

**Appendix A  
Major Federal, State, and Local  
Permits or Approvals**

**Table A-1 Summary of Potential Federal and State Permits and Environmental Review Requirements**

Issue	Action Requiring Permit, Approval, or Review	Agency	Permit, License, Compliance, or Review	Relevant Laws and Regulations
<b>FEDERAL</b>				
National Environmental Policy Act (NEPA) Compliance	Federal action: to grant right-of-way (ROW) across land under Federal jurisdiction	Lead agencies (Bureau of Land Management [BLM] and Western Area Power Administration [Western]); Affected land-managing agencies; Cooperating agencies	Environmental impact statement (EIS) and Record of Decision	NEPA (42 USC 4321); Council on Environmental Quality (CEQ) (40 Code of Federal Regulations [CFR] 1500-1508); Department of Energy (DOE) NEPA implementing Regulations (10 CFR 1021)
ROW Across Land Under Federal Management	Preconstruction surveys; construction, operation, maintenance, and abandonment	BLM	ROW grant and temporary use permit	Federal Land Policy and Management Act (FLPMA) of 1976 (PL 94-579); 43 United States Code (USC) 1761-1771; 43 CFR 2800
		BLM	Short-Term ROW Grant	Federal Land Policy and Management Act (FLPMA) of 1976 (PL 94-579); 43 United States Code (USC) 1761-1771; 43 CFR 2800
		BLM	Resource Management Plans	
		BLM	Plan of Development	
		BLM	Notice to Proceed	CFR 48
		U.S. Bureau of Reclamation	License Agreement	Technology Transfer Act of 1986 (Public Law 99-502), Section 11
		USBOR	Right of Use Authorization	Act of Congress of June 17, 1902 (32 Stat. 388), Act of Congress of August 4, 1939 (53 Stat. 1187), Section 10, and 43 CFR 429
		U.S. Forest Service (USFS)	Special use authorization permit or easement	36 CFR 251
		USFS	Operation and Maintenance Plan	
		USFS	Notice to Proceed	CFR 48
		USFS	Road Use Permit	16 USC 535 and 537, National Forest Roads and Trails Act Sections 4 and 6
		USFS	Pesticide Use Proposal	FS Manual 2150
		Bureau of Indian Affairs (BIA), tribe	ROW grant across American Indian lands	25 CFR 169
		National Park Service (NPS)	Authorization to cross NPS lands	16 USC 79
		U.S. Fish and Wildlife Service (USFWS)	Special use permit for crossing a national wildlife refuge	50 CFR 25
		Utah Reclamation Mitigation and Conservation Commission	License Agreement to cross Federal Lands	Central Utah Completion Act, 43 CFR 1000
			"Conversion of use" for a use other than recreation on lands reserved with Land and Water Conservation Fund Act (LWCF) monies	NPS
	Construction, operation, maintenance, and abandonment of transmission line across or within highway rights-of-way	Federal Highway Administration	Permits to cross Federal Aid Highway; 4 (f) compliance	Department of Transportation (DOT) Act, 23 CFR 1.23 and 1.27; 23 USC 109 and 315; 23 CFR 645; 23 CFR 771

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Biological Resources	Grant ROW by Federal land-managing agency	USFWS	Endangered Species Act (ESA) compliance by Federal land-managing agency and lead agency	ESA of 1973 as amended (16 USC 1531 et seq)
	BLM issuance of a ROW grant covering USFWS fee lands within National Wildlife Refuges	USFWS	Compatibility Determination	National Wildlife Refuge System Administration Act of 1966 as amended by the National Wildlife Refuge System Improvement Act of 1997, 16 U.S.C. 668dd-668ee
	Protection of migratory birds	USFWS	Compliance	Migratory Bird Treaty Act of 1918, 16 USC 703-712; 50 CFR 1
	Protection of bald and golden eagles	USFWS	Compliance	Bald and Golden Eagle Protection Act of 1972 (16 USC 668)
Ground Disturbance and Water Quality Degradation	Construction sites with greater than five acres of land disturbed	U.S. Environmental Protection Agency (USEPA)	Section 402 National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities	Clean Water Act (33 USC 1342)
	Construction across water resources	U.S. Army Corps of Engineers (USACE)	General easement	10 USC 2668 to 2669
	Crossing 100-year floodplain, streams and rivers	USACE	Floodplain use permits	40 USC 961
	Construction in or modification of floodplains	Federal lead agency	Compliance	42 USC 4321 Ex. Ord. No. 11988 Floodplains
	Construction in or modification of wetlands	Federal lead agency	Compliance	42 USC 4321 Ex. Ord. No. 11990 Wetlands
	Potential discharge into waters of the state (including wetlands and washes)	USACE (and states); USEPA on tribal lands	Section 401 permit	Clean Water Act (33 USC 1344)
	Discharge of dredge or fill material to a watercourse	USACE; USEPA on tribal lands	404 Permit (individual or nationwide)	Clean Water Act (33 USC 1344)
	Placement of structures and construction work in or across navigable waters of the U.S.	USACE	Section 10 permit	Rivers and Harbors Act of 1899 (33 USC 403)
	Protection of all rivers included in the National Wild and Scenic Rivers Systems	Affected land-managing agencies	Review by permitting agencies	Wild and Scenic Rivers Act (PL 90-542) (16 USC 1271-1287)
	Potential pollutant discharge during construction, operation, and maintenance	USEPA	Spill Prevention Control and Countermeasure (SPCC) Plan for substations	Oil Pollution Act of 1990 (40 CFR 112)
Cultural Resources	Disturbance of historic properties	Federal lead agency, State Historic Preservation Officers (SHPO), Advisory Council on Historic Preservation	Section 106 consultation and signed PA prior to Record of Decision	National Historic Preservation Act of 1966, (16 USC 470) (36 CFR 800)
	Potential conflicts with freedom to practice traditional American Indian religions	Federal lead agency, Federal land-managing agency	Consultation with affected American Indians	American Indian Religious Freedom Act (42 USC 1996)

