



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Wyoming State Office
P.O. Box 1828
Cheyenne, Wyoming 82003-1828

WYW 174597
5101 (930)
2800

To: Tyler Abbott, Deputy Field Supervisor, U.S. Fish and Wildlife Service

From: Mary Jo Rugwell, Wyoming State Director, BLM

CC: Kenton Call, U.S. Forest Service Project Manager
Antonio Pingree, Bureau of Indian Affairs Deputy Superintendent
Patricia McQueary, U.S. Army Corps of Engineers Senior Regulatory Project Manager
Bill James, Utah Division of Wildlife Resources Energy Development/NEPA Coordinator
Rick Huber, Wyoming Game and Fish Department Terrestrial Biologist
Michael Warren, Colorado Parks and Wildlife Energy Liaison, Northwest Region

Date: September 10, 2015

Subject: Response to U.S. Fish and Wildlife Service questions and revisions to final Biological Assessment for the Energy Gateway South Transmission Project

The Bureau of Land Management (BLM) submitted to the U.S. Fish and Wildlife Service (FWS) a final Biological Assessment (BA) and requested concurrence with our determinations and initiation of formal consultation under Section 7(a)(2) of the Endangered Species Act (ESA) for the Energy Gateway South Transmission Project (the Project) on July 20, 2015. Prior to submittal of the final BA, the BLM initiated informal consultation with U.S. Fish and Wildlife Service (FWS) for the Project in 2009; the FWS, along with other federal agencies entered into a Consultation Agreement in 2011; and the FWS, along with other federal agencies participated in a review of a draft BA in January 2015.

The BLM received communications from the FWS, which included questions and requests for clarification of the contents of the final BA between July 20, 2015 and August 19, 2015. These communications included emails from Amy Defreese (Utah Ecological Services; July 20, July 29, August 10, August 14, August 19) and Julie Reeves (Wyoming Ecological Services; August 11, August 13, August 17). In addition to these email communications, the BLM and FWS staff participated in conference calls on August 5 and August 19 to discuss the final BA and an acceptable format for ensuring FWS has the information needed. As a result of these

communications, the BLM is clarifying and revising some of the contents of the final BA as follows:

1. Clarifications that would not affect the analysis or conclusions in the final BA have been addressed in subsequent emails between FWS and BLM staff. The BLM requests that the FWS consider these email communications to be BLM's final response to these issues and incorporate these as clarifications to the Section 7 consultation package for consideration in the Biological Opinion (BO) as appropriate.
2. Issues such as revisions to species determinations, revisions to conservation measures, and revisions to impact analyses contained in the final BA are addressed in this letter. The BLM requests that the FWS consider this letter to be BLM's final response to these issues and acknowledge the completeness of the consultation package for the Energy Gateway South Transmission Project.

Revisions to Conservation Measures Contained in the Final Biological Assessment

As a result of the communications between the FWS and BLM between July 20 and August 19, 2015, the BLM has elected to revise some of the conservation measures contained in the final BA. A revised list of conservation measures for each species addressed in the final BA is included with this letter as Attachment A. The BLM requests that the FWS replace the conservation measures contained in the July 20, 2015, final BA with the conservation measures in Attachment A for the purposes of consultation under Section 7 (a)(2) of the ESA.

Clarification of Analyses Contained in the Final Biological Assessment

The FWS requested changes and clarifications to the analyses contained in the final BA for clay phacelia and Uinta Basin hookless cactus in an email from Julie Reeves, Wyoming Ecological Services, on August 17, 2015. These issues were discussed on the August 19, 2015, conference call. The BLM requests that the FWS consider the following clarifications and additions to the analyses presented in the final BA for these species for the purposes of consultation under Section 7 (a)(2) of the ESA:

Clay Phacelia

The BLM acknowledges that the FWS 5-year status review completed by the FWS in 2013 identifies transportation and transmission line development and herbivory as the greatest current threats to this species (FWS 2013). Furthermore, the BLM acknowledges potential indirect effects on clay phacelia identified in the July 8, 2015, white paper *Impacts to Clay Phacelia from Proposed Transmission Line Projects and Recommended Conservation Measures* (FWS 2015). These effects include those described under the headings Habitat Impacts from the Proposed Transmission Lines, Effects to Pollinators and Reproduction, Effects to Genetic Exchange, and Effects from Invasive Weeds in the FWS white paper (FWS 2015). The BLM requests that the effects described under the headings referenced above in *Impacts to Clay Phacelia from Proposed Transmission Line Projects and Recommended Conservation Measures* (FWS 2015) be incorporated by reference into the analysis of potential effects of the Project on clay phacelia presented in the final BA. Because of the commitment to avoid all occupied habitat for the species by at least 650 feet and other committed conservation measures for clay phacelia (refer to Attachment A) and in accordance with discussions with the FWS, the BLM is maintaining the

May Affect, Not Likely to Adversely Affect determination for the species contained in the final BA.

Uinta Basin Hookless Cactus

The BLM acknowledges that the loss of individuals is a potential effect of the Project resulting from unsuccessful reestablishment of cacti following relocation or as a result of Project-related actions that inadvertently affect cacti not detected during surveys conducted for the Project. The BLM requests that these potential effects be added to the effects described in Section 4.5.5.5 of the final BA. Because of the commitment to conservation measures for Uinta Basin hookless cactus included in Attachment A, the BLM is maintaining the May Affect, Likely to Adversely Affect determination for the species contained in the final BA.

Revisions to Determinations for Species and Critical Habitats Contained in the Final Biological Assessment

As a result of the communications between the FWS and BLM between July 20 and August 19, 2015, the BLM has elected to revise some of the determinations for species and critical habitats contained in the Final BA. A revised list of the determinations for each species and critical habitat addressed in the final BA is included with this letter as Attachment B. The BLM requests that the FWS replace the determinations contained in the July 20, 2015, final BA with the determinations in Attachment B for the purposes of consultation under Section 7 (a)(2) of the ESA. The rationale for the determination changes are described below.

Yellow-billed Cuckoo (Western Distinct Population Segment)

The BLM concurs with the FWS' statements in the August 17, 2015, email from Julie Reeves, Wyoming Ecological Services, indicating that the effects on the species can be minimized to an insignificant and discountable level by adopting the recommendations and conservation measure changes proposed by the FWS. The BLM has adopted these changes (refer to Attachment A) and requests that the determination for this species be changed to May Affect, Not Likely to Adversely Affect.

Black-footed ferret

The BLM concurs with the FWS' statements in the August 17, 2015, email from Julie Reeves, Wyoming Ecological Services, recommending the BLM include two determinations for this species. Accordingly, the BLM has added a No Effect determination for the endangered population of black-footed ferrets.

Piping Plover Designated Critical Habitat

The BLM concurs with the FWS' statements in the August 17, 2015, email from Julie Reeves, Wyoming Ecological Services, indicating that consultation for piping plover designated critical habitat is not required because the designated critical habitat for the species is located below the Loup River confluence, outside the scope of the Platte River Recovery Implementation Program.

As such, the BLM has revised the determination for piping plover designated critical habitat to No Effect and requests that the FWS disregard statements related to piping plover designated critical habitat in Sections 4.1.1.2 and 4.1.1.5 of the final BA.

The BLM appreciates the FWS' continued assistance in fulfilling the BLM's responsibilities for the Project under Section 7 (a)(2) of the ESA. A copy of the schedule for completion of the formal consultation process agreed upon by the agencies is included as Attachment C for your reference. BLM requests concurrence with the species determinations as outlined in Attachment B. BLM also asks that the FWS acknowledge that they have a complete Section 7 consultation package to initiate formal consultation consistent with the schedule presented in Attachment C. Please contact Tamara Gertsch, BLM National Project Manager, by phone at (307) 775-6115 or by electronic mail at tgertsch@blm.gov regarding this memo.

