

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Decision Record

Idaho Power King to Wood River Transmission Line Rebuild

IDI-0-12961

DOI-BLM-ID-T030-2014-0007-EA

The Bureau of Land Management, Shoshone Field Office (BLM), has conducted an environmental assessment (DOI-BLM-ID-T030-2014-0007-EA) to analyze the environmental effects and document the findings of an application received from Idaho Power Company (IPC) requesting the BLM reauthorize and amend their existing right-of-way (ROW) grant for a 138 kilovolt transmission line.

The approximately 59 mile long transmission line extends from IPC's King Substation, located southwest of Gooding, Idaho to the Wood River Substation, located near Ketchum, Idaho and was built in 1962. IPC requested to rebuild the existing line, widen the ROW from 60 feet to 100 feet, authorize existing and proposed service roads and issue a short term ROW grant to allow for areas outside of the request long-term ROW for the rebuild.

COMPLIANCE

The proposed action is in conformance with the following:

Bennett/Timmerman Hills Management Framework Plan (MFP) (1980). Although the proposed action is not specifically provided for, it is consistent with the following objective and decision: Objective No. L-4. Utility Systems / Utility Corridors: Eliminate haphazard and scattered development and installation of major utility systems throughout the planning units. Decision: Retain the previous MFP 3 decision to allow major utilities along existing systems and within existing corridors. This is a rebuild of an existing line following the same ROW corridor.

Monument Resource Management Plan (RMP) (1984): Public Utilities (page 29): Public lands may be considered for the installation of public utilities except where expressly closed by law or regulation. In the Monument Planning Area, rights-of-way in common will be used whenever possible. Utility developments would be prohibited in wilderness study areas (WSAs) recommended suitable for designation. The proposed action is a rebuild of an existing line built in 1962 within the same ROW corridor. It is not located in an area closed by law or regulation nor is it within a WSA.

Sun Valley MFP (1981) - Big Wood Analysis Unit: Decision Number 2 (page BW-2): Allow rights-of-way for utility and transportation purposes (both public and private), provided the uses comply with all requirements of this plan. The proposed action is a rebuild of a transmission line that was built and authorized in 1962, prior to the Sun Valley MFP. The rebuild would not change the existing route or use of the ROW.

Wildlife; Decision Number 2 (page BW-10): Manage major deer migration routes to minimize impedance to big game. Facilities such as fences, right-of-way facilities, and buildings will be

constructed in such a way as to have minimal effect. The rebuild of the transmission line is within the current ROW with the same type of structures as existed since 1962. There would be no change to the effects to deer migration routes or other big game species.

Wildlife; Decision Number 4 (page BW-11): All seedings in wildlife areas will have a seed mixture that provides forbs and shrubs (if needed and adaptable) and a mixture of appropriate grasses. A seed mix has been developed by the BLM for various locations and include a mixture of forbes, grasses and shrubs.

Visual resource management; Decision Number 1 (page BW-13): Manage all areas along travel influence zones in a visual resource class III. Care will be taken to minimize visual impacts to the extent practical. The transmission line was build prior to the management classes were established. Although the structures would be taller than the existing, a visual resource analysis concluded that the changes would continue to be in compliance with the current designation.

Visual resource management; Decision Number 2 (page BW-13): The remainder of the unit will be managed as a visual resource class IV. Care will be taken to reduce the adverse impacts to the extent practical. Although the structures would be taller than the existing, a visual resource analysis concluded that the changes would continue to be in compliance with the current designation.

Idaho and Southwestern Montana Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPA) (2015) - The ARMPA and Record of Decision (ROD) were signed on September 21, 2015. The BLM conducted a Plan Conformance Review and determined that the Proposed Action is in compliance with the ARMPA. The project is a rebuild of an existing line which has already been included in the current biologically significant unit scale disturbance calculation therefore, the project will not add to the existing anthropogenic disturbance. Compliance is obtained by requiring minimization and then mitigation and including design features and conditions to the ROW, such as timing restrictions and site restoration requirements. Due to temporary and long term ground disturbance, mitigation is required to address remaining impacts as consistent with the ARMPA and must demonstrate a net conservation gain for sage-grouse.

It is also in compliance with:

The Clean Water Act. There would be no long-term effects from erosion or runoff created by ground disturbing activities because of the existing topography and the distance between the areas of disturbance. It is unlikely that any sediment from ground disturbance would travel to impaired water bodies. Furthermore, IPC would implement a storm water pollution prevention plan and install and maintain measures to address erosion and sedimentation in accordance with the Clean Water Act. IPC would also reseed disturbed area to establish vegetation minimizing the potential for erosion and sedimentation.

The National Historic Preservation Act (NHPA). Since the line has been in place for over 50 years, impacts to the setting and feeling of sites along the line's route have already been realized. IPC conducted a literature review and pedestrian surveys to identify cultural resources. In consultation with the Idaho SHPO, a determination of no adverse effect was reached for the sites that were identified to be eligible for the National Register of Historic Places. Avoidance flagging and monitoring of the sites would occur to ensure no inadvertent impacts. Additionally, any cultural and/or paleontological resource (historic or prehistoric site or object, or fossil) discovered by the holder, or any persons working on his behalf on public or Federal land would be immediately reported to the authorized officer after operations

have been suspended in the area. The Authorized Officer would determine avoidance, treatment and mitigation measures that are necessary after consulting with the holder and under Section 106 of the NHPA.

Endangered Species Act. Although there are three species listed as Threatened in the project vicinity, based on the knowledge of existing conditions, lack of suitable habitat, and environmental protection measures to be taken, implementation of the selected action will have no effect on the species. There are no known plants listed as Threatened or Endangered within the project area.

The project does not contain any Areas of Critical Environmental Concern, designated Wilderness, Wilderness Study Areas, or Wild & Scenic Rivers.

PUBLIC INVOLVEMENT

In order to identify issues to address in the analysis, in 2014 a scoping letter was mailed to tribal, state and county governments, interested public and adjacent ROW holders. A press release was also issued and made the scoping package available on the BLM website. All comments which were received during the scoping efforts were carefully considered and incorporated into the EA, where appropriate.

A copy of the EA was made available to the public on the BLM ePlanning website on January 4, 2016. The notice of the EA’s availability was sent to 33 interested publics, including individuals and state and local governments, requesting comments.

RESPONSE TO COMMENTS

The BLM received three letters in reply to the request for comments.

