

Existing Sierra Pacific Power Company dba NV Energy Warm Springs-Hot Creek Line: 2016-0008-CX

A. Background

BLM Office: Tonopah Field Office

Lease/Serial/Case File No: N-94441

CX Number: DOI-BLM-NV-B020-2016-0008-CX

Name of Preparer: Wendy Seley

Proposed Action Title/Type: Renew and Issue FLPMA Title V Right-of-Way (ROW) to Sierra Pacific Power Company dba NV Energy.

Location of Proposed Action:: T. 3 N., R. 42 E., T. 3 N., R. 43 E., T. 3 N., R. 44 E., T. 3 N., R. 45 E., T. 3 N., R. 47 E., T. 3 N., R. 48 E., T. 4 N., R. 48 E., T. 4 N., R. 49 E., T. 4 N., R. 50 E., T. 5 N., R. 50 E., T. 5 N., R. 51 E., T. 6 N., R. 51 E., T. 7 N., R. 51 E., T. 7 N., R. 52 E., T. 7 N., R. 53 E., T. 7 N., R. 54 E., MDBM, Nye County, Nevada. Location map is attached as Exhibit A.

Description of Proposed Action: Sierra Pacific Power Company dba NV Energy, has requested a right-of-way (ROW) for an existing 55 kV transmission power line known as the Warm Springs to Hot Creek Line (Nev 061469). The line was originally authorized in 1965 under the Act of March 4, 1911 (36 Stat. 1253; 43U.S.C.961), as amended. The BLM does not renew pre-FLPMA right-of-way authorizations that were issued prior to November 16, 1973; therefore, SPPCo is applying for a new ROW for the existing power line. Therefore, a new case file number, N-94441, has been assigned.

The total length of the existing power line is 388,370.40 feet (73.56 miles) by 30 feet wide or 267.47 acres. The new case file is for administrative purposes only. This is an existing line and no new disturbance would be authorized.

Additionally, SPPCo has requested a consolidation of case file N-47158, Stickleman Substation and access road to be incorporated into the new case file (N-94441). The existing substation and access road is a 50 foot x 50 foot site; containing a 686.99 foot long by 20 foot wide access road consisting of 0.38 acres; authorized in 1988 (NV067-EA7-64 (CE)). This is an existing substation and access road. No new disturbance would be authorized.

Applicant (if any): Sierra Pacific Power Company dba NV Energy

B. Land Use Plan Conformance

Land Use Plan Name: Tonopah Resource Management Plan.

The current Resource Management Plan (RMP) has been amended by the “Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment and Record of Decision — September 2015.”

Date Approved/Amended: October 2, 1997

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions) : Lands and Rights-of-Way Objective, page 18.

“To make lands available for community expansion and private economic development and to increase the potential for economic diversity.”

Page 33. "Unless the land has been dedicated to a specific use or uses, public land within the Tonopah Planning Area is available for consideration for linear rights-of-way for access, and for utility transportation and distribution purposes. Such land is also available for areal rights-of-way purposes."

National Policy - 43 CFR 2801.2 - Rights-of-Way - Objectives (Selected Provisions), Subpart 2801 – General Information

"It is BLM's objective to grant rights-of-way under the regulations in this part to any qualified individual, business, or governmental entity and to direct and control the use of rights-of-way on public lands in a manner that:

(a). Protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity."

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9.

E. Realty. (9) "Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations."

E. Realty. (11) "Conversion of existing right-of-way grants to Title V grants or existing leases to FLPMA Section 302(b) leases where no new facilities or other changes are needed."

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed and none of the extraordinary circumstances described in 43 CFR 46.215 apply. However, standard stipulations included in Exhibit B do apply.

I considered all pertinent ecological, social and environmental factors which may be impacted by the project. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan. The facilities already exist and are designed for the intended purpose. This ROW renewal is being granted for administrative purposes and does not authorize additional surface disturbance outside of the existing ROW or change in management and that no further environmental analysis is required.

