, and associated ecosystems?	3.2.4, 3.2.9
Vegetation	
What is the potential for spread of noxious weeds and invasive species due to Project construction and maintenance activities?	3.2.5, Appendix E
What are the impacts of the Project on special status plant species?	3.2.6, Appendix E
What are the impacts of the Project on riparian areas and wetlands and sensitive plant populations and potential habitats?	3.2.4, 3.2.5, Appendix E
Wildlife	
What are the impacts of the Project on wildlife species including, but not limited to: ■ Big game ■ Columbian sharp-tailed grouse and greater sage-grouse ■ Burrowing owls ■ Kit fox ■ Raptors ■ Game birds ■ Migratory birds ■ Black-footed ferrets ■ White-tailed prairie dogs	3.2.7, 3.2.8, Appendix E
What are the timing limitations relevant to the Project for a variety of wildlife species and habitats (e.g., critical seasonal ranges, crucial habitats, migration corridors, etc.)?	3.2.7, 3.2.8, Appendix E

TABLE 1-1 CONCERNS AND ISSUES RAISED BY THE PUBLIC AND GOVERNMENT AGENCIES	
Issue	**Section(s) of the EIS Where Addressed[1]**
Will an avian protection plan be developed for the Project?	3.2.7
Wildfire Ecology and Management	
What is the potential for wildfires due to the presence of a transmission line?	3.2.19
Geology and Soils	
What are the impacts of the Project from disturbing the soil and the impacts of the Project on erosion on steep slopes?	3.2.2, 3.2.5
What are the impacts of the Project on unstable soils and areas prone to landslides in classified avoidance and other areas?	3.2.2
Cultural Resources	
What are the impacts of the Project on archaeological and historic sites, cultural resources dependent on visual settings (e.g., national historic trails), and traditional properties?	3.2.17, 3.2.18
What are the potential impacts of the Project on the historic setting or sensitive cultural areas?	3.2.3, 3.2.17, 3.2.18
Tribal Concerns	
What involvement in the preparation of the EIS should there be by affected tribes?	Chapter 6
What protection of traditionally and culturally significant sites is required?	3.2.3, Chapter 6
Visual Resources	
What are the impacts of the Project on lands administered by the Bureau of Land Management where visual resource management classifications have not been assigned or background data are not available?	3.2.16
What are the impacts of the Project on views from residences and other viewing areas (e.g., travel routes, recreation areas, special designations)?	3.2.16
What are the impacts of the Project on scenery?	3.2.16
National Trails System	
What are the impacts of the Project on national historic trails, national scenic trails, and trails under study?	3.2.17
Paleontological Resources	
What are the impacts of Project construction activities on paleontological resources?	3.2.3
Paleontological Resources	
What are the impacts of Project construction activities on paleontological resources?	3.2.3
What are the appropriate measures to identify and protect paleontological sites?	3.2.3
Land Use and Recreation Resources	
What conflicts does the Project pose with existing land uses or land-management objectives (agricultural, recreational, conservation, transportation and access)?	3.2.10, 3.2.11, 3.2.12
What are the impacts of the Project on existing land uses and future land uses (planned development)?	3.2.10, 3.2.11
What are the impacts of the Project on wild horse management?	3.2.13
What are the impacts of the Project on undeveloped areas?	3.2.14, 3.2.15
What are the impacts of the Project on lands with wilderness characteristics?	3.2.14
What are the impacts of the Project on recreational uses and areas?	3.2.13
Are there low-flying military aircraft operating in the Project area that will need to be addressed in the EIS?	3.2.10, 3.2.12
Social and Economic Conditions	
What are the indirect and qualitative impacts of the Project on local tourism in affected areas?	3.2.20

TABLE 1-1 CONCERNS AND ISSUES RAISED BY THE PUBLIC AND GOVERNMENT AGENCIES	
Issue	**Section(s) of the EIS Where Addressed[1]**
What is the availability of employment for the local workforce during construction of the Project?	3.2.20
Could the Project result in disparate impacts on low-income and/or disadvantaged populations?	3.2.20
What are the impacts of the Project on private property values?	3.2.20
What are the impacts of the Project on businesses and existing and future economic development?	3.2.20
Health and Safety	
What are the potential health effects on humans and animals from electric and magnetic fields?	3.2.21
Electronic Device Reception Interference	
Would the transmission line cause interference with cellular phone, Internet, radio and/or television reception?	3.2.21
Project Description	
What design features related to Project facilities or placement can be developed and incorporated into the Project description to minimize potential impacts of construction, operation, and maintenance?	2.4, 2.5
Public Involvement	
How can the public have access to underlying information, reports, and studies used in preparation of the EIS?	Chapter 6
How can the public and agencies with relevant expertise in the development of construction and operation plans be involved?	Chapter 6
NOTE: [1]Sections providing background information that assists in understanding issues, concerns, and/or impacts are listed in this column.	

1.6.3 Issues Considered but Eliminated from Detailed Analysis

Cave and karst resources were either not present in the Project area or were not relevant to the issues and concerns identified during scoping and, thus, were not analyzed in the EIS.

1.7 Relationship to Policies, Programs, and Plans

1.7.1 Law, Regulation, and Agency Policy

Major federal actions that may have significant impacts on the human environment require preparation of an EIS. To this end, consideration of the Proposed Action is pursuant to NEPA, and is consistent with federal guidelines for implementing NEPA, including the CEQ Regulations for Implementing the Procedural Provisions of NEPA outlined in 40 CFR Parts 1500-1508 and USFS NEPA procedures codified at 36 CFR 220; U.S. Department of the Interior (USDI) guidance in 43 CFR Part 46, BLM policies and manuals—BLM NEPA Handbook H-1790-1 (BLM 2008b); and U.S. Department of Agriculture (USDA) USFS directives, manuals, and handbooks (USFS 2011a).

1.7.2 West-wide Energy (Section 368) Corridors

In response to a requirement in Section 368 of the Energy Policy Act of 2005, a Programmatic EIS was prepared to identify corridors in 11 western states (Washington, Oregon, Idaho, Montana, Wyoming, California, Nevada, Utah, Colorado, Arizona, and New Mexico) to accommodate linear facilities

(e.g., pipelines and transmission lines). A Draft Programmatic EIS (U.S. Department of Energy [DOE] EIS-0386) was published and a public comment period on the document closed February 14, 2008. The Final Programmatic EIS was issued on November 28, 2008 (DOE 2008), and the individual RODs by the BLM (BLM/Washington Office [WO]-GI-09-005-1800) and USFS were issued on January 14, 2009. Where the Programmatic EIS identifies new corridors on federally administered land, the Programmatic EIS also amends the relevant land management plans to include the newly designated corridors (with the exceptions of the BLM Pony Express RMP and House Range RMP[8]). The RODs for the Programmatic EIS designate corridors only on federally administered land; therefore, no corridors are designated crossing lands of other jurisdictions or ownership.

The approved RMP Amendments/RODs for Energy Corridors on BLM-administered land in the 11 western states designate energy corridors and provide guidance, design features for environmental protection, and mitigation measures to be used where transmission lines are proposed across public lands. Designation of corridors does not preclude an Applicant from applying for a right-of-way outside of the federally designated energy corridors as provided for in FLPMA. In this case, an agency's current process for authorizing rights-of-way across lands they administer would apply. Additionally, consideration of an action or alternative located in a designated energy corridor does not exempt the federal agencies from conducting an environmental review of that action or alternative (DOE and BLM 2008).