Comment Summary	Response from BLM
<p>There is reference to an Environmental Protection Measure (EPM) B-9 in section 2.2.5.2 but there is no EPM B-9 listed. This section implies that construction and/or maintenance activity would be restricted during the nesting season yet there is no EPM to that effect.</p>	<p>The BLM removed reference to B-9 and the following was added to B-8: Avoid mechanized anthropogenic disturbance, in nesting habitat during the nesting season when implementing: 1) fuels/vegetation/habitat restoration management projects, 2) infrastructure construction or maintenance, 3) geophysical exploration activities. Furthermore, there will be a term in the ROW grant which states: Construction and/or maintenance activities within sage-grouse nesting habitat shall be avoided between May 1 and June 15.</p>
<p>Add a seasonal restriction for construction activities to protect wintering sage-grouse.</p>	<p>Construction activities to rebuild the existing line will begin late spring and end late fall (section 1.1 Plan of Development (POD)). The BLM added the following to EPM B-8: Avoid mechanized anthropogenic disturbance during the winter, in wintering areas when implementing: 1) fuels/vegetation/habitat restoration management projects, 2) infrastructure construction or maintenance, 3) geophysical exploration activities.</p>

	Also, a term will be made part of the ROW stating: Construction and/or maintenance activities within sage-grouse wintering habitat shall be avoided between December 15 and March 15.
Suggests compiling the EPMs, required design features (RDFs), and best management practices (BMPs) into one appendix for ease of reading.	Thank you for your suggestion; your input has been provided to the decision maker.
Unclear to what extent RDFs and BMPs outlined in ARMPA are included in the EA.	The applicable RDFs and BMPs of the ARMPA have been analyzed in the EA and will be incorporated into the ROW through the POD or as a term in the ROW grant. The EPMs and terms of the ROW grant are listed in the Decision section above.
Regarding the compensatory mitigation: What species of sagebrush or forbs will be collected?	Target species would include Wyoming big sagebrush and a suite of forbs based on seed production on the collection year. Early to mid-succession forbs would be included that have been documented to compete with cheatgrass, are preferred by GRSG and benefit pollinators; this would include but not be limited to Oregon sunshine (<i>Eriophyllum lanatum</i>), shaggy fleabane (<i>Erigeron pumilus</i>) sulphur buckwheat (<i>Eriogonum umbellatum</i>), Penstemon species and apricot globe mallow (<i>Sphaeralcea</i> spp.)
Where will the seed stock be utilized?	The timeframe for growing the seed and plant stock is 3-5 years. Given the extended timeframe for growing the seed and plant stock, the BLM believes it is not reasonable to select site specific placement of the seed and plant stock at this time. Instead, when the seed and plant stock is ready, the BLM will take into consideration the current state of the habitat in the Shoshone Field Office (SFO) to ensure the best chance of success and the greatest net benefit for the environment. Location would be based on matching the project site to target seed collection site conditions, e.g by Ecological site or larger landscape Provisional Seed Zone.
How was a landscape-scale approach for mitigation considered?	The DOI Mitigation Manual, 600 DM 6, defines “landscape” as “an area encompassing an interacting mosaic of ecosystems and human systems characterized by a set of common

	<p>management concerns. The landscape is not defined by the size of the area, but rather by the interacting elements that are relevant and meaningful in a management context.</p> <p>The Manual goes on to state “landscape-scale approach” applies the mitigation hierarchy for impacts to resources and their values, services, and functions at the relevant scale, however narrow or broad, necessary to sustain, or otherwise achieve established Departmental goals for those resources and their values, services, and functions.</p> <p>The landscape for the mitigation is the Shoshone Field Office and the sage-grouse habitat that exists within that landscape. The mitigation hierarchy was applied to first avoid, to the extent applicable because of the use of the existing ROW, and then minimize impacts to the landscape, through design features of the project and terms and conditions of the ROW grant. After avoidance and minimization, the BLM determined that there remain 14 acres of necessary offsite mitigation. The BLM then designed a mitigation plan to compensate for the 14 disturbed acres and provide enough seed and plant stock to provide a net conservation gain, which achieves Departmental goals for the resources in the SFO and their values, services and functions.</p>
<p>No information regarding where habitat fragmentation presently occurs in order to prioritize and select the restoration areas.</p>	<p>The timeframe for growing the seed and plant stock is 3-5 years. Given the extended timeframe for growing the seed and plant stock, the BLM believes it is not reasonable to select site specific placement of the seed and plant stock at this time. The areas that are fragmented in 3 – 5 years, when the seed and plant stock is ready, will be the relevant areas to be considered for enhancement or restoration with the seed/plant stock.</p>
<p>The BLM should have a more specific target rather than the estimated 40 – 200 acres potentially reseeded. Concerned about overestimating the success rate.</p>	<p>The seeding rate for forbs can be between 1 – 5 pounds of pure live seed (PLS) per acre depending on the seeding method and whether it’s part of a seed mix and what the species is. The range given represents one species at 200 pounds at the low rate</p>

	of 1 pound PLS/acre or 40 acres if 5 pounds PLS/acre is used. The application rate is site dependent.
No specifics on how long mitigation is expected to persist or what types of measures the BLM may take to protect this investment	The purpose of the mitigation is to develop the seed and plant stock to be used in 3 to 5 years.
The use of an advisory science team to establish and prioritize potential mitigation projects.	The BLM agrees this team, when established, could be used to identify projects available for off-site mitigation. However, the team and process has not been established and therefore, was not available for determining a mitigation plan for the proposed action. The BLM ARMPA Conformance review team took the recently released guidance for the Department of Interior on compensatory mitigation and designed a mitigation plan, using the U.S. Fish and Wildlife Service Greater Sage-grouse Range-Wide Mitigation Framework, to meet the goals and objectives of the Department including net conservation gain. The mitigation plan, and more importantly, the creation of seed and plant stock, will be governed by the BLM's Seeds for Success protocol and the third-party seed increase contract. In doing so, the appropriate standards protocols and metrics are in place. Moreover, the results of the program will be provided to the BLM through reporting, which provides opportunities for transparency and participation by the public if they so choose to exercise those opportunities.
The BLM should consider making mitigation program adaptable in timing if needed in order to take advantage of better planting conditions.	The purpose of the mitigation is to develop the seed and plant stock to be used in 3 to 5 years. Once the seed/plant stock is ready, conditions will be evaluated in order to ensure the seed/plant stock would be used in the most effective location, considering such things as climate and soil conditions, and habitat connectivity.
Is the reseeded habitat actually suitable for sage-grouse? Do sage-grouse actually utilize this restored habitat? Is the scale of increased use a net increase over the projected decrease? Does the restored habitat allow better connectivity between sage-grouse habitats? Is the site also functional for other species of concern?	As stated in section 4.11 of the EA, the purpose of the mitigation plan is to develop seed and plant stock to compensate for 14 acres of remaining impacts. The mitigation plan is also expected to provide a net conservation gain by providing seed and plant stock to begin restoration of at least 40 acres and potentially 200 acres. Furthermore, as

