

## **Appendix B – Mitigation and Monitoring Requirements**

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## **Additional Project-Specific Mitigation Measures**

Additional mitigation and monitoring measures have been developed for the Boardman to Hemingway Transmission Line Project (B2H Project) through the National Environmental Policy Act (NEPA) process that address direct, indirect, and cumulative impacts to resources. Agency-required mitigation measures were described initially in Chapter 2 of the Final Environmental Impact Statement (Final EIS) (refer to Table 2-13). The Applicant has incorporated these required mitigation measures into the draft Plan of Development (POD) (Appendix D of this Record of Decision [ROD]). The agency-approved final POD will be required to include application of the mitigation measures consistent with the language in the POD and this appendix.

Several policies relating to compensatory mitigation have changed since the publication of the Final EIS. In particular, President Trump's Executive Order on *Promoting Energy Independence and Economic Growth*, issued on March 28, 2017, rescinded President Obama's Memorandum *Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment*, issued on November 3, 2015. Additionally, Secretary Zinke issued Secretarial Order No. 3349 – *American Energy Independence* on March 29, 2017, which, among other things, rescinded Secretarial Order 3330 – *Improving Mitigation Policies and Practices of the Department of the Interior* (Oct. 31, 2013). The BLM specifically considered the earlier compensatory mitigation policies as part of the environmental review of the B2H Project and included references to these policies in the Final EIS. The BLM has considered whether the policy changes trigger an obligation to supplement the Final EIS pursuant to 40 CFR 1502.9(c)(1). While consistent with the rescinded policies, the purpose of the compensatory mitigation identified and analyzed as a requirement in the Final EIS was to satisfy the requirements of NEPA, as well as BLM's statutory obligations under FLPMA. Even though the policies have changed, the environmental analysis (including the proposed action and its effects) has not, nor has the underlying purpose of complying with NEPA. Thus, the BLM has determined that the policy changes regarding compensatory mitigation do not represent a substantial change in the proposed action or “significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” (*Id.* § 1502.9(c)(1)(i), (ii)).

## **Final Notice to Proceed Requirements**

### **Explanation of the Notice to Proceed Process**

Several details concerning design, construction, and mitigation actions will not be finalized at the time the right-of-way grant is issued. Post-Record of Decision (ROD) requirements consist of completing an acceptable final POD, which will include mitigation requirements and right-of-way grant stipulations required to be met before the final notice to proceed (NTP) is issued. This final POD covering B2H Project-wide practices and requirements will contain the final construction and operation plans outlined in the attached draft POD, including any updates and revisions to those plans required by this ROD, as well as additional NTP requirements outlined in the right-of-way grant.

The Applicant may not initiate any construction or other surface-disturbing activities on the right-of-way without the prior written authorization of the BLM Authorized Officer or his/her delegate in the form of a final NTP. Any final NTP will authorize construction or use only as therein expressly stated and only for the particular location or use therein described. Prior to the issuance of each NTP, all applicable environmental protection and mitigation plans needed will be completed by the Applicant and approved by the Authorized Officer or his/her delegate, and proof of possession of all required and applicable Federal permits will be submitted by the Applicant to the BLM. The Authorized Officer may suspend or terminate in whole or in part any NTP that has been issued when, in his/her judgment, unforeseen

conditions arise that result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.

As an option, additional NTPs may be issued for specific pre-construction activities prior to completion of the final POD, including for geotechnical investigation (analyzed in the Final EIS) provided that all necessary survey work associated with the geotechnical investigation is completed, and the reports are reviewed and approved by the pertinent agencies before BLM issues a NTP for this activity.

The final POD for construction will include adequate details regarding what mitigation and how these mitigation measures will be implemented. A final NTP will be issued on receipt of an agency-approved final POD for construction, approved mitigation and monitoring and other stipulations as described in the ROD.