In 2009 a complaint was filed challenging the WWECs, *The Wilderness Society, et al. v. United States Department of the Interior, et al.* (Case No. 3:09-cv-03048-JW [Northern District of California]) (The Wilderness Society 2012). In general, the lawsuit claimed the utility corridors identified in the Programmatic EIS encourage coal-fired power generation and use in the West and, in several areas, ignored or underserved renewable energy resources. In June 2012, a settlement was reached between the federal agencies (USDI, USDA, and DOE) and a coalition of 15 conservation organizations. The Settlement Agreement, filed in July 2012, requires the BLM, USFS, and DOE to review each corridor and evaluate how it facilitates renewable energy, avoids environmentally sensitive areas, and prevents proliferation of transmission and pipeline infrastructure across the landscape. Also, it gives the BLM and USFS the authority to reassess the corridors and revise, delete, or potentially add new corridors. Outlined in the Settlement Agreement are several "Corridors of Concern" identified by conservation groups as having specific environmental issues. Portions of the Project alternative routes coincide with three of these corridors in Utah. The three Corridors of Concern and the associated concerns are listed in Table 1-2 below and addressed in Section 3.2.14.5.

[8]The Pony Express RMP and House Range RMP currently are subject to a planning moratorium as stipulated by the National Defense Authorization Act for Fiscal Year 2000, Public Law (P.L.) 106-65, 113 Stat. 512 ("The Defense Authorization Act of 2000"), Section 2815. The Pony Express RMP and House Range RMP were not amended by the WWEC Programmatic EIS due to this planning moratorium. The amendments of the Pony Express RMP and House Range RMP are deferred until the planning moratorium is lifted. The National Defense Authorization Act for Fiscal Year 2006, P.L. 109-163, 119 Stat. 3216, Sections 383-385 requires the Secretary of the Interior to "develop, maintain, and revise land use plans pursuant to Section 202 of FLPMA (1976) for federal lands located in the Utah Testing and Training Range in consultation with the Secretary of Defense". As part of the required consultation in connection with a proposed revision of a land use plan, the Secretary of Defense shall prepare and transmit to the Secretary of the Interior an analysis of the military readiness and operational impacts of the proposed revision within six months of a request from the Secretary of the Interior.

TABLE 1-2 WEST-WIDE ENERGY CORRIDORS OF CONCERN COINCIDING WITH PROJECT ALTERNATIVE ROUTES		
Corridor Number	**Concern(s)**	**General Location**
66-212	Access to coal-fired power plant and impacts on National Historic Places, America's Byways, Old Spanish Trail, Bureau of Land Management Wilderness Study Area, Utah-proposed Wilderness, and critical habitat adjacent to Arches National Park	Grand and Carbon counties, Utah
126-258	Access to coal-fired power plant	Uintah County, Utah
66-259	Access to coal-fired power plant	Wasatch and Utah counties, Utah
SOURCE: Exhibit A to Settlement Agreement, *The Wilderness Society et al. v. United States Department of the Interior et al.*, Case No. 3:09-cv-03048-JW (Northern District of California) (The Wilderness Society 2012).		

1.7.3 Land-use Plans

BLM and USFS establish goals and objectives for resources and allowable uses on the lands they manage. BLM RMPs must be prepared in accordance with FLPMA and regulations at 43 CFR 1600 and USFS LRMPs must be prepared in accordance with the National Forest Management Act of 1976 (NFMA) and 36 CFR 219. The Project area includes land administered by 10 BLM field offices (Rawlins, Little Snake, White River, Grand Junction, Vernal, Moab, Price, Salt Lake, Richfield, and Fillmore) and three national forests (Ashley, Uinta, and Manti-La Sal). The current land-use plans (and plan amendments) are as follows:

- Record of Decision and Approved Rawlins Resource Management Plan (BLM 2008b) – Rawlins Field Office
- Grand Junction Resource Area Resource Management Plan and Record of Decision (BLM 1987a) (1987, as amended) – Grand Junction Field Office
- Little Snake Record of Decision and Approved Resource Management Plan (BLM 2011b) – Little Snake Field Office
- White River Field Office Record of Decision and Approved Resource Management Plan (BLM 1997) (1997, as amended) – White River Field Office
- Moab Field Office Record of Decision and Approved Resource Management Plan (BLM 2008c) – Moab Field Office
- Price Field Office Record of Decision and Approved Resource Management Plan (BLM 2008d) – Price Field Office
- Richfield District House Range Resource Management Plan and Record of Decision Rangeland Program Summary (BLM 1987e) – Fillmore Field Office
- Richfield Field Office, Record of Decision and Approved Resource Management Plan (BLM 2008e) – Richfield Field Office
- Salt Lake District, Record of Decision for the Pony Express Resource Management Plan and Rangeland Program Summary for Utah County (BLM 1990) (1990, as amended) – Salt Lake City Field Office
- Vernal Field Office Record of Decision and Approved Resource Management Plan (BLM 2008f) – Vernal Field Office

- Ashley National Forest, Land and Resource Management Plan (USFS 1986a) (1986, as amended) – Ashley National Forest
- Manti-La Sal National Forest, Land and Resource Management Plan (USFS 1986b) (1986, as amended) – Manti-La Sal National Forest
- Uinta National Forest Land and Resource Management Plan (USFS 2003) (2003, as amended) – Uinta-Wasatch-Cache National Forest
- Dinosaur National Monument General Management Plan (NPS 1986) (1986, as amended) – Dinosaur National Monument

Approval of this Proposed Action may require an amendment of BLM RMPs and USFS LRMPs. As described in Section 1.5, the BLM and USFS are combining the land-use planning process (as described in 43 CFR 1610 and 36 CFR 219.5, respectively) with the NEPA process for the Proposed Action on BLM- and USFS-administered lands. The authorizations and actions proposed for approval in this document have been evaluated to determine whether they conform to the terms, condition, and/or decisions in the land-use plans listed above (Chapter 5). (NOTE: As mentioned in Section 1.7.2, the Pony Express RMP and House Range RMP currently are subject to a planning moratorium and cannot be amended until the moratorium is lifted.)

1.7.4 Consultation and Coordination

In late May and June 2009, the BLM sent formal letters inviting all agencies and tribes whose jurisdiction and/or expertise are relevant to the Proposed Action to participate as cooperating agencies in the preparation of the EIS. Those agencies that accepted the invitation to participate as cooperating agencies are listed below.

Federal

- Department of Agriculture
  - U.S. Forest Service, Intermountain Region
- Department of Defense
  - U.S. Army Corps of Engineers
  - U.S. Army Environmental Center
  - U.S. Navy Region Southwest
- Department of the Interior
  - Bureau of Indian Affairs
  - U.S. Fish and Wildlife Service
  - National Park Service
- Utah Reclamation Mitigation and Conservation Commission

States

- Wyoming
- Utah
- Colorado

Counties

- Wyoming
  - Carbon County
  - Sweetwater County
- Colorado
  - Mesa County
  - Moffat County
  - Rio Blanco County

- Utah
  - Carbon County
  - Duchesne County
  - Emery County
  - Grand County
  - Juab County
  - Sanpete County
  - Uintah County
  - Utah County
  - Wasatch County

Wyoming Conservation Districts

- Little Snake River
- Medicine Bow
- Saratoga-Encampment-Rawlins
- Sweetwater County

The BLM established an Agency Interdisciplinary Team, including all cooperating agencies, that meets once or twice each month to discuss the status of the Project and any issues needing agency input. Also, to date, the Agency Interdisciplinary Team has assembled for workshops at four key milestones of the process.

