MITIGATION ACTION PLAN
TO IMPLEMENT MITIGATION REQUIREMENTS FOR THE TRINITY PUBLIC UTILITIES DISTRICT DIRECT INTERCONNECTION PROJECT

Prepared to Accompany DOE/EIS-0389

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CONTENTS

TABLES

TABLES (Cont.)

CONCURRENCE AND APPROVALS

Submitted by:

NOTATION

ACRONYMS AND ABBREVIATIONS

APE	area of potential effects
ATCM	Airborne Toxic Control Measure
BLM	Bureau of Land Management
BO	Biological Opinion
CAAQS	California Ambient Air Quality Standards
Caltrans	California Department of Transportation
Cal-OSHA	California Division of Occupational Safety and Health
CASQA	California Stormwater Quality Association
CDC	California Department of Conservation
CFR	*Code of Federal Regulations*
CWA	Clean Water Act
DOE	U.S. Department of Energy
EIS	environmental impact statement
EMF	electric and magnetic field
EPM	environmental protection measure
ESA	Endangered Species Act
FAA	Federal Aviation Administration
GIS	geographic information system
MAP	Mitigation Action Plan
NAAQS	National Ambient Air Quality Standards
NCAB	North Coast Air Basin
NEPA	National Environmental Policy Act
NESC	National Electric Safety Code
NMFS	National Marine Fisheries Service
NRHP	*National Register of Historic Places*
NTU	nephelometric turbidity unit
OHV	off-highway vehicle
PA	Programmatic Agreement
PM_{10}	particulate matter with a mean aerodynamic diameter of 10 µm or less
PUD	Public Utilities District

Reclamation	Bureau of Reclamation
ROD	Record of Decision
ROW	right-of-way
SHPO	State Historic Preservation Officer
SPI	Sierra Pacific Industries
SQS	soil quality standard
SR	State Route
STNF	Shasta-Trinity National Forest
TCDOT	Trinity County Department of Transportation
USACE	U.S. Army Corps of Engineers
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service
Western	Western Area Power Administration

UNITS OF MEASURE

dBA	A-weighted decibel(s)	mA	milliampere(s)
		mi	mile(s)
ft	foot (feet)	mph	miles per hour
in.	inch(es)	µm	micron(s)
kV	kilovolt(s)		

1.0 INTRODUCTION

1.1 PROJECT HISTORY, BACKGROUND, AND STATUS

Western Area Power Administration (Western) proposes to construct the Trinity Public Utilities District (PUD) Direct Interconnection Project (the project). The project objective is to enhance the reliability of service for the customers of the Trinity PUD by establishing a new direct interconnection with Western's Central Valley Project transmission system. The project will be located entirely within Trinity County, California, and will include three main segments:

- Segment 1 includes the removal of about 5.3 mi of existing 12-kilovolt (kV) distribution line from the Trinity Power Plant at Trinity Dam to a tap point about 0.75 mi west of Lewiston Dam and the construction of a new 60-kV transmission line to replace the 12-kV line on an expansion of the existing right-of-way (ROW).

- Segment 2 includes construction of a tap structure with three-way switch equipment on the new 60-kV transmission line at the location near Lewiston Dam, and a radial 1.2-mi tap line south to the existing Lewiston Substation on Trinity Dam Road, parallel to an existing distribution line.

- Segment 3 includes construction of a new 60-kV transmission line on a new ROW from the tap point west about 8.5 mi to the proposed new Weaverville Switchyard.

The project also includes construction of the new Weaverville Switchyard, which will be located about 2 mi south of Weaverville on the east side of Highway 299. A detailed description of the project can be found in the environmental impact statement (EIS) that was prepared for the project (Western 2007c).

The Trinity PUD will upgrade an existing 12-kV distribution line orientated southwest of the Trinity Dam Powerhouse and construct a 21-kV distribution line that will connect to a take-off structure at the Trinity Substation that parallels Powerhouse Road. These improvements, which are a connected action rather than part of the proposed action, would provide reliable power to several of Trinity PUD's existing customers and provide for redundant backup at the trinity PUD Lewiston Substation.

Consumers in the Trinity PUD service area routinely experience nearly 20,000 consumer hours in outages per year. In the winter, many of the outages last 3 to 4 days. Pacific Gas and Electric Company has had a difficult time restoring service because of the remote location and rough terrain. The purpose of the project is to improve system reliability by providing a shorter, new direct interconnection with Western's transmission system at the Trinity Power Plant.

1.2 PURPOSE OF THE MITIGATION ACTION PLAN

The need for a Mitigation Action Plan (MAP)[1] derives from U.S. Department of Energy (DOE) Order 451.1B, which establishes DOE's internal requirements and responsibilities for implementing the National Environmental Policy Act (NEPA) of 1969 as amended, the Council on Environmental Quality Regulations Implementing the Procedural Provisions of NEPA (*Code of Federal Regulations*, Title 40, Parts 1500–1508 [40 CFR Parts 1500–1508]), and the DOE NEPA Implementing Procedures (10 CFR Part 1021). Section 1021.33 of 10 CFR Part 1021 states:

> "Following completion of each EIS [environmental impact statement] and its associated ROD [Record of Decision], DOE shall prepare a Mitigation Action Plan that addresses mitigation commitments expressed in the ROD. The Mitigation Action Plan shall explain how the corresponding mitigation measures, designed to mitigate adverse environmental impacts associated with the course of action directed by the ROD, will be planned and implemented."

This MAP lists mitigation measures that will ensure that the impacts that could result from construction, operation, and maintenance of the project will be as benign as possible. Western has the overall responsibility of ensuring that the environmental impacts identified in the EIS are mitigated as specified. When appropriate, Western will seek input from Federal, State, or local agencies to determine specific mitigation measures for particular environmental issues of concern.[2]

It must be verified that the mitigation measures are accomplished in accordance with the MAP. This effort will encompass all monitoring activities needed to determine the success of the mitigation measures (e.g., to determine if they are implemented according to schedule, if they are producing the desired result, or if additional mitigation measures are needed). All aspects of a mitigation measure must be audited to ascertain compliance with requirements and to ensure that Western's commitments are fulfilled.

Western also has the responsibility of reviewing the project to ensure that the impacts and mitigations presented in the EIS and MAP, respectively, are appropriate to the planned activities. In addition to conducting the specific mitigation activities addressed in this MAP, all parties involved with or overseeing the project will comply with all applicable Federal, State, and local environmental laws, orders, and regulations.

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1 In addition to the MAP, DOE must prepare a corresponding annual mitigation report [DOE Order 451.1B, paragraph 5.d.(11)(f)]. The mitigation report may be submitted on the anniversary of a MAP or in a combined report (e.g., as part of the annual National Environmental Policy Act of 1969 [NEPA] planning summary) for multiple plans until mitigation is completed.

2 Western is the lead federal agency for compliance with NEPA and DOE's NEPA Implementing Procedures (10 CFR Part 1021). The U.S. Forest Service, Bureau of Land Management, and Bureau of Reclamation are cooperating agencies.

1.3 DOCUMENT ORGANIZATION AND CONTENT

This MAP addresses the pertinent mitigation measures for which commitments were made in the EIS and the ROD. This MAP also serves to incorporate the terms and conditions contained in Western's *Construction Standard 13, Environmental Quality Protection* (Western 2003), the U.S. Fish and Wildlife Service's (USFWS's) Biological Opinion (BO), the U.S. Army Corps of Engineer's (USACE's) Section 404 Clean Water Act (CWA) permit, and the California State Regional Water Quality Board's Section 401 Water Quality Certification. Conditions that may be imposed by ROW permits from the U.S. Forest Service (USFS), Bureau of Land Management (BLM), and Bureau of Reclamation (Reclamation) are not yet known. Western and its contractors will comply with those conditions once these permits are obtained.

This MAP does not repeat or present in-depth technical information. The reader may refer to the EIS or other documents referenced in that document for technical information. The presentation of mitigation actions in this MAP is organized by the resource categories used in the EIS. In addition to the mitigation actions identified in this document, the construction contractor(s) shall secure all necessary permits required by applicable Federal, State, and local environmental laws, orders, and regulations. Western will obtain the Section 401 certification and Section 404 permit referenced above.