	stated in the EA, “[f]orb availability and cost is often cited as main impediments in developing diverse seed mixes.”
The BLM does not provide an estimate of how long this mitigation is expected to persist or what types of measures that may be taken to protect this investment. The BLM should factor in the risk of failure from wildfires or poor seeding years.	The purpose of this mitigation plan is to develop the seed and plant stock for use in 3 to 5 years. Thus, contract specifications and reporting requirements do provide appropriate standards, protocols and metrics for successful native seed increase. The BLM would use the Seeds for Success protocol for seed collection in order to ensure that the greatest genetic diversity is maintained within a specific seed collection. In addition, out of the total \$56,450 provided for the mitigation from IPC, \$15,000 would be withheld as contingency funds and \$11,450 would be used to monitor the project.
The original scoping notice included several other projects that may be of greater utility for mitigation such as restoring unneeded roads or developing fire breaks (implement a portion of the Paradigm Project).	There were no duplicative roads identified in the area that should be closed as per the ARMPA Required Design Feature #95. Developing fuel breaks was beyond the scope of this project. To be successfully implemented at a landscape scale, the costs of a fuel break project would be beyond what is provided by this mitigation project. Fuel breaks also have their own impacts that have to be considered and given the relatively limited remaining impacts (14 acres), the impacts caused by fuel breaks could quickly surpass this figure. The Paradigm Project is not intended to directly protect sage grouse habitat. Considering the relatively small number of acres that must be mitigated for (14 acres), the ARMPA Conformance Review Team determined that developing forb seed and plant stock which would be used in habitat restoration or enhancement projects, would provide a measurable conservation gain to sage grouse.

Due to new information received from staff specialists and written comments, the EA was revised. The BLM added conditions to: avoid sage-grouse nesting and wintering habitat, included additional information to clarify visual resource analysis and an appendix with the contrast rating worksheets that were used in the analysis and additional information that was used during the analysis of the Redband Trout.

DECISION

After careful consideration of the Proposed Action and the Alternatives and based on analysis in DOI-BLM-ID-T030-2014-0007-EA, it is my decision select the Proposed Action without modification and offer a right of way grant to IPC for the rebuild, operation, and maintenance of the existing transmission line and service roads. The offer of a short term ROW for construction activities is also included in my decision. My decision is pursuant to the Federal Land Policy Management Act of 1976, as amended, and the BLM regulations at 43 CFR 2800, as described in the Proposed Action of the EA (DOI-BLM-ID-T030-2014-0007-EA).

My decision supports multiple use management of public lands in accordance with the Federal Land Management and Policy Act of 1976 and recognizes that energy development can occur concurrently with other resource uses. The project has been analyzed, the public has been involved, and appropriate stipulations will be included in the ROW to prevent unnecessary degradation, to reduce the effects to the environment and to respond to the public's concerns.

A Finding of No Significant Impact (FONSI) found the Proposed Action and alternatives analyzed in DOI-BLM-ID-T030-2014-0007-EA did not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an EIS was unnecessary and will not be prepared.

The terms and conditions of granting a ROW, environmental protection measures (EPMs) of the project (described in EA section 2.2.51) and included in the POD, monitoring, as well as measures to mitigate effects, including offsite mitigation, are relative to the decision and incorporated into the project implementation plans. These are:

General Measures

EPM - GM-1. Existing improvements (fences, gates, etc.) would be repaired or replaced to their condition prior to disturbance if they are damaged by IPC, as agreed to by the parties involved.

EPM - GM-2. The BLM may restrict general public access to closed federal roads that IPC may use and maintain (IPC would maintain service roads constructed for IPC use only). In cases of restricted access, IPC would physically close the road with a gate; as directed by the BLM. Gates would be locked with locks supplied by IPC and the BLM.

EPM - GM-3. Appropriate traffic control measures, where necessary, would be used to ensure public safety during construction and O&M activities. Prior notice would be given for any extended delays or road blockage.

EPM - GM-4. For ground disturbing activities that are one acre or more, IPC would prepare and implement a construction storm water pollution prevention plan in compliance with NPDES requirements.

EPM – GM-5. Service roads will not be maintained above Level 1 intensity as described in Appendix E of the *Idaho and Southwestern Montana Greater Sage-Grouse Approved Resource Management Plan Amendment (ARMPPA) (2015)*.

General terms and conditions to be included in ROW:

1. The Holder shall conduct all activities associated with the construction, operation, maintenance, and termination of the ROW within the authorized limits of the ROW.

2. The Holder shall indemnify the United States against any liability for damage to life or property arising from the occupancy or use of public lands under this grant or permit.
3. There is reserved to the Secretary of the Interior, or his/her lawful delegate, the right to grant additional ROW or permits for compatible uses on, over, under or adjacent to the land involved in this grant.
4. The Holder shall permit free and unrestricted public access upon the ROW for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the ROW.
5. The Holder shall protect all survey monuments found within the ROW. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management survey monuments or references are obliterated during Holder's operations, the Holder shall secure the services of a registered land surveyor or Bureau cadastral surveyor to restore the disturbed monument and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.
6. The Holder shall construct, operate, and maintain the facilities, improvements, and structures within this ROW in strict conformity with the plan(s) of development which was (were) approved and made part of the grant on [user entry]. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete ROW grant, including all stipulations and approved plan(s) of development, shall be made available to the authorized officer on the ROW area during construction, operation, and termination. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
7. No construction or maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
8. Holder shall remove only the minimum amount of vegetation and/or topsoil necessary for the construction and/or maintenance of structures and facilities.
9. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
10. Construction holes left open overnight shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole.

11. If any emergency repair activity results in disturbance outside a previously disturbed area and/or the existing ROW boundary, the Holder will notify the authorized officer within 3 days of the occurrence. Upon review, the authorized officer may conclude the emergency repair activity is a substantial deviation. Substantial deviations require an amendment.
12. Construction and/or maintenance-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. Authorized roads used by the Holder shall be rehabilitated or maintained when construction activities are complete.
13. The ROW Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9601, et seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq.) on the ROW (unless the release or threatened release is wholly unrelated to the ROW Holder's activity on the ROW). This agreement applies without regard to whether a release is caused by the Holder, its agent, or unrelated third parties.