In addition, the BLM formed three subgroups of the Agency Interdisciplinary Team: the Biological Resources Task Group (BRTG), Cultural Resources Task Group (CRTG), and Visual Resources Task Group (VRTG). The purpose of these task groups is to address specific issues associated with, and needing to be addressed in, the EIS and through consultations. The task groups meet at least once each month.

The BLM initiated informal consultation with the U.S. Fish and Wildlife Service (FWS) under Section 7 of the Endangered Species Act of 1973 (ESA) and with the State Historic Preservation Offices (SHPOs) under Section 106 of the National Historic Preservation Act of 1966 (NHPA). The consultation process of ESA Section 7 and NHPA Section 106 are separate from the NEPA process, but are being conducted concurrently with and in parallel with preparation of the EIS. Also, although portions of only one American Indian reservation may be crossed by the proposed Project (the Uintah and Ouray Indian Reservation), as part of government-to-government tribal consultation and in accordance with Section 106 of the NHPA, the BLM contacted American Indian tribes that may have an interest in the Project area to inform them of and inquire about their interest in the Project. The BLM will continue to keep interested tribes informed and will continue coordinating with the Ute Indian Tribe of the Uintah and Ouray Indian Reservation.

A more detailed description of the consultation and coordination efforts is provided in Chapter 6.

1.8 Relationship to Other Plans

The BLM reviewed the land-use plans for the states of Wyoming, Colorado, and Utah as well as Carbon and Sweetwater counties and the Sweetwater County, Little Snake River, Saratoga-Encampment-Rawlins, and Medicine Bow conservation districts in Wyoming; Garfield, Mesa, Moffat, Rio Blanco, and Routt counties in Colorado; and Carbon, Duchesne, Emery, Grand, Juab, Sanpete, Uintah, Utah, and Wasatch counties in Utah and considered the land-management objectives and policies established in the plans. A land-use plan directing land-use or resource management on the Uintah and Ouray Indian Reservation has

not yet been prepared. Resource-specific plans (e.g., state wildlife plans) are addressed in the appropriate section of Chapter 3.

1.8.1 States

The State of Wyoming does not have a comprehensive plan for the Project area. The Wyoming Office of State Lands and Investments (OSLI) manages Wyoming School Trust Lands. "The Wyoming State Land Trust consists of three assets: State Trust Land, State Trust Minerals, and State Permanent Land Fund. All three assets derive from those lands granted by the federal government to the State of Wyoming at the time of statehood under various acts of the U.S. Congress and accepted and governed under Article 18 of the Wyoming Constitution. The revenues generated by trust land and minerals are reserved for the exclusive benefit of the beneficiaries designated in the congressional acts. The beneficiaries are the common (public) schools and certain other designated public institutions in Wyoming such as the Wyoming State Hospital" (Wyoming OSLI 2013a).

The State of Colorado does not have a comprehensive plan for the Project area. The Colorado State Land Board (also known as the State Board of Land Commissioners) "manages more than 3 million acres of land and 4 million acres of mineral rights that the federal government gave to Colorado to generate revenue for public education and some of the state's institutions" (Colorado Department of Natural Resources 2008). The State Land Board generates revenue primarily through "agricultural leases for grazing and crop lands, mineral development and interest earned on invested funds." In recent years, the board has expanded its efforts to increase revenue through commercial development activities and leasing land for recreation activities.

The State of Utah does not have a comprehensive plan for the Project area. Utah State School and Institutional Trust Lands Administration (SITLA) manages the majority of state land in the Project area, and its mandate is to produce funding for the state's school system. SITLA makes surface land available for easements for roads, pipelines, power, and transmission lines.

1.8.2 Counties

1.8.2.1 Wyoming Counties and Conservation Districts

The *Carbon County Comprehensive Land Use Plan (2012)* identifies that approximately 60 percent of the land in Carbon County is managed by government agencies and many of the developable natural resources are located on public land. The plan states "historical development of the transcontinental railroad through Carbon County established the 'Wyoming Checkerboard,' which is a 40-mile band of alternating sections of private and federal land." Changes in the way federal land policies manage the land also have an effect on the county. The "checkerboard" presents a unique set of land-management challenges for the county. The land-use plan acknowledges that the BLM and USFS have managed public lands in accordance with the "multiple-use" concept historically. "The economy of Carbon County is directly tied to the use of public lands; therefore, the continued availability of these lands to sustain economic growth, including but not necessarily limited to, agriculture, industry, and recreation is vital to a strong economic future for the county and its residents. Management of public land that does not emphasize the multiple-use concept could make resource use uneconomical and discourage future investment" (Carbon County, Wyoming 2012a).

The *Sweetwater County Comprehensive Plan (2002)* supports participation in federal and state land-use planning activities and encourages communication among agencies. The county plan has an objective to "promote agency awareness of county issues and interest. These include, but are not limited to, natural resource exploration and development, multiple-use land and resource-management practices,

agriculture/ranching, and recreation, and adequate public access to and across public lands" (Sweetwater County 2002). Goals of the Comprehensive Plan include (1) encourage/support proactive county participation in relevant public land and resource planning and decision-making processes; (2) encourage a balance between resource development and environmental protection; (3) evaluate natural resource development proposals for their effects on air, water and environmental quality; (4) support the county's traditional uses and interests; (5) recognize and protect the county's unique cultural, recreational, environmental and historical resources; (6) identify areas potentially unsuitable for development (these areas or physical characteristics may include floodplains, steep slopes, unstable soils, and wildlife habitat), additional development standards may be required as needed to mitigate adverse property and resource impacts; and (7) as feasible, locate worker housing within existing communities where services are/can be provided.

Sweetwater County Conservation District Land and Resource Use Plan and Policy (February 2011). Sweetwater County Conversation District encompasses all of Sweetwater County, Wyoming. This plan was developed to translate the Conservation District's "…statutory mandate into land management policy direction" and is a guide for federal, state, and local decision makers in educating and addressing natural resources management concerns that would include, "… water quality and quantity, grazing management, wildlife conservation, tree establishment, land-use planning, public education efforts, and conservation…." (Sweetwater County 2011)

Little Snake River Conservation District Land, Water and Natural Resource Management Plan (2010): The Little Snake River Conservation District manages an area in the southwestern corner of Carbon County, Wyoming. Carbon County is "blessed by an abundance of natural resources that include range land, minerals, timber, fish and wildlife, and water" (2010). The conservation district's mission is to manage and conserve these resources to strengthen the economic base, sustain the residents, and encourage cooperation between federal and state management agencies. The conservation district's goals for wildlife management include the support and promotion of planned grazing to facilitate improved wildlife forage and habitat as well as the support and promotion of the maintenance of open spaces for the benefit of wildlife. The conservation district aims to communicate natural resource issues openly and effectively through education, public awareness, and involvement with the legislative/policy making processes to support and sustain agriculture in Wyoming.

Saratoga-Encampment-Rawlins Conservation District, Long Range and Natural Resource Management Plan (2007 to 2011): The Saratoga-Encampment-Rawlins Conservation District (SERCD) is located in Carbon County, Wyoming. The SERCD "...is committed to the enhancement, conservation, and preservation…" of the diverse resources in this portion of Wyoming. This plan provides direction on how the SERCD will maintain this commitment (SERCD 2006).

Medicine Bow Conservation District Natural Resource and Land Use Plan 2005-2010 (2004): The Medicine Bow Conservation District is located in the eastern half of Carbon County, Wyoming. The mission of the Conservation District is "… to provide the citizens of the Medicine Bow Conservation District with information and technical assistance to contribute to natural resource conservation as well as to improve the quality of life for all our residents." Natural-resource programs and protections provided by the Conservation District include water quality and quantity, conservation forestry, education, rangeland and wildlife habitat enhancement on all private, state, and federal lands in the district.

