

EXHIBIT A
IDI-035394
STIPULATIONS FOR HOOPER SPRINGS
TRANSMISSION LINE RIGHT-OF-WAY GRANTS
JULY 30, 2015

General Terms

1. 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.
2. The authorized officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
3. 120 days prior to termination of the right-of-way, the Holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the Holder's commencement of any termination activities.
4. There is reserved to the Secretary of the Interior, or his/her lawful delegate, the right to grant additional rights-of-way or permits for compatible uses on, over, under or adjacent to the land involved in this grant.
5. The Holder shall notify the authorized officer of any change of mailing address within 30 days of such change.
6. Holder shall, within 120 days following completion of the facility, submit proof of construction. Said proof shall include "as built" drawings of the authorized facilities including but not limited to power lines and authorized roads, and highlighting any changes from the approved design.
7. A bond, acceptable to the authorized officer, shall be furnished by the holder by or at such earlier date as may be specified by the authorized officer. The amount of this bond shall be determined by the authorized officer. This bond must be maintained in effect until removal of improvements and restoration of the right-of-way has been accepted by the authorized officer.
8. The Holder shall provide a bond in an amount adequate to ensure restoration of the disturbed area, to be maintained until restoration of disturbed areas and other requirements relative to the construction phase of the project have been accepted by the authorized officer. Upon completion of these construction related requirements, the authorized officer may terminate or reduce the amount of the bond. The Holder of this right-of-way grant or the Holder's successor in interest shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and the regulations of the Secretary of the Interior issued pursuant thereto.
9. The Holder shall protect all survey monuments found within the right-of-way. 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.

10. The Holder shall permit free and unrestricted public access to and upon the right-of-way 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 right-of-way.
11. No signs or advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.

ROW Operations and Maintenance

12. No surface disturbance or maintenance activity will be allowed within 50 feet of any stream or riparian area, which shall be clearly marked as specified by the authorized officer. Any deviation from this requirement shall have the prior written approval of the authorized officer.
13. Maintenance activities within the authorized area should avoid destroying sagebrush to the extent compatible with fire protection, crew safety when conducting operation and maintenance activities, and line integrity.
14. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
15. Construction sites 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.
16. The Holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way 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 right-of-way grant, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during construction, operation, and termination to the authorized officer. 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.

17. The Holder shall submit a plan or plans of development that describe in detail the construction, operation, maintenance, and termination of the right-of-way and its associated improvements and/or facilities. The degree and scope of these plans will vary depending upon (1) the complexity of the right-of-way or its associated improvements and/or facilities, (2) the anticipated conflicts that require mitigation, and (3) additional technical information required by the authorized officer. The plans will be reviewed and, if appropriate, modified and approved by the authorized officer. An approved plan of development shall be made a part of the right-of-way grant.
18. Holder shall maintain the right-of-way in a safe, usable condition, as directed by the authorized officer.
19. The Holder shall conduct all activities associated with the operation and termination of the right-of-way within the authorized limits of the right-of-way per attached map. If at any time the Holder wishes to reconstruct, remodel or relocate any portion of the right-of-way, or the improvements, in a manner that has been determined to be a substantial deviation, prior written authorization must be obtained from the authorized officer. No such authorization will be given unless an application is filed subject to applicable regulations.

Roads

20. The Holder should avoid travel on roads, trails, and maintenance routes that would create ruts greater than 3 inches in depth. Because of constrained outage windows, some maintenance activities will necessarily occur where ruts will be greater than 3 inches in depth. If the creation of ruts greater than 3 inches is unavoidable, the Holder will 1) notify the authorized officer so remedial actions can be determined; 2) flag avoidance areas within the previously disturbed road, trail or maintenance route surface to minimize or avoid resource damage; and 3) upon completion of the maintenance project, and when the conditions are appropriate for remedial work, the Holder will re-grade the road, trail or maintenance route to a condition comparable to the condition prior to disturbance, or as required by the authorized officer.
21. All roads are subject to route designations made in Travel Management Plans.
22. Construction-related traffic shall be restricted to routes approved by the authorized officer per attached map. 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 as approved by the authorized officer.
23. While accessing sites for construction or to conduct routine operations and maintenance, Holder will travel on authorized and established access and service roads. The establishment of new access routes outside of the authorized ROW is not permitted without prior written approval from the authorized officer.
24. All of Holder's controlled equipment or equipment under contract to the Holder operating upon such access routes, roads, or trails shall be maintained in a good and safe operating condition and shall be operated cautiously so as to minimize accident hazards. All equipment and vehicle operators shall have a valid license (or certification) to operate the associated equipment or vehicle(s).
25. If snow removal from the road is undertaken, equipment used for snow removal operations shall be equipped with shoes to keep the blade 2 inches off the road surface.

Holder shall take special precautions where the surface of the ground is uneven and at drainage crossings to ensure that equipment blades do not destroy vegetation

Cultural

26. 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 for 30 days or 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.
27. 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.