Issuance of the right-of-way grant establishes the Applicant's right to use the authorized public lands to construct, operate and maintain a high-voltage electric transmission line and associated facilities, and sets forth the terms and conditions of that authorization. For example, the Applicant is required to pay rent in accordance with 43 CFR 2806 from the date the grant is issued. However, the Applicant is not permitted to use the granted areas for the proposed B2H Project until the actions listed below are completed and a NTP is issued. Consistent with the requirements of the ROD, the following activities will be performed after the issuance of the ROD and right-of-way grant and prior to issuance of the NTP for the B2H Project:

- Acquisition of authorizations on state and private lands
- Completion of biological resources surveys including but not limited to federally listed species under the Endangered Species Act as outlined in the final USFWS Biological Assessment (December 2016) and BLM sensitive species, to inform final engineering and design, as well as the NOAA Fisheries Biological Opinion
- Completion of final engineering to include final structure locations, final access road layout including field verification of structure locations, and proposed access roads for the Selected Route
- Layout and field verification of all temporary work areas to include material storage yards, fly yards/laydown areas and portable concrete batch plants
- Compliance with the stipulations in the Programmatic Agreement dated February 7, 2017, including completion and approval of the Class III cultural resources report; paleontological resources report and approval; and biological resources preconstruction surveys reports and approvals; completion of analysis and preparation of summary reports including preparation and approval of Historic Property Management Plans (HMTP), Paleontological Resources Treatment Plan (PRTP) and mitigation measures at sensitive locations where resources cannot be avoided, regardless of jurisdiction
- Jurisdictional Waters of the United States delineation and any other resource surveys required to support permitting
- Acquisition of remaining Federal permits and acquisition of required state and local permits, stipulations and conditions of approval set forth in all agency decisions, including fully developed environmental management plans
- Development of a complete and comprehensive Greater Sage-Grouse Compensatory Mitigation Plan (CMP) in accordance with the Mitigation Framework provided in Appendix C of the Final EIS that quantifies the direct and indirect impacts of the B2H Project on Greater Sage-Grouse and identifies a suite of appropriate site-specific compensatory mitigation options for selection and implementation. The Habitat Quantification Tool (HQT) developed for the State of Oregon by the Sage Grouse Conservation Partnership (SageCon) Quantification Technical Team will be used to determine the appropriate amount of compensatory mitigation for direct and indirect impacts.

The final Greater Sage-Grouse CMP must be reviewed by the cooperating agencies and a recommendation will be made to the authorized officer for approval prior to the NTP (refer to Appendix C in the Final EIS).

- Development of a CMP for impacts on Riparian Conservation Areas. Residual impacts from the B2H Project on Riparian Conservation Areas that warrant compensatory mitigation would include permanent habitat loss in areas where RCAs are located in conifer forest types (refer to Appendix C in the Final EIS).

In general, a POD is used to document a Federal right-of-way Applicant's construction, operation, rehabilitation, and Environmental Protection Plans and is submitted to BLM for acceptance and NTP approval (43 CFR Part 2804.25). The POD provides direction to the Applicant's construction personnel, construction contractor(s) and crews, Compliance Inspection Contractor (CIC), environmental monitors, and agency personnel regarding specifications of construction. The POD also provides direction to the agencies and Applicant's personnel for operation and maintenance of the B2H Project.

The content of the POD, which is carried forward from and/or refined from the information and data disclosed in the EIS, consists of (1) background information, direction, and implementation plans and (2) detailed mapping to facilitate execution of environmental protection and mitigation measures. Background information and direction includes the B2H Project description, including explanation of the Applicant's and agencies' roles and responsibilities; description of construction, operation, and maintenance activities; specification of land use and access; and description of design features and other measures for environmental protection to avoid sensitive environmental resources. The POD iterations supporting the Draft and Final EISs also contained implementation plans detailing the Applicant's commitment to mitigate adverse impacts resulting from construction, operation, and maintenance of the B2H Project.

The draft POD for the B2H Project (Appendix D of this ROD) was revised in September 2016. The draft POD contains updated framework Environmental Protection Plans; and additional information related to the engineering, micro-siting, contracting and permitting of the Selected Alternative; and the initial layout of access roads, temporary work areas, and locational constraints (e.g., special status species habitat) of the Selected Alternative.