1.8.2.2 Colorado Counties

The *Garfield County Comprehensive Plan 2030 (2010a)* recognizes that substantial area of the county is under shared jurisdiction with federal and state agencies and that the county does not have jurisdiction within municipal boundaries. One goal of the county is to ensure public access to federal land is

preserved, consistent with BLM and USFS policies. Federal land in the county is designated as Public Lands and is primarily used for conservation easements to preclude or limit further development. The *Garfield County Unified Land Use Resolution of 2008, as Amended (2010b)* acknowledges federal land with use of the Public Lands Zone District which includes "all land owned by the U.S. Government or the State of Colorado, located in the unincorporated area of the county and not included in any other zone district." Electric power transmission lines are a permitted use subject to a limited impact review.

The *Mesa County Master Plan (2000)* encourages coordination with federal agencies with the implementation of Goal IG 2, which maximizes "the capability of the county, its municipalities, and other government agencies to make collaborative land use decisions in areas of mutual concern and/or influence." A policy, adopted by the county, states that "Mesa County will enter intergovernmental agreements and memoranda of understanding with municipal, federal, and state agencies to address coordination of many efforts" (Mesa County 2000).

The *Moffat County Master Plan (2003)* acknowledges public land in the county, which makes up approximately 60 percent of the county. "The nature and intent of Moffat County land-use policy concerning the use of public land and public resources in Moffat County is to protect the custom and culture of county citizens and the resource itself, per the recommendations of the Moffat County Land Use Plan" (Moffat County 2003). Policy 9 of the Moffat County Master Plan supports multiple land-use concepts on federal and state lands based on sound science, community input, and economic impact.

The *Rio Blanco County Master Plan (2011)* recognizes that approximately 76 percent of land in the county is administered by federal agencies, primarily by the BLM and USFS. Public land in the county provides access to recreation, creates economic opportunities, and plays an important part of the natural beauty of the area. The county's main goals for public lands are to protect access and promote preservation. The Project crosses land the county designates as Agricultural/Residential/Low Density, which includes agricultural land, watershed resource area, and open land. These areas generally are located away from county or municipal services.

The *Routt County Master Plan (2003)* encourages a "formal system of cooperation between the many agencies involved with public land management in Routt County" (Routt County 2003).

1.8.2.3 Utah Counties

The *Carbon County Master Plan (1997)* supports the collaboration between local governments and public-land-managing agencies. "Carbon County will continue to build on the existing relationships between the county, the Manti-La Sal National Forest, and the BLM Price Resource Management Area [now Price Field Office] to participate more actively in decisions" (Carbon County, Utah 1997). The county outlines objectives, policies, and strategies to be an active participant in land-use planning on public land.

The *Duchesne County General Plan (1997, 1998, 2005)* acknowledges that more than half of the county consists of public land managed by federal and state agencies. "These lands and their resources cannot be separated from the quality of life and economic well-being of Duchesne County. The oil and gas, agriculture, recreation and tourism, and timber industries are the lifeblood of Duchesne County and require access to public lands" (Duchesne County 2005). Duchesne County also supports the protection of public land and that the land is managed for multiple use. Multiple use means "that state and federal agencies shall develop and implement management plans and make other resource-use decisions which facilitate land and natural resources use allocation which would support the specific plans, programs, processes, and policies of state agencies and local governments" (Duchesne County 2005). A substantial portion of Duchesne County is Uintah and Ouray Indian Reservation and the county supports cooperation between the county and the tribe.

The *Emery County General Plan (1996, 1999)* outlines the importance of coordination between the county and state and federal land-management agencies, to "ensure consistency with local, state, and national goals and objectives for heritage development" (Emery County 1999).

The *Grand County Utah General Plan 2012 (2012)* recognizes that nearly 75 percent of the land in the county is federally managed, including Arches National Park, Manti-La Sal National Forest, BLM Moab Field Office, and McInnis Canyons National Conservation Area (NCA). The General Plan includes a set of policy statements that are intended to act as a bridge between the county and federal and state land-management agencies and includes, but not limited to, guidelines for the economic use of public land, ownership and exchanges, user group conflicts, and high use areas.

The *Juab County General Plan (1996)* acknowledges that approximately 60 percent of the land in the county is administered by the federal government, the BLM, USFS, and FWS. Juab County supports cooperation between federal and state officials and elected leaders and citizens in "managing natural desert, forest, and rangeland resources in Juab County in a prudent and profitable manner" (Juab County 1996). The county also believes it is important for federal, state, and county officials "to work harmoniously with those who use public land for agricultural, mining, mineral extraction and recreation purposes to ensure that regulatory fees and land use restrictions are purposeful and reasonable" (Juab County 1996).

The *Sanpete County General Plan Update 2020 (2010)* recognizes that "while local governments do not have regulatory control over state and federal land management, agencies manage lands through approved land-management plans completed using extensive public involvement processes. It is through these approved land-management plans that the local governments can have considerable influence over landowners and managers that are not subject to local government regulation. As federal and state land management plans are undertaken, local governments should express their preferences so that they may be incorporated into the plans" (Sanpete County 2010a). Land designated as Natural Resource area is comprised of lands managed by the USFS, BLM, and Utah Division of Wildlife Resources (UDWR). "Lands in this designation are managed primarily to maintain the resource, recreation, and open space uses and value of the lands. Utah state trust lands also are included in this category for planning purposes" (Sanpete County 2010a).

The *Sanpete County Resource Management Plan (2010)* was created as a supplement to the *Sanpete County General Plan* and "is intended to specifically address the challenges which exist, and continually arise, as a result of the large area of state and federal lands which lie within the county boundaries" (Sanpete County 2010b). The county RMP outlines planning guidelines and policy statements that represent the basis for the elements of the county's desired future condition and includes policies on multiple use and sustained yield, special land designations, water resources, transportation, public-land consolidation, partnerships, local economic impact, relative impacts, consistency, wildlife management, recreation, custom and heritage, vegetation, visual, weed and pest, wildland fire, forestry, lands and realty, law enforcement, livestock grazing, minerals, information quality, and consultation, coordination, and cooperation.

The *Uintah County General Plan (2005)* encourages cooperative working relationships with federal and state government, neighboring counties, cities and towns, and public utility and service providers, and special-service districts. More than 70 percent of land in the county is public. The county supports multiple-use management practices, responsible public-land resource use and development, and improved public and private access to and across public lands" (Uintah County 2005).

The *Uintah County Land Use Plan (2010)* was adopted as part of the county's general plan pursuant to Section 3f.1 of the General Plan. "The land use plan reflects the appropriate locations for various land uses and helps to implement the county's policies concerning land use and development" (Uintah County

2010). The land use plan also recognizes federally administered land in the county. Federally administered land is classified as Recreation, Forestry, and Mining or Mining and Grazing. The Recreation, Forestry, and Mining designation is located primarily in northern Uintah County and was not analyzed in the land-use plan, but the designation will remain as previously designated. The Mining and Grazing classification is mainly on rural or open land, not used for agriculture. Again, much of this land is administered by the federal government. "Land owned by the Ute Indian Tribe" was not included in the scope of work for the land-use study because the county does not have jurisdiction over Indian-reservation lands.

The *Utah County General Plan (2006, 2007)* states that approximately 60 percent of land in the county is federally or state-administered. "Much of the federal and state land is located in the higher elevations of the mountains which provides the needed watershed for the expanding city populations and for irrigation of farm land" (Utah County 2007).