D. Approval and Contact Information

	2016-04-11
Joy Fatooh, Environmental Coordinator	Date
	4/13/16
Timothy J. Coward, Field Manager, Tonopah	Date

Contact Person

For additional information concerning this CX review; contact Wendy Seley, Realty Specialist Tonopah Field Office, P.O. Box 911, Tonopah, NV 89049, (775) 482-7805.

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

Screening for Extraordinary Circumstances: Will this project...		Yes	No
1	<p>Have significant adverse effects on public health or safety?</p> <p>Rationale: The transmission line was built in 1965 and the right-of-way was issued on October 26, 1965 under the Act of March 4, 1911. Current regulations at 43 CFR 2800 required the BLM to issue the right-of-way under the Federal Land Policy and management Act (FLPMA) of October 21, 1976, as amended. The original authorization number will be changed from Nev 061569 to N-95551. It is not anticipated that the Proposed Action will have any effects to public health and safety.</p>		X J
2	<p>Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas?</p> <p>Rationale: As this undertaking is a renewal and no new ground disturbance or modifications to the existing line would be authorized, there would be no significant impacts.</p>		X cm J
3	<p>Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources?</p> <p>Rationale: Based on past experience from these types of activities, there are no predicted environmental effects from the Proposed Action that are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses. This project's Categorical Exclusion Authority allows for activities which utilize existing facilities, improvements, or sites for the same or similar purposes.</p>		X J
4	<p>Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?</p> <p>Rationale: The activities proposed in this CX are long-standing practices on BLM administered lands. The BLM ID Team of resource specialists reviewed this project and determined there are no highly uncertain, potentially significant, unique, or unknown risks.</p>		X J
5	<p>Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?</p> <p>Rationale: The activities proposed in this CX are addressed and authorized under the 1997 Tonopah ROD/RMP. The proposed activities occur widely on Federal lands throughout NV and there is no evidence this type of activity would establish a precedent or decision for future actions that would have significant environmental effects.</p>		X J
6	<p>Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?</p> <p>Rationale: The BLM interdisciplinary team reviewed the project and incorporated Project Design Features (PDFs) or stipulations into the project design to minimize any potential impacts to resources and prevent off-site effects that would contribute to the cumulative effects of other projects in the area. The ID Team determined that the project would not result in a cumulative significant effect when added to relevant past, present, and reasonably foreseeable actions in the area.</p>		X J
7	<p>Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office?</p> <p>Rationale: As this undertaking is a renewal and no new ground disturbance or modifications to the existing road would be authorized.</p>		X cm
8	<p>Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?</p> <p>Rationale: Where appropriate, PDFs/stipulations have been incorporated into the project to protect listed, or proposed to be listed species and their habitats. Appropriate buffers and seasonal restrictions will be implemented to avoid any adverse effects to threatened or endangered species or designated critical habitat.</p>		X AS
9	<p>Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?</p> <p>Rationale: The proposed activities conform to the TFO RMP's direction for management of public lands in areas of jurisdiction and comply with applicable laws, rules, and regulations.</p>		X J
10	<p>Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).</p> <p>Rationale: Similar actions have occurred throughout the BMDO and there is no evidence that this type of project would have a disproportionately high and adverse effect on said populations.</p>		X J

11	<p>Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites?</p> <p>Rationale: The BLM field office area archaeologist reviewed the project. No Native American sacred sites were identified. The project does not significantly or adversely affect the physical integrity of any such sacred sites.</p>		<p>X Cm</p>
12	<p>Contribute to the introduction, continued existence, or spread of noxious weeds or non-native species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species?</p> <p>Rationale: The proposed action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or nonnative invasive species in or from the project area. The implementation of PDF's such as mulching with weed free mulch and seeding exposed soil, will reduce the risk of introduction or spread of noxious weeds.</p>		<p>X EAF</p>

All of the above questions must be answered negatively before the Categorical Exclusion may be approved. This checklist is taken from 43 CFR 46.215.