Measures Regarding Biological Resources

EPM - B-1. Sensitive plant populations that occur within or near the ROW and work areas would be flagged, to ensure that they are avoided. Sensitive plant locations were mapped using global positioning system (GPS) equipment during surveys; GPS would be used to relocate populations to facilitate flagging. If previously undocumented species are discovered during the work, IPC would establish a spatial buffer zone, would contact the BLM within 24 hours, and would continue with the activity outside of the established buffer unless otherwise directed. The buffer would encompass the population and adjacent suitable habitat within the work area. Unless IPC is informed otherwise, work outside of the buffer area would continue. If IPC needs to work within the buffer area, the BLM and IPC would work together to develop a solution that is acceptable to both parties and would allow for IPC to complete the work in a timely manner or within the scheduled outage window, if applicable. After activities are completed, or would no longer pose a threat to the plant population, the marking (stakes), if used, would be promptly removed to protect the site's significance and location from unwanted attention. As needed, marking would be reinstated during the land rehabilitation period.

EPM - B-2. If sensitive wildlife species are discovered during IPC activities, and the animals are not directly within ground disturbance areas, they would be protected by marking the edges of the ROW or work areas in the general vicinity to ensure that workers do not leave those areas. If the animals are within work areas that have, or would have, ground disturbance, and the animals are not expected to temporarily move out of the area, IPC would stop work in the immediate vicinity of the occurrence. Immediate vicinity refers to the work area and one span length in either direction. IPC would contact the Idaho Department of Fish and Game (IDFG) and BLM to determine the appropriate buffer. The IDFG, BLM, and IPC would work together to develop a solution that is acceptable to both parties and would allow for IPC to complete the work in a timely manner or within the scheduled outage window, if applicable. After activities are completed, or would no longer pose a threat to the species, any marking (stakes; flagging) would promptly be removed to protect the site's significance and location from unwanted attention. As needed, marking would be reinstated during the land rehabilitation period.

EPM - B-3. In the event any sensitive plants cannot be avoided, the topsoil surrounding the plants would be salvaged, stored separately from subsoil, and re-spread during the restoration process.

EPM - B-4. The Project has been designed and would be constructed in compliance with Avian Power Line Interaction Committee (APLIC)¹ standards in order to reduce impacts to avian species.

EPM - B-5. Nesting, roosting, and perching birds—especially osprey—can cause power outages if their feces or nesting materials interfere with conductors, insulators, or air gaps. IPC, in consultation with the USFWS, manages nesting on transmission line structures to reduce conflicts. Such management may include relocating nests, modifying structures, and providing nesting platforms. IPC would continue to consult with the USFWS and/or Idaho Department of Fish and Game when a problem nest is located.

- If a problem nest is suspected to be an eagle nest, IPC would coordinate with the USFWS prior to taking any action.
- If raptors are building a nest or a nest is unoccupied, the nest is considered inactive. IPC may dismantle the nest and install a nesting platform or other devices to prevent unwanted interactions between the birds and the electrical structure.
- If a nest is occupied and contains eggs or chicks, it is considered active, and **disturbance is only permitted** when the threat of fire hazard and power outages is present and imminent at the current nest location.

EPM - B-6. Maintenance and rebuild activities should be conducted in a manner so as not to result in a take of migratory birds as defined by the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. § 703 et seq. (2012) as amended.

- Crews conducting the rebuild would be trained to identify and protect nests during construction activities. Training would include what to look for: 1) whitewash (concentrations of white-colored droppings, 2) types of nests that may be encountered, 3) habitats where nests are most likely to occur, and 4) typical nesting periods for bird species that may be encountered. Training would also outline procedures to follow if a nest is found. Crews would survey areas scheduled for immediate and near-term construction activities.
- Maintenance activities occurring during nesting season, February 1 through July 31, should be limited to areas of existing surface disturbance (i.e., existing roads and structure pads). If maintenance activities must occur outside of areas of existing surface disturbance and have the potential to result in a take of migratory birds (e.g., surface disturbing activities that would directly affect vegetation in which birds may nest might be removed or driven over) then IPC's crews would inventory those areas for migratory birds prior to conducting the maintenance. If no nests are found, IPC may implement the planned maintenance. If nests are found, IPC may delay maintenance until after the nesting season or if that is not possible, IPC would consult with the USFWS and BLM.
- During vegetation maintenance activities, line-clearing crews will inspect shrubs, trees, and hazard trees to be trimmed or removed for active bird nests prior to cutting. If a cavity is found, a flash photo will be taken with a view inside the cavity to determine if the cavity is occupied. If an active nest is found, the location will be noted and provided to the IPC arborist in charge. If the vegetation

¹ Avian Power Line Interaction Committee (APLIC) 2006. Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006. Edison Electric Institute, APLIC, and the California Energy Commission. Washington, D.C. and Sacramento, CA.

is an imminent threat to public health and safety, the arborist will contact IPC’s avian protection coordinator, who will contact the USFWS for appropriate permits allowing the nest to be moved or destroyed. If there is not an imminent threat, and the vegetation must be trimmed prior to the next vegetation management cycle, the arborist will schedule it to be treated after the nesting season. If ROW clearing is to be expanded into previously untreated vegetation, a nesting survey would be coordinated by IPC’s Environmental Affairs prior to clearing. Based on the results of the survey, a treatment plan would be developed that would protect active nests.