In the EIS (Western 2007c), the basis for identifying potential environmental impacts was information developed primarily from environmental and literature assessments and from models. Monitoring by Western's environmental staff will be necessary to validate the nature and extent of the impacts and the efficacy of the mitigation techniques. Mitigation will be monitored in accordance with Western's Mitigation Monitoring Policy. Monitoring activities will address the following issues:

- Revision of mitigation measures if they are not appropriate or if the desired results have not been produced,

- Development of additional mitigation measures if the project is creating significant impacts that were not anticipated in the EIS, and

- Identification of corrective actions if valid and identified mitigation measures have not been implemented.

Any change in specified mitigation measures will be coordinated with the landowner or manager.

NEPA Guidance (DOE Order 451.1B) requires program offices to provide annual reports to the DOE Office of Environment, Safety, and Health on the status of the mitigation efforts. The annual reports will reflect new information or changed circumstances. If major changes to mitigation included in this MAP are necessary, these changes will be incorporated in an updated MAP and described in the annual report. The revised MAP and annual report will be available to the public and posted on Western's Web site.

2.0 MITIGATION ACTIONS

Mitigation measures or environmental protection measures (EPMs) will provide a high degree of effectiveness in minimizing the potential for adverse environmental effects associated with the construction, operation, and maintenance of the project. Many of the mitigation measures listed in this MAP are generic or situational (e.g., some may be appropriate at one location and others would be effective at another location). Western construction inspectors must be aware of all of the measures and use their best professional judgment to apply the proper measures as circumstances dictate. Therefore, the project manager and designated Western personnel will determine which mitigation measures should be required for a particular aspect of project construction, operation, or maintenance. These need to be coordinated with the various land management agencies or owners, for example, the USFS, BLM, Reclamation, and Sierra Pacific Industries (SPI). The measures to be required will depend upon the type of activity, area to be affected, the time of year, and anticipated weather conditions. Geographic information system (GIS) mapping and information tied to these maps will be made available to project personnel that highlight areas that should be avoided and that specify precautions that should be taken or the types of activities that will be allowed. Western and its contractor(s) will be responsible for implementation of mitigation measures during various phases of the project.

Western's *Construction Standard 13, Environmental Quality Protection* (Western 2003), requires that the contractor(s) furnish plans for the purpose of determining compliance with construction contract specifications associated with the project. These plans do not relieve the contractor(s) from his responsibility for compliance with all Federal, State, and local regulations. Applicable plans that will be required to implement the project include a Spill Prevention Notification and Cleanup Plan, a Pesticide Use Plan, an Aviation and Public Safety Plan, a Noxious Weed Safety Control Plan, and an Erosion Control Plan. The Spill Prevention Notification and Cleanup Plan will include a description of spill prevention measures, notification procedures, employee awareness training, arrangements to respond to spills (e.g., manpower, equipment, and material), and, as applicable, requirements of 40 CFR Part 112 pertaining to Spill Prevention, Control and Countermeasures Plans. The Pesticide Use Plan will include a description of the pesticides to be used, where they will be applied, the application rate, and copies of the pesticide labels and applicator certificates. The clearing specifications for the project (Western 2008) also contain a number of requirements and procedures that will minimize impacts from project construction.

A requirement of Western's *Construction Standard 13, Environmental Quality Protection* (Western 2003), is that the construction of the project comply with all applicable Federal, State, and local environmental laws and regulations. The following include a number of the standard construction practices from Western's *Construction Standard 13, Environmental Quality Protection* (Western 2003), that are applicable to the project. These practices will be appropriate for all lands crossed by the transmission line.

W1 All construction vehicle movement outside the ROW normally will be restricted to predesignated access, contractor-acquired access, or public roads.

W2 The area limits of construction activities normally will be predetermined, with activity restricted to and confined within those limits. No paint or discoloring agents will be applied to rocks or to vegetation that cannot be removed.

W3 In construction areas where recontouring is not required, vegetation will be left in place whenever possible, and the original contour will be maintained to avoid excessive root damage and allow for resprouting.

W4 In construction areas (e.g., staging yards, structure sites, and spur roads from existing access roads) where ground disturbance occurs or where recontouring is required, surface restoration will occur as required by the landowner or land management agency. The method of restoration will normally consist of returning disturbed areas back to their natural contour, reseeding (if needed), installing cross drains for erosion control, placing water bars in the road, and filling ditches.

W5 Watering facilities and other range improvements will be repaired or replaced if they are damaged or destroyed by construction activities to their condition prior to disturbance as agreed to by the parties involved.

W6 Structures and/or ground wire will be marked with highly visible devices where needed to minimize bird or airplane collisions with the lines, as required by governmental agencies (e.g., Federal Aviation Administration [FAA]).

W7 Prior to construction, all construction personnel will be instructed on the protection of cultural, paleontological, and ecological resources. To assist in this effort, the construction contract will address (1) Federal, State, and tribal laws regarding cultural resources, fossils, plants and wildlife, including collection and removal, and (2) the importance of these resources and the purpose and necessity of protecting them.

W8 Cultural resources will continue to be considered during post-EIS phases of project implementation in accordance with stipulations in the Programmatic Agreement (PA) for this project executed October 15, 2007, among the State Historic Preservation Officer (SHPO), USFS, Reclamation, and USACE.

W9 Western will respond to individual complaints of radio or television interference generated by the transmission line by investigating the complaints and implementing appropriate mitigation measures (e.g., adjusting or using filtering devices on antennas). The transmission line will be patrolled on a regular basis so that damaged insulators or other transmission line materials that could cause interference will be repaired or replaced.

W10 Western will apply mitigation needed to eliminate problems from induced currents and voltages on conductive objects sharing the ROW, to the mutual satisfaction of the parties involved.

W11 Western will continue to monitor studies performed to determine the effects of audible noise and electrostatic and electric and magnetic fields (EMFs) to ascertain whether these effects are significant.

W12 Roads will be built at right angles to washes to the extent practicable. Culverts will be installed where needed. All construction and maintenance activities will be conducted in a manner that will minimize disturbance to vegetation, drainage channels, and intermittent or perennial stream banks. In addition, road construction will include dust-control measures during construction in sensitive areas. All existing roads will be left in a condition equal to or better than their condition prior to the construction of the transmission line.

W13 All requirements of those entities having jurisdiction over air quality matters will be adhered to, and any permits needed for construction activities will be obtained. Open burning of construction trash will not be allowed unless permitted by appropriate authorities.

W14 Fences and gates will be repaired or replaced to their original condition prior to project disturbance as required by the landowner or the land management agency if they were damaged or destroyed by construction activities. Temporary gates will be installed only with the permission of the landowner or the land management agency.

W15 Transmission line materials will be designed and tested to minimize corona. Tension will be maintained on all insulator assemblies to assure positive contact between insulators, thereby avoiding sparking. Caution will be exercised during construction to avoid scratching or nicking the conductor surface, which might provide points for corona to occur.

W16 No nonbiodegradable debris will be deposited in the ROW. Slash and other biodegradable debris will be left in place or disposed of in accordance with the land managing agency requirements.

W17 Regulated materials will not be drained onto the ground or drainage areas. Totally enclosed containment will be provided for all trash. All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other hazardous materials, will be removed from the construction area to a disposal facility authorized to accept such materials.

W18 Special status species or other species of particular concern will continue to be considered during post-EIS phases of project implementation in accordance with management policies set forth by the appropriate land managing agency. This activity might entail conducting surveys for plant and wildlife species of concern along the proposed transmission line route and associated facilities (i.e., access and spur roads and staging areas) as agreed upon by the land managing agency. In cases where such species are identified, appropriate action will be taken to avoid

adverse impacts on the species and its habitat, which might include localized alterations in the placement of roads or structures as practicable and monitoring construction activities.

W19 The alignment of any new access roads will follow the designated area's landform contours where possible, providing that such alignment does not additionally impact resource values. This activity will minimize ground disturbance and reduce scarring (visual contrast).

W20 Except for repairs necessary to make roads passable, no widening or upgrading of existing access roads will be undertaken in the area of construction and operation, where soils or vegetation are sensitive to disturbance.