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Issue	Action Requiring Permit, Approval, or Review	Agency	Permit, License, Compliance, or Review	Relevant Laws and Regulations
Cultural Resources (Continued)	Disturbance of graves, associated funerary objects, sacred objects, and items of cultural patrimony	Federal land-managing agency	Consultation with affected Native American group regarding treatment of remains and objects	Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001-3002)
	Investigation of cultural and paleontological resources	Affected land-managing agencies	Permit for study of historical, archaeological, and paleontological resources	Antiquities Act of 1906 (16 USC 432-433)
	Investigation of cultural resources; Excavation of archaeological resources	Affected land-managing agencies	Permits to excavate and remove archaeological resources on Federal lands; American Indian tribes with interests in resources must be consulted prior to issuance of permits	Archaeological Resources Protection Act of 1979 (16 USC 470aa to 470ee) (43 CFR 7)
	Protection of segments, sites, and features related to national trails	Affected land-managing agencies	National Trails System Act compliance	National Trails System Act (PL 90-543) (16 USC 1241 to 1249)
Paleontological Resources	Ground disturbance on Federal land or Federal aid project	BLM	Compliance with BLM mitigation and planning standards for Paleontological resources of public lands	FLPMA of 1976 (43 USC 1701-1771); Antiquities Act of 1906 (16 USC 431-433)
Air Traffic	Location of towers in regards to airport facilities and airspace	Federal Aviation Administration (FAA)	A "No-hazard Declaration" required if structure is more than 200 feet in height	FAA Act of 1958 (PL 85-726) (14 CFR 77)
			Section 1101 Air Space Permit for air space construction clearance	FAA Act of 1958 (PL 85-726) (14 CFR 77)
Rate Regulation	Sales for resale and transmission services	Federal Energy Regulatory Commission (FERC)	Federal Power Act compliance by power seller	Federal Power Act (16 USC 792)
<b>TRIBAL</b>				
<b>UTE</b>				
ROW Encroachment	Encroachment onto Uintah and Ouray Reservation Land	Ute Indian Tribe-BIA Department of Energy and Minerals	ROW easement	25 CFR 169
<b>WYOMING</b>				
<b>STATE</b>				
Wildlife Resources	Permitting within sage-grouse core areas	All State Agencies	Compliance with Executive Order (EO) 2011-5	Sections 1 and 2 of Article V of the Michigan Constitution of 1963; Executive Order 2011-5
Utility Siting	Primary permitting authority for transmission line siting, county level necessary	Public Service Commission (PSC)	Certificate of Public Convenience and Necessity	WS 37-2-101; PSC-R 202, 204, 205
	Construction of an industrial facility	Industrial Siting Division, Department of Environmental Quality (DEQ)	Industrial siting permit	WS 35-12
ROW Encroachment	ROW across State Lands	State Land Board	ROW Easement	WS 35-20 and 36-20
	Encroachment into state roadway ROW	DOT	ROW encroachment permit	WS 1-26-813
Ground Disturbance and Water Quality Degradation	Construction sites with greater than one acre of land disturbed	DEQ	Storm water permit	WS 35-11