The draft POD in Appendix D of this ROD contains the following implementation plans that will need to be updated or expanded to include BLM's additional ROD requirements once final survey data informs final engineering design:

- Blasting Plan Framework
- Framework Reclamation Plan
- Framework Plant and Wildlife Conservation Measures Plan
- Framework Agricultural Protection Plan
- Framework Fire Prevention and Suppression Plan
- Framework Operations, Maintenance, and Emergency Response Plan
- Framework Traffic and Transportation Management Plan
- Framework Stormwater Pollution and Prevention Plan
- Framework Spill Prevention and Response Plan
- Cultural Resources Protection and Management Measures
- Visual Resources Protection Plan
- Biological Resources Habitat Protection and Monitoring Plan
- Mitigation Framework (also included in Appendix C of the Final EIS)

Upon completion of the final POD, the Applicant will submit the final POD for review and acceptance by the BLM and any agencies with jurisdictional or regulatory authority over resources affected by the B2H Project. The final POD will detail the Applicant's construction plans and specifications, and construction practices and procedures for the Selected Alternative. The final POD will be developed in coordination with the CIC and adequate coordination with all BLM state and field offices, USFWS, and any additional cooperators identified by BLM, which may require multiple agency and Applicant in-person meetings and may include field visits to similar projects to develop acceptable designs and site-specific implementation of mitigation measures.

The final POD also will describe the processes and procedures the Applicant will employ to comply with the requirements of the RODs for the B2H Project and will include the Environmental Compliance Management Plan. The final POD will be appended to the BLM right-of-way grant.

The final POD may be required to contain additional resource mitigation plans described within this decision. The final POD will contain a mapset generated specifically for the NTP process that shows B2H Project detail, sensitive resources identified by BLM and B2H Project mitigation proposed to avoid and minimize impacts to those resources.

The final POD will contain an adequate construction schedule and detailed plan as to how the schedule will be shared, updated and maintained. An overall B2H Project schedule is suggested and a separate more detailed short-term schedule is suggested for 3- to 4-week construction periods. Additional detail will be required in the preconstruction checklist for NTP issuance. The schedule will include a sequencing of construction activities and any changes will be timely provided.

Construction POD development and implementation will ensure agency personnel are involved throughout the B2H Project area and specific areas will be identified where resources driven by law and policy require intensive agency involvement.

These additional requirements will enable BLM to comply with current regulation and policy. The final POD will be updated to include all additional BLM requirements in appropriate or additional POD sections.

## **Biological Resources Mitigation**

### **Greater Sage-Grouse Mitigation**

BLM's Greater Sage-Grouse Approved Resource Management Plan Amendments (ARMPAs) were approved September 18, 2015, in response to the threats identified in USFWS's 2010 "warranted but precluded" finding and guided by the USFWS's Conservation Objective Team Report and the BLM National Technical Team Report. The BLM's Greater Sage-Grouse RODs and ARMPAs designated greater sage-grouse habitat areas, including Priority Habitat Management Areas (PHMAs), changed management objectives including realty actions such as transmission rights-of-way, and established conservation standards for designated PHMAs. BLM's RODs and ARMPAs, however, specifically indicated that the land-use plan amendments and the management directions for realty action decisions do not apply to several priority transmission projects, including the B2H Project. Even though the conservation management standards for greater sage-grouse set forth in the BLM's ROD and RMPAs do not apply to these projects, the BLM identified through the Project-specific NEPA and decision-making process conservation measures for greater sage-grouse that are similar to those in the BLM's ROD and RMPAs and the ROD requires the Applicant to achieve a net conservation benefit. Refer to Appendix C in the Final EIS.

The BLM and cooperating agencies collaborated to prepare a Mitigation Framework that includes Greater Sage-Grouse (Appendix C in the Final EIS) to address avoidance, minimization, and compensatory mitigation actions for the B2H Project. The framework outlined the analysis and potential mitigation required to support selection of an alternative that would be consistent with agency missions and goals pertaining to Greater Sage-Grouse conservation (refer to Section C.2.2.1 in Appendix C in the Final EIS). The framework also was developed to facilitate relevant cooperating-agency decision-making or evaluation of compliance with applicable plans and policies during B2H project implementation.