Enclosures:

- Attachment A: Revised conservation measures for the Energy Gateway South Transmission Project Final Biological Assessment
- Attachment B: Revised determinations for species and designated critical habitats for the Energy Gateway South Transmission Project Final Biological Assessment
- Attachment C: Schedule for preparation of the Energy Gateway South Transmission Project Biological Assessment and Biological Opinion

Literature Cited:

- FWS. 2013. Clay Phacelia (*Phacelia argillacea*) 5-Year Review: Summary and Evaluation. FWS Mountain Prairie Region, Utah Field Office. West Valley City, Utah.
- FWS. 2015. *Impacts to Clay Phacelia from Proposed Transmission Line Projects and Recommended Conservation Measures*. FWS, Utah Ecological Services Field Office. West Valley City, Utah. July 8, 2015.

ATTACHMENT A

Platte River Species – Pallid Sturgeon, Least Tern, Piping Plover, Whooping Crane, Western Prairie Fringed Orchid

- ***Platte River Multi-species Conservation Measure 1:*** All water used in construction of the Project would be acquired from previously allocated sources covered under previous Section 7 consultation or water that is not hydrologically connected to the Platte River system and therefore does not require Section 7 consultation.

Colorado River Species – Bonytail, Colorado Pikeminnow, Humpback Chub, Razorback Sucker

- ***Colorado River Multi-species Conservation Measure 1:*** No construction equipment will operate in or cross the actively flowing channel of the Green, White, or Yampa rivers.
- ***Colorado River Multi-species Conservation Measure 2:*** Materials will not be stockpiled in the 100-year floodplain of the Green, White, or Yampa rivers or any wetlands connected to those rivers.
- ***Colorado River Multi-species Conservation Measure 3:*** To avoid entrainment of ESA-listed fish species, surface water will not be taken from the Green, White, or Yampa rivers or their tributaries.
- ***Colorado River Multi-species Conservation Measure 4:*** No surface disturbance, staging areas, or permanent structures will be located in the 100-year floodplain of the Green and White rivers.
- ***Colorado River Multi-species Conservation Measure 5:*** For any activities within the 100-year floodplain of the Yampa River, the following conservation measures will apply:
 - Construction and maintenance in the floodplain of the Yampa River will take place during seasonal low flows.
 - Ground disturbance and vegetation clearing will be located in areas that avoid or minimize impacts on PCEs.
 - Ground disturbance and vegetation clearing will be minimized in the Yampa River floodplain. Drive-and-crush access and construction techniques will be used to the extent feasible. In areas where vegetation drive-and-crush access and construction techniques are not feasible, the least impactful technique will be used. In areas where vegetation clearing is necessary, vegetation will be trimmed with the root balls left intact and in place wherever practical.
 - No permanent access roads will be constructed in the 100 year floodplain. Any grading activities will be conducted in a way that avoids altering seasonal flow regimes.
 - All temporary disturbance in the floodplain will be promptly stabilized and reclaimed to minimize the potential for erosion.
 - Soil stabilization and erosion control measures will be implemented during construction and through completion of reclamation activities. Specific measures erosion control measures will be developed in coordination with the FWS and will be identified in the Stormwater Pollution Prevention Plan, which is a component of the POD.
- ***Colorado River Multi-species Conservation Measure 6:*** Prior to any vegetation removal in critical habitat for Colorado River fish, a preconstruction site will be attended by the BLM, FWS, Proponent, and construction representatives to discuss implementation of measures designed to protect riparian function and critical habitat for Colorado River fish.

- ***Colorado River Multi-species Conservation Measure 7:*** Refueling and storing potentially hazardous materials will not occur within the 100-year floodplain of the White, Green, and Yampa rivers and their perennial tributaries. Spill preventive practices and containment measures will be incorporated in the Water Resources Protection Plan, which will be developed as a part of the POD.
- ***Colorado River Multi-species Conservation Measure 8:*** No aerial or broadcast herbicide treatments will be applied for vegetation management within 2,500 feet of bonytail, Colorado pikeminnow, humpback chub, or razorback sucker designated critical habitat.
 - For noxious weed control within 2,500 feet of bonytail, Colorado pikeminnow, humpback chub, or razorback sucker designated critical habitat, the following restrictions apply:
 - Herbicides will not be applied over surface water. Only agency-approved herbicides registered for use near water will be used within 328 feet of surface water or in areas with a high leaching potential. Minimum pesticide spray distances (buffers) from surface water are as follows:
 - Backpack spraying operations – 20 feet
 - Other mechanized applications (e.g., truck or all-terrain vehicle mounted equipment) – 50 feet
- ***Colorado River Multi-species Conservation Measure 9:*** All required depletion fees would be paid by the Proponent within the required timeframe. At a minimum, 10 percent would be paid at the time the BLM issues a Record of Decision. The remaining balance would be paid when water use commences for the Project.
- ***Colorado River Multi-species Conservation Measure 10:*** The Proponent will develop and implement, as a part of the construction compliance management system committed to in the POD, a tracking tool to record water use during construction. The tracking tool will ensure that all depletions are properly recorded and any required fees for depletions in the Colorado River basin are assessed and paid to the Upper *Colorado River Endangered Fish Recovery Program*.

June Sucker

- ***June Sucker Conservation Measure 1:*** Refueling and storing potentially hazardous materials in the Jordan River basin will not occur within a 328-foot radius of any tributaries of Utah Lake known to support June sucker spawning. Spill preventive practices and containment measures will be incorporated in the Water Resources Protection Plan, which will be developed as a part of the POD.
- ***June Sucker Conservation Measure 2:*** No aerial or broadcast herbicide treatments will be applied for vegetation management within 2,500 feet of June sucker designated critical habitat. For noxious weed control within 2,500 feet of June sucker designated critical habitat, the following restrictions apply:
 - Herbicides will not be applied over surface water. Only agency-approved herbicides registered for use near water will be used within 328 feet of surface water or in areas with a high leaching potential. Minimum pesticide spray distances (buffers) from surface water are as follows:
 - Backpack spraying operations – 20 feet
 - Other mechanized applications (e.g., truck or all-terrain vehicle mounted equipment) – 50 feet
- ***June Sucker Conservation Measure 3:*** Ground clearing will be minimized in the floodplain of any tributaries of Utah Lake known to support June sucker spawning, and vegetation will be trimmed with the root balls left intact and in place wherever practical. All temporary disturbances

in the floodplain will be promptly stabilized and reclaimed to minimize the potential for erosion. Soil stabilization and erosion control measures will be stipulated in the Stormwater Pollution Prevention Plan, which is a component of the POD.