The *Wasatch County General Plan (2001)* recognizes that approximately 70 percent of land in the county is public land administered by the USFS, USBR, BLM, state land, State Division of Parks and Recreation, and rights-of-way administered by Utah Department of Transportation (UDOT). The Wasatch County General Plan proposes to not "interfere with the purpose or administration of these public lands but to coordinate their land management plans with the land use plans of the County" (Wasatch County 2001).

The *Wasatch County Land Use and Development Code (2004)* has a preservation zone (P-160), the purpose of which is to "establish areas in Wasatch County where development may be limited due to the remoteness of services, topography, and other sensitive environmental issues" (Wasatch County 2004). Electric utilities would be a conditional use in this zone.

This EIS also considers the relevant decisions or practices contained in other applicable federal, state, and local plans listed in, but not limited to, the reference section of the EIS.

1.9 Major Authorizing Laws and Regulations

This EIS is being prepared by the BLM in compliance with federal statues, regulations, and guidelines (Table 1-3), principally NEPA, CEQ regulations for implementing the procedural provisions of NEPA, and other applicable federal laws and regulations and considering tribal, state, and county requirements.

TABLE 1-3
MAJOR FEDERAL AUTHORIZING LAWS, REGULATIONS, AND POLICIES

Law and Regulation	Reference
American Indian Religious Freedom Act of 1978	42 United States Code (U.S.C.) 1996
Antiquities Act of 1906	16 U.S.C. 431 et seq.
Archaeological Resources Protection Act of 1979, as amended	16 U.S.C. 470aa et seq.
Bald and Golden Eagle Protection Act of 1972	16 U.S.C. 668
Bureau of Land Management (BLM) Land Use Planning Handbook H-1610-1 (2008)	BLM Manual Release 1-1693
BLM right-of-way regulations	43 Code of Federal Regulations (CFR) 2800
BLM National Environmental Policy Act (NEPA) Handbook H-1790-1 (2008)	BLM Manual Release 1-1710
Clean Air Act of 1963	42 U.S.C. 7401 et seq.
Clean Water Act of 1972	33 U.S.C. 1251 et seq.
Comprehensive Environmental Response, Compensation, and Liability Act of 1980	42 U.S.C. 9601-9675

TABLE 1-3 MAJOR FEDERAL AUTHORIZING LAWS, REGULATIONS, AND POLICIES	
Law and Regulation	**Reference**
Conducting Wilderness Characteristics Inventory on BLM Lands (Public)	BLM Manual 6310, Release 6-129
Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process (Public)	BLM Manual 6320, Release 6-130
Consultation and Coordination with Indian Tribal Governments	Executive Order 13084
Consultation and Coordination with Indian Tribal Governments	Executive Order 13175
Council on Environmental Quality's Regulations for Implementing NEPA	40 CFR 1500 et seq.
Departmental Responsibilities for Indian Trust Resources	512 Department Manual 2.1
Endangered Species Act of 1973	16 U.S.C. 1531 et seq.
Environmental Justice in Minority Populations and Low-income Populations	Executive Order 12898
Federal Compliance with Pollution Control Standards	Executive Order 12088
Farmland Protection Policy Act of 1981	Public Law (P.L.) 97-98, Subtitle I of Title XV, Sections 1539-1549
Federal Land Policy and Management Act of 1976 (FLPMA)	U.S.C. 1701 et seq.; 43 CFR 2800 (BLM FLPMA regulations covering special uses)
Floodplain management	42 U.S.C. 4321; Executive Order 11988
General Mining Law of 1872, as amended Surface Resources Act of 1955	30 U.S.C. 29; 43 CFR 3860
Indian sacred sites	Executive Order 13007
Materials Act of 1947, as amended	30 U.S.C. 601 et seq.
Memorandum for the Heads of Executive Departments and Agencies on Government-to-Government Relations with Native American Tribal Governments of 1994	Signed by President Clinton on April 29, 1994
Migratory Bird Treaty Act of 1918	16 U.S.C. 703 et seq.; Executive Order 13186
Multiple Surface Use Mining Act of 1955	30 U.S.C. 611
NEPA of 1969	42 U.S.C. 4371 et seq.; 36 CFR 805
National Forest Management Act of 1976	16 U.S.C. 1600 et seq.
National Historic Preservation Act of 1966, as amended	16 U.S.C. 470 et seq.; 36 CFR 800
National Trails System Act of 1968	16 U.S.C. Sections 1241 et seq.
Native American Graves Protection and Repatriation Act of 1990	25 U.S.C. 3001 et seq.
Noise Control Act of 1972, as amended	42 U.S.C. 4901 et seq.
Noxious weeds and invasive species	Executive Order 13112
Occupational Safety and Health Act of 1970	29 U.S.C. 651 et seq. (1970)
Oil Pollution Act of 1990	33 U.S.C. 2701
Paleontological Resources Preservation Act of 2009	16 U.S.C. 470aaa et seq.
Pollution Prevention Act of 1990	42 U.S.C. 13101 et seq.
Protection and Enhancement of the Cultural Environment	Executive Order 11593
Protection of wetlands	42 U.S.C. 4321; Executive Order 11990
Rangeland Health and Standards and Guides for Grazing Administration	43 CFR 4180
Resource Conservation and Recovery Act of 1976	42 U.S.C. 6901 et seq.; 42 U.S.C. 6992k
Responsibilities and the Endangered Species Act	Secretarial Order 3206, June 5, 1997
Responsibilities of Federal Agencies to Protect Migratory Birds	Executive Order 13186
Rivers and Harbors Act of 1899	33 U.S.C. 401, 403, 407
Safe Drinking Water Act of 1974	42 U.S.C. 300f et seq.

TABLE 1-3 MAJOR FEDERAL AUTHORIZING LAWS, REGULATIONS, AND POLICIES	
Law and Regulation	**Reference**
Standards for Rangeland Health and Guidelines for Grazing Management for BLM Lands in Utah	43 CFR 4180
U.S. Forest Service (USFS) Access	36 CFR 251, Subpart D
USFS Environmental Policy and Procedures	Forest Service Manual 1900 – Planning (Section 1950)
USFS Land and Resource Management Planning Handbook	Forest Service Manual 1900 – Planning (Section 1909.12)
USFS NEPA Procedures	36 CFR 220
USFS Planning Rule	36 CFR 219
USFS Special Uses Handbook	Forest Service Handbook 2709
USFS Special Uses Manual	Forest Service Manual 2700
USFS Special Uses Regulations	36 CFR 251, Subpart B
USFS Threatened, Endangered and Sensitive Plants and Animals	Forest Service Manual 2600 – Wildlife, Fish, and Sensitive Plant Habitat Management (Section 2670)
Wild and Scenic Rivers Act of 1968	P.L. 90-542; 16 U.S.C. 1271 et seq.

1.10 Federal, Tribal, State, and Local Approvals

Table 1-4 is a list of the major federal, tribal, state, and local permits and approvals that could be required for construction, operation, and maintenance of the Project.