W21 In designated areas, structures will be placed to avoid sensitive features such as, but not limited to, riparian areas, watercourses, and cultural sites, or to allow conductors to clearly span the features within limits of standard structure design. This activity will minimize the amount of disturbance to the sensitive feature or reduce visual contrast.

W22 With the exception of emergency repair situations, ROW construction, restoration, maintenance, and termination activities in designated areas will be modified or discontinued during sensitive periods (e.g., nesting and breeding periods) for Federally listed species or other sensitive or special status animal species.

W23 Western will require that all ROW and temporary use areas be surveyed for Federally listed species or other special status species and cultural resources prior to ground-disturbing activities.

In addition to Western's EPMs listed above, the USFS mitigation measures include those measures resulting from the environmental analysis in the EIS pertaining to the construction and operation of the new and upgraded transmission lines and substation and switchyard portions of the project. These mitigation measures are listed below.

USFS1 Roads will be constructed, reconstructed, maintained, and decommissioned according to USFS standards.

USFS2 No more than 15% of a harvest area will be dedicated to roads and landings.

USFS3 The ROW permit holder will have to notify the USFS 30 days prior to beginning routine vegetation maintenance. In emergency situations, the holder will have to notify the USFS within 48 hours of the hazardous emergency situation.

USFS4 Complete clearing of underlying vegetation will be limited to an area of 30 ft from towers and/or poles and 15 ft from the center of access routes within the ROW corridor. Western will promote a stable, low-growing plant community on

the ROW for grasses and shrubs. This type of plant community will be compatible with transmission line facilities, serving as an environmentally acceptable and useful ground cover and naturally retarding the regrowth of tall-growing vegetation. The frequency of future ROW maintenance operations and potential interruption of service will be reduced.

USFS5 Underbrush might be ground up, chipped and broadcast, or piled for burning, to control vegetation or to reduce the fire hazard.

USFS6 Fuel reduction activities will retain 30% to 50% of the existing duff mat.

USFS7 Work could be performed by hand or with machines. No machine work will be conducted on slopes greater than 35%.

USFS8 Riparian vegetation could be left in the ROW as long as it does not compromise mandatory reliability standards or conflict with the *Integrated Vegetation Management Environmental Guidance Manual* (Western 2007a).

USFS9 Treatments for fuels used for maintenance activities will be developed so that there will not be an unacceptable increase in the fuel loading capacity for a particular area.

USFS10 The introduction or spread of noxious weeds will be controlled (e.g., through herbicide use, cutting and destroying plants, and cleaning vehicles).

USFS11 Limited operating periods might be imposed for certain segments of the ROW corridor because of the presence of Federally listed species or other sensitive or special status species.

USFS12 As practicable, disturbed areas will be restored to preproject conditions.

USFS13 Safety precautions and a fire plan will be implemented.

USFS14 All fire lines will be water-barred; fire lines with less than 35% rock fragments will be mulched with straw or fine slash to achieve a ground cover of 75% or greater.

USFS15 A safety plan for helicopter use will be coordinated by Western and signed by all agencies as required.

USFS16 Brush (in addition to slash) will be removed from the project site, or lopped or chipped, and spread in areas where there are dense concentrations of brush damaged from tree felling.[3]

3 Burning of slash is a limited option that can be conducted with landowner approval.

The BLM has also adopted stipulations for telephone or power line ROWs that will be implemented for the construction of the new and upgraded transmission lines and substations. These stipulations are summarized as follows.

BLM1 The ROW permit holder shall notify the BLM, Redding Field Office, 30 days prior to beginning vegetation clearing. ROWs not previously cleared for cultural, threatened, endangered, and sensitive species will need to be evaluated for these resources, and those of high sensitivity may need to be field evaluated. Consultation with the BLM Redding Field Office should occur well in advance of the clearing in previously unevaluated areas. Known locations of cultural resources of significance and of threatened, endangered, and sensitive resource sites may need to be avoided by the ROW actions as determined in consultation with the authorized officer.

BLM2 Vegetation removal (clearcutting) will be limited to an area of 30 ft from towers and/or poles and 15 ft from the center of access routes within the ROW corridor. Outside the clear-cut areas, removal of trees will be limited to those that will encroach on vertical line clearance (within 25 ft) within the next 10 years. Beyond the clear-cut areas, vegetation should be thinned a maximum distance of 30 ft between main stems. Underbrush may be mulched or masticated for vegetation control or to reduce fire hazard.

BLM3 Vegetation removal should concentrate on removal of manzanita (*Arctostaphylos* spp.) and retention of toyon (*Heteromeles arbutifolia*), oaks (*Quercus* spp.), and other less common species.

BLM4 Work can be performed by hand or with brush masticating machines. No machine work will be conducted on slopes greater than 35%.

BLM5 Riparian vegetation should not be cut unless individual trees are within vertical line clearance.

BLM6 Written authorization must be received prior to the application of herbicides or pesticides on BLM-administered lands (45 days prior notice required).

BLM7 Prior to cutting trees greater than 6 in. in diameter at breast height, the BLM may require that they be cruised and purchased from the BLM.

BLM8 Prior to October 15 each year, the ROW permit holder shall annually monitor the ROW for erosion and rehabilitate all gullies and rills deeper than 3 in. occurring within the ROW. The permit holder is responsible for the placement and use of adequate erosion control structures and materials. Mulches used shall not contain viable non-native plant parts or seed. The ROW permit holder shall monitor access route ROWs outside of the main ROW annually for the first 2 years and at least once every 5 years thereafter, and prior to October 15 rehabilitate all gullies

and rills deeper than 3 in. If the BLM identifies any gullies or rills, the holder shall rehabilitate within 30 to 60 days of notification unless directed otherwise.

BLM9 Vegetation located in deep draws or canyons should not be removed or trimmed unless it encroaches into the legislated mandatory reliability standards.

Reclamation has adopted the EPMs of Western, the USFS, and the BLM, as described above. No additional measures specific to Reclamation will be required for the project. However, Western recognizes that the ROW permits received from each of these agencies could contain additional requirements.

The following sections describe additional mitigation commitments and actions that Western or its project construction contractor(s) will implement. Mitigation actions are organized by the resource categories identified in the EIS and include the EPMs required by Western, the USFS, the BLM, and Reclamation. A number of the mitigation actions identified below are applicable to more than one resource (e.g., actions to protect water resources will also protect biological resources). However, the mitigation actions are generally listed only once (i.e., for the primary resource they are directed toward). An overview of the impacts addressed in the EIS and associated mitigation measures are included in this MAP. The majority of impacts identified in the EIS will occur during or just after construction. Thus, most of the mitigation actions will also be implemented during construction. To ensure that the contractor(s) will implement mitigation measures, the relevant portions of this MAP will be included in the construction contract specifications developed for this project. This will obligate the contractor(s) to implement the mitigation measures identified in the MAP that relate to their responsibilities during construction and post-construction. The MAP is a living document and will be updated periodically as tasks are completed.

In addition to the mitigation actions listed in Tables 2-1 through 2-12, Western also completed Endangered Species Act (ESA) Section 7 and National Historic Preservation Act (NHPA) Section 106 consultations. Informal consultation regarding the Southern Oregon/Northern California Coast coho salmon (*Oncorhynchus kisutch*) Evolutionarily Significant Unit was completed on July 11, 2007, with a letter of concurrence from the National Marine Fisheries Service (NMFS) (McInnis 2007). Formal consultation with the USFWS under Section 7 was completed with the issuance of a BO on November 5, 2007, related to the northern spotted owl (*Strix occidentalis caurina*) and its critical habitat (Smith 2007). However, Western will continue to provide information to the USFWS and NMFS under the terms and conditions in the BO for the duration of the construction period. Formal consultation with the SHPO was concluded under the terms of a PA signed by the affected agencies and parties. The PA will guide any future Section 106 activities. Consultation and coordination with interested Native American tribes is ongoing and will continue for the duration of the project.

In addition to the above, all personnel entering the project area will be required to undergo environmental awareness training prior to entering the construction area. The training will address Federal, State, and tribal laws and regulations regarding antiquities, fossils, plants, and wildlife, including collection and removal, the importance of these resources, and the purpose and necessity of protecting them. The list of all persons trained will be kept during the course of

construction. The training requirements described in this MAP will be committed to in the ROD. Also, all of Western's (2007a) *Integrated Vegetation Management Environmental Guidance Manual* and other land management agency requirements will be met during construction, operation, and maintenance of the project.