Greater Sage-Grouse

- ***Greater Sage-Grouse Conservation Measure 1:*** For any activities associated with the geotechnical investigation, the following restrictions will apply:
 - Seasonal and spatial restrictions identified in the POD and ongoing land-use plan amendments will be adhered to.
 - All work in designated sage-grouse habitat will be monitored by a biological monitor to ensure compliance with all applicable conservation measures.
 - Existing access roads in designated sage-grouse habitat may be used, but not improved.
- ***Greater Sage-Grouse Conservation Measure 2:*** Special status species will be considered in accordance with management policies set forth by management agencies. Surveys for special status wildlife potentially affected by the Project will be conducted in suitable habitat along the selected route using protocols approved by the BLM, USFS, or other cooperating agencies. Construction techniques that avoid and minimize impacts on special status wildlife populations and habitat would be implemented, which may include altering the placement of roads or transmission-line structures, use of existing roads, and minimization of vegetation clearing. Additional techniques to minimize impacts on sage-grouse in select locations may include structure design modification and the use of perch deterrents to reduce the effects of predation, and flight diverters and marking devices to reduce the risk of collision. The locations where these types of measures would be implemented would be determined by the BLM in coordination with the cooperating agencies. Monitoring of identified special status wildlife populations and habitat also may be required.
- ***Greater Sage-Grouse Conservation Measure 3:*** All construction vehicle movement will be restricted to designated access roads based on avoidance of known noxious weed locations.
- ***Greater Sage-Grouse Conservation Measure 4:*** To minimize vehicle collisions with special status wildlife, a speed limit of 15 miles per hour will be employed on overland access routes.
- ***Greater Sage-Grouse Conservation Measure 5:*** All new or improved access not required for maintenance will be closed or rehabilitated following Project construction in accordance with prior agency approval and using the most effective and least environmentally damaging methods.
- ***Greater Sage-Grouse Conservation Measure 6:*** Construction and maintenance activities will be restricted in designated areas and during critical periods, (e.g., wintering habitats and specific breeding or nesting seasons). The timing of restrictions will be based on measures developed for the EIS and ongoing Land Use Plan Amendments.
- ***Greater Sage-Grouse Conservation Measure 7:*** Drive-and-crush (vehicular travel to access a site without significantly modifying the landscape) and/or clear-and-cut travel (removal of vegetation to provide suitable access for equipment) will occur in areas where no grading will be needed to access work areas (i.e., areas with low-growing sagebrush and other low-growing vegetation). This will reduce the amount of ground-disturbing activities (e.g., surface soil removal, vegetation cropping/cutting) landscape modification, risk of introduction of invasive weeds, and special status wildlife habitat fragmentation. Modification of sagebrush vegetation communities, which provide necessary cover and forage for habitat suitability, resulting from vegetation clearing, will be limited in habitats occupied by sagebrush obligate special status wildlife species like greater sage-grouse.

- ***Greater Sage-Grouse Conservation Measure 8:*** To minimize disturbance to greater sage-grouse habitats, the transmission-line right-of-way would be sited to avoid locally important habitats identified in consultation with the Proponent, BLM, FWS, and state wildlife agencies. Where seasonally important habitats (i.e., within 4 miles of leks, nesting, wintering) cannot be avoided, then transmission-line right-of-way would be further sited as follows:
 - In areas to maximize colocation with other above-ground utilities
 - In existing designated corridors
 - In nonhabitat (i.e., within 4 miles of leks but outside of preliminary priority habitat, occupied habitat, woodland vegetation communities)
 - In areas where placement of structures and access roads maximizes the use of topographic features to visually screen impacts from seasonally important habitats
 - In areas that minimize fragmentation (i.e., use existing roads, no new permanent roads, drive and crush).

Mexican Spotted Owl

- ***Mexican Spotted Owl Conservation Measure 1:*** Potentially suitable habitat assessments, including field verification, will be completed using BLM- and FWS-approved methods prior to final design of the transmission line and initiation of construction activities.
- ***Mexican Spotted Owl Conservation Measure 2:*** For any activities associated with the geotechnical investigation, the following restrictions will apply:
 - Geotechnical activities will not be conducted within 0.5 mile of potentially suitable habitat identified during the habitat assessment between March 1 and August 31
 - Existing access roads located in potentially suitable habitat identified during the habitat assessment and within 0.5 mile of potentially suitable habitat identified during the habitat assessment may be used, but not improved.
- ***Mexican Spotted Owl Conservation Measure 3:*** Surveys will be conducted for 2 years prior to construction activities within 0.5 mile of construction activities in potentially suitable habitat identified during the habitat assessment. Surveys will be conducted according to FWS-approved methods. If owls are found, no actions will occur within 0.5 mile of identified nest sites between March 1 and August 31. If nest site is unknown, no activity will occur within the designated Protected Activity Center (PAC) between March 1 and August 31.
- ***Mexican Spotted Owl Conservation Measure 4:*** The placement of permanent structures within 0.5 mile of suitable habitat identified during the habitat assessment will be avoided unless Mexican spotted owl suitable habitat is surveyed and determined to be unoccupied.

Yellow-billed Cuckoo

- ***Yellow-billed Cuckoo Conservation Measure 1:*** Habitat assessments, including field verification, will be completed within 0.5 mile of construction activities according to Guidelines for identification of suitable breeding and nesting habitat for western yellow-billed cuckoo in Utah (FWS 2015) prior to final design of the transmission line and initiation of the geotechnical investigation or other construction activities to identify suitable nesting habitat. Results will be provided to the FWS for review and concurrence.
- ***Yellow-billed Cuckoo Conservation Measure 2:*** Protocol breeding season surveys will be conducted in suitable nesting habitat within 0.5 mile of construction activities prior to initiation of the geotechnical investigation or any other construction activities unless species occupancy and distribution information is complete, available, and supports a conclusion that the species is not

present; or unless otherwise agreed to by the FWS and BLM in response to mitigating factors such as existing disturbance, screening, or site-specific habitat conditions. All surveys must be conducted according to protocol by surveyors who have attended a FWS-approved yellow-billed cuckoo survey training and are operating under a recovery permit.

- ***Yellow-billed Cuckoo Conservation Measure 3:*** For any activities associated with the geotechnical investigation, the following restrictions will apply:
 - Geotechnical activities will not occur within 0.5 mile of suitable nesting habitat, as determined by the habitat assessments, between June 1 and August 31.
 - Existing access roads within 0.5 mile of suitable nesting habitat as determined by the habitat assessments may be used during any time of year, but not improved.
 - Geotechnical activity will not occur within suitable yellow-billed cuckoo nesting habitat.
- ***Yellow-billed Cuckoo Conservation Measure 4:*** Transmission-line structures and other permanent or temporary project facilities (including but not limited to new access roads, work areas, or other structures) will not be sited in field-verified suitable nesting habitat. Waterways will be spanned in field-verified suitable nesting habitat. For existing access roads, avoid upgrades that would require clearing and pruning riparian vegetation within field-verified suitable nesting habitat.
- ***Yellow-billed Cuckoo Conservation Measure 5:*** Microsite or increase the height of tower structures to prevent the need to clear or prune vegetation within field-verified suitable nesting habitat. Should some vegetation management be required to ensure that minimum North American Electric Reliability Council vegetation management standards are maintained in these areas, a proposal that outlines the locations and extent of clearing/pruning will be submitted to the Service to ensure that the effects are not more than insignificant or discountable. If these effects are not insignificant or discountable, then consultation on the western yellow-billed cuckoo would be reinitiated.
- ***Yellow-billed Cuckoo Conservation Measure 6:*** Project activities (e.g., road construction or improvement, geotechnical activities, vegetation management, transmission-line construction, right-of-way reclamation, and maintenance activities), will not be conducted within a 0.5-mile buffer of occupied nesting habitat or field-verified suitable nesting habitat that has not been completely surveyed to determine occupancy between June 1 and August 31.
- ***Yellow-billed Cuckoo Conservation Measure 7:*** Prior to any vegetation removal or clearing in suitable nesting habitat as determined by the habitat assessments, shrubs and trees targeted for removal will be flagged for review during a site visit attended by the BLM, FWS, Proponent, and construction representatives.
- ***Yellow-billed Cuckoo Conservation Measure 8:*** All transmission lines that cross field-verified suitable habitat will be marked to minimize the potential for collisions in coordination with the FWS. Marking will occur from one outer edge of suitable habitat to the outer edge of suitable habitat on the opposite side of the river.
- ***Yellow-billed Cuckoo Conservation Measure 9:*** New biological information regarding the yellow-billed cuckoo and potential effects of the Project would be addressed as follows:
 - Habitat assessment and survey methods, survey areas, and avoidance buffers would be modified to be consistent with updates and revisions to the current 2015 draft survey protocol and habitat assessment guidance issued by the FWS.
 - Site-specific adjustments to survey and avoidance buffers may be implemented on agreement between the BLM and FWS on a case-by-case basis (e.g., in response to terrain that facilitates or limits noise transmission, or the conditions of the habitat at a specific location), following the interagency preconstruction site visits.