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Fish and Wildlife	Project impacts to fish and wildlife species and associated habitat	WGFD	Compliance	
Air Quality	Fugitive dust emissions generated during construction	DEQ Air Quality Division	Construction Permit	40 CFR part 63
Cultural Resources	Disturbance of cultural resources	SHPO	Potential permit	Wyoming Protocol Agreement
	Disturbance of cultural resources	BLM and SHPO	Section 106 Consultation	National Historic Preservation Act of 1966, (16 USC 470) (36 CFR 800)
Explosives	Storage and use of explosives	Varies	Explosives Permit	18 U.S.C., Chapter 40
<b>LOCAL</b>				
Land Use	Construction and operation of Transmission Lines	Carbon County	Conditional Use	Conditional Use Permit in Ranching, Agriculture, Mining Zone
	Construction and operation of transmission lines	Sweetwater County	Potential conditional use	Permitted in agricultural zone, Conditional Use Permit in agricultural zone with growth area overlay
	Construction and operation of transmission lines	Sweetwater County	County Road Crossings and Access Permits, County Road Maintenance Agreements	
			Construction /Use Permits – County Zoning:	Required for all structures except Transmission Lines and Towers
			Small waste water permits	
			Recordation of Hazardous Material Storage	
			Grading Permits	
Noxious Weed Control				
<b>COLORADO</b>				
<b>STATE</b>				
Utility Siting	Primary permitting authority for transmission line siting, county level necessary	Public Utility Commission (PUC)	Certificate of Public Convenience and Necessity	CRS 40-5-101-106; 4 CCR 723-3
ROW Encroachment	ROW across State Lands	State Lands Trust	ROW Easement	
	Encroachment into state roadway ROW	DOT	Utility/Special use permit	CRS 9-1.5-103
Ground Disturbance and Water Quality Degradation	Construction sites with greater than one acre of land disturbed	Water Quality Control Division, Department of Public Health and Environment	Storm water permit	5 CCR 1002-61
Cultural and Archaeological Resources	Disturbance of cultural or archeological resources	Office of the State Archaeologist, Office of Archaeology and Historic Preservation	Potential permit	CRS 24-80-401-410
Biological Resources	Habitat modification in wetland or riparian areas	Division of Wildlife	Wildlife certification	CRS 33-5-101-105
<b>LOCAL</b>				
Land Use	Construction and operation of transmission lines	Routt County	County special use permits	State Land Use Act
	Construction and operation of transmission lines	Moffat County	County special use permits	Permitted in non-residential, non-agricultural, and non-open
	Construction and operation of transmission lines	Rio Blanco County	County special use permits	State Land Use Act

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Land Use (Continued)	Construction and operation of transmission lines	Mesa County	County special use permits	
	Construction and operation of transmission lines	Garfield County	County special use permits	State Land Use Act
<b>UTAH</b>				
<b>STATE</b>				
Permitting Process	Proposed transmission line facility	Resource Development Coordinating Committee	Expedites Review of Permitting Process for all State Agencies	UCA 63-38d-501, UCA 63-38d-504
ROW Encroachment	Encroachment on, through or over state lands	Division of Forestry, Fire, and State Lands	Application approval	UCA Title 65A
	Encroachment into state roadway ROW	DOT	ROW encroachment permit	UCA 63-46b-3
Ground Surface Disturbance	Project construction	PSC	Certificate of Public Convenience and Necessity; Approve construction contracts	UCA 54-4-25, R 746-401
	Crossing state lands	Division of Forestry, Fire, and State Lands	Easement onto state lands. Bond may be required.	UCA 65A-7-8, R 652-40
Cultural, Paleontological, and Biological Resources	Crossing state lands	Division of Forestry, Fire, and State Lands	Provide a cultural and/or paleontological and/or biological survey and submit procedures for reasonable mitigation actions	R 652-40-500
Historical and Cultural Review	Impact on historical sites	Division of State History	Notification of Planning Stage and before Construction	UCA 9-8-306
Archaeological Resources	Survey or excavation of archaeological resources on lands owned or controlled by the state	Governor's Public Lands Policy Coordinating Office	Permit to survey or excavate	UCA 9-8-305, R 694-1
Encroachment on State Park Lands	Utility easement on state park lands	Division of Parks and Recreation	Agreement for Granting and Maintenance of Easements or Rights-of-Way across Park Lands	UCA 63-11-10.3
Air Quality	Construction and operation	Air Quality Board	Notice of Construction	UCA 19-2-108
Water Resources	Construction and operation	Water Quality Board	Discharge permit, spills	UCA 19-5-101, et. Seq.
Wildlife	Modification of habitat	Division of Wildlife Resources	Easement for Use of State Wildlife Resource lands	UCA Title 23
<b>LOCAL</b>				
Land Use	Construction and operation of transmission lines	Daggett County	Potential conditional use	Hearing not required; if it does, it must occur within 30 days of application
	Construction and operation of transmission lines	Uintah County	Potential conditional use	County rules and regulations
	Construction and operation of transmission lines	Duchesne County	Potential conditional use	Permitted in all zones, except residential 1/2 acre minimum lot size
	Construction and operation of transmission lines	Wasatch County	Potential conditional use	Wasatch County Land Use and Development Code 16.23
	Construction and operation of transmission lines	Utah County	Potential conditional use	Utah County Zoning Ordinance 3-45, 7-24-D
	Construction and operation of transmission lines	Juab County	Potential conditional use	Juab County Zoning Ordinance 12-1-15
	Construction and operation of transmission lines	Sanpete County	Potential conditional use	Sanpete County Land Use Ordinance 14.68
	Construction and operation of transmission lines	Carbon County	Potential conditional use	The Development Code of Carbon County, Utah 5.1.2, 5.5.3, 5.14