EPM - B-7. If occupied raptor nests are observed, the extent of likely construction disturbance would be assessed. If necessary, the following spatial and temporal buffers would be implemented:

Species	Nesting Period Range	Average Nesting Period	Spatial Buffer (miles)
Golden eagle	8 Feb–10 Jul	2 Mar–16 Jun	0.5-1.0
Bald eagle	1 Feb–15 Aug	2 Mar–15 Jul	0.5-1.0
Ferruginous hawk	22 Mar–16 Jul	13 Apr–28 Jun	1.0
Great-horned owl	15 Jan–7 Jun	20 Feb–11 May	0.25
Burrowing Owl	10 Apr–5 Aug	30 Apr–12 Jul	0.25
Swainson’s hawk	20 Apr–14 Aug	8 May–21 Jul	0.25
Prairie falcon	1 Apr–16 Jul	14 Apr–24 Jul	0.50
Peregrine falcon	15 Mar–14 Jul	15 Apr–28 Jul	1.0
Northern goshawk	15 Apr–17 Jul	1 May–7 Jul	0.50
Osprey	1 Apr–15 Aug	15 Apr–30 Jul	0.25
Red-tailed hawk	18 Mar–20 Jul	11 Apr–25 Jun	0.33

EPM - B-8. Required Design Features to address sage-grouse include:

- No repeated or sustained behavioral disturbance (e.g., visual, noise over 10 dbA at lek, etc.) to lekking birds from 6:00 pm to 9:00 am within 2 miles (3.2 km) of leks during the lekking season (approximately March 15-May 1 in lower elevations and March 25-May 15 in higher elevations).
- Avoid mechanized anthropogenic disturbance, in nesting habitat during the nesting season when implementing: 1) fuels/vegetation/habitat restoration management projects, 2) infrastructure construction or maintenance, 3) geophysical exploration activities.
- Avoid mechanized anthropogenic disturbance during the winter, in wintering areas when implementing: 1) fuels/vegetation/habitat restoration management projects, 2) infrastructure construction or maintenance, 3) geophysical exploration activities.
- Areas with ground disturbance would be reseeded or planted with containerized sage brush stock.
- Place infrastructure in already disturbed locations where the habitat has not been fully restored.
- Utilize existing roads, or realignments of existing routes to the extent possible.

- Design roads to an appropriate standard no higher than necessary to accommodate their intended purpose.
- Use free standing structures where possible, to limit the use of guy wires. Where guy wires are necessary and appropriate bird collision diverters would be used, if doing so would not cause a human safety risk.

Biological terms and conditions to be included in ROW:

1. Specific sites as identified by the authorized officer (e.g., archaeological sites, areas with threatened and endangered species, or fragile watersheds) where construction equipment and vehicles are not allowed shall be clearly marked onsite by the Holder before any construction or surface disturbing activities begin. The Holder shall be responsible for assuring that construction personnel are well trained to recognize these markers and understand the equipment movement restrictions involved.
2. Unless otherwise agreed to by the authorized officer in writing, powerlines shall be constructed in accordance to standards outlined in the most recent version of the report, *Suggested Practices for Avian Protection on Power Lines* (Avian Power Line Interaction Committee, 2006). The Holder shall assume the burden and expense of proving that pole designs not shown in the above publication are “eagle safe.” Such proof shall be provided by a raptor expert approved by the authorized officer. The BLM reserves the right to require modifications or additions to all power line structures placed on this ROW, should they be necessary to ensure the safety of large perching birds. Such modifications and/or additions shall be made by the Holder without liability or expense to the United States.
3. Operations and maintenance within the ROW shall comply with the most current nest management guidelines provided by the U.S. Fish and Wildlife Service (USFWS) as clarified in ID-IB-2010-039, or most recent guidance.
4. Operations and maintenance activities shall be conducted, as much as possible, within the ROW in order to avoid and/or minimize take of migratory birds as defined in the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. § 703 et seq.) as amended. If any ground disturbing activities must occur during the nesting season (e.g., soil disturbance or vegetation removal), the Holder shall coordinate with the BLM and USFWS to determine appropriate measures to comply with the MBTA. At a minimum, the Holder shall consider conducting ground disturbance and vegetation removal either prior to or following the nesting season to avoid take during the nesting season.
5. If proposed operations and maintenance activities are located within one mile of bald or golden eagle nests, the Holder shall coordinate with the BLM and the USFWS to determine the likelihood of disturbance and any appropriate measures necessary to comply with the Bald and Golden Eagle Protection Act (16 U.S.C. § 668 et seq.).
6. Construction and/or maintenance activities within sage-grouse nesting habitat shall be avoided between May 1 and June 15.
7. Construction and/or maintenance activities within sage-grouse wintering habitat shall be avoided between December 15 and March 15.

Measures Regarding Cultural/Archaeological Resources

EPM - C-1. Any unanticipated discovery of cultural and/or paleontological resource (fossil[s] or historic or prehistoric site or object) on BLM lands shall be immediately reported to the BLM. If new, probable historic, cultural, or paleontological resources are discovered during construction, potentially destructive work within 300 feet of the find would be halted. Pursuant to 43 CFR 10.4(g), the holder of the authorization must notify the BLM, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), activities in the vicinity of the discovery must be stopped until notified by the BLM to proceed. IPC would immediately implement the following measures:

- Flagging would be erected to prohibit potentially destructive activities.
- IPC's archaeologist would work with the BLM and through a coordinated effort to make a determination if the discovery represents a potential new site or an undocumented feature of a documented site.
- O&M activities would not resume in the identified area until cleared by the BLM.

EPM - C-2. Before any activity involving ground disturbance begins adjacent to a known cultural site, IPC would generically mark the sites as an avoidance area. After the project is complete or no longer poses a threat to the cultural resource, the marking would be removed to protect the site's significance and location from unwanted attention.

EPM - C-3. If human remains are discovered during O&M activities, IPC would stop all work in the immediate area to protect the integrity of the find and notify law enforcement and the BLM as soon as possible. In addition, the location of the find would be flagged or fenced off to protect it from further impacts. The BLM would determine what actions are necessary prior to resuming work.

Cultural Resources terms and conditions to be included in ROW:

1. Pursuant to 43 CFR 10, the Holder of this authorization must immediately notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), the Holder must stop activities in the vicinity of the discovery and protect it until notified to proceed by the authorized officer. The BLM Authorized Officer will determine avoidance, protection or mitigation measures in consultation with the Holder, Idaho SHPO, and affected Tribes. Costs associated with the discovery, evaluation, protection or mitigation of the discovery shall be the responsibility of the Holder.
2. Any cultural and/or paleontological resource (historic or prehistoric site or object, or fossil) discovered by the Holder, or any persons working on his behalf on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and mitigation, and any decision as to proper avoidance, protection or mitigation measures will be made by the authorized officer after consulting with the Holder and others under Section 106 of the National Historic Preservation Act.

Measures Regarding Noxious Weeds

EPM - N-1. Before beginning rebuild activities or O&M activities on BLM-managed lands, IPC or their subcontractors would clean all equipment that would operate off-road or disturb the ground. Tracks, skid plates, and other parts that can trap soil and debris would be removed for cleaning when feasible, and the entire vehicle and equipment would be cleaned at an off-site location. The purpose of this is to limit the introduction and / or spread of noxious weeds. If vehicles or equipment leave the site and travel off-road to another location before returning, they would be rewashed.