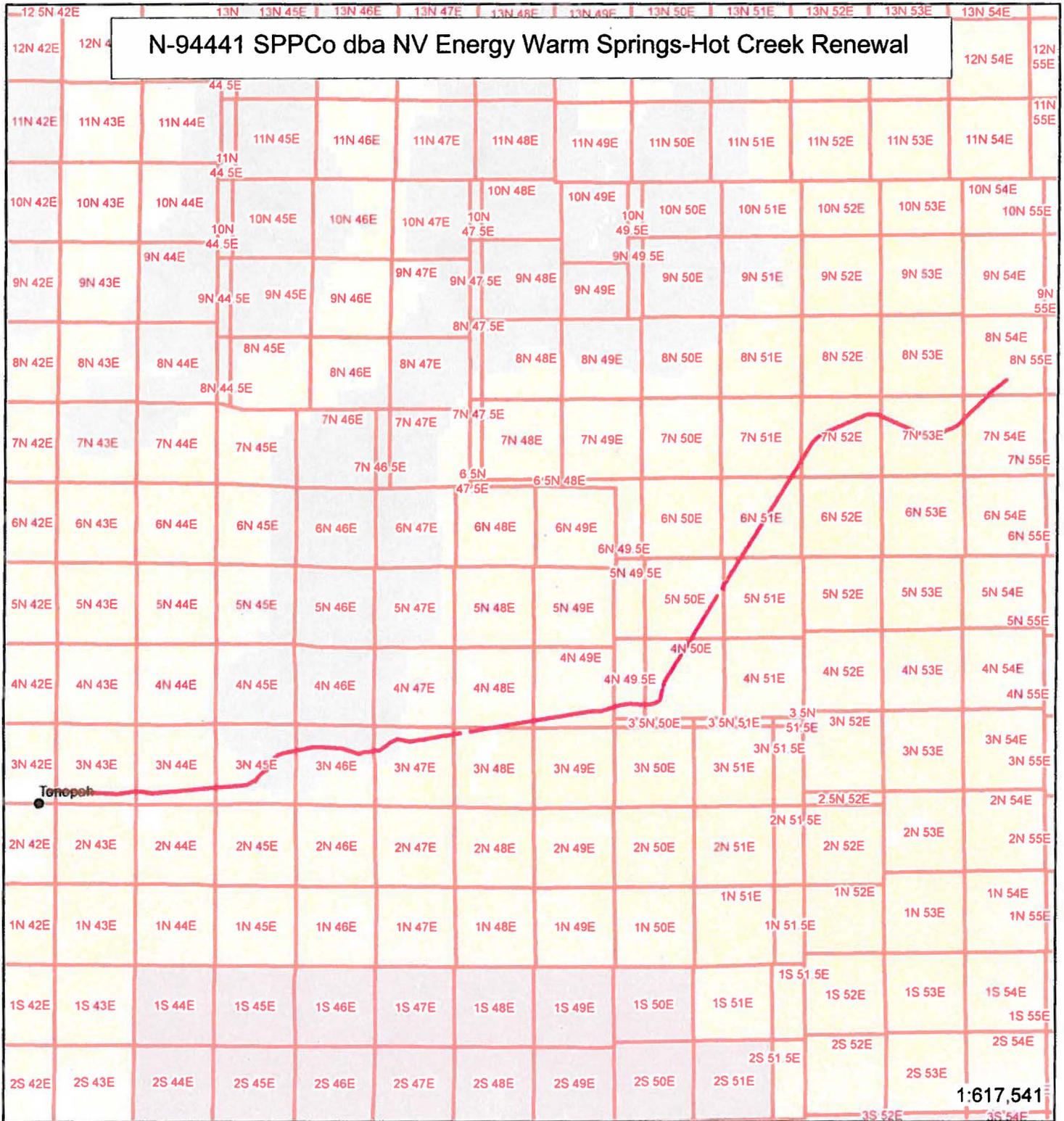
Reviewed by

	<u>Initials</u>	<u>Date</u>
Austin Brewer, Biologist	AB	4/16/16
Christine McCollum, Archeologist	Cm	3/9/16
Joy Fatooh, Planning and Environmental Coordinator	J	2016-03-10
Elizabeth A. Friere, WHPB and Range	EAF	3/23/16
Diana Martinez Native American Coordinator	DM	4-11-16