TABLE 1-4 SUMMARY OF POTENTIAL MAJOR FEDERAL, TRIBAL, STATE, AND LOCAL PERMITS OR LICENSES REQUIRED AND OTHER ENVIRONMENTAL REVIEW REQUIREMENTS FOR TRANSMISSION LINE CONSTRUCTION AND OPERATION			
Action Requiring Permit, Approval, or Review	**Agency**	**Permit, License, Compliance, or Review**	**Relevant Laws and Regulations**
Federal			
Locating Facilities on Land under Federal Management			
Grant of right-of-way across American Indian reservation	Bureau of Indian Affairs (BIA) in coordination with Ute Indian Tribe of the Uintah and Ouray Indian Reservation	Right-of-way grant	25 Code of Federal Regulations (CFR) 169
Preconstruction surveys; construction, operation, maintenance	Bureau of Land Management (BLM)	Right-of-way grant and temporary use permit (an approved Plan of Development would be a condition of approval to granting the right-of-way	Federal Land Policy and Management Act (FLPMA) of 1976 (Public Law [P.L.] 94-579+); 43 United States Code (U.S.C.) 1761 et seq.; 43 CFR 2800
Preconstruction surveys; construction, operation, maintenance	U.S. Forest Service (USFS)	Special-use authorization (an approved Plan of Development would be a condition of approval to granting the special use authorization)	FLPMA, as amended

TABLE 1-4 SUMMARY OF POTENTIAL MAJOR FEDERAL, TRIBAL, STATE, AND LOCAL PERMITS OR LICENSES REQUIRED AND OTHER ENVIRONMENTAL REVIEW REQUIREMENTS FOR TRANSMISSION LINE CONSTRUCTION AND OPERATION			
Action Requiring Permit, Approval, or Review	**Agency**	**Permit, License, Compliance, or Review**	**Relevant Laws and Regulations**
"Conversion of use" for a use other than recreation on lands reserved with Land and Water Conservation Fund Act monies	National Park Service (NPS)	Review of transmission line corridor to identify conflicts with recreational area	Land and Water Conservation Fund Act (P.L. 88-578, Section 6(f)(3))
Grant right-of-way across NPS property	NPS	Right-of-way permit	16 U.S.C. 79
Crossing Central Utah Project (CUP) Mitigation Lands	Utah Reclamation Mitigation and Conservation Commission (URMCC) and U.S. Bureau of Reclamation (USBR)	License agreement	CUP Completion Act (P.L. 102-575)
Use authorization for land managed by the USBR	USBR	License	43 CFR 429
Construction operation, and maintenance of transmission line across or within highway rights-of-way	Federal Highway Administration	Permits to cross Federal Aid Highway	Department of Transportation Act (23 CFR 1.23 and 1.27; 23 U.S.C. 109 and 315); 23 CFR 645; 23 CFR 771
Grant right-of-way by federal land-management agency	U.S. Fish and Wildlife Service (FWS)	Endangered Species Act compliance by consultation with FWS (may require permit for incidental take of listed species)	Endangered Species Act, as amended (16 U.S.C. 1531 et seq.)
Biological Resources			
Protection of migratory birds	FWS	Compliance	Migratory Bird Treaty Act (16 U.S.C. 703 et seq.); 50 CFR 1; individual agency guidance; Memoranda of Understanding between federal land management agencies and FWS
Protection of bald and golden eagles	FWS	Compliance (may require permit for take of eagles)	Bald and Golden Eagle Protection Act of 1972 (16 U.S.C. 668), including the Final Eagle Permit Rule, or implementing regulations of September 11, 2009 (50 CFR 13; 50 CFR 22)
Protection of special status species	BLM and USFS	Compliance	BLM Policy Manual 6840; Forest Service Manual 2670; individual agency guidance

TABLE 1-4 SUMMARY OF POTENTIAL MAJOR FEDERAL, TRIBAL, STATE, AND LOCAL PERMITS OR LICENSES REQUIRED AND OTHER ENVIRONMENTAL REVIEW REQUIREMENTS FOR TRANSMISSION LINE CONSTRUCTION AND OPERATION			
Action Requiring Permit, Approval, or Review	**Agency**	**Permit, License, Compliance, or Review**	**Relevant Laws and Regulations**
Protection of fish, wildlife, and aquatic resources	BLM and USFS	Compliance	BLM Policy Manuals 6500 and 6720; Forest Service Manuals 2600 and 2900
Coordinate with FWS for use of CUP Wildlife Mitigation Lands	URMCC	URMCC would have to coordinate with FWS prior to issuance of a license agreement for use of mitigation properties.	Fish and Wildlife Coordination Act of 1934, as amended (16 U.S.C. 661 et seq.
Ground Disturbance and Water Quality Degradation			
Construction sites with greater than 1 acre of land disturbed	Environmental Protection Agency (EPA) (Wyoming Department of Environmental Quality [WDEQ], Colorado Water Quality Control Commission, and Utah Department of Environmental Quality [UDEQ])	Section 402 National Pollutant Discharge Elimination System General Permit for Storm Water Discharges from Construction Activities (In Utah, Utah Pollutant Discharge Elimination System)	Clean Water Act of 1972 (CWA) (33 U.S.C. 1342)
Construction across water resources	U.S. Army Corps of Engineers (USACE)	General easement	10 U.S.C. 2668 et seq.
Crossing 100-year floodplain, streams, and rivers	USACE	Floodplain use permits	40 U.S.C. 961
Construction in, or modification of, floodplains	Federal lead agency	Compliance	42 U.S.C. 4321; Executive Order 11988 Floodplains
Construction in, or modification of, wetlands	Federal lead agency	Compliance	42 U.S.C. 4321; Executive Order 11990 Wetlands
Potential discharge into waters of the state (including wetlands and washes)	EPA (In Utah, Administered by UDEQ)	Section 401 permit	CWA (33 U.S.C. 1344)
Discharge of dredge or fill material into waters of the United States, including wetlands	USACE (In Utah, Utah Division of Water Rights administers GP-40)	USACE 404 Permit (individual or coverage under nationwide permit)	CWA (33 U.S.C. 1344); Utah Code Title 73-3-29
Placement of structures and construction work in navigable waters of the United States	USACE	Section 10 permit	Rivers and Harbors Act of 1899 (33 U.S.C. 403)
Protection of all rivers included in the National Wild and Scenic Rivers Systems	Affected land-management agencies	Review by permitting agencies	Wild and Scenic Rivers Act of 1968 (P.L. 90-542); 16 U.S.C. 1271 et seq.

TABLE 1-4 SUMMARY OF POTENTIAL MAJOR FEDERAL, TRIBAL, STATE, AND LOCAL PERMITS OR LICENSES REQUIRED AND OTHER ENVIRONMENTAL REVIEW REQUIREMENTS FOR TRANSMISSION LINE CONSTRUCTION AND OPERATION			
Action Requiring Permit, Approval, or Review	**Agency**	**Permit, License, Compliance, or Review**	**Relevant Laws and Regulations**
Potential pollutant discharge during construction, operation, and maintenance	EPA	Spill Prevention Control and Countermeasure Plan for substations	Oil Pollution Act of 1990 (40 CFR 112)
Cultural Resources			
Disturbance of historic properties	Federal lead agency, State Historic Preservation Office (SHPO), Advisory Council on Historic Preservation	Section 106 consultation	National Historic Preservation Act of 1966 (16 U.S.C. 470; 36 CFR 800)
Excavation of archaeological resources	Federal land-management agency	Permits to excavate	Archaeological Resources Protection Act (ARPA) of 1979 (16 U.S.C. 470aa to 470ee)
Potential conflicts with freedom to practice traditional American Indian religions	Federal lead agency, federal land-management agency	Consultation with affected American Indians	American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996)
Disturbance of graves, associated funerary objects, sacred objects, and items of cultural patrimony	Federal land-management agency	Consultation with affected Native American groups regarding treatment of remains and objects	Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. 3001-3002)
Investigation of cultural resources	Affected land-management agency	Permit for study of historical and archaeological resources	American Antiquities Act of 1906 (16 U.S.C. 432 et seq.)
Investigation of cultural resources	Affected land-management agency	Permits to excavate and remove archaeological resources on federal land; American Indian tribes with interests in resources must be consulted prior to issuance of permits	ARPA (16 U.S.C. 470aa et seq.); 43 CFR 7
Protection of segments, sites, and features related to national trails	Affected land-management agency	National Trails System Act compliance	National Trails System Act of 1968 (P.L. 90-543); 16 U.S.C. 1241 et seq.
Paleontological Resources			
Ground disturbance on federal land or federal aid project	BLM and USFS	Compliance with BLM and USFS mitigation and planning standards for paleontological resources of public lands	FLPMA (43 U.S.C. 1701 et seq.); American Antiquities Act of 1906 (16 U.S.C. 431 et seq.)