2.1 AIR QUALITY

Although the climate of Trinity County varies considerably with elevation, it is generally characterized by warm, dry summers and cold, moderately wet winters. Summer precipitation is usually limited to occasional scattered thunderstorms. No severe weather events (e.g., hurricanes and tornadoes) occur in the region.

The project is located within a geographic area referred to as the North Coast Air Basin (NCAB). The primary sources of air pollutants in this area include vehicles, blowing dust from dirt roads and fallow fields, wood-burning stoves, backyard burns, prescribed fires, and lumber mills (TCDOT 2003). Wildfires also contribute to particulate matter and other air pollutants. Criteria air pollutants in most of the NCAB are below the California Ambient Air Quality Standards (CAAQS) and/or National Ambient Air Quality Standards (NAAQS) except for PM_{10} (particulate matter with a mean aerodynamic diameter of 10 μm or less). For the period 1995 to 2006, the 24-hour and annual average PM_{10} levels at Weaverville in Trinity County frequently exceeded their respective CAAQS, but the 24-hour PM_{10} level exceeded the NAAQS only one time in 2006 because of a prolonged forest fire.

Short-term impacts on air quality will occur during construction and periodic maintenance of the ROW and access roads. The increase of air emissions after applying the applicable mitigation actions will be well below the significance thresholds. As the project area does not likely contain natural occurrences of asbestos (CDC 2000), project construction activities will not be expected to result in emissions of asbestos. However, in accordance with applicable provisions of Title 17 of the *California Code of Regulations*, Section 93105, "The Asbestos ATCM [Airborne Toxic Control Measure] for Construction, Grading, Quarrying and Surface Mining Operations," if it is determined that naturally occurring asbestos, serpentine, or ultramafic rock is present, the construction contractor(s) will need to comply with the requirements of the ATCM. No burning of slash will be conducted. Currently, there are no plans to employ portable diesel engines, which can emit criteria pollutants and diesel particulate matter (considered to be a toxic air contaminant). However, any portable engines (i.e., not self-propelled) that might be needed for the project will be registered under the State portable equipment registration program or have a permit issued by the North Coast Unified Air Quality Management District.

Table 2-1 lists the air quality mitigation actions.

2.2 BIOLOGICAL RESOURCES

The project area is dominated by mixed conifer hardwood forests with some montane/mixed chaparral and montane riparian woodlands. Some invasive weed species have been identified along the project ROW segments. A diverse assemblage of fish and wildlife species occurs in the project area. Among these species are the Federally threatened northern spotted owl and

Table 2-1 Applicable Air Quality Mitigation Actions

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Minimize atmospheric emissions from vehicles and equipment.	1. Vehicles and equipment used to construct and maintain the project will be appropriately permitted and be equipped with appropriate emissions control equipment that will be maintained.	During construction and maintenance (Federal and private lands)
	2. Exhaust emissions from all off-road equipment will not exceed 40% opacity for more than 3 minutes in any 1-hour period.	During construction and maintenance (Federal and private lands)
	3. Equipment and vehicles that have excessive exhaust gas emissions because of poor engine adjustments or other inefficient operating conditions will not be operated until corrective repairs or adjustments are made.	During construction and maintenance (Federal and private lands)
Minimize the generation of dust.	4. Removal of low-growing vegetation and ground disturbance will be limited to the minimum necessary to complete ROW requirements. Low-growing vegetative cover will be maintained on all other portions of the project area.	During construction (Federal and private lands)
	5. Road construction will include dust-control measures, such as watering and using other approved suppressing agents, for limiting dust generation during construction.	During construction (Federal and private lands)

Southern Oregon/Northern California Coast coho salmon Evolutionarily Significant Unit; the Pacific fisher (*Martes pennanti pacificus*), which is a Federal candidate species; and the bald eagle (*Haliaeetus leucocephalus*), which was a Federally threatened species that has been recently delisted. A number of USFS sensitive and BLM special status plant and animal species may also occur in the project area. Important habitats also occur within the project area. Examples of these include Riparian Reserves, wetlands, and critical habitat for the northern spotted owl.

Construction and operation will result in the permanent loss of 2.2 acres of vegetation for access roads and the Weaverville Switchyard and will alter 157 acres of vegetation within the ROW. An additional 31.5 acres of vegetation will be temporarily impacted during construction. The extent of disturbance to mixed conifer hardwood forest will be a small fraction of the remaining area of similar adjacent communities. The proposed project will have a less than significant impact on vegetation communities. Disturbed sites will be monitored for noxious weeds. Any colonizing noxious weeds will be actively controlled via an approved control methodology. The proposed action will not result in the uncontrolled expansion of noxious weeds.

The minimal losses of wildlife that will result from construction activities or temporary displacement during construction activities will be insignificant in a regional context. Wildlife displacement and mortality is a short-term impact that will not result in a regional decline in any populations of terrestrial wildlife. If blasting does occur, it will be of short duration, and there will be no measurable long-term effect on population numbers or distribution over a species range of occurrence. Wildlife near the helicopter flight path and designated landing areas will be exposed to an increase in noise levels of short duration (e.g., usually less than 5 minutes). With proposed mitigation measures to reduce bird mortality (e.g., state-of-the art marking devices and

spacing between conductors), impacts from the transmission line will not affect the biological viability of local, regional, or national populations of bird species.

The proposed project will not directly disturb suitable habitat, individual fish, or populations within the Trinity River, Rush Creek, or Little Browns Creek.

Bald eagle: No active nests have been identified, and there is no designated critical habitat within the project area. Electrocution hazards will be minimized by line spacing, conductor layout, utility pole construction, and use of state-of-the-art marking devices, where necessary.

Northern spotted owl: The project intersects the 1.3-mi home range buffer surrounding four nests that were active in 2007 and 2006, as well as eight other historic nest sites. The project applicant will conserve and manage off-site acreage to mitigate the loss of northern spotted owl habitat, including 35.4 acres of designated critical habitat. The proposed habitat conservation measures, distance standards for Riparian Reserves, and general project specifications and conservation measures ensure that the proposed action will not contribute to the further decline of the northern spotted owl.

Coho salmon: This anadromous fish species has access to the Trinity River, Rush Creek, and Little Browns Creek; each stream contains designated critical habitat. No construction activities will occur within these streams. Construction could result in short-term increases in sedimentation and turbidity in the downstream reaches of the streams and their tributaries traversed by the project. Summer construction to avoid the spawning season, the use of sediment fences, and implementation of the Riparian Reserve limits of disturbance standards will reduce potential impacts on the coho salmon. The proposed action will not directly impact any coho salmon designated critical habitat.

Pacific fisher: Two incidental sightings of the Pacific fisher were documented during the 2006 northern spotted owl surveys. The proposed action will not act as a barrier to Pacific fisher movement, as the existing transmission line corridor and existing networks of road have not precluded their use of the project area. The proposed habitat conservation measures for Riparian Reserves and the general project specifications and conservation measures ensure that the proposed action will not contribute to the need for the species to become listed.

Of the species that are listed by the USFS and BLM, the northern goshawk (*Accipiter gentilis*) and foothill yellow-legged frog (*Rana boylii*) may occur in the project area. Implementation of the proposed action may adversely impact individuals but will not be likely to result in a loss that will cause a trend to Federal listing or a loss of rangewide species viability.

Five wildlife management indicator assemblages (late-seral, openings and early seral, snag and downed logs, riparian, and hardwood) are present in the project area. Construction of the project will result in the removal of some assemblage types and the shifting of others to another type. On the basis of the forestwide trend patterns, the project-level habitat impacts will not alter or contribute to existing forestwide trends. These shifts, losses, and removals of habitat will be very small in relation to forestwide trends and well within the margin of error in measuring these patterns.

No populations of the Survey and Manage mollusk or plant species were found during the 2006 field surveys. Therefore, it is not anticipated that any direct, indirect, or cumulative impacts will occur to Survey and Manage species as a result of the potential lack of individuals or populations in the proposed project area. The proposed action is in compliance with the 2001 Survey and Manage ROD.