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<u>Reviewed by</u>	<u>Initials</u>	<u>Date</u>
Austin Brewer, Biologist	AB	4/6/16
Christine McCollum, Archeologist	CM	3/9/16
Joy Fatooh, Planning and Environmental Coordinator	JF	2016-03-10
Elizabeth A. Freniere, WH&R and Range	CAF	3/23/16



N-94441 SPPCo dba NV Energy Warm Springs-Hot Creek Renewal

N-94441 formally Nev 061469 SPPCo dba NV Energy Warm Springs to Hot Creek Renewal Power Line - 55kV - Overview Map

Legend

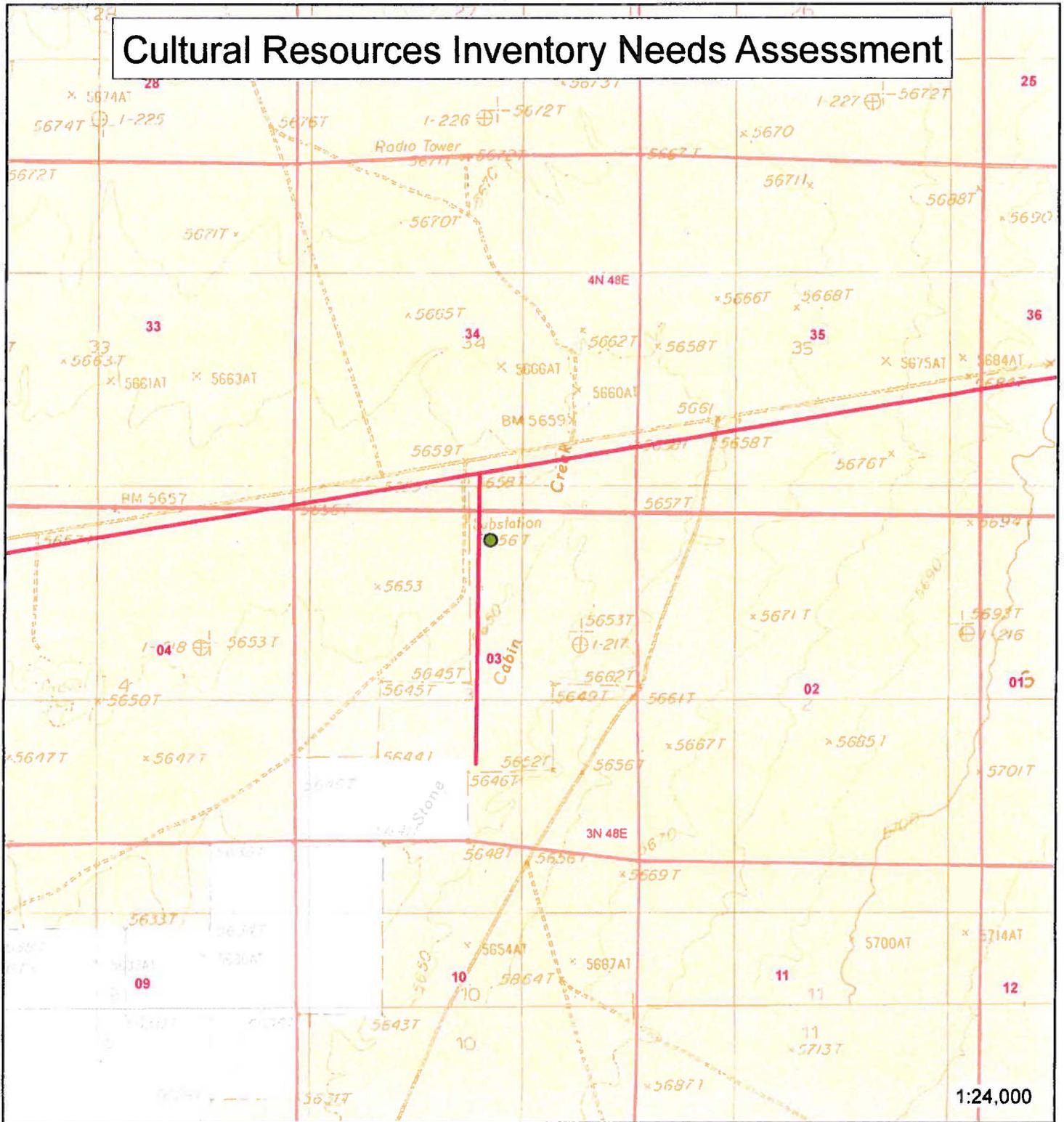
- Cities & Towns
- N-94441
- Bureau of Land Management
- Department of Defense
- Department of Energy
- Forest Service
- Private