- ***Yellow-billed Cuckoo Conservation Measure 10:*** No aerial or broadcast herbicide treatments will be applied within 0.5 mile of field-verified suitable nesting habitat. Within 0.5 mile of field-verified suitable nesting habitat, herbicides will be applied using a backpack spray operation or by hand from an all-terrain vehicle. Only agency-approved herbicides registered for use near water will be used within 300 feet of surface water. Insecticides will not be used within 0.5 mile of field-verified suitable nesting habitat.

Black-footed Ferret

All populations of black-footed ferrets crossed by the Project are reintroduced NEPs. The following conservation measures apply only to these NEPs as no black-footed ferret populations are known to occur outside these reintroduction areas.

- ***Black-footed Ferret Conservation Measure 1:*** For any activities associated with the geotechnical investigation, the following restrictions will apply:
 - All geotechnical activities located within 0.5 mile of prairie dog colonies in active black-footed ferret reintroduction management areas during the breeding season (March 1 through July 15) will be avoided.
 - All geotechnical activities in prairie dog colonies in active black-footed ferret reintroduction management areas would be located to avoid damaging prairie dog burrows.
 - All work in prairie dog colonies in active black-footed ferret reintroduction management areas will be monitored by a biological monitor to ensure compliance with all applicable conservation measures.
 - Existing access roads in prairie dog colonies in active black-footed ferret reintroduction management areas may be used, but not improved.
- ***Black-footed Ferret Conservation Measure 2:*** In active black-footed ferret reintroduction management areas, the transmission line will be located as close as possible to existing and other planned high-voltage transmission lines.
- ***Black-footed Ferret Conservation Measure 3:*** The local BLM field office will be notified 10 to 20 days prior to the initiation of construction activities in active black-footed ferret reintroduction management areas.
- ***Black-footed Ferret Conservation Measure 4:*** Vehicle activities will be restricted to daylight hours in occupied black-footed ferret habitat, to minimize the risk of vehicle collision.
- ***Black-footed Ferret Conservation Measure 5:*** Disruptive activities within 0.5 mile of prairie dog colonies in active black-footed ferret reintroduction management areas will be conducted outside the reproductive period (March 1 through July 15), with special emphasis on avoiding the period between birthing and the emergence of young (May 1 through July 15).

Canada Lynx

No conservation measures are proposed specifically for the Canada lynx.

Gray Wolf

No conservation measures are proposed specifically for the gray wolf.

Clay Phacelia

- ***Clay Phacelia Conservation Measure 1:*** A field habitat assessment would be conducted prior to final engineering and design, the geotechnical investigation, or any other construction activities,

to ground-truth the August 2013 USFS-suitable habitat model and determine presence of suitable habitat within a 650-foot buffer surrounding modeled habitat where this area is traversed by the proposed right-of-way or has potential to be affected by other project-related disturbance (i.e., geotechnical investigations, access roads, fly yards). Habitat assessments will be coordinated with the Utah Field Office of FWS and may occur any time as long as there is no snow cover. Suitable habitat parameters developed by the FWS (Appendix E) will be used to assess habitat suitability.

- ***Clay Phacelia Conservation Measure 2:*** Following habitat assessments, all suitable habitat (including field-verified suitable habitat identified in both modeled habitat and areas of suitable habitat outside of the modeled habitat) within 650 feet of either side of the right-of-way and other areas where Project impacts will occur will be 100 percent surveyed by BLM-approved individual(s) prior to final design of the transmission line, the geotechnical investigation, or any other construction activities. Surveys will be coordinated with the Utah Field Office of FWS and conducted in accordance with agency-approved methods and protocols.
- ***Clay Phacelia Conservation Measure 3:*** All occupied sites, including occupied habitat identified during field surveys, will be avoided by Project activities inside and outside the right-of-way (including structures, facilities, new roads, upgrades to existing roads, and overland vehicle traffic) by at least 650 feet. Section 7 consultation will be reinitiated if any impacts are anticipated within 650 feet of occupied clay phacelia habitat.
- ***Clay Phacelia Conservation Measure 4:*** For any activities associated with the geotechnical investigation the following requirements apply:
 - All work within 650 feet of occupied clay phacelia habitat will be moved or abandoned.
 - All work within 650 feet of suitable habitat will be monitored by a biological monitor to ensure compliance with all applicable conservation measures.
 - Existing access roads within 650 feet of suitable clay phacelia habitat may be used, but not improved.
- ***Clay Phacelia Conservation Measure 5:*** Appropriate erosion control measures (e.g., silt fence, straw wattles) will be constructed where disturbance occurs within 650 feet of suitable habitat or if such measures are needed to prevent sedimentation or dust deposition in suitable habitat.
- ***Clay Phacelia Conservation Measure 6:*** A qualified, BLM-approved botanist will be onsite to monitor surface-disturbing activities when clay phacelia suitable habitat is within 650 feet of any surface-disturbing activities. In addition to ensuring compliance with all applicable conservation measures, the botanist also will:
 - Make areas for avoidance visually identifiable in the field (e.g., flagging, temporary fencing, rebar, etc.) before and during construction.
 - Provide the FWS and BLM with a post-construction report of compliance with conservation measures and any activities within 650 feet of suitable clay phacelia habitat.
- ***Clay Phacelia Conservation Measure 7:*** Only water (no chemicals, reclaimed production water or other) will be used for dust abatement measures in suitable clay phacelia habitat.
- ***Clay Phacelia Conservation Measure 8:*** Dust abatement will be employed during maintenance activities in field-verified suitable clay phacelia habitat over the life of the Project during the time of the year when the plant is most vulnerable to dust-related impacts (March through August).
- ***Clay Phacelia Conservation Measure 9:*** The following restrictions apply to herbicide use in suitable or occupied clay phacelia habitat:
 - No aerial or broadcast herbicide treatments will be applied for vegetation management within 2,500 feet of suitable or occupied clay phacelia habitat.

- If aerial or broadcast spraying is needed for noxious weed control within 2,500 feet of suitable or occupied clay phacelia habitat, a weed management plan will be developed in coordination with FWS and consultation will be reinitiated.
- **Clay Phacelia Conservation Measure 10:** Upgrades to existing access roads in suitable habitat will be limited such that it has minimal impact on clay phacelia habitat, eliminates the need to construct a new road, or is necessary for safety.
- **Clay Phacelia Conservation Measure 11:** Surface reclamation will occur for any Project-related ground-disturbing activity. The method of reclamation will normally consist of, but is not limited to, salvaging, segregating and restoring topsoil, returning disturbed areas back to their natural contour, reseeding using seed mixes developed in coordination with the BLM, USFS, and FWS botanists, installing cross drains for erosion control, placing water bars in the road, and filling ditches.