EPM - N-2. All herbicide applications would comply with label restrictions, federal, state and/or county regulation, IPC's specifications and landowner agreements. No spraying would occur on BLM-managed lands prior to notification to the BLM and receipt of a Pesticide Use Permit (PUP). The PUP would include the dates and locations of application, target species, herbicide, adjuvant, and application rates and methods (e.g., spot spray vs. boom spray). No herbicide would be applied to any private property without written approval of the landowner.

EPM - N-3. IPC may treat large populations of noxious weeds on BLM-managed lands that occur in areas of proposed ground disturbing activities prior to the start of rebuild activities provided IPC receives approval and a PUP in a timely manner (i.e., rebuild activities would not be delayed to wait for approval and a PUP) and it is the right time of year to treat the species.

EPM - N-4. Herbicides may be applied using a broadcast applicator mounted on a truck or all-terrain vehicle (ATV), backpack sprayers, or with hand sprayers as conditions dictate. Herbicide applications would be conducted only by licensed operators or under the supervision of a licensed operator. Vehicle-mounted sprayers (e.g., handgun, boom, and injector) may be used in open areas readily accessible by vehicle. Where allowed, a broadcast applicator would likely be used. In areas where noxious weeds are more isolated and interspersed with desirable vegetation, noxious weeds would be targeted by hand application methods (e.g., backpack spraying), thereby avoiding other plants. Preconstruction herbicide applications would not occur within 500 feet of known special status species. Calibration checks of equipment would be conducted at the beginning and periodically during spraying to ensure proper application rates.

EPM - N-5. Project-related staging areas would be kept weed-free through regular site inspections and herbicide applications, subject to the consent of the landowner.

EPM - N-6. If straw or hay are specified in the Construction Storm Water Pollution Prevention Plan (SWPPP), they shall be certified weed free. If soil needs to be brought in for backfill or other purposes, it shall be from a certified weed free source.

1. The Holder is responsible for ensuring the undercarriages of equipment and/or vehicles used within the ROW are free of all soil and plant material prior to operating on public lands to reduce the establishment of new invasive, non-native species and/or the spread of existing species to new areas.
2. Holder shall comply with the applicable Federal and State Laws and regulations concerning the use of pesticides (i.e. insecticides, herbicides, fungicides, rodenticide, and other similar substances) in all activities/operations under this grant. Pesticides shall be used only in accordance with their registered uses and within the limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and

disposal of containers, and any other information deemed necessary by the authorized officer. Pesticides shall not be permanently stored on public lands authorized for use under this grant. Applicator(s) shall hold a current applicator's license or be under the direct supervision of a licensed applicator.

3. The Holder shall be responsible for weed control, including noxious weeds and non-native invasive plants that result from construction, use, or maintenance authorized in the Holder's ROW grant. The Holder must coordinate with the Authorized Officer and/or local authorities for acceptable weed control measures (within limits imposed in the grant stipulations) prior to implementing weed treatments. If herbicides are to be used for weed control, the applicator(s) shall hold a current State of Idaho applicator's license or be under the direct supervision of a licensed applicator.

Measures Regarding Fire Prevention

EPM - F-1. When performing activities during the “closed” fire season, IPC personnel and their contractors would be required to have the following equipment in their possession and be trained to use them, to aid in extinguishing a fire ignition before it gets out of control (taking action that a prudent person would take while still accounting for their own personal safety): a variety of fire suppression hand tools such as shovels, rakes, Pulaski’s etc., a 16-20 lb fire extinguisher, and 20-50 gallons of water with a way to effectively spray the water (i.e. backpack pumps, water sprayer, etc.).

EPM - F-2. Upon arriving at a work area, IPC would conduct inspections of the undercarriage of vehicles after driving over roads with high vegetation to make sure grass and brush have not accumulated near the vehicle’s exhaust system.

EPM - F-3. Each internal combustion engine shall be equipped with a spark arrester that meets the federal land managing agency’s standards.

EPM - F-4. During BLM's Stage II Fire Restrictions, IPC would obtain an appropriate waiver and take appropriate precautions when conducting activities that involve an internal combustion engine, generate a flame, involve driving over or parking on dry grass, involve the possibility of dropping a line to the ground, or involve explosives by using a Fire Prevention Watch Person that would remain in the area for one hour following the cessation of that activity. Also, IPC personnel would not smoke unless within an enclosed vehicle, building or designated recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials. BLM would inform IPC staff listed on the IPC Notification list, when BLM’s Stage II Fire Restrictions are implemented.

EPM - F-5. IPC would notify the jurisdictional fire dispatch center immediately upon confirmation of a wildland fire, would move to a safe location and wait for fire suppression resources to arrive, and would check-in with the BLM incident commander if one is on the scene.

EPM - F-6. If the BLM determines that it must use fire-suppression techniques that could affect operation of the lines, it would notify IPC as soon as possible.

Fire Prevention terms and conditions to be included in ROW:

1. When performing construction and maintenance (including emergency repairs) activities during the “closed” fire season (May 10 – October 20), as set by Idaho State Law, Title 38-115, or during any other closed fire season prescribed by the BLM Idaho State Director, the Holder, including those working on their behalf, shall equip at least one on-site vehicle with firefighting equipment,

including, but not limited to, fire suppression hand tools (i.e. shovels, rakes, Pulaski's, etc.), a 16-20 pound fire extinguisher, and a supply of water, sufficient for initial attack, with a mechanism to effectively spray the water (i.e. backpack pumps, watersprayer, etc.).

2. During conditions of extreme fire danger or when the State of Idaho and/or the Idaho State Director issues a fire restriction order, operations shall be limited or suspended in specific areas, or additional measures may be required by the authorized officer.
3. In accordance with 43 CFR 2805.12(d) (or subsequent revisions), the Holder shall do everything reasonable to prevent and suppress wildfires on or in the immediate vicinity of the ROW. The Holder will immediately report fires to the BLM authorized officer or Fire Dispatch (insert phone number here) and take all necessary fire suppression actions, when safe to do so, with their personnel and equipment on any fires they cause to ignite.
4. To minimize disturbance of potential evidence located at a fire scene; the Holder shall properly handle and preserve all evidence in coordination with the BLM.
5. The Holder shall report to Fire Investigator or BLM Incident Commander and enter into origin area on BLM fires only when given permission to do so.
6. The Holder will cooperate with the BLM in the performance of fire investigation to determine the cause of the powerline failure. This includes:
 - i. Working with BLM to identify and collect potential evidence. The Holder is prohibited from collecting, removing, destroying evidence relating to the fire cause without first consulting with BLM fire investigators.
 - ii. If requested, providing BLM with a copy of the company's internal maintenance inspection and safety standard operating procedures.
 - iii. Determining the "failure" of the powerline (what "ignited" the fire) by investigating what caused the line to arc, drop, or shut-off. The utility will share the investigation information with the BLM fire investigators.