Further, the agencies collaborated with the Applicant to identify feasible strategies to avoid, minimize, and compensate for the potential effects of the B2H Project on Greater Sage-Grouse pursuant to the applicable plans and policies. Strategies included B2H Project siting considerations, development of additional onsite mitigation, and development of appropriate offsite mitigation that could be implemented to facilitate reasonable development of the B2H Project consistent with applicable agency plans and policies pertaining to Greater Sage-Grouse. The impact assessment method that will be used to determine the appropriate amount of compensatory mitigation, guidance detailing what criteria should be used when identifying a potential sage-grouse compensatory mitigation area, and management actions that will be undertaken in the compensatory mitigation area(s) are described in Section C.2.2.1 in Appendix C in the Final EIS.

The final CMP will be developed by the Applicant in accordance with the Mitigation Framework presented for review by the BLM and the cooperating agencies when the final design and engineering of the selected route is completed. The final CMP will evaluate and assess the levels of disturbance associated with direct and indirect effects to identify appropriate levels of final mitigation to demonstrate a net conservation benefit. The comprehensive CMP will be included as an appendix to the final POD for review by the cooperating agencies. Based on the cooperating agency comments, the BLM will provide the final review and approval of the CMP. The BLM requires the Applicant to receive a NTP, which documents final approval of the CMP prior to any surface-disturbing activity (other than geotechnical) associated with construction of the transmission line being permitted.

### **Biological Resources Conservation and Wildlife Variance Management Plans**

The final POD for construction must include a Biological Resources Conservation Plan and a Wildlife Variance Management Plan approved by BLM and agencies with jurisdictional authority over affected biological resources. The Biological Conservation Plan will explain the survey process for all special status wildlife and plant species and include an advance coordination requirement with BLM prior to all survey work efforts. The Biological Conservation Plan will require the survey team to operate under the guidance and direction of BLM. No survey work will take place without adequate prior coordination and advance guidance by BLM and any agencies with jurisdictional authority over resources being affected.

The Wildlife Variance Management Plan will document how information regarding the condition of biological resources will be collected during construction and provided to the BLM authorized officer or their designee (CIC) so they might consider modification of certain seasonal wildlife restrictions, if warranted.

The BLM will require the Applicant to prepare a final Biological Resources Mitigation and Monitoring Report, in consultation with the CIC, which documents the application of mitigation measures, including variances and adaptive management, and monitoring results to ascertain the effectiveness of mitigation.

### **Migratory Bird Mitigation**

The draft POD commits to appropriate avoidance and minimization measures that would effectively reduce impacts during construction and operation. Reclamation requirements would effectively restore

habitats within the areas disturbed during construction and appropriate seed mixes would be considered to restore the habitats back to an ecologically functioning vegetation community similar to what was disturbed within the limitations of the draft POD's Vegetation Management Plan for operation and maintenance. The BLM's obligations under Executive Order 13186 Responsibilities of Federal Agencies to Protect Migratory Birds (January 17, 2001) and resulting Memorandum of Understanding between the BLM and USFWS to *Promote the Conservation of Migratory Birds* (April 12, 2010) are met through the on-site mitigation that is being applied to the projects through avoidance, minimization, and reclamation of disturbed habitats. The BLM's obligations and conservation responsibilities under the MOU are also met through the many habitat improvement and restoration projects completed on BLM managed lands to benefit multiple species. Compensatory mitigation required for Greater Sage-Grouse also will also provide benefits to sagebrush obligate migratory bird species in greater sage-grouse habitat.

The Migratory Bird Nest Management, Monitoring, and Reporting Plan developed for the final POD will outline the steps to be taken by the Applicant and its contractors and subcontractors to avoid or minimize impacts on nesting birds during construction of the B2H Project. The final Plan will be developed in response to specific requirements of the Migratory Bird Treaty Act (MBTA) and will be consistent with guidelines provided in Migratory Bird Conservation Actions for Projects to Reduce the Risk of Take during the Nesting Season (USFWS 2014). It will apply to birds nesting on all types of land ownership and management across the entire B2H Project area.