TABLE 1-4 SUMMARY OF POTENTIAL MAJOR FEDERAL, TRIBAL, STATE, AND LOCAL PERMITS OR LICENSES REQUIRED AND OTHER ENVIRONMENTAL REVIEW REQUIREMENTS FOR TRANSMISSION LINE CONSTRUCTION AND OPERATION			
Action Requiring Permit, Approval, or Review	**Agency**	**Permit, License, Compliance, or Review**	**Relevant Laws and Regulations**
Collection of paleontological resources from federal land	BLM and USFS	Permit to collect paleontological resources from federal land	Omnibus Public Lands Management Act of 2009 – Paleontological Resources Preservation; (P.L. 111-11, Title VI, Subtitle D, Sections 6301 et seq., 123 Stat. 1172); 16 U.S.C. 470aaa.
Use of Pesticides			
Use of pesticides or herbicides on federal lands	Federal land-management agencies	Incorporate into right-of-way grant and temporary use permit (BLM) and special-use authorization (USFS)	Carlson-Foley Act (43 U.S.C. 1241); Federal Noxious Weed Act of 1974 (P.L. 93-629) (76 U.S.C. 2801 et seq.), BLM Manual 9015, Forest Service Manual 2150
Transportation			
Use of National Forest System Roads	USFS	Road use permit	Sections 4 and 6, National Forest Roads and Trail Act of 1964; 16 U.S.C. 535 and 537
Air Traffic			
Location of towers and spans in relation to airport facilities and airspace	Federal Aviation Administration (FAA)	A "No-hazard Declaration" required if structure is more than 200 feet in height	FAA Act of 1958 (P.L. 85-726); 14 CFR 77
Rate Regulation			
Rates for resale and transmission services	Federal Energy Regulatory Commission	Federal Power Act compliance by power seller	Federal Power Act of 1935 (16 U.S.C. 792)
Tribal			
Conduct Business			
Conducting business on the Uintah and Ouray Indian Reservation	Ute Indian Tribe of the Uintah and Ouray Indian Reservation	Business license	Requirement of the Ute Tribal Employment Rights Office and Ute Business Council
Locating Facilities on Land of Indian Reservations			
Granting right-of-way across American Indian reservation	BIA in coordination with Ute Indian Tribe of the Uintah and Ouray Indian Reservation	Right-of-way grant	25 CFR 169
Crossing roads or irrigation facilities on Indian reservation land	BIA	Encroachment permit	To be determined upon receipt of the BIA leasing and permitting handbook

TABLE 1-4 SUMMARY OF POTENTIAL MAJOR FEDERAL, TRIBAL, STATE, AND LOCAL PERMITS OR LICENSES REQUIRED AND OTHER ENVIRONMENTAL REVIEW REQUIREMENTS FOR TRANSMISSION LINE CONSTRUCTION AND OPERATION			
Action Requiring Permit, Approval, or Review	**Agency**	**Permit, License, Compliance, or Review**	**Relevant Laws and Regulations**
State of Wyoming			
Utility Sitings			
Primary permitting authority for transmission line siting, county level necessary	Public Service Commission (PSC)	Certificate of Public Convenience and Need	Wyo. Stat. § 37-2-202 Wyo. Stat. § 37-2-205
Construction of an industrial facility	Industrial Siting Division, WDEQ	Wyoming Industrial Siting Act Permit Application	Wyo. Stat. § 3-12-106; Wyo. Stat. § 3-12-109
Ground Disturbance and Water Quality Degradation			
Construction sites with greater than one acre of land disturbed	Water Quality Division, WDEQ	Section 401 Water Quality Certification Wyoming Pollution Discharge Elimination, Large Construction General Permit and Stormwater Pollution Prevention	
Air Quality			
Construction	Air Quality Division, WDEQ	Consultation with WDEQ for compliance with Construction General Emission Standards	
Water			
Water use for construction	Wyoming State Engineer	Supervision of waters of the state	Article 8 Section 5 of Wyoming Constitution
Lands			
Extraction of aggregate	Land Quality Division, WDEQ	Permits for mining and extraction of aggregate	Wyo. Stat. § 35-11-401(a)
Safety			
Use of electrical features	Fire Marshal, Department of Fire Prevention and Electrical Safety	Jurisdiction over electrical features when facility not regulated by Wyoming PSC	Wyo. Stat. § 35-9-120 and Section 90-2 of International Electrical Code
State Lands			
Crossing easement	Wyoming Office of State Lands and Investments	Non-roadway easement and temporary use permit for crossing state-administered land	
Utility			
Crossing easements	Wyoming Department of Transportation	Utility Permit, Self-issue Oversize Permit	

TABLE 1-4 SUMMARY OF POTENTIAL MAJOR FEDERAL, TRIBAL, STATE, AND LOCAL PERMITS OR LICENSES REQUIRED AND OTHER ENVIRONMENTAL REVIEW REQUIREMENTS FOR TRANSMISSION LINE CONSTRUCTION AND OPERATION			
Action Requiring Permit, Approval, or Review	**Agency**	**Permit, License, Compliance, or Review**	**Relevant Laws and Regulations**
Sage-grouse			
Requires that all agencies demonstrate that activity proposed for permitting be compliant with the requirements of the Executive Order in sage-grouse core areas	All state agencies	Compliance with Executive Order 2011-5	State of Wyoming Executive Order 2011-5
Biological Resources			
Habitat modification	Wyoming Game and Fish Department	Consultation to identify special status species and special use permit for crossing wildlife habitat management area	
Noxious Weeds			
Construction and operation activities	Department of Agriculture Weed and Pest Control (WWPC)	Compliance	WWPC (Title 11, Chapter 5, Article 1) Act of 1973
Paleontological Resources			
Collection of paleontological resources from state land	Office of State Land and Investments	Permit to collect paleontological resources from state lands	Wyoming State Code §36-1-114
State of Colorado			
Utility Sitings			
Primary permitting authority for transmission line siting, county level necessary	Public Utilities Commission	Certificate of Public Convenience and Necessity	Colorado Revised Statutes (C.R.S.) 40-5-101-106; 4 Code of Colorado Regulations (CCR) 723-3
Right-of-way Encroachment			
Encroachment into state roadway right-of-way	Colorado Department of Transportation	Utility/Special Use Permit	C.R.S. 9-1.5-103
Ground Disturbance and Water Quality Degradation			
Construction sites with greater than 1 acre of land disturbed	Water Quality Control Division, Department of Public Health and Environment	Stormwater permit	5 CCR 1002-61
Air Quality			
Concrete batch plants, land development exceeding 25 acres or exceeding 6 months duration	Air Pollution Control Division, Colorado Department of Public Health and Environment	Potential preconstruction permit(s)	5 CCR 1001-7; Regulation No. 3, Part B
Cultural and Archaeological Resources			
Disturbance of cultural or archaeological resources	Office of the State Archeologist, Office of Archeology and Historic Preservation	Potential Permit	CRS 24-80-401-410