Measures Regarding Aquatic Resources

EPM - A-1. Woody vegetation management within 50 feet of streams (definable streambeds or stream banks, regardless of whether there is flowing water) would be conducted by hand crews. Herbaceous plants and low-growing shrubs would be left in place if they do not interfere with the safe O&M of transmission lines and equipment. IPC would use existing stream crossings and would not create new crossings without prior BLM approval and other necessary regulatory approvals (e.g., Section 404 of the Clean Water Act). Off road vehicle use in live water is limited to existing crossings, to minimize the potential for impacts from crushing or introduction of sediments into waterways.

EPM - A-2. Tank mixing of herbicides, post application cleaning, or fueling of motorized equipment would not occur in or adjacent to (within 100 feet) any live waters or over shallow groundwater areas.

EPM - A-3. Surfactant R-900 would not be used in or adjacent to (within 100-feet) any live waters or over shallow groundwater areas.

Measures Regarding Site Rehabilitation

EPM - S-1. Final cleanup would be conducted at the end of each construction phase and would ensure that all construction areas are free of any construction debris including, but not limited to: assembly scrap metals, construction wood debris, and worker-generated litter. Permanent erosion control devices would be left in place.

EPM - S-2. Temporarily disturbed areas would be re-contoured to blend with the surrounding landscape. Re-contouring would emphasize restoration of the existing drainage patterns and landform to preconstruction conditions, to the extent practicable. (Structure work pads would not be recontoured.)

Site Rehabilitation terms and conditions to be included in ROW:

1. Right-of-Way shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ash, and equipment that are a result of the Holder's activities.
1. The Holder shall seed all disturbed areas with an agreed upon seed mixture, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the ____ growing season.
2. The Holder shall seed all disturbed areas with the seed mixture(s) listed below. The seed mixture(s) shall be planted in the amounts specified in pounds of pure live seed (PLS)/acre. There shall be no noxious weed seed in the seed mixture. Seed shall be tested and the viability testing of seed shall be done in accordance with State law(s) and within ____ months prior to purchase. Commercial seed shall be either certified or registered seed. The seed mixture container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer.

Seed Mix and Application Rate for Rehabilitation Activities

Wyoming Sagebrush Seed Mix	
Species and Seed Variety	Seed Rate Pounds/Acre PLS
Wyoming Big Sagebrush	1.00
Bluebunch Wheatgrass	2.00
Bottlebrush squirreltail	4.00
Sandberg's bluegrass	6.00
rabbitbrush	0.50
dark blue Penstemon	0.30
scarlet globemallow	0.50
basalt milk-vetch	0.10
Wyoming big sagebrush	Seed & Containerized Stock

Antelope bitterbrush	Seed & Containerized Stock
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Mountain Big sagebrush Seed Mix	
Species and Seed Variety	Seed Rate Pounds/Acre PLS
Mountain Big Sagebrush	1.00
Bluebunch wheatgrass	1.00
Idaho fescue (north slopes, particularly)	4.00
Bottlebrush squirreltail	3.00
Sandberg's bluegrass	2.00
dark blue Penstemon	0.20
Buckwheat (sulfur or Wyeth's)	2.00
Biscuitroot	1.00
Mountain big sagebrush	Seed & Containerized Stock
Antelope bitterbrush	Seed & Containerized Stock

Basin Big Sagebrush Seed Mix	
Species and Seed Variety	Seed Rate Pounds/Acre PLS
Basin Big Sagebrush	1.00
Bluebunch wheatgrass	2.00
Great basin wildrye	3.00
Indian ricegrass	2.00
Needle-and-threadgrass	1.00
rabbitbrush	0.50
dark blue Penstemon	0.30
scarlet globemallow	0.50
yarrow	0.20
Basin big sagebrush	Seed & Containerized Stock

Antelope bitterbrush	Seed & Containerized Stock
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Low Sagebrush Seed Mix	
Species and Seed Variety	Seed Rate Pounds/Acre PLS
Low Sagebrush	1.00
Bluebunch wheatgrass	0.50
Idaho fescue at cool/moist sites	3.00
Bottlebrush squirreltail	2.00
Sandberg's bluegrass	1.00
buckwheat	1.00
dark blue Penstemon	0.20
hooker's balsamroot	1.00
Oregon sunshine	0.50
Biscuitroot	0.50
low sagebrush	Seed & Containerized Stock

Measures Regarding Compensatory Mitigation

Due to temporary and long term ground disturbance in sage-grouse habitat, offsite mitigation is required as described in section 4.11 of the EA.

The mitigation would provide \$56,450 which would be applied to the collection of sage-grouse preferred native forb seed using BLM Seeds of Success protocol and a third-party grow-out contract. \$11,450 of this total would be used for implementation and monitoring of the contract to ensure success. Seed would be grown in an agricultural field-setting to increase seed volume and produce containerized plants over a 3-5 year time frame in order to provide sufficient seed and plant stock to use in habitat restoration or enhancement of up to 200 acres of sage-grouse habitat within the Shoshone Field Office/Twin Falls District. This would result in a conservation gain to sage grouse on substantially more acres than the 14 acres of required offsite mitigation and would therefore result in a net conservation benefit to sage-grouse habitat.

RATIONALE

The decision to allow the proposed action does not result in any undue or unnecessary environmental degradation and is in conformance with the applicable MFPs and RMPs. The selected action will allow the BLM to issue a 100-foot wide ROW grant to IPC, authorize service roads for access to the line and to

rebuild the existing transmission line which has been in existence since 1962. The transmission line is now inadequate to meet the Wood River Valley's current or future needs for dependable and adequate power due to aging infrastructure and insufficient capacity of the current conductor. With the selected action, IPC would be in compliance with North American Electric Reliability Corporation (NERC) Standard FAC-003-3 which requires the utility be able to maintain vegetation clearance in order to eliminate phase to tree contact. My decision also allows for the issuance of a short term ROW needed for temporary work spaces during construction activities.