## **Cultural Resources Mitigation**

Section 106 of the National Historic Preservation Act, 54 USC 306108, requires Federal agencies to take into account the effects of their undertakings on historic properties (36 CFR 800.1(a)). BLM executed a Programmatic Agreement (PA) to set forth the requirements for complying with the Section 106 process, which the Applicant must satisfy prior to receiving a NTP from BLM. The PA identifies processes and procedures to identify historic properties and to determine if historic properties are eligible for listing on the NRHP and if these properties would be adversely affected by the B2H Project's construction and/or operations and maintenance.

The undertaking and the identified area of potential effects covers the entire B2H Project regardless of land status or jurisdiction. The PA and its identification, evaluation, and process apply to all jurisdictions, not exclusively to BLM or Federal lands.

The Applicant will submit to the BLM all reports stipulated by the PA in accordance with the project schedule. As specified in the PA, the reports will be reviewed by the BLM, tribes and the Concurring Parties to the PA. Upon the BLM's acceptance and approval of the Class III inventory reports and HPMPs, the BLM will notify the Applicant in writing that the procedures established in the PA are completed and a NTP can be issued. Fulfillment of these obligations will be among the elements to be completed before the BLM issues an NTP.

## **Historic Property Management Plan**

A Historic Properties Management Plan (HPMP) is under preparation to develop mitigation measures for properties eligible for inclusion in the National Register of Historic Places (NRHP) and that would be adversely affected during construction, reclamation of temporary disturbance, and/or operations and maintenance of the B2H Project. The HPMP is being prepared in consultation with the BLM, Idaho and Oregon State Historic Preservation Officers (SHPOs), Advisory Council on Historic Preservation, Tribal Historic Preservation Officers (THPOs), tribes, and concurring parties to the PA.

The HPMP is designed to guide protection of historic properties during implementation and operation and maintenance of the project. It will identify general treatments for adverse effects to certain categories of historic properties that may be affected directly or indirectly by the project. It will also include a monitoring plan, inadvertent discovery plan, and Native American Graves Protection and Repatriation Plan. The methods for evaluating cultural resources for eligibility and effects will also be outlined in the HPMP.

BLM will prepare an HPMP Framework in accordance with the PA. Identification of cultural resources in the B2H Project area will occur during Class III inventories to be conducted in each state, including National Register eligibility determinations and findings of effects. Upon completion of Class III and Visual Assessment of Historic Properties (VAHP) inventories for the B2H Project, the Final HPMP, containing property specific mitigation and monitoring will be prepared. The purpose of the property specific mitigation and monitoring plans is to supplement the HPMP with site-specific information, including mitigation, treatment, and monitoring of remaining unavoidable direct and indirect effects on historic properties. These plans will provide a clear description of the specific mitigation strategy proposed to address the direct, indirect, and cumulative effects on individual historic properties. The Final HPMP with these specific plan conditions must be finalized and approved by the BLM and Concurring Parties as specified in the PA prior to the issuance of an NTP for applicable portions of the B2H Project.

The number and location of historic properties within the Project which may ultimately need to be included in the HPMP is unknown at this time. The right to use the granted area in each state is withheld until treatment as identified in the HPMP is finalized, and until the avoidance, minimization, and/or compensation of adverse effects for each historic property is completed in accordance with the PA. After complying with stipulations of the PA, compensatory mitigation may be warranted for residual impacts to an extent that leads to achieving a solution for the mitigation of these remaining unavoidable effects found acceptable through negotiation and consultation among the applicable land-managing agencies, tribal governments, and concurring parties. Determining appropriate compensatory mitigation is dependent on a number of factors, and must be developed for individual historic properties/cultural resources by qualified professional archaeologists in consultation with land-managing agencies, tribal governments, and concurring parties. Compensatory mitigation for cultural resources is further discussed in the Appendix C of the Final EIS (Section C.2.2.3 Cultural Resources).