TABLE 1-4 SUMMARY OF POTENTIAL MAJOR FEDERAL, TRIBAL, STATE, AND LOCAL PERMITS OR LICENSES REQUIRED AND OTHER ENVIRONMENTAL REVIEW REQUIREMENTS FOR TRANSMISSION LINE CONSTRUCTION AND OPERATION			
Action Requiring Permit, Approval, or Review	**Agency**	**Permit, License, Compliance, or Review**	**Relevant Laws and Regulations**
Cultural and Paleontological Resources			
Excavation of unmarked human remains in a discovery situation	Office of Archaeology and Historic Preservation (SHPO)	Permits to excavate	CRS #24-80-1301 et seq.
Biological Resources			
Habitat modification in wetland or riparian areas	Division of Wildlife	Wildlife Certification	CRS 33-5 through101-105
Noxious Weeds			
Construction and operation activities	Colorado Department of Agriculture	Compliance	CRS 35-5.5-104.5 through 35-5.5-118
State of Utah			
Noxious Weeds			
Construction and operation activities	Utah Department of Agriculture and Food	Compliance	Utah Administrative Code (UAC) Title R68-9
Permitting Process			
Proposed transmission line facility	Resource Development Coordinating Committee	Expedites review of permitting process for all state agencies	UAC Title 63J-4-501 and 63J-4-504
Locating Facilities on State Land			
Encroachment on, through, or over state land	Division of Forestry, Fire and State Lands (FFSL), Utah School and Institutional Trust Lands Administration (SITLA), and Division of Wildlife Resources (UDWR)	Application approval; easement on state land (bond may be required)	Utah Code Title 65A-7-8 and UAC Title R652 for FFSL; Utah Code Title 53C and UAC Title R850 for SITLA; and Utah Code Title 23 and UAC Title R657 for UDWR
Project Need			
Project construction	PSC	Certificate of Public Convenience and Necessity; approve construction contracts	Utah Code Title 54-4-25 and UAC Title R746-401
Cultural Resources			
Disturbance of historic properties	SHPO, Utah Division of State History	SHPO will comment on state-funded undertakings	Utah Code Title 9-8-404 and UAC Title R455
Discovery of graves, associated funerary objects, sacred objects, and items of cultural patrimony on nonfederal-, nonstate-administered land	Antiquities Section, Utah Division of State History	Consultation with state agency regarding treatment of human remains and funerary objects	Utah Code Title 76-9-704 and 9-9-403 to 9-9-405; UAC Title R203-1 and R455-4
Survey or excavation of archeological resources on lands owned or controlled by the state	Governor's Public Lands Policy Coordinating Office	Permit to survey or excavate	Utah Code Title 9-8-305; UAC Title R694-1; and Utah Rule R212-4

TABLE 1-4
SUMMARY OF POTENTIAL MAJOR FEDERAL, TRIBAL, STATE, AND LOCAL PERMITS OR LICENSES REQUIRED AND OTHER ENVIRONMENTAL REVIEW REQUIREMENTS FOR TRANSMISSION LINE CONSTRUCTION AND OPERATION

Action Requiring Permit, Approval, or Review	Agency	Permit, License, Compliance, or Review	Relevant Laws and Regulations
Paleontological Resources			
Excavation and collection of paleontological resources from state lands	Utah Geological Survey, Utah Museum of Natural History, SITLA	Permit to excavate and collect paleontological resources from state land	Utah Code Title 79-3-501 and 79-3-502; Utah Code Title 63-73-11 through 63-73-19
Historical and Cultural Review			
Impact on historical sites	Division of State History	Notification of planning stage and before construction	Utah Code Title 9-8-404
Archaeological Resources			
Survey or excavation of archaeological resources on lands owned or controlled by the state	Utah Governor's Public Lands Policy Coordination Office	Permit to survey or excavate	Utah Code Title 9-8-305; UAC Title R694-1
Encroachment on State Park Lands			
Utility easement on state park lands	Division of Parks and Recreation	Agreement for granting and maintenance of easements or rights-of-way across park lands	Utah Code Title 79-4 and UAC Title R651
Air Quality			
Construction and operation	Air Quality Board	Notice of Construction	Utah Code Title 19-2-108 and UAC Title R317
Ground Disturbance and Water Quality Degradation			
Construction and operation	Water Quality Board	Discharge permit, spills	UAC Section 19-5-101 et. seq.
Potential discharge into waters of the state (including wetlands and washes)	UDEQ	Section 401 permit	UAC R-317
Wildlife			
Modification of habitat	UDWR	Easement for use of state wildlife resource lands	Utah Code Title 23 and UAC Title R657
Local			
Wyoming Land Use			
Construction and operation of transmission lines	Carbon County	Conditional Use Permit	Carbon County Zoning Resolution 2011 – Section 4.12b, 4.2b
	Sweetwater County	Conditional use; construction permits; other permits and authorizations	Sweetwater County Development Codes and International Fire Code
Colorado Land Use			
Construction and operation of transmission lines	Garfield County	Limited Impact Review	Garfield County Unified Land Resolution of 2008, 2010 – Section 3-501
	Moffat County	Conditional Use Permit	Moffat County Zoning Resolution – Section 410.3, 465.3, 420.3, 425.3, 415.3

TABLE 1-4 SUMMARY OF POTENTIAL MAJOR FEDERAL, TRIBAL, STATE, AND LOCAL PERMITS OR LICENSES REQUIRED AND OTHER ENVIRONMENTAL REVIEW REQUIREMENTS FOR TRANSMISSION LINE CONSTRUCTION AND OPERATION			
Action Requiring Permit, Approval, or Review	**Agency**	**Permit, License, Compliance, or Review**	**Relevant Laws and Regulations**
Construction and operation of transmission lines	Rangely	Conditional Use Permit	Town of Rangely Municipal Code 2003 – Section 240.3
	Rio Blanco County	Special Use Permit License	Rio Blanco County Land Use Resolution 2002 – Section 186
	Routt County	Special Use Permit	Zoning Regulations, Routt County Colorado 2006 – Section 8, Part 8.8
Utah Land Use			
Construction and operation of transmission lines	Ballard City	Conditional Use Permit	Ballard City Land Use Ordinances 2009 – Section 6-1-3, 6-7-3
	Carbon County	Conditional Use Permit	The Development Code of Carbon County, Utah – Section 4.2.10C, 4.2.11C, 4.2.21C, 4.2.13C, 4.2.14C, 4.2.15C, 4.2.17C, 4.2.1C, 4.2.3C, 4,2.2C, 4.2.16C
	Emery County	Level 3 Conditional Use Permit	Emery County Zoning Ordinance 2009 Section 9-1, 9-4, 9-5, 9-6
	Grand County	Conditional Use Permit	Grand County Land Use Code 2008 – Section 2.10, 2.8, 2.7, 2.3
	Sanpete County	Conditional Use Permit	Sanpete County Land Use Ordinance 2013 – Chapter 14.28, 14.48, 14.30, 14.40, 14.44
	Uintah County	Conditional Use Permit	Uintah County Code of Ordinances 2011 – Chapter 17.28.030, 17.0
	Roosevelt City	Conditional Use Permit	City of Roosevelt Zoning Ordinance – Chapter 17.60
	Utah County	Conditional Use Permit	Utah County Land Use Ordinance 2010 – Section 5-5, 5-6, 5-9
	Wasatch County	Conditional Use Permit	Wasatch County Land Use and Development Code 2012 – Section 16.05.03, 16.11.02