United States Department Of The Interior
 Bureau of Land Management
 Tonopah Field Office
 1553 S. Main Street/P.O. Box 911
 Tonopah, NV 89049
 Map Date: 11/17/2015
 NAD 83 UTM Zone 11N
 481087.052 mE 4214420.972 mN
 598931.745 mE 4264131.101 mN
 No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual or aggregate use with other data. Original data were compiled from various sources. This information may not meet National Map Accuracy Standards. This product was developed through digital means and may be updated without notification.



Cultural Resources Inventory Needs Assessment

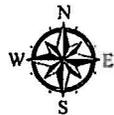


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**N-94441 formally Nev 061469 SPPCo dba NV Energy
Warm Springs to Hot Creek Renewal
Power Line - 55kV - Overview Map
Amend CRINA to include N-47158
Stickleman Substation**

Legend

- N-47158 Private
- N-94441 Bureau of Land Management



United States Department Of The Interior

Bureau of Land Management
Tonopah Field Office
1553 S. Main Street/P.O. Box 911
Tonopah, NV 89049
Map Date: 1/25/2016
NAD 83 UTM Zone 11N
535759.132 mE 4221941.799 mN



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EXHIBIT B
Right-of-Way Stipulations

1. In accordance with Federal regulations in 43 CFR 2807.21, any proposed transfer of any right or interest in the right-of-way grant shall be filed with the BLM Authorized Officer. An application for assignment shall be accompanied by a showing of qualifications of the Assignee. The assignment shall be supported by a stipulation that the Assignee agrees to comply with and to be bound by the terms and conditions of the grant to be assigned. No assignment shall be recognized unless and until it is approved in writing by the Authorized Officer.
2. This grant is subject to all valid rights existing on the effective date of this grant.
3. The Holder shall comply with all applicable Federal, State, and local laws and regulations, existing or thereafter enacted or promulgated.
4. In case of change of address, the Holder shall immediately notify the BLM Authorized Officer.
5. In the event that the public land underlying the right-of-way (ROW) encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the right-of-way, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the Holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the right-of-way, or portion thereof, within the conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.
6. Future modifications, construction of improvements, or major maintenance operations involving disturbance of the land, shall not occur until plans for such actions have been submitted and approved in writing by the Authorized Officer. Any proposals involving new surface disturbance shall require a cultural inventory and may require completion of an environmental assessment.
7. 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.