The Applicant will post a financial security (such as a cash, cashier's or certified check, certificate or book entry deposits, negotiable U.S. Treasury bonds equal in value to the bond amount, or surety bonds from the approved list of sureties (U.S. Treasury Circular 570 available on-line), (made payable to the Bureau of Land Management) in an amount sufficient to cover all post-fieldwork costs associated with implementing the HPMP, or other treatment activities, as negotiated by the Applicant where they contract for services in support of this PA. Such costs may include, but are not limited to, treatment; post-field analyses; research and report preparation; interim and summary reports preparation; the curation of B2H Project documentation and artifact collections in a BLM approved curation facility; and the repatriation and reburial of any human remains, sacred objects, or objects of cultural patrimony. The Applicant will post a financial security prior to BLM issuing an NTP for the segment where historic property treatment is required. The security posted is subject to forfeiture if the Applicant does not complete tasks within the time period established in the HPMP, but the BLM and the Applicant may agree to extend any such time periods. The BLM will notify the Applicant that the security is subject to forfeiture and will allow the Applicant 15 days to respond before action is taken to forfeit the security. The BLM will release the financial security, in whole or in part, as specific tasks are completed and accepted by the BLM.

The BLM will monitor activities pursuant to the Programmatic Agreement and the HPMP. Should the Applicant or its cultural resources contractor fail to comply with any provision of the PA or HPMP, the BLM may, at its discretion, counsel the Applicant and/or its cultural resources contractor regarding

performance requirements, or suspend the permits under which the PA is executed. Such suspension could, at the BLM's discretion, result in the issuance of a "stop work" order for the entire B2H Project if the BLM determines that the severity of the failure to comply warrants it.

### **Monitoring Plan**

The monitoring plan is an appendix to the HPMP and spells out the procedures for monitoring historic properties and cultural resources during implementation of the project. It will also be part of the final POD to be used during project construction. As an NTP requirement and a requirement of the PA, the BLM will develop a monitoring plan in consultation with participating tribes and Federal land managing agencies. This plan will contain the following provisions:

- Tribal monitoring is to be considered as a component of environmental monitoring.
- The Applicant will facilitate tribal monitoring activities for participating tribes. The tribal government must request tribal monitoring in writing to the BLM.

The BLM will develop the monitoring plan in coordination with the participating tribal governments, and will coordinate review and acceptance of the Monitoring Plan.

### **Cultural Resources Survey and Data Recovery**

Any B2H Project-related cultural resources survey and data recovery work will be coordinated with and authorized by the BLM, including (1) review and approval of the scope of work and contractors selected and (2) reporting protocol. No cultural resources survey or data recovery work may be conducted without prior authorization by and coordination with the BLM.

## **National Conservation Lands**

### **National Historic Trail Mitigation**

The ROD requires as a condition of approval of the ROW grant that the Applicant satisfy all applicable mitigation measures proposed in Chapter 2 of the Final EIS and included in the draft POD (Appendix D of this ROD) for the B2H Project related to impacts to the Oregon National Historic Trail (NHT) and trails under study for congressional designation.

To meet the policy and purposes of the National Trails System Act (NTSA Sec. 9(a)), to permit a project which will not substantially interfere with the nature and purposes of the trail (NTSA Sec. 7(c)), and to safeguard the nature and purposes of the Oregon NHT described in the Oregon NHT Comprehensive Management and Use Plan (CMUP) (National Park Service 1999), the BLM will apply a mitigation hierarchy to address impacts to the Oregon NHT from the B2H Project based on direction from BLM Manual 6280. This manual lays out the agency policy for compliance with the NTSA and management of the trails, as well as guidance for analysis of NHT in the NEPA process. The manual stipulates that the NEPA documentation for NHTs needs to include analysis of the potential impacts on the nature and purpose of the designated NHT as well as those undergoing a National Trail Feasibility Study. The analysis needs to take into account the trail resources, qualities, values, associated settings, and the primary use or uses of any NHTs. The manual also discusses mitigation to impacts and requires consideration of mitigation opportunities "to the level commensurate with the adverse impact to the nature and purposes; resources, qualities, values and associated settings; and the primary use or uses of the NHT." The following discussion focuses on the Oregon NHT where additional compensatory mitigation was identified as required by the BLM. Note that mitigation requirements for impacts on

Historic and Cultural Resources associated with NHTs will be in accordance with the PA for the B2H Project.