Riparian Reserve areas will be crossed on USFS lands. The project will follow the prescribed limits of disturbance within classified Riparian Reserves.

Table 2-2 lists the biological resources mitigation actions.

2.3 CULTURAL RESOURCES

Sixteen historic era sites, two electrical power lines, one residential complex, and two isolated features have been identified within the project's direct area of potential effects (APE). No prehistoric sites have been identified within the ROW or surveyed access roads. Archival research identified an additional 135 cultural resource sites within a 3-mi radius of the project's indirect APE but are outside of any direct effects for the project and would not be affected by noise or visual elements of the project. Most of these are historic era sites associated with gold mining or homesteading. Previously recorded prehistoric sites within the project's area of indirect effects are primarily identified as villages. Western has made preliminary determinations of *National Register of Historic Places* (NRHP) eligibility for the identified properties within the project's direct APE and will consult with the California SHPO and the affected land managing agencies on final determinations of eligibility and effects on historic properties for the project in accordance with the PA executed for this project. Although Western will continue to consult and update tribes throughout the proposed action, no traditional cultural properties, sacred or religious sites, or other concerns have been raised by the tribes.

Table 2-3 lists the cultural resources mitigation actions.

2.4 GEOLOGY AND SOILS

The project is located within the Klamath Mountain Geomorphic Province, which is characterized by rugged topography with prominent peaks and ridges. The bedrock geology in the project area includes the Copley Greenstone Formation (fractured hard rock unit of volcanic origin), Bragdon Formation (mostly shales, mudstones and conglomerate), Central Metamorphic Belt (Salmon hornblende and Abrams mica schists), and Weaverville Formation (sandstones, shale, and coarse stream conglomerates). Unconsolidated silt, sand, and gravel occur within the Trinity River channel. Mineral resources in the area include gold, sand, gravel, and shale. Soils in the project area are generally deep and well-drained gravelly loams to gravelly sandy clay loams with moderate to high runoff and moderate permeability. Erosion is the major threat to the maintenance of soil productivity in the area. Trinity County has a history of low seismic activity.

Geotechnical hazards will be evaluated during final design specification for each pole location and road construction area. Selecting sites with stable conditions, correcting unstable slope conditions, and implementing EPMs will reduce hazardous site-specific geologic conditions. The

Table 2-2 Applicable Biological Resources Mitigation Actions

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Minimize disturbance and removal of vegetation to the extent practicable.	1. Vegetation will be controlled or removed in accordance with the *Integrated Vegetation Management Environmental Guidance Manual* (Western 2007a) and other land management agency requirements.	During construction and maintenance (Federal and private lands)
	2. To the extent possible, grading and grubbing of low-growing vegetation cover will be avoided on all new spur roads and structure pad locations.	During construction (Federal and private lands)
	3. Vehicle operation off the ROW shall be prohibited or limited to existing roads.	During construction (Federal and private lands)
	4. Staging of equipment and supplies and parking of vehicles will be restricted to previously disturbed and designated areas to the extent practical.	During construction (Federal and private lands)
	5. Leave snags and hardwood that will not create a safety hazard or hinder reliable operation of the line (USFS 2007b).	During construction (Federal and private lands)
	6. Selective thinning will occur in the Riparian Reserves to limit impacts within those areas. Thinning will focus on that needed for worker safety and line reliability (USFS 2007a).	During construction (Federal and private lands)
Ensure that the construction, operation, or maintenance does not result in the invasion of non-native, weedy species.	7. All noxious weed populations will be identified within the project area and flagged prior to construction activities by Western or its contractor(s). Any identified populations will be treated by using a recognized vegetation treatment identified by the USFS, BLM, and Reclamation and will comply with applicable plans such as the Shasta-Trinity National Forest (STNF) Land and Resource Management Plan (USFS 1995).	Prior to construction (Federal and private lands)
	8. Herbicides will be used when needed to control noxious weeds. Herbicides will be applied by licensed applicators in accordance with Federal and California State regulations and labeled directions. On USFS-administered lands, application rates will not exceed those analyzed in the risk assessments presented in Appendix D of the EIS (Western 2007c). The approved permits will be obtained prior to herbicide implementation.	During construction and maintenance (Federal and private lands)
	9. If direct control methods or the removal of noxious weed infestations in construction disturbance areas are not feasible, the noxious plants can be cut and destroyed in a manner that is acceptable to the land management agencies.	During construction (Federal and private lands)
	10. Equipment will have to be cleaned before entering the ROW. In addition, vehicles and equipment that have driven through or parked in a noxious weed–infested area will have to be cleaned before they can leave the area.	During construction and maintenance (Federal and private lands)
	11. Disturbed areas will be reseeded with regionally native species in accordance with land management agencies and then mulched with certified weed-free straw.	Following construction (Federal and private lands)

Table 2-2 (Cont.)

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Ensure that the construction, operation, or maintenance does not result in the invasion of non-native, weedy species. (Cont.)	12. Noxious weeds will be monitored for 3 years after construction activities, and any identified infestations will be treated with approved methods.	Following construction (Federal and private lands)
Ensure that habitats are protected from chemical contamination.	13. During construction, no equipment will be refueled and no oil will be changed within 300 ft of any water body or stream. Oil spill cleanup kits will be available on-site in the event an accidental spill occurs.	During construction (Federal and private lands)
	14. Regulated materials will not be drained onto the ground, into streams, or into drainage areas. All construction waste, including trash and litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials, will be properly disposed of.	During construction and maintenance (Federal and private lands)
	15. Herbicides will be handled in a manner that will avoid accidental spills and ensure worker and public safety. All herbicide spill requirements will be followed, including those for containment and cleanup procedures.	During construction and maintenance (Federal and private lands)
Ensure that special status species and habitats are protected.	16. Terms and conditions developed during the consultation period under Section 7 of the ESA will be adhered to as specified in the BO of the USFWS and/or NMFS. In addition, any mitigation or conservation measures developed in conjunction with the California Department of Fish and Game will be followed.	During construction (Federal and private lands)
	17. Western or its contractor(s) will have qualified biologists conduct preconstruction surveys for sensitive plants and wildlife at spur roads and other areas that will be subject to surface disturbance. The surveys will be conducted during the appropriate season prior to construction.	Prior to construction (Federal and private lands)
	18. Funds to enhance Pacific fisher habitat will be provided to the degree that the proposed action will adversely alter existing Pacific fisher habitat.	Following construction (Federal and private lands)
	19. If helicopter use cannot be scheduled to avoid the nesting/breeding period (approximately April 15 to August 15), then preconstruction raptor nest searches will be conducted to identify nesting raptors in the project area. Western or its contractor(s) will have a qualified biologist conduct project areawide raptor nest surveys in appropriate habitats for listed species prior to commencement of construction. Construction of the transmission line will incorporate the following measures to minimize noise impacts: • Helicopter pads will be buffered by using ridges or other sound-attenuating landscape features where available and practical.	Prior to and/or during construction (Federal and private lands)

Table 2-2 (Cont.)