Clay Reed-mustard

- **Clay Reed-mustard Conservation Measure 1:** Pre-project habitat assessments will be completed across 100 percent of the disturbance area in FWS-mapped potential habitat prior to any ground-disturbing activities to determine if suitable clay reed-mustard habitat is present.
- **Clay Reed-mustard Conservation Measure 2:** Site inventories will be conducted in suitable habitat (defined as areas which contain or exhibit the specific components or constituents necessary for plant persistence; determined by field inspection and/or surveys; may or may not contain clay reed-mustard) to determine occupancy. Where standard surveys are technically infeasible and otherwise hazardous due to topography, slope, etc., suitable habitat will be assessed and mapped for avoidance (hereafter, avoidance areas); in such cases, 300-foot buffers will be maintained between surface disturbance and avoidance areas. However, site-specific distances will need to be approved by the FWS and BLM whenever disturbance will occur upslope of habitat. Where conditions allow, inventories:
 - Must be conducted by qualified, BLM-approved individual(s) and according to BLM- and FWS-accepted survey protocols.
 - Will be conducted in suitable and occupied habitat for all areas proposed for surface disturbance prior to initiation of Project activities and in the same growing season at a time when the plant can be detected (usually May 1 to June 5, in the Uinta Basin; however, surveyors will verify that the plant is flowering by contacting a BLM or FWS botanist or demonstrating that the nearest known population is in flower).
 - Will occur within 300 feet of Project-related disturbance.
 - Will include, but not be limited to, plant species lists and habitat characteristics.
 - Will be valid until May 1 of the following year.
- **Clay Reed-mustard Conservation Measure 3:** For any activities associated with the geotechnical investigation the following requirements apply:
 - All work within 300 feet of occupied clay reed-mustard habitat will be moved or abandoned
 - All work within 300 feet of suitable habitat will be monitored by a biological monitor to ensure compliance with all applicable conservation measures
 - Existing access roads within 300 feet of suitable clay reed-mustard habitat may be used, but not improved
- **Clay Reed-mustard Conservation Measure 4:** Project infrastructure will be designed to minimize impacts in suitable habitat. This will include the following considerations:

- Where standard surveys are technically infeasible, infrastructure and activities will avoid all suitable habitat by 300 feet. However, site-specific distances will need to be approved by the FWS and BLM when disturbance will occur upslope of habitat.
 - New access route creation will be limited.
 - Roads and utilities will share common right-of-ways where possible.
 - The width of roads will be reduced and the depth of excavation needed for the road bed will be minimized; where feasible, the natural ground surface will be used for roads in suitable habitat.
 - Signing will be placed to limit off-road travel in sensitive areas.
 - Activities will be constrained to designated routes and other cleared/approved areas.
- ***Clay Reed-mustard Conservation Measure 5:*** Project-related surface disturbance will avoid all occupied habitat by 300 feet. Project infrastructure will be designed to avoid direct disturbance and minimize indirect impacts on populations and to individual plants. This will include the following considerations:
 - To avoid water flow and/or sedimentation into occupied habitat and avoidance areas, silt fences, hay bales, and similar structures or practices will be incorporated into Project design; appropriate placement of fill is encouraged.
 - ***Clay Reed-mustard Conservation Measure 6:*** A qualified, BLM-approved biologist or botanist must be onsite preconstruction to clearly mark or flag avoidance areas so they are visible during construction. Qualified personnel also will be present during construction to monitor avoidance of these areas. A post-construction report documenting compliance and noncompliance with these measures will be prepared by the qualified personnel and submitted to the FWS.
 - ***Clay Reed-mustard Conservation Measure 7:*** Dust abatement will occur during the peak flowering season (April through May) and only water will be used within 300 feet of suitable habitat.
 - ***Clay Reed-mustard Conservation Measure 8:*** The following restrictions apply to herbicide use in suitable or occupied clay reed-mustard habitat:
 - No aerial or broadcast herbicide treatments will be applied for vegetation management within 2,500 feet of suitable or occupied clay reed-mustard habitat.
 - For noxious weed control within 2,500 feet of suitable or occupied clay reed-mustard habitat, manual spot treatments (i.e. backpack sprayers) shall be used.
 - All those involved in the herbicide application shall be accompanied by a qualified botanist/ecologist familiar with clay reed-mustard to help herbicide applicators identify reed-mustard and avoid impacts on individual plants.
 - Treatments would not be done when wind speeds exceed 6 miles per hour.
 - Drift reducing agents shall be used when practical.
 - A reduced application rate would be used.
 - Pump pressure would be reduced, per label instructions.
 - Droplet size would be increased to the largest size possible while still effectively covering the target vegetation. This could be accomplished using larger nozzles or reduced pressure.
 - Herbicides shall be stored in spill proof containers away from special status plant habitats.

Deseret Milkvetch

- ***Deseret Milkvetch Conservation Measure 1:*** Focused-intuitive surveys will be conducted along the proposed right-of-way to identify and survey any previously unidentified areas of potentially suitable Deseret milkvetch habitat. Surveys will occur in all areas of potentially suitable habitat.

Potentially suitable habitat will be identified based on a geographic information system (GIS) exercise to identify survey areas prepared by the BLM and Proponent coordination with the FWS Utah Field Office. The GIS exercise will help identify habitats that may be suitable for the species on west through south aspects of the Moroni formation. The identification of suitable habitat will be refined by review of aerial imagery and bounded by the Section 7 consultation boundary provided by the FWS. Suitable habitat parameters developed by the FWS (Appendix E) will be used to identify appropriate survey areas.

- ***Deseret Milkvetch Conservation Measure 2:*** If the Project can avoid all suitable habitat (as documented during the focused-intuitive surveys) and occupied habitat (as documented) within a 300-foot buffer, no surveys are necessary. If avoidance of suitable habitat is not possible, surveys will be performed within 300 feet of the Project area to determine occupancy prior to construction or 400 feet if upslope of suitable or occupied habitat. If surveys are necessary, they must be performed by qualified, BLM-approved individual(s) and according to FWS-accepted survey protocols. Surveys will be conducted during the flowering and/or fruiting period when the plant can be detected and correctly identified. Surveys will be valid for one calendar year.
- ***Deseret Milkvetch Conservation Measure 3:*** For any activities associated with the geotechnical investigation the following requirements apply:
 - All work within 300 feet (400 feet if upslope) of occupied Deseret milkvetch habitat will be moved or abandoned.
 - All work within 300 feet of suitable habitat will be monitored by a biological monitor to ensure compliance with all applicable conservation measures.
 - Existing access roads within 300 feet of suitable Deseret milkvetch habitat may be used, but not improved.
- ***Deseret Milkvetch Conservation Measure 4:*** No new development or permanent ground disturbance, including but not limited to poles, pads, towers, etc., will occur within a 300-foot buffer of occupied Deseret milkvetch habitat. If construction activities occur upslope of occupied habitat, the buffer may be increased to 400 feet to prevent additional erosion in the habitat.
- ***Deseret Milkvetch Conservation Measure 5:*** Wire will be strung between towers aerially with no ground disturbance in field-verified habitat or within 300 feet of occupied Deseret milkvetch habitat.
- ***Deseret Milkvetch Conservation Measure 6:*** No new roads will be established within a 300-foot buffer of occupied Deseret milkvetch habitat. If construction activities occur upslope of occupied habitat, the buffer may be increased to 400 feet to prevent additional erosion in the habitat. Existing access roads will be used to the extent practicable to limit additional fragmentation in the species' habitat from new road development that avoid occupied habitat.
- ***Deseret Milkvetch Conservation Measure 7:*** The existing access road to the north of Birdseye that connects to Blind Canyon Road contains plants alongside the road and within 300 feet of the road edge. This road will not be used for any Project-related activities.
- ***Deseret Milkvetch Conservation Measure 8:*** A qualified, BLM-approved biologist or botanist must be onsite preconstruction to clearly mark or flag avoidance areas so they are visible during construction. Qualified personnel also will be present during construction to monitor avoidance of these areas. A post-construction report documenting compliance and noncompliance with these measures will be prepared by the qualified personnel and submitted to the FWS no later than 1 month after construction.
- ***Deseret Milkvetch Conservation Measure 9:*** After construction, the Project will provide a GIS shapefile or documentation of new and upgraded access routes to the appropriate emergency fire operations personnel with the State of Utah, BLM, USFS, and FWS, as well as notification

statement that there is an ESA-listed plant species in the area of Birdseye, Utah. This information will be provided no later than 1 year after construction of this specific transmission-line segment.