8. The Holder shall construct, operate, and maintain the facilities, improvements, and structures within this grant in strict conformity with the plan of development that accompanied the Application and was approved and made part of the grant. Any relocation, additional construction, or use that is not in accord with the approved plan of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete grant, including all stipulations and approved plans of development, shall be made available on the grant 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.
9. The Holder shall conduct all work, including maintenance, within previously-disturbed areas in the ROW. Any new ground disturbance within the ROW would be subject to a cultural resources inventory and compliance with Section 106 of the National Historic Preservation Act.
10. The Holder shall not modify, remove, or add to the existing transmission line without obtaining permission from the BLM. The transmission line is historic in age and requires evaluation and compliance with Section 106 of the NHPA before any modifications, additions, or removals can be authorized. Additions include Required Design Features identified in the *Nevada and Northeastern California Greater Sage-Grouse Approved Resource Management Plan Amendment* (2015).
11. Upon the discovery of any cultural resource(s) (historic or prehistoric site or object) by the permit Holder (or any person working on their behalf) during the course of activities on federal land, all operations shall be immediately suspended within 50 feet of the discovery. The permit Holder shall protect the discovery from any disturbance and immediately report the discovery to the authorized officer by telephone, followed by written confirmation of the discovery to the authorized officer. Following the discovery, the authorized officer shall conduct an evaluation to determine the significance of the discovery and consult with the permit Holder regarding any mitigation and/or treatment measure(s) necessary before operations may resume. The Holder shall be responsible for all costs of evaluation and any mitigation and/or treatment measures(s). Operations may resume with the written consent of the authorized officer.
12. Upon the discovery of any Native American human remains, funerary item(s), sacred objects(s), or object(s) of cultural patrimony by the permit Holder (or any person working on their behalf) during the course of activities on federal land, all operations shall be immediately suspended within 50 feet of the discovery. The permit Holder shall protect the discovery from any disturbance and immediately report the discovery to the authorized officer by telephone, followed by written confirmation of the discovery to the authorized officer. Operations may resume with the written consent of the authorized officer.
13. Upon the discovery of any faunal (animal) bones or remains that are indeterminate (not clearly human or non-human) by the permit Holder (or any person working on their behalf) during the course of activities on federal land, all operations shall be immediately suspended within 50 feet of the discovery. The permit Holder shall protect the discovery from any

disturbance and immediately report the discovery to the authorized officer by telephone, followed by written confirmation of the discovery to the authorized officer. Following the discovery the authorized officer shall conduct an evaluation to determine the significance of the discovery and consult with the permit Holder regarding any mitigation and/or treatment measure(s) necessary before operations may resume. The Holder shall be responsible for all costs of evaluation and any mitigation and/or treatment measures(s). Operations may resume with the written consent of the authorized officer.

14. Upon the discovery of any paleontological (fossil) resource(s) by the permit Holder (or any person working on their behalf) during the course of activities on federal land, all operations shall be immediately suspended within 50 feet of the discovery. The permit Holder shall protect the discovery from any disturbance and immediately report the discovery to the authorized officer by telephone, followed by written confirmation of the discovery to the authorized officer. Following the discovery the authorized officer shall conduct an evaluation to determine the significance of the discovery and consult with the permit Holder regarding any mitigation and/or treatment measure(s) necessary before operations may resume. The Holder shall be responsible for all costs of evaluation and any mitigation and/or treatment measures(s). Operations may resume with the written consent of the authorized officer.
15. The permit Holder (or any person working on their behalf) is prohibited from moving, disturbing, and sharing the location of any cultural resource(s); Native American human remains, funerary item(s), sacred objects(s), or object(s) of cultural patrimony; faunal (animal) bones or remains that are indeterminate (not clearly human or non-human); or paleontological resource(s), discovered during the course of activities on federal land, unless authorized to do so by the authorized officer.
16. The Holder shall protect all survey monuments found within the grant. 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 grant monuments or references are obliterated during operations, the Holder shall secure the services of a registered land surveyor or a Bureau cadastral surveyor to restore the disturbed monuments and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands in 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.
17. Holder shall remove only the minimum amount of vegetation necessary for the construction of structures and facilities. Where possible and if needed, topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.