Avoidance and minimization measures to mitigate impacts on Oregon NHT will be applied for the life of the impacts from the B2H Project. Through conclusions described in Section 3.2.15 of the Final EIS, effects on two-trail related resource categories (National Trail Management and Components and Scenic and Recreation Resources) would remain after applying avoidance and minimization measures, requiring compensatory mitigation at a degree that is commensurate with the impacts. While direct impacts on the physical trails themselves generally can be avoided (e.g., spanning the trails), the indirect visual impacts become more challenging to mitigate due to the scale of the B2H Project components, including transmission line structures and the geometrically shaped and cleared right-of-way. The areas of high residual impacts, by segment, are described below where successful implementation of compensatory mitigation measure would be required to not substantially interfere with the trail's nature and purpose.

In Segment 1, the B2H Project would highly impact the Boardman high potential route segment and cross a contributing trail segment (Well Spring Segment) adjacent to the NWSTF.

In Segment 2, the B2H Project would highly impact views from the NPS auto tour route south of Ladd Canyon but by being located southwest of La Grande, would avoid high impacts on the portion of the NPS auto tour route adjacent to Hilgard Junction and on the Blue Mountains high potential historic segment of the Oregon NHT.

In Segment 3, the B2H Project would be viewed directly adjacent to a viewpoint associated with the National Historic Oregon Trail Interpretive Center (NHOTIC) resulting in high impacts. Additionally, views from the Flagstaff Hill/NHOTIC high potential historic site which is derived from National Park Service (NPS) data, contributing trail segments, recreation opportunities, and the Oregon Trail ACEC – Flagstaff Hill portion would be impacted by the B2H Project. East of Pleasant Valley, the B2H Project would highly impact views from contributing trail segments in the Oregon Trail ACEC – Straw Ranch I portion. The B2H Project also would highly impact views from the NPS auto tour route where I-84 is paralleled south and east of Baker City.

In Segment 4, the B2H Project would highly impact views from the Birch Creek Interpretive Site, located in the Oregon Trail ACEC – Birch Creek portion, as well as views from the adjacent contributing trail segments and the Alkali Springs High Potential Route Segment farther to the south. Additionally, the B2H Project would highly impact views from the NPS auto tour route north of Huntington.

Low impacts would occur on the Oregon NHT and resources in Segments 5 and 6 of the B2H Project.

### **National Trail Management and Components**

The objective for compensatory mitigation is to offset high residual impacts on National Trail Management Components to meet the NTSA requirement to not substantially interfere with the nature and purposes of the trail as well as objectives associated with both NPS and BLM national trail management.

The detailed application of compensatory mitigation measures will be identified in the final detailed compensatory mitigation plan for the final route in the Record of Decision and following final engineering and design. This plan will identify the level of residual impacts on Federal protection components (National Trail Management Components) and the level of compensatory mitigation identified to be commensurate with the adverse impacts identified in the Final EIS. The types of compensatory mitigation measures could include establishing protective barriers, such as fences or berms, closing roads to motorized vehicles near sites or road segments that are historic properties/cultural

resources (e.g., trail routes), purchasing mineral rights in trail-associated special management areas or hardening ground surfaces and establishing erosion controls; and funding updates of trail management plans. Acquisition of historic trail segments off-site and on other land ownership is encouraged to protect these sites by incorporating them into public or collaborative public/private management. For example, compensatory mitigation may include projects, such as securing additional trail land or perpetual conservation easements, along the affected National Trails Systems components.

### **Scenic and Recreation Resources**

The objective for compensatory mitigation will be to offset high residual impacts on views, and associated settings, from trail-associated recreation sites and other trail-associated viewing locations.

The detailed application of compensatory mitigation measures, as described above, will be identified in the final detailed compensatory mitigation plan. This plan will identify the level of residual impacts on trail-associated recreation sites and the level of compensatory mitigation identified to be commensurate with the adverse impacts identified in the Final EIS. Note, most of these trail-associated recreation sites are also associated with Federal protection components (e.g., NHOTIC) described above. Compensatory mitigation measures could include fee-purchases, easements, restoration work, fund updates to existing interpretive sites, including the NHOTIC, identify and fund new interpretive sites or areas, and acquire mineral rights in trail-associated special management areas.