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Ensure that special status species and habitats are protected. (Cont.)	• Helicopter flight paths will be designed to provide a buffering distance from nest activity areas of listed species. • Helicopter flight paths will use terrain features that will reduce noise impacts to any identified sensitive species nest locations. • Helicopters will yard material away from the line to the west and to the south, avoiding known northern spotted owl nesting sites (Western 2007b).	
	20. The line over the two Trinity River crossings will be marked with the best technology currently available to alert bald eagles and other birds to the presence of an obstruction.	Following construction (Federal and private lands)
	21. To the extent practicable, disturbance of known bald eagle nests will be avoided during the courtship, breeding, and nesting period from January 1 through July 15, and any construction activity will be restricted within 0.25 mi of an active home range (USFS 2007b). If construction or other project-related activities (which may cause nest abandonment or forced fledging) are necessary within 0.25 to 0.5 mi (depending on typography) of a bald eagle nest, monitoring of the nest by a qualified biologist will be conducted by Western.	During construction (Federal and private lands)
	22. As appropriate, the recommendations in the National Bald Eagle Management Guidelines (USFWS 2007) will be followed.	During construction and maintenance (Federal and private lands)
	23. Unless exempted, no work will be conducted within a 1.3-mi radius of recent northern spotted owl nests from February 1 to September 15, and no noise or smoke will be generated within a 1.55-mi radius of these nests from February 1 to July 10 in order not to disrupt breeding and reproductive activities.	During construction and maintenance (Federal and private lands)
	24. Northern spotted owl habitat improvements conducted by the USFS will be funded by Western at a ratio of 5 acres improved for every acre disturbed in critical habitats, 7 acres improved for each acre disturbed in nesting and roosting habitats, and 3 acres improved for each acre disturbed in areas capable of becoming northern spotted owl habitat.	Following construction (Federal lands)
	25. Construction activities will follow the prescribed limits of disturbance within classified Riparian Reserves.	During construction (Federal and private lands)

Table 2-3 Applicable Cultural Resources Mitigation Actions

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Avoid disturbance of any cultural resource site eligible for the NRHP.	1. Western will conduct cultural resource awareness training for all construction and field personnel.	Prior to construction (Federal and private lands)
	2. All field personnel will be required to stop work within 100 ft of any inadvertent discovery and immediately notify Western's environmental manager. Western will have a qualified archaeologist who meets the Secretary of the Interior's standards evaluate and assess the find in consultation with the SHPO and local tribes, if the site was prehistoric in nature. Significant cultural resources in the area will be delineated in the field and avoided.	Immediately after an artifact or other resource is discovered throughout the construction period. Western will be provided with a report of findings within 6 months after the evaluation of the discovery (Federal and private lands)
	3. Once specific equipment staging areas are identified, those sites will be surveyed for cultural resources as well as any additional areas identified for any type of construction activity.	Prior to construction (Federal and private lands)
	4. Construction activities will avoid all historic properties or a special use permit or mitigation plan will be developed in accordance with the PA.	During construction (Federal and private lands)
	5. Archaeological or North American monitors will be on-site in areas where construction activities will be near identified cultural properties or other culturally sensitive areas to ensure avoidance of these properties.	During construction (Federal and private lands)

areas where soil erosion may be increased are narrow and spread over a large area, thereby reducing the potential for impacts. Development of an Erosion and Sedimentation Control Plan and implementing the EPMs will reduce geology and soil erosion impacts.

Long-term impairment of soil productivity, hydrologic function, or environmental health could occur through compaction, loss of organic matter, loss of large woody material, and erosion. The soil quality standards (SQSs) outlined in Appendix O of the Shasta-Trinity National Forest (STNF) Land and Resource Management Plan (USFS 1995) will be implemented.

Table 2-4 lists the geology and soils mitigation actions.

2.5 LAND USE

Land ownership in the project area consists of both public and private lands. Most of the land is held by the USFS, BLM, Reclamation, and SPI; the remainder is held by a few private landowners. Land uses along the project transmission line include industrial/commercial, recreation, and timber production. Industrial and commercial land uses include roads, railroads, mining, and existing ROWs.

Construction of the project will use existing ROWs, or where required, new ROWs will cross undeveloped land. The project will not remove houses or other buildings and will not displace people or disrupt or divide the physical arrangement of an established community. The project will cross lands subject to three land use plans (USFS, BLM, and Trinity County) and Trinity

Table 2-4 Applicable Geology and Soils Mitigation Actions

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Minimize soil erosion within the ROW.	1. Highly erodible areas (e.g., areas with unstable slopes) will be avoided to the extent possible. Impacts due to slope instability might be mitigated by grading.	During construction (Federal and private lands)
	2. Construction of project ROWs will be timed to avoid winter storms.	During construction (Federal and private lands)
	3. Soil-disturbing actions will be avoided during periods of heavy rain or wet soils. Travel restrictions will be applied to protect soil and water (USFS 2000).	During construction (Federal and private lands)
	4. Wet weather logging will not occur on soils with a high compaction hazard (e.g., Marpa-Goulding-Hohmann).	During construction (Federal and private lands)
	5. Erosion control measures will be continuously monitored and maintained to ensure optimal effectiveness.	During construction (Federal and private lands)
	6. Disturbance and removal of soils and vegetation will be limited to the minimum area necessary for access and construction. Brush, shrubs, and other ground cover shall be left in the ROW-cleared areas to the extent possible.	During construction (Federal and private lands)
	7. Grading will be minimized to the extent possible. When required, grading will be conducted away from watercourses and washes to reduce the potential for material to enter them.	During construction (Federal and private lands)
	8. Water bars will be used to control erosion in cleared areas where the slope is greater than 35%.	During construction (Federal and private lands)
	9. Ground-based mechanical equipment will operate only on fine-textured, nonrocky soils when the soils are dry to a depth of 8 in. from June through September.	During construction (Federal and private lands)
	10. Soil excavated for structure foundations will be backfilled and tamped around the foundations and used to provide positive drainage around the structure foundations.	During construction (Federal and private lands)
	11. Drainage control structures (e.g., water bars and cross drains) will be used where necessary to direct surface drainage away from disturbance areas and to minimize runoff and sediment deposition downslope from all disturbed areas.	During construction (Federal and private lands)
	12. All project-induced disturbed areas will be mulched with appropriate material (fine slash, wood chips, weed-free or rice straw, or a combination of these), and mulch will be maintained, as appropriate, throughout the life of the project.	During and following construction (Federal and private lands)
	13. Exposed soil material at disposal sites will be seeded and mulched before winter.	During construction (Federal and private lands)
	14. Once construction is complete, all work areas except access roads will be scarified and seeded with native species or left in a condition that will facilitate natural or appropriate vegetation, provide for proper drainage, and prevent erosion. Post-treatment total soil cover should be between 50% and 70%, with at least 50% cover as fine slash (less than 3 in. of material) on metamorphics and greater than 90% cover on granitics.	Following construction (Federal and private lands)
Minimize soil disturbance from skid trails.	15. Existing skid trails will be used to the extent possible to minimize the number of skid trails.	During construction (Federal and private lands)
	16. Skid trails will be designated and used to minimize soil compaction in the project area, especially when soil is dry to a depth of 8 in.	During construction (Federal and private lands)

Table 2-4 (Cont.)

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Minimize soil disturbance from skid trails. (Cont.)	17. Unless unavoidable, skid trails will be limited to areas where the slope is less than 35%.	During construction (Federal and private lands)
	18. Appropriate material (fine slash, wood chips, weed-free or rice straw, or a combination of these) will be spread on skid trails to achieve a minimum of 50% ground cover.	During construction (Federal and private lands)
	19. Silt fences will be installed between skid trails and culverts when the slope distance is less than 50 ft.	During construction (Federal and private lands)
	20. Skid trails will be tilled to a depth of 18 in. and mulched.	During construction (Federal and private lands)
	21. Mechanical skidding equipment will be restricted to slash-covered primary skid trails where slopes are greater than 40%.	During construction (Federal and private lands)
Minimize soil disturbance from access roads.	22. Existing roads will be used to the extent possible.	During construction (Federal and private lands)
	23. Specific measures that will be conducted on Forest Road 34N13 and Forest Road 34N13C will include the following: • Repair rolling dips and overside drains as needed; • Spot rock stream crossings as directed by the USFS; • Remove one culvert and convert the crossing to a drivable low-water crossing; and • Maintain the remaining drainage structures.	During construction (USFS lands)
	24. All native surface roads will be spot rocked with aggregate during wet weather operations, especially into creek drainages.	During construction (Federal and private lands)
	25. Temporary access roads will be tilled to a depth of 18 in. and mulched with weed-free straw.	During construction (Federal and private lands)
	26. Water bars or rolling dips will be used to control erosion on the last 50 ft of all temporary roads where they will enter landings or main roads; these areas will be mulched to achieve a ground cover of 75% or greater.	During construction (Federal and private lands)
	27. Access to construction areas will be routed around wet areas, and the route will not be allowed to cross sensitive resource areas. If wet areas cannot be avoided, best management practices will be implemented for these areas during the construction and improvement of access roads and during their subsequent reclamation.	During construction (Federal and private lands)
	28. Following their use, all temporary roads and landings will be ripped (with winged subsoiler) to a depth of 18 in., seeded with native species, and mulched with appropriate material (fine slash, wood chips, weed-free or rice straw, or a combination of these).	Following construction (Federal and private lands)
Minimize soil disturbance from landings (e.g., staging areas and helipads).	29. New landings will be located on old landings or previously disturbed sites to the extent possible.	During construction (Federal and private lands)
	30. Landings will be constructed with drainage directed to catchment structures.	During construction (Federal and private lands)
	31. New landing fill slopes will be mulched initially, and the mulch will be maintained throughout the life of the project.	During construction (Federal and private lands)
	32. Landings will be tilled (or "subsoiled") to a depth of 24 in. and mulched with appropriate material (e.g., fine slash, wood chips, weed-free or rice straw, or a combination of these).	During construction (Federal and private lands)

Table 2-4 (Cont.)