- ***Deseret Milkvetch Conservation Measure 10:*** No vegetation treatments will be performed within a 300-foot buffer of occupied Deseret milkvetch habitat.
- ***Deseret Milkvetch Conservation Measure 11:*** The following restrictions apply to herbicide use in suitable or occupied Deseret milkvetch habitat:
 - No aerial or broadcast herbicide treatments will be applied for vegetation management within 2,500 feet of suitable or occupied Deseret milkvetch habitat.
 - For noxious weed control within 2,500 feet of suitable or occupied Deseret milkvetch habitat, manual spot treatments (i.e. backpack sprayers) shall be used.
 - All those involved in the herbicide application shall be accompanied by a qualified botanist/ecologist familiar with Deseret milkvetch to help herbicide applicators identify Deseret milkvetch and avoid impacts on individual plants.
 - Treatments would not be done when wind speeds exceed 6 miles per hour.
 - Drift reducing agents shall be used when practical.
 - A reduced application rate would be used.
 - Pump pressure would be reduced, per label instructions.
 - Droplet size would be increased to the largest size possible while still effectively covering the target vegetation. This could be accomplished using larger nozzles or reduced pressure.
 - Herbicides shall be stored in spill proof containers away from special status plant habitats.

Shrubby Reed-mustard

- ***Shrubby Reed-mustard Conservation Measure 1:*** Prior to construction, FWS-mapped potentially suitable habitat within 300 feet of any Project-related activity will be 100 percent surveyed by BLM-approved botanists following appropriate FWS guidelines.
- ***Shrubby Reed-mustard Conservation Measure 2:*** For any activities associated with the geotechnical investigation the following requirements apply:
 - All work within 300 feet of occupied shrubby reed-mustard habitat will be moved or abandoned.
 - All work within 300 feet of suitable habitat will be monitored by a biological monitor to ensure compliance with all applicable conservation measures.
 - Existing access roads within 300 feet of suitable shrubby reed-mustard habitat may be used, but not improved.
- ***Shrubby Reed-mustard Conservation Measure 3:*** New surface disturbance is prohibited within 300 feet of occupied shrubby reed-mustard habitat.
- ***Shrubby Reed-mustard Conservation Measure 4:*** In proximity to suitable habitat, all construction activities will be overseen by a biological monitor to ensure compliance with all applicable conservation measures. The biological monitor will also:
 - Before and during construction, make areas for avoidance visually identifiable in the field (e.g., flagging, temporary fencing, rebar, etc.).

- Provide the FWS and BLM with a post-construction report of compliance, impacts, and extent of impacts on shrubby reed-mustard.
- ***Shrubby Reed-mustard Conservation Measure 5:*** Wrinkles Road will not be used for any Project-related activities.
- ***Shrubby Reed-mustard Conservation Measure 6:*** Appropriate erosion control measures (silt fencing, hay bales, or other methods) will be taken where Project activities occur within 300 feet upslope of suitable habitat.
- ***Shrubby Reed-mustard Conservation Measure 7:*** The following restrictions apply to herbicide use in suitable or occupied shrubby reed-mustard habitat:
 - No aerial or broadcast herbicide treatments will be applied for vegetation management within 2,500 feet of suitable or occupied shrubby reed-mustard habitat.
 - For noxious weed control within 2,500 feet of suitable or occupied shrubby reed-mustard habitat, manual spot treatments (i.e. backpack sprayers) shall be used.
 - All those involved in the herbicide application shall be accompanied by a qualified botanist/ecologist familiar with shrubby reed-mustard to help herbicide applicators identify shrubby reed-mustard and avoid impacts on individual plants.
 - Treatments would not be done when wind speeds exceed 6 miles per hour.
 - Drift reducing agents shall be used when practical.
 - A reduced application rate would be used.
 - Pump pressure would be reduced, per label instructions.
 - Droplet size would be increased to the largest size possible while still effectively covering the target vegetation. This could be accomplished using larger nozzles or reduced pressure.
 - Herbicides shall be stored in spill proof containers away from special status plant habitats.
- ***Shrubby Reed-mustard Conservation Measure 8:*** Dust abatement will occur during the peak flowering season (April 15th through May 15th) and only water will be used within 300 feet of suitable habitat.

Uinta Basin Hookless Cactus

- ***Uinta Basin Hookless Cactus Conservation Measure 1:*** Surveys for Uinta Basin hookless cactus will be conducted prior to final design of the Project using survey protocols developed for the Project through coordination with the BLM and FWS (Appendix F).
- ***Uinta Basin Hookless Cactus Conservation Measure 2:*** All Uinta Basin hookless cactus transplant sites and study plots will be avoided to the extent possible.
- ***Uinta Basin Hookless Cactus Conservation Measure 3:*** Right-of-way placement within 300 feet of occupied Uinta Basin hookless cactus habitat will be avoided to the extent possible.
- ***Uinta Basin Hookless Cactus Conservation Measure 4:*** For any activities associated with the geotechnical investigation, the following requirements apply:
 - All work requiring Uinta Basin hookless cactus to be transplanted will be moved or abandoned.
 - All work within 300 feet of suitable or occupied habitat will be monitored by a biological monitor to ensure compliance with all applicable conservation measures.
 - Alternative, low-impact geotechnical investigation methods will be used within 300 feet of occupied habitat. These methods could include walk-in or helicopter-assisted drilling and will be subject to BLM and FWS approval.