Avian Protection

28. Operations and Maintenance within the ROW shall comply with the most current nest management guidelines provided by the U.S. Fish and Wildlife Service (FWS). Pending finalization of these FWS guidelines, protective buffers described in the February 2008 draft version of the FWS "*Guidelines for Raptor Conservation in the Western United States*" (Whittington and Allen 2008) will be used on Idaho BLM lands unless more restrictive buffers are identified in existing land use plans.
29. 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 right-of-way, 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.
30. Bald and/or golden eagles may now or hereafter be found to utilize the project area. The BLM hereby notifies the applicant that compliance with the Bald and Golden Eagle Protection Act, 16 U.S.C. § 668 et seq. (2012) (hereinafter, Eagle Act) is a dynamic and adaptable process which may require the applicant to conduct further analysis and

mitigation following assessment of operational impacts. If eagles are found in the project area the Holder is responsible for coordinating additional appropriate analysis and mitigation with the FWS and BLM to ensure compliance with the Eagle Act. The Holder must complete its obligations under the Eagle Act, including completing any required FWS coordination and obtaining any necessary permits, before the BLM will consider issuing a notice to proceed for any project that is likely to result in take of bald eagles and/or golden eagles.

31. Maintenance activities should be conducted so as not to result in a take of migratory birds as defined by the Migratory Bird Treaty Act of 1918 (16 U.S.C. § 703 et seq. (2012) as amended. Maintenance activities occurring during nesting season, May through June, should be limited to areas of existing surface disturbance (i.e., existing roads and structure pads). If maintenance activities have the potential to result in a take of migratory birds (e.g., if vegetation in which birds may nest might be removed or driven over) then the Holder must inventory those areas for migratory birds prior to conducting the maintenance and coordinate with the FWS on any potential takes and copy the BLM on those correspondences.
32. Greater Sage Grouse: The Holder shall not engage in facility maintenance, utility maintenance, or any project related work within 1 mile of occupied or undetermined status leks that results in or will likely result in disturbance to lekking birds from 6:00 PM to 9:00 AM from May to June.
33. Where monitoring or inspections have identified problem areas in relation to bird related fires, the Holder will provide to the BLM a mitigation plan to decrease the risk of bird related fire ignitions. The Holder will implement the additional mitigation measures once the plan has been approved by the Authorized Officer.

Special Status Species

34. The right-of-way may now or in the future contain threatened, endangered, or special-status plants and/or animals, or their habitats. BLM may require modifications to or disapproval of ongoing and/or proposed activities that may harm such a species or their habitat. Project specific studies may be required to inventory special status species prior to activities that have the potential to harm these species or their habitat. BLM will not approve ground-disturbing activities that may affect threatened or endangered species or critical habitat designated by the U.S. Fish and Wildlife Service until BLM completes its consultation obligations under applicable requirements of the Endangered Species Act as amended, 16 USC 1531 et seq., including implementation of additional mitigation requirements necessary to avoid impacts to special status species.

Plants

35. The Holder shall be responsible for weed control on areas disturbed within the limits of the right-of-way. The Holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations).
36. The Holder is responsible for ensuring the undercarriages of equipment and/or vehicles used within the right-of-way 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.

37. Equipment and vehicles operating off roads shall be cleaned prior to leaving the job site when the job site contains noxious weed populations.
38. The location of special status plants as identified by the authorized officer, prior to conducting any ground disturbing activities, shall be marked with temporary fencing or flagging by the Holder. All construction equipment and vehicles shall be prohibited in these areas. The Holder shall be responsible for assuring that construction personnel are well trained to recognize these markers and understand the associated equipment movement restrictions.
39. For general plants of concern: Specific equipment, vehicle, and personnel avoidance areas, identified by the authorized officer, shall be clearly marked onsite by the Holder before initiation of surface disturbing activities. The Holder shall be responsible for assuring that personnel are well trained to recognize these markers and understand the associated equipment movement restrictions.
40. The Holder shall seed all disturbed areas, 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 first growing season.
41. The Holder shall seed all disturbed areas with the seed mixture approved by the Authorized Officer. The seed mixture(s) shall be planted in the amounts specified by the Authorized Officer
42. The Holder may clear brush and remove hazard trees less than 8 inches in Diameter Breast Height (DBH) within the right-of-way if necessary for operation and maintenance of the road and/or for the health and safety of the Holder and his agents. Trees greater than or equal to 8 inch DBH within the ROW, and ANY hazard tree outside the ROW, shall be marked by the Holder and a request for removal shall be made to the Authorized Officer. Prior to harvest, hazard trees outside the ROW and trees greater than or equal to 8 inch DBH shall be verified, designated, and measured by the authorized officer and any merchantable timber shall be sold to Holder at not less than the appraised value.

Fire

43. The Holder will immediately contact the BLM authorized officer or Fire Dispatch (208) 524-7600 and take all necessary fire suppression action, when safe to do so, with their personnel and equipment on any fires which they cause to ignite and will immediately report fires.
44. When requested by the authorized officer, the Holder shall make its equipment already at the site with operators, temporarily available for fighting fires in the vicinity of the project when safe to do so. Payment for such services will be made at rates determined by the authorized officer.
45. During conditions of extreme fire danger, operations shall be limited or suspended in specific areas, or additional measures may be required by the authorized officer.

Hazardous Materials and Toxic Substances

46. 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. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use. Pesticides shall not be permanently stored on public lands authorized for use under this grant. Applicator(s) shall hold a current applicator's license.

47. The Holder(s) shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any Hazardous Material, as defined in this paragraph, that will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq., as amended, (hereinafter "CERCLA") and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq., as amended, (hereinafter "RCRA") and its regulations. The term hazardous material also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, 42 U. S. C. § 2011 et seq., as amended. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. § 9601(14), nor does the term include natural gas.
48. The right-of-way 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 right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way Holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the Holder, its agent, or unrelated third parties.
49. The Holder(s) shall comply with the Toxic Substances Control Act of 1976 as amended, 15 U.S.C. § 2601 et seq. (1982) with regards to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.