### **Historic and Cultural Resources**

The requirements for compensatory mitigation for residual impacts on the historic and cultural aspects will be identified through the process described in previous Cultural Resources section of this appendix. Examples of potential compensatory mitigation projects include interpretive signs, kiosks, and visitor centers that would describe the site and provide background information to the public. Additional actions that could promote these locations for public interest would be to produce relevant school programs and curriculum, establish parking areas at historic trail access points, and build turnstiles and gates in existing fences where trails could be accessed. Many of the efforts could dovetail with recreation and visitor services to augment recreation sites. For example, a recreation area near historic trail ruts could be expanded to include a hiking area and interpretive panels for this section of the trail. Additionally, Federal management of NHTs through the designation of additional trail-associated special management areas or funding updates to trail management plans would facilitate long-term management of trail resources in consideration of the level of impacts resulting from the B2H Project

All mitigation measures will be durable, additional, timely, monitored, adaptively managed, and reported upon.

The final detailed compensatory mitigation plan will be developed through both coordination with BLM National Trails, and cultural resource staff and the guidance of the cooperating agencies. This final detailed compensatory mitigation plan will be reviewed by the cooperating agencies and a recommendation will be made to the Authorized Officer for approval prior to any issuance of Notice to Proceed.

### **Monitoring and Enforcement**

The BLM is responsible for ensuring compliance with all mitigation measures required in its ROD. These measures will be incorporated into the Applicant's final POD. The final POD for construction must be reviewed and accepted by the BLM Authorized Officer before the BLM will issue any NTP for the B2H Project other than for the short term geotechnical investigation work. The BLM also has incorporated

standard terms, conditions, and stipulations into the right-of-way grant. Failure on the part of the grant holder(s) to adhere to these terms and conditions could result in various administrative actions up to and including suspension and even termination of the right-of-way grant and requirements to remove the facility and rehabilitate disturbances.

The BLM and USFS will be responsible for enforcement of the terms and conditions of the BLM's right-of-way grant and USFS's special use permit (collectively, "authorizations") on Federal lands during the terms of the respective authorizations. Compliance with state and local permits and authorizations also is an enforceable condition of the BLM's right-of-way grant.

## **Compliance Inspection Contractor Requirements**

The BLM requires the holder to provide for an environmental CIC, to monitor activities during the construction, operation, and reclamation phases of the B2H Project and provide reports to designated BLM contacts in accordance with the approved communications plan. The Applicant will be required to provide cost recovery for the BLM's costs to review the CIC's reports and perform other tasks associated with monitoring during any phase of the B2H Project (43 CFR 2805.16(a)).

The CIC will monitor construction activities on Federal and non-Federal lands, document B2H Project disturbance that occurs along the entire B2H Project, and assist the Applicant in ensuring compliance with the terms and conditions of the Federal authorizations and complying with the Final EIS analysis. In addition, the CIC must ensure that the B2H Project adheres to any state and local permits that contains conditions to construct.

The CIC will supervise and support a team of compliance monitors consisting of individuals with experience with ultra-high voltage transmission construction that includes projects in the western United States as well as expertise and experience regarding the resources for which mitigation is required, including biological, cultural, and soil science expertise. The CIC is required to ensure compliance with all avoidance, minimization, and mitigation commitments contained in this ROD.

Approvals developed in connection with all NTP requirements for the transmission line construction will be developed in coordination with the CIC for the B2H Project before finalized and before any NTP is issued.

The CIC also will perform post-construction monitoring and will monitor the reclamation for the transmission line, temporary permitted areas and ancillary facilities. The CIC will maintain a B2H Project history, develop and implement an effective communication plan including daily and weekly conference calls, a B2H Project SharePoint site, and a record of all B2H Project communications as well as a project close out report and transfer of records to the BLM, USFS, or other applicable Federal agency.

The CIC's primary responsibility will be to observe all work activities, recommend methods to prevent noncompliance, and provide reports to the BLM including reports of noncompliant situations. Additional responsibilities are described in the draft POD. Any conflicting information found in the draft POD is superseded by this decision.

The BLM will review the scope of work for all CIC third-party contractors proposed to work on the B2H Project and approve the contractor. The contractor may include EIS, biological, cultural resources, compliance, and monitoring contractors.

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