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Land Use (Continued)	Construction and operation of transmission lines	Grand County	Potential conditional use	County rules and regulations
	Construction and operation of transmission lines	Emery County	Potential conditional use	The Emery County Zoning Ordinance Article 10, 11-4-4
	Construction and operation of transmission lines	Sevier County	Potential conditional use	Permitted in Agricultural, GRF (Grazing, Recreation, and Forestry) zones; Not permitted in Residential-Agricultural zone
	Construction and operation of transmission lines	Millard County	Conditional use; potential General Plan Amendment	County rules and regulations
	Construction and operation of transmission lines	Beaver County	Potential conditional use	County rules and regulations
	Construction and operation of transmission lines	Piute County	Potential conditional use	County rules and regulations
	Construction and operation of transmission lines	Wayne County	Potential conditional use	County rules and regulations
	Construction and operation of transmission lines	San Juan County	Potential conditional use	County rules and regulations
	Construction and operation of transmission lines	Iron County	Potential conditional use	County rules and regulations
	Construction and operation of transmission lines	Iron County	ROW encroachment permit	County rules and regulations
	Construction and operation of transmission lines	Washington County	Potential conditional use	County rules and regulations
	Construction and operation of transmission lines	Summit County	Potential conditional use	County rules and regulations
	<b>NEVADA</b>			
<b>STATE</b>				
ROW Encroachment	ROW across State Lands	Division of State Lands	Easement	Nevada Revised Statutes (NRS) 322.050
	Encroachment into state roadway ROW	Nevada DOT	ROW encroachment permit	NRS 408.423, 408.210
Ground Surface Disturbance	Project construction	Nevada Division of Environmental Protection (NDEP)	Registration certificate	Nevada Administration Code (NAC) 445.704
	Construction of electric transmission line	Public Service Commission	Authority to construct and certificate of need	NRS 704.330, NRS 704.820, NRS 704.701
Ground Disturbance and Water Quality Degradation	100-year floodplain, streams and rivers, waters of the state	NDEP	Floodplain use permits, Clean Water Act 401, 402, and 404 permits	Nevada State Statutes - State Water Quality Certification rules
Storm Water and Water Quality Degradation	Pollution discharge	NDEP	Storm water pollution prevention plans, spill prevention, control, and countermeasures plan	Nevada State Statutes - State Water Quality Certification rules
Cultural and Paleontological Resources	Crossing state lands	Division of State Lands	Easement onto state lands	NRS 321.001
	Investigation of Paleontological, archaeological, and historic sites	Nevada State Museum	Permit to investigate antiquities	Nevada Antiquities Law (NRS 381.195 to 381.227)
	Disturbance of American Indian burial sites on state and private lands	Nevada SHPO	Notification of discoveries, consultation with affiliated groups	Nevada Protection of Indian Burial Sites (NRS 383.150) (NRS 383.190)
Air Quality	Construction and operation	NDEP	Authority to construct, permit to operate	NRS 445

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Biological Resources	Modification of sensitive plant species habitat	Division of Forestry	Compliance to survey for identification of plant species	NRS 527.270, NRS 527.050
	Disturbance of special status plant species	Division of Forestry	Permit for lawful take of protected plant	NRS 527.250
	Construction and operation in areas of rare and endangered animal species	Division of Wildlife	Compliance	NRS 501, NAC 503
	Modification of habitat of threatened and endangered species	Division of Wildlife	Special permit	NAC 5-4.510 through 4.550
<b>LOCAL</b>				
Land Use	Construction and operation of transmission lines	Lincoln County		
	Construction and operation of transmission lines	Clark County	Potential conditional use	
	Construction and operation of transmission lines	Clark County	Conditional special use	
Air Quality	Construction	Clark County, Department of Air Quality and Environmental Management	Air Quality	