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Meet SQSs for soil productivity.	33. For highly erodible soils, soil ground cover will be in excess of 90% and evenly distributed. Skid roads, skid trails, temporary roads, and landings will be tilled to a depth of 18 in. and mulched or planted.	During construction (Federal and private lands)
	34. Soil porosity will be at least 90% of the total porosity found under undisturbed or natural conditions (as measured at a depth of 0 to 4 in. for soils with herbaceous potential or 4 to 8 in. for soils with tree and shrub potential).	During construction (Federal and private lands)
	35. Soil organic matter will be maintained in sufficient amounts to prevent significant short- or long-term nutrient cycle deficits and to avoid adverse physical soil characteristics. Surface organic matter (upper 12 in.) will include litter and duff in at least 50% of the activity area. When in forested areas, large woody material will include at least five logs per acre in contact with the soil surface.	During construction (Federal and private lands)
	36. The soil moisture regime will be protected where the soil productivity or potential natural plant community depends on specific soil drainage classes.	During construction (Federal and private lands)
Meet SQSs for soil hydrologic function.	37. Water infiltration and permeability will not be reduced to ratings of 6 or 8 as defined in USFS (2006).	During construction (Federal and private lands)
Meet SQSs for soil environmental health.	38. The soil reaction class, buffering or exchange capacities, or biological populations will not be altered to a degree that will significantly affect soil productivity, solid hydrologic function, or the health of humans and animals.	During construction (Federal and private lands)

County's Zoning Ordinance. The proposed action will not conflict with BLM or Trinity County land use policies or Reclamation's reclamation zones. With the implementation of the EPMs, the potential conflict with USFS land use policies will be reduced.

The EPMs included in the socioeconomics section (section 2.9) are also designed to minimize and avoid potential impacts on other land uses, including those on private landowners. In addition, the EPMs aimed at geology and soils (section 2.4) and water resources (section 2.12) will also potentially mitigate land use impacts.

2.6 NOISE

The project is located primarily in areas with few permanent residents and few activities that generate substantial noise events. Background noise is mostly associated with natural sources such as wind and wildlife (e.g., birds and insects). Activities that generate noise levels above natural background include traffic on major road systems and local roadways, off-highway vehicles (OHVs), rural and suburban residential areas, campgrounds and other recreational locations, Trinity River Fish Hatchery, dam spillways, corona and other sounds associated with existing electrical lines and substations, and commercial or other forestry operations.

Most of the project traverses undeveloped areas with few if any noise-sensitive areas. Noise-sensitive areas include Ackerman Campground, isolated residential areas near Jessup Gulch Road, the Trinity River Fish Hatchery, and residential areas near the community of Lewiston.

Elevated noise levels during construction will be periodic and occur over a relatively short period of time (e.g., a few weeks). Blasting has a low probability of occurring, especially near or adjacent to sensitive receptors. If it does occur, it will be of short duration. Noise associated with the use of a helicopter(s) for construction of the transmission line is not anticipated to be significant because of the rural nature of the project area, the short duration a helicopter will spend at each site, and the fact that most of the helicopter operations will be less than 60 A-weighted decibels (dBA) near noise-sensitive receptors. The transmission line will be designed to minimize conductor point discharge sources, which could be a source of corona activity that will generate audible noise levels. The specifications for electrical equipment will be developed so that they will comply with the sound level required by industry standards, governing regulations, or local ordinances. Maintenance-related noise levels will be similar to those for construction, although they will be less frequent and intense.

Table 2-5 lists the noise mitigation actions.

2.7 PALEONTOLOGICAL RESOURCES

The rocks found in Trinity County are primarily volcanic and metamorphic and have no potential for containing fossil materials. The Weaverville Formation, which is a sedimentary formation composed of nonmarine sedimentary deposits, crosses about 0.5 mi of the project ROW. Overall, the project area has a low potential of containing scientifically significant fossils (e.g., either vertebrate or uncommon invertebrate and plant paleontological resources). While there is always a possibility of finding these resources during construction, impacts on paleontological resources from construction of the project are not anticipated.

Table 2-6 lists the paleontological resources mitigation actions.

2.8 PUBLIC HEALTH AND SAFETY AND HAZARDOUS MATERIALS

Public health and safety encompasses a variety of concerns, ranging from worker safety issues to hazards associated with the general public. Among the project-related issues of environmental concern for health and safety and hazardous materials are electric shock, exposure to EMFs, worker safety, and herbicide exposure. Habitat-related hazards include physical injuries related to the steep wilderness condition of the project area and biological risks such as rattlesnake or rabid-animal bites, ticks (Rocky Mountain spotted fever), mosquitoes (West Nile virus), poison oak, and encounters with bears or mountain lions. Public safety concerns also exist from controlled or wildland fires. Certain small industries (e.g., car repair, pesticide spray, metal plating operations, and wood treatment companies) or historical mining activities within the project area may have resulted in hazardous material contamination to soil or water resources. Historical or illegal disposal of hazardous materials to areas within the project area may have also occurred. However, the actual presence of such materials within the project ROW has not been identified.

Table 2-5 Applicable Noise Mitigation Actions

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Minimize noise disturbance to residents and recreationists.	1. Construction occurring within 2,000 ft of a residential dwelling, designated campground or recreational facility, or other noise-sensitive receptor near the transmission line ROW will be limited to Monday through Saturday from 7:00 a.m. to 8:00 p.m. in accordance with the Trinity County noise ordinance. Construction on Sunday will be prohibited.	During construction (Federal and private lands)
	2. Stationary noise sources will be located as far as possible from existing sensitive receptors. If stationary sources have to be located near existing sensitive receptors, they will be adequately muffled and enclosed within temporary sheds, or portable sound blankets will be used.	During construction (Federal and private lands)
	3. The following mitigation measures apply for helicopter use: • Minimize the use of helicopter construction traffic to the extent practical. • Minimize helicopter flights at low altitudes (under 1,500 ft) near noise-sensitive receptors, except at locations where only helicopter activities can perform the job task. • Minimize helicopter operations near campgrounds along Lewiston Lake and near the community of Lewiston when feasible.	During construction (Federal and private lands)
	4. Although blasting is anticipated, it will not likely be near noise-sensitive locations. However, blasting noise does pose a potential impact. Therefore, the following mitigations are proposed to reduce any potential noise impacts that could result if rock drilling and blasting were required for construction of the project transmission pole footings. • Blasting during construction will be conducted only when other practicable excavation methods are not available. • If blasting is necessary, it will be conducted only during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. • Sensitive receptors in areas where the noise from blasting will be greater than 10 dB above ambient noise levels will be given advance notification of the date and time of any blasting activities. • If blasting is necessary, a blasting plan will be developed and approved by the USFS, BLM, Reclamation, and any other appropriate regulatory agencies. Elements of the blasting plan are presented in table 2-2 of the EIS (Western 2007c).	During construction (Federal and private lands)
Control noise from vehicles and equipment.	5. Construction equipment will be equipped with manufacturer-recommended mufflers or the equivalent.	During construction (Federal and private lands)
	6. Construction equipment will be turned off when not in operation.	During construction (Federal and private lands)
	7. Equipment engine covers will be maintained on the apparatus as designated by the manufacturer.	During construction (Federal and private lands)

Table 2-5 (Cont.)