Alternative 1 would not allow for the improvements necessary to ensure dependable power to the Wood River Valley. The aging conductor and infrastructure would not have the capacity to handle the electrical loads and it would still experience the power outages due to ongoing maintenance needs with the aging line. This alternative would lead to continuing maintenance activities that could potentially be more disturbing the resources as well as the communities in the vicinity.

Alternative 2 would require that the transmission line be removed. This would lead to short term resource disturbance from the activities associated with the line removal. Once the area had been rehabilitated, there would no longer be any impacts from the transmission line. However, this alternative would not serve to provide reliable energy to the residents and businesses of the Wood River Valley.

Alternative 3 would allow for the rebuild but not the widening of the ROW. This would not address the NERC Standard FAC-00303 that IPC must comply with. Future maintenance needs would most likely not be able to be contained within the 60 foot ROW and would require separate authorizations.

The proposed action is authorized by Title V of the Federal Land Policy and Management Act (FLPMA) (43 U.S.C. 1761-1771) and complies with Title 43 of the Code of Federal Regulations, Part 2800. Specifically, BLM finds that granting the ROW will protect the natural resources present in the project area and prevent unnecessary and undue degradation to the public lands, consistent with the objectives of BLM's ROW program listed at 43 CFR § 2801.2. These objectives are:

a) Protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity. The BLM decision is consistent with this objective. The BLM will add conditions to the ROW which will prohibit construction during certain time periods in order to protect wildlife, require offsite mitigation for sage-grouse that is expected to result in a net conservation gain, and require reseeded of the disturbed areas.

b) Prevents unnecessary or undue degradation to public lands. This decision is consistent because the ROW will require that the holder reseed the disturbed areas, and be responsible for weed control on the disturbed areas and prohibit construction or maintenance when the soil is too wet to adequately support construction vehicles.

c) Promotes the use of rights-of way in common considering engineering and technological compatibility, national security, and land use plans. The rebuild of the transmission line will occur within the same ROW corridor that was issued in 1962. The ROW will contain a condition that reserves the right of the BLM to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant. Road access would remain open to the public. Also, mineral extraction may still occur.

d) Coordinates, to the fullest extent possible, all BLM actions under the regulations in this part with state and local governments, interested individuals, and appropriate quasi-public entities. Prior to

the EA being developed, the BLM conducted public scoping in order to identify issues and concerns with the project. A letter describing the project and requesting input on the project was sent to: the agencies having jurisdiction and/or specific interest within the proposed project area, tribal governments, interested public and all adjacent ROW holders in the Shoshone Field Office area. Government to government consultation with the Shoshone-Bannock tribe was conducted on February 13, 2014 and with the Shoshone-Paiute tribe on February 27, 2014.

Also, none of the factors found at 43 CFR § 2804.26(a)(1-4) warrant not granting the ROW. Those factors are:

a) The proposed use is inconsistent with the purpose for which BLM manages the public lands. The proposed use is consistent with applicable RMPs and MFPs. The line has been in existence prior to all the applicable RMPs and MFPs were implemented. None of the plans contain any management actions that prohibit the proposed use.

b) The proposed use would not be in the public interest. The proposed use is in the public interest by providing electrical power to the surrounding communities. The analysis that was completed found that the environmental effects of the project are not significant. Where potential impacts were identified, additional mitigation measures were included in order to avoid or minimize the impacts of constructing and operating the proposed project.

c) The applicant is not qualified to hold the grant. Those requirements are: 1) An individual, association, corporation, partnership, or similar business entity, or a Federal agency or state, tribal, or local government. 2) Technically and financially able to construct, operate, maintain, and terminate the use of the public lands. 3) Of legal age and authorized to do business in the state where the ROW would be located. The applicant is a regulated electric utility corporation, a subsidiary of IDACORP, Inc. The company owns and operates several power plants and numerous electric transmission and distribution lines throughout Idaho and Oregon. The applicant holds numerous ROWs on BLM lands in Idaho.

d) Issuing the grant would be inconsistent with the Act, other laws, or these or other regulations. Issuing the grant would be consistent with Title V of the Federal Land Policy and Management Act of 1976 as amended (43 U.S.C. 1761). This act authorizes the BLM to grant, issue, or renew rights-of-way over, upon, under, or through such lands for systems for generation, transmission, and distribution of electric energy. It also is consistent with the regulations found in 43 CFR 2800 which govern the granting or denial of ROWs. It is in compliance with the Clean Water Act because there would be no long-term effects from erosion or runoff created by project. It is in compliance with the NHPA and the cultural surveys have been completed. It is in compliance with the Endangered Species Act because there are no threatened or endangered wildlife species in the project area. Suitable habitat for the threatened Canada Lynx, bald eagle, Yellow-billed cuckoos and the Bliss rapids snail is not found in the project area. The project does not contain any Areas of Critical Environmental Concern, designated Wilderness, or Wild & Scenic Rivers.

The BLM concludes that granting the ROW as described in the decision record and with the enumerated terms and conditions meant to reduce impacts and protect other resources is in the public interest and represents multiple-use balancing in the project area that will allow the project to proceed and still protect other existing resources.

RIGHT OF APPEAL

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with Codie Martin, Shoshone Field Office, BLM 400 West F St., Shoshone, ID 83352 and must be in writing. The Bureau of Land Management does not accept faxed or emailed (electronic) appeals. The appellant shall serve a copy of the notice of appeal and any statement of reasons, written arguments, or briefs on each adverse party named in the decision, not later than 15 days after filing such document (see 43 CFR 4.413(a)) and on the Office of the Solicitor (see 43 CFR 4.413(c)). Failure to serve within the time required will subject the appeal to summary dismissal (see 43 CFR 4.413(b)). If a statement of reasons for the appeal is not included with the notice, it must be filed with the U. S. Department of the Interior, IBLA, 801 North Quincy St., MS 300-QC, Arlington, VA 22203 and a copy provided to the Shoshone Field Office within 30 days after the notice of appeal is filed with Codie Martin.

Notwithstanding the provisions of 43 CFR 4.21(a)(1), filing a notice of appeal under 43 CFR Part 4 does not automatically suspend the effect of the decision. This decision is issued full force and effect, in accordance with the regulations at 43 CFR 2800, and may be implemented immediately. If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor, 960 Broadway Ave., Suite 400, Boise, ID 83706.

/s/ Codie Martin

February 1, 2016

Codie Martin
 Field Manager
 Shoshone Field Office

Date