18. The Holder shall conduct all activities associated with the construction, operation, and termination of the grant within the authorized limits of the grant.
19. All design, material, and construction, operation, maintenance, and termination practices shall be in accordance with safe and proven engineering practices.
20. 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, ashes, and equipment.
21. Prior to any planned disturbance in potential migratory bird nesting habitat from March 1 to July 31st (the approximate nesting season), a field survey for migratory birds, their nests, eggs or young should be performed, in order to prevent violation of the Migratory Bird Treaty Act (MBTA). If any nests, eggs or young are found either (1) the project should be delayed until the birds have completed their nesting and brood rearing activities; (2) a protective buffer zone around and nests, eggs or young migratory birds should be established on a site and species specific basis by a qualified biologist (to the approval of the BLM) allowing work to proceed outside of the buffer zone, or (3) the project should be designed as to not harm the migratory birds, their nests, eggs or young. A migratory bird is any species of bird except upland game species, feral pigeons, European starlings and English house sparrows. Potential migratory bird nesting habitat is any habitat that may provide nesting opportunities of any species or migratory bird. Any violation of the MBTA can incur penalties up to \$15,000 or 6 months imprisonment, or both per individual offense. Any questions about the Migratory Bird Treaty Act should be referred to the Reno Office of the U.S. Fish and Wildlife Service at (775) 861-6300, or e-mail at asknevada@fws.gov.
22. Holder shall be responsible for weed control on disturbed areas within the limits of the grant. 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). The Holder agrees to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgments of any kind or nature arising from the past, present, and future acts or omissions of the United States, its employees, agents, contractors, or lessees, or any third-party, arising out of, or in connection with, the Holder's use, occupancy, or operations on the grant. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the United States and its employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and grant which has already resulted or does hereafter result in: (1) Violations of federal, state, and local laws and regulations that are now, or may in the future become, applicable to the real property; (2) Judgments, claims or demands any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Other releases or threatened releases of solid or hazardous waste(s) and/or damages of any kind incurred by the United States; (4) Other releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by federal or state environmental laws; off, on, into or under land, property and other interests of the United States; (5) Other activities by which solids or hazardous

substances or wastes, as defined by federal and state environmental laws are generated, released, stored, used or otherwise disposed on the ROW, and any cleanup response, remedial action, or other actions related in any manner to said solid or hazardous substances or waste; (6) Or natural resource damages as defined by federal and state law. This covenant shall be construed as running with the grant and may be enforced by the United States in a court of competent jurisdiction.

23. The Holder of right-of-way **N-94441** 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 (RCRA) of 1976, as amended, 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.
24. The Holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the Holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, *et seq.*) with regard to any toxic substances that are used, generated by or stored on the lease or on facilities authorized under this communications site lease. (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 of 1980, 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.
25. Newly installed or upgrades to existing power lines shall be designed, installed and constructed to be avian-safe in accordance with the standards outlined in "Suggested Practices for Avian Protection on Power Lines: the State of the Art in 2006" (APLIC 2006). Unless otherwise agreed to in writing by the Authorized Officer, power lines shall also be constructed in accordance with standards outlined in "Suggested Practices for Raptor Protection on Power lines", Raptor Research Foundation, Inc. 1996. The Holder shall assume the burden and expense of proving that pole designs not shown in the raptor protection publication are "eagle-safe."
26. During the period of May 1 through October 1 of each year, Holder should consider using spark arresters on vehicles and equipment in the project area, due to the potential for fire ignition from project related activities. This includes emission of hot carbon particles from diesel powered equipment, improperly equipped or poorly operating exhaust systems on gas powered vehicles and direct contact of wildland fuels with catalytic converters. Individuals, groups, businesses or corporations found responsible for the ignition of a wild fire may be held liable for the costs associated with the suppression of that fire.

27. The Holder shall prevent any activities which may cause erosion. Where erosion has resulted, the Holder shall re-vegetate and re-habilitate the location. The Holder is responsible for consultation with the Authorized Officer for an acceptable proposal.
28. The Holder shall seed disturbed areas outside of the authorized ROW resulting from grading, staging areas, stockpiles, and other activities. The Holder shall coordinate with the BLM for seeding method, seed mix, and planting season.
29. Use of pesticides shall comply with the applicable federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the
30. Ninety 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.