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Control noise from vehicles and equipment. (Cont.)	8. Equipment used for project construction will be hydraulically or electrically powered whenever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatically powered tools is unavoidable, an exhaust muffler on the compressed air exhaust will be used.	During construction (Federal and private lands)
	9. External jackets on the tools will be used where feasible. Quieter procedures, such as drilling rather than using impact equipment, will be used whenever possible.	During construction (Federal and private lands)

Table 2-6 Applicable Paleontological Resources Mitigation Actions

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Avoid the disturbance of important paleontological resources.	1. Project construction personnel will be introduced to the recognition of fossils as part of the environmental training program established for construction of the project. If a fossil is uncovered, stop work procedures will be implemented in the area, and Western or its contractor(s) will consult with a qualified paleontologist to evaluate the resource.	Whenever a fossil is discovered throughout the construction period. Western will be provided with a report of findings within 6 months after the evaluation of the discovery (Federal and private lands)

The general public health and safety conditions will not change as a result of the proposed action. The proposed action will not alter any emergency response plan or interfere with emergency response vehicles or pose a hazard to public or private airports. Solid and hazardous wastes will be disposed of at facilities permitted for handling and disposing of waste. In accordance with National Electrical Safety Code (NESC) requirements, induced currents from the transmission lines will be 5 milliamperes (mA) or less. The EMFs at the edge of and within the project transmission line ROW will be less than the threshold values. The Weaverville Switchyard and most of the transmission line will be located in uninhabited areas.

Table 2-7 lists the public health and safety and hazardous materials mitigation actions.

2.9 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

The potentially affected area for socioeconomics consists of Trinity County, while that for environmental justice consists of six census blocks in the vicinity of Lewiston and Weaverville. The communities of Lewiston and Weaverville contain the majority of the population within the project area. The small number of outside workers (16) will not cause a major or regionally measurable change in employment, community services, or housing availability or measurably increase the population of Trinity County. The proposed action will not displace or cause a major disruption to businesses. There will not be a disproportional effect on minority or low-income populations. The increased reliability of the energy supply to commercial and industrial users

Table 2-7 Applicable Health and Safety and Hazardous Materials Mitigation Actions

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Prevent the loss of life or limb.	1. A blasting plan will be developed in accordance with recognized industrial standards and governmental regulations.	During construction (Federal and private lands)
	2. The use of explosives for construction activities will be transported and used by a California-licensed contractor, under contract to the project proponent or specified general contractor, who will ensure compliance with State of *California Safety Orders* (Cal-OSHA), Article 8, Section 1564, and with *California Vehicle Code*, Division 14 requirements for vehicle transportation of explosives on public roadways as applicable. All blasting will be conducted by a subcontractor with a valid California "Blaster License" pursuant to Cal-OSHA Article 8, Sections 1550–1580.	During construction (Federal and private lands)
Prevent exposure to hazardous materials.	3. Personnel involved in excavation work will receive training in recognizing potentially contaminated soil or groundwater from the general contractor's assigned health and safety officer. Contractors or subcontractors will be trained prior to the start of work. This training will also include instructions regarding further work activities at an affected site and reporting procedures if contamination is suspected.	During construction (Federal and private lands)
	4. If soil or groundwater contamination is suspected during excavation (e.g., because of unusual soil discoloration or strong odor), the contractor or subcontractor will immediately stop work and notify the general contractor's assigned health and safety officer who will implement appropriate health and safety procedures. Preliminary samples of the soil, groundwater, or material will be taken by an Occupational Safety and Health Administration-trained individual and sent to a California-certified laboratory for characterization. If contamination is not found to be above regulatory limits, work will be allowed to proceed at the site. However, if contamination is found to be above established limits, the regulatory agency (e.g., Regional Water Quality Control Board or California Environmental Protection Agency) responsible for responding to and for providing environmental oversight of the region will be notified in accordance with State or local regulations.	During construction (Federal and private lands)
Eliminate the potential for electric shock.	5. Electric shock along fences running parallel to electric transmission lines from induced voltages is not a significant factor for 60-kV transmission lines. However, during construction of the proposed transmission line, Western will perform a survey along the corridor to determine if long conductors (e.g., metal fences) are present. If these conductors are identified and have the potential to generate shock, the project proponent will contact the owner of the fence and provide grounding as required by the applicable code (e.g., NESC).	During construction (Federal and private lands)

Table 2-7 (Cont.)

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Eliminate the potential for fires.	6. Fire-related fuels will be treated (i.e., slash will be lopped and scattered, chipped, or, possibly, burned to reduce fuel loads).	During construction and, as necessary, during ROW maintenance (Federal and private lands)

might contribute indirectly to economic growth and additional tax revenues in Trinity County but will not, in and of itself, induce growth.

Table 2-8 lists the socioeconomic and environmental justice mitigation actions.

EPMs described above and those listed for air quality, cultural resources, noise, and health and safety will also minimize and avoid adverse impacts on residents, including minority and low-income populations (see sections 2.1, 2.3, 2.6, and 2.8). These EPMs include consultation with potentially affected Native Americans. For this project, Western consulted with the California Native American Heritage Commission and two Federally recognized tribes: the Redding Rancheria and the Hoopa Valley Indian Reservation. Contact was also made with groups and persons who do not have Federal recognition status. These include the Nor-Rel-Muk Nation, the Wintu Educational and Cultural Council, and Ms. Carol Y. Bowen. Consultation helps avoid and minimize adverse impacts on Native Americans by better defining their concerns, locations of traditional cultural properties, and cultural practices that could be affected by the project.

2.10 TRAFFIC AND TRANSPORTATION

The project is located in a rural area with few transportation systems other than roads. The State highways near the project are State Route (SR) 3 and SR 299. Both highways are used by local residents and tourists to gain access to the western and central portion of Trinity County. Neither of these highways cross the project ROW. Most roads that provide access to the ROW are

Table 2-8 Applicable Socioeconomic and Environmental Justice Mitigation Actions

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Obtain permission for the use of non-ROW lands.	1. Any land temporarily required for construction of the proposed facilities (such as conductor pulling sites and material and equipment storage areas) will be arranged through temporary-use permits or by specific arrangements between the construction contractor(s) and affected landowners.	Prior to construction (Private lands)
Compensate private landowners for their lands that are required for the ROW.	2. With the exception of Federal lands, Western will acquire land rights (easements) in accordance with applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), as amended. Easements will be purchased through negotiations with landowners at fair market value and based on independent appraisals. The landowner will normally retain title to the land and can continue to use the property in ways that will be compatible with the transmission line.	Prior to construction (Private lands)

existing compacted dirt or gravel access roads, although a few asphalt roads are located near Lewiston and Weaverville. Many of the rural dirt and gravel roads are used by OHVs during the summer season for recreational activities. The busiest period for roadways used in the project area is between Memorial Day and Labor Day, when recreational activities in the area peak. Traffic diminishes during the fall through spring as a result of snowfall, poor weather conditions, and a decrease in tourist travel. Five airports are located in Trinity County, but none of them support major airline service or scheduled airline service to other locations. Because of significant operational deficiencies at the Lonnie Pool Field/Weaverville Airport, this airport may be abandoned and relocated. The proposed location for the airport, east of Weaverville, resulted in a relocation of the transmission line project.

As a result of the current very low traffic volumes on local roadways and the low number of construction-related trips each day along most of these roadways, construction traffic will not change the existing level of service or result in significant traffic delays along these rural access routes. Construction activities and equipment movement will follow applicable highway safety requirements and California Department of Transportation (Caltrans) and Trinity County traffic regulations. Helicopter operations will comply with all applicable FAA regulations and are not anticipated to pose impacts on populated locations or private or public airports. Operation, inspection, and maintenance traffic will occur infrequently and will typically involve one or two vehicles and two to four workers per year. Implementation of applicable traffic regulations, FAA regulations, and EPMs will reduce traffic and transportation impacts.

Table 2-9 lists the traffic and transportation mitigation actions.

The USFS has a fee schedule regarding the use of roadways in its jurisdictional area. This fee schedule is based on logging use on its roadways and is intended to cover roadway maintenance.

Table 2-9 Applicable Traffic and Transportation Mitigation Actions

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Minimize the potential for traffic hazards.	1. Traffic controls will be implemented at locations of ingress and egress of construction vehicles on public roadways. Locations of newly constructed access road intersections or intersections along public roadways will