- Existing access roads within 300 feet of suitable Uinta Basin hookless cactus habitat may be used, but not improved.
- **Uinta Basin Hookless Cactus Conservation Measure 5:** Permanent and temporary disturbance will be sited to: (1) maximize the distance from adjacent Uinta Basin hookless cactus, (2) minimize impacts on the maximum number of cacti technically feasible, and (3) minimize the overall surface-disturbance area without compromising safety.
- **Uinta Basin Hookless Cactus Conservation Measure 6:** Construction will occur down slope of plants and populations where feasible and avoid concentrating water flows or sediments to plants. Appropriate erosion/sedimentation control measures (i.e., silt fencing, straw wattles) will be used to protect Uinta Basin hookless cactus within 300 feet and downslope or downwind of surface disturbance. Fencing is intended to prevent sedimentation or dust deposition and will be evaluated for effectiveness by a qualified, BLM-approved botanist.
- **Uinta Basin Hookless Cactus Conservation Measure 7:** A qualified, BLM-approved botanist will be on-site to flag cacti or avoidance areas, train construction crews on how to avoid cacti, and ensure that construction and activities avoid or minimize damage to habitat when Uinta Basin hookless cactus is within 300 feet of any surface-disturbing activities.
- **Uinta Basin Hookless Cactus Conservation Measure 8:** Dust abatement (consisting of water only) will occur during construction and maintenance activities within the *Sclerocactus* potential habitat polygon over the life of the Project. Dust abatement will occur during the time of the year when cactus is most vulnerable to dust-related impacts (March 1st through August 31st).
- **Uinta Basin Hookless Cactus Conservation Measure 9:** Ground-disturbing activities will occur outside of the flowering season, typically March 15 to June 30, in the *Sclerocactus* potential habitat polygon (including CCA1 and 2) as defined by the FWS. This will avoid adverse impacts on *Sclerocactus* reproductive success due to the high volumes of dust produced during construction and ground-disturbing activities.
- **Uinta Basin Hookless Cactus Conservation Measure 10:** A 15-mile-per-hour speed limit for all construction personnel will be implemented within 300 feet of occupied habitat.
 - Speed limit signs will be posted for project personnel.
 - Signing will be posted to limit off-road travel in sensitive areas.
- **Uinta Basin Hookless Cactus Conservation Measure 11:** The FWS will be contacted within 24 hours in the event of any emergency or unforeseen situation in which cacti or habitat will be damaged or lost.
- **Uinta Basin Hookless Cactus Conservation Measure 12:** All disturbed areas in the *Sclerocactus* potential habitat polygon will be reclaimed using seed mixes composed mostly of native species developed in coordination with the BLM botanist and the FWS and final approval will be provided by the BLM.
- **Uinta Basin Hookless Cactus Conservation Measure 13:** Post-construction monitoring for invasive species will be required. Noxious weeds in *Sclerocactus* habitat will follow mitigation measures identified in the BLM's 2007 Programmatic EIS for Vegetation Treatments using Herbicides. Coordination would occur with the BLM Vernal Field Office weed coordinator prior to noxious weed management in *Sclerocactus* habitat.
- **Uinta Basin Hookless Cactus Conservation Measure 14:** Where complete avoidance of individual cacti is not feasible, all cacti located in the areas required to be disturbed by the Project will be transplanted by a qualified botanist according to FWS protocols. Only cacti that were not previously transplanted or used as control plants for Uinta Basin hookless cactus monitoring studies would be allowed to be affected during this Project and potentially transplanted. The

number of cacti to be transplanted would be calculated after the surveys are completed. A 10-year monitoring plan, specific to Uinta basin hookless cactus, will be developed in coordination with FWS for all transplanted cacti.

- Cacti shall be transplanted into high-quality unoccupied suitable habitat or habitat with a few scattered individuals within the range of the species to prevent disruption and competition with occupied sites. Recipient sites should be coordinated with botanists from the BLM and FWS. Up to 30 of the cacti to be transplanted can instead be donated to up to three Center for Plant Conservation-designated botanical gardens for education or formation of an ex-situ collection as determined by the BLM and FWS botanists in coordination with the recipient garden.
- ***Uinta Basin Hookless Cactus Conservation Measure 15:*** Mitigation will be required in occupied suitable habitat based on the results of surveys and residual impacts. A monetary amount will be contributed to the *Sclerocactus* Mitigation Fund to aid in the recovery of *Sclerocactus* species affected by the Project. The payment will be calculated using the *Sclerocactus* compensatory mitigation calculation table provided by the FWS upon completion of surveys and final engineering design. The primary purpose of the mitigation fund is to implement conservation and restoration activities for *Sclerocactus* and its habitat or to acquire suitable or occupied habitat.
- ***Uinta Basin Hookless Cactus Conservation Measure 16:*** Additional measures to avoid or minimize effects on the species may be developed and implemented in consultation with the FWS to ensure continued compliance with the ESA.

Ute Ladies'-tresses

- ***Ute Ladies'-Tresses Conservation Measure 1:*** Field habitat assessments will be conducted to identify areas of potentially suitable Ute ladies tresses habitat in the Project area where surveys will be conducted. Field habitat assessments:
 - Must be conducted by qualified individual(s) approved by the BLM and FWS.
 - Will occur during the growing season.
 - Will occur within 300 feet of any planned disturbance or areas likely to experience hydrology changes resulting from Project activities.
 - Will identify habitat meeting the criteria described in 1992 Interim Survey Requirements for Ute ladies'-tresses Orchid (FWS 1992) and Rangewide Status Review of Ute Ladies'-Tresses (*Spiranthes diluvialis*) (Fertig et. al 2005).
 - Will exclude habitats meeting the following criteria:
 - Appropriate hydrology not present, typically indicated by
 - area comprised of mostly upland vegetation
 - area that dries up by mid-July with a water table lower than 12 to 18 inches below the soil surface
 - Heavy clay soils present
 - Soils strongly alkaline
 - Site heavily disturbed, such as, for example:
 - stream banks channelized and stabilized by heavy rip-rap
 - highway rights-of-way built on filled or compacted soil or rock material
 - construction sites where construction has either stripped the topsoil or where construction has been completed within the last 5 years but the area has not been revegetated (Ute ladies'-tresses orchid has been found in some heavily disturbed sites where hydrology is appropriate, such as revegetated gravel pits, heavily grazed riparian edges and pastures, and along well-traveled trails developed on old berms)

- Stream banks steep, transition from stream margin to upland areas abrupt
 - Site characterized by standing water with cattails, bulrushes, and other emergent aquatic vegetation- note margins may be suitable habitat
 - Riparian areas, stream banks, or wetlands vegetated with dense rhizomatous species such as reed canary grass (*Phalaris arundinacea*), tamarisk or salt cedar (*Tamarix ramosissima*), teasel (*Dipsacus sylvestris*), common reed (*Phragmites australis*), or saltgrass (*Distichlis spicata*)
 - Riparian areas overgrazed or otherwise managed such that the vegetation community is comprised of upland native or weedy species or is unvegetated. (the orchid can tolerate rather extreme overgrazing as long as it has not resulted in a drop in the water table as indicated by conversion of the riparian or wet meadow pasture vegetation community to mostly upland species)
 - Potential habitat is no longer in a natural condition, for example, has been converted to agricultural uses and is now plowed and cropped, or has been converted to lawns or golf courses (wet meadow pastures with a mix of native and non-native pasture grasses, including pastures that are regularly hayed, are suitable potential habitat)
 - Wetland is a brackish playa or pothole not fed by springs or not in the floodplain of or hydrologically connected with a riparian system or other source of fresh water (fens and wetlands associated fresh water springs are suitable potential habitat).
- ***Ute Ladies’-Tresses Conservation Measure 2:*** Surveys to determine Ute ladies’-tresses habitat occupancy will be conducted in suitable habitat. The following requirements for inventories apply:
 - Must be conducted by qualified individual(s) and according to 1992 Interim Survey Requirements for Ute ladies’-tresses Orchid (FWS 1992)
 - Will not occur in areas where existing roads would be used without improvement
 - Will be conducted at a time when the plant can be detected and during appropriate flowering periods
 - Will be conducted for at least 1 year prior to any temporary disturbance in suitable habitat (e.g., overland travel to access geotechnical boring location). Two additional years of surveys would be conducted after the temporary disturbance for a total of 3 years of surveys.
 - Three consecutive years of surveys will be required prior to any permanent disturbance (e.g., road widening, new road construction, placement of other infrastructure)
 - ***Ute Ladies’-Tresses Conservation Measure 3:*** For any activities associated with the geotechnical investigation the following requirements apply:
 - All work within 300 feet of occupied Ute ladies’ tresses habitat will be moved or abandoned.
 - All work within 300 feet of suitable habitat will be monitored by a biological monitor to ensure compliance with all applicable conservation measures.
 - Existing access roads within 300 feet of suitable Ute ladies’-tresses habitat may be used, but not improved.
 - ***Ute Ladies’-tresses Conservation Measure 4:*** Design Project infrastructure to minimize direct or indirect impacts on suitable habitat both in and downstream of the Project area:
 - Alteration and disturbance of hydrology will not be permitted.
 - Disturbance footprint size should be reduced to the minimum needed, without compromising safety.
 - New access routes for the Project should be limited.
 - Roads and utilities should share common right-of-ways where possible.

- Rights-of-way widths should be reduced and the depth of excavation needed for the road bed should be minimized.
 - Construction and right-of-way management measures should avoid soil compaction that would impact Ute ladies' tresses habitat.
 - Offsite impacts or indirect impacts should be avoided or minimized (i.e., install berms or catchment ditches to prevent spilled materials from reaching occupied or suitable habitat through either surface or groundwater).
 - Signing should be placed to limit off-road travel in sensitive areas.
 - Vehicles and equipment should be made to stay on designated routes and other cleared/approved areas.
 - All disturbed areas will be revegetated with species approved by FWS and BLM botanists.
- ***Ute Ladies'-tresses Conservation Measure 5:*** Project-related construction activities will avoid individual plants by a minimum of 300 feet. In proximity to occupied habitat, Project infrastructure will be designed to avoid direct disturbance and minimize indirect impacts on populations and to individual plants:
 - Follow recommendations for Project design in suitable habitats.
 - Create designs that will avoid altering site hydrology and concentrating water flows or sediments into occupied habitat.
 - Minimize the disturbed area through interim and final reclamation. Reclaim disturbance following construction to the smallest area possible.
 - ***Ute Ladies'-tresses Conservation Measure 6:*** In proximity to occupied habitat, all construction activities will be overseen by a biological monitor to ensure compliance with all applicable conservation measures. The biological monitor will also:
 - Make areas for avoidance visually identifiable in the field (e.g., flagging, temporary fencing, rebar, etc.) before and during construction.
 - Provide the FWS and BLM with a post-construction report of compliance, impacts, and extent of impacts on Ute ladies'-tresses no later than 4 months upon Project completion.
 - ***Ute Ladies'-tresses Conservation Measure 7:*** The following restrictions apply to herbicide use in suitable or occupied Ute ladies'-tresses habitat:
 - No aerial or broadcast herbicide treatments will be applied for vegetation management within 2,500 feet of suitable or occupied Ute ladies'-tresses habitat.
 - For noxious weed control within 2,500 feet of suitable or occupied Ute ladies'-tresses habitat, manual spot treatments (i.e. backpack sprayers) shall be used.
 - All those involved in the herbicide application shall be accompanied by a qualified botanist/ecologist familiar with Ute ladies'-tresses to help herbicide applicators identify Ute ladies'-tresses and avoid impacts on individual plants.
 - Treatments would not be done when wind speeds exceed 6 miles per hour.
 - Drift reducing agents shall be used when practical.
 - A reduced application rate would be used.
 - Pump pressure would be reduced, per label instructions.
 - Droplet size would be increased to the largest size possible while still effectively covering the target vegetation. This could be accomplished using larger nozzles or reduced pressure.
 - Herbicides shall be stored in spill proof containers away from special status plant habitats.
 - ***Ute Ladies'-tresses Conservation Measure 8:*** Notify the FWS immediately if any Ute Ladies' tresses are located during surveys or monitoring. In the event that Ute Ladies tresses are located,

additional discussions between the BLM and FWS will be conducted to review site plans and ensure that the appropriate avoidance measures are implemented.

ATTACHMENT B

ENERGY GATEWAY SOUTH TRANSMISSION PROJECT REVISED DETERMINATIONS FOR SPECIES AND DESIGNATED CRITICAL HABITATS FOR THE FINAL BIOLOGICAL ASSESSMENT		
Species	Listing Status	Determination
Fish		
Bonytail	Endangered	May affect, likely to adversely affect
Bonytail	Designated critical habitat	May affect, likely to adversely affect
Colorado pikeminnow	Endangered	May affect, likely to adversely affect
Colorado pikeminnow	Designated critical habitat	May affect, likely to adversely affect
Humpback chub	Endangered	May affect, likely to adversely affect
Humpback chub	Designated critical habitat	May affect, likely to adversely affect
June sucker ¹	Endangered	May affect, not likely to adversely affect
Pallid sturgeon	Endangered	May affect, likely to adversely affect
Razorback sucker	Endangered	May affect, likely to adversely affect
Razorback sucker	Designated critical habitat	May affect, likely to adversely affect
Birds		
Least tern, Interior population	Endangered	May affect, likely to adversely affect
Mexican spotted owl ¹	Threatened	May affect, not likely to adversely affect
Piping plover, Northern Great Plains population	Threatened	May affect, likely to adversely affect
Piping plover, Northern Great Plains population	Designated critical habitat	No effect
Whooping crane	Endangered	May affect, likely to adversely affect
Whooping crane	Designated critical habitat	May affect, likely to adversely affect
Yellow-billed cuckoo, Western United States Distinct Population Segment¹	Threatened	May affect, not likely to adversely affect
Yellow-billed cuckoo, Western United States Distinct Population Segment¹	Proposed critical habitat	No effect
Mammals		
Black-footed ferret	Nonessential Experimental Population (NEP)	Not likely to jeopardize
Black-footed ferret	Endangered	No effect
Canada lynx ¹	Threatened	May affect, not likely to adversely affect
Gray wolf	Endangered, NEP (Wyoming)	Not likely to jeopardize
Gray wolf	Endangered (Colorado and Utah)	May affect, not likely to adversely affect
Plants		
Clay phacelia	Endangered	May affect, not likely to adversely affect
Clay reed-mustard	Threatened	May affect, not likely to adversely affect
Deseret milkvetch	Threatened	May affect, not likely to adversely affect
Shrubby reed-mustard	Endangered	May affect, not likely to adversely affect
Ute ladies'-tresses	Threatened	May affect, not likely to adversely affect
Uinta Basin hookless cactus	Threatened	May affect, likely to adversely affect
Western prairie fringed orchid	Threatened	May affect, likely to adversely affect
NOTES: ¹ Critical habitat has been designated for these species, but it is located outside of the Project area. Bold text indicates changes from the July 20, 2015, Final Biological Assessment.		

ATTACHMENT C

ENERGY GATEWAY SOUTH TRANSMISSION PROJECT SECTION 7 CONSULTATION SCHEDULE September 10, 2015			
Milestone	Approximate Duration	Start Date	Finish Date
Preparation of first draft Biological Assessment (BA)	7 weeks	09/01/14	10/17/14
Bureau of Land Management (BLM) review first draft BA	21 days	10/20/14	11/10/14
Preparation of second draft BA	52 days	11/11/14	01/02/15
U.S. Fish and Wildlife Service (FWS) and other consultation participants review of second draft BA	37 days	01/05/15	02/11/15
Preparation of final BA	155 days	02/12/15	07/17/15
BLM submits final BA to FWS	1 day	07/20/15	07/20/15
Formal consultation period and FWS preparation of Biological Opinion (BO)	135 days	07/21/15	12/03/15
FWS conducts completeness review of BA	30 days	07/21/15	08/20/15
BLM and FWS discuss BA completeness review via conference call	1 day	8/19/15	8/19/15
BLM submits memo with revisions to final BA	1 day	9/10/15	9/10/15
FWS provides BLM with written statement of BA sufficiency	1 day	9/11/15	9/11/15
FWS issues final BO	1 day	12/03/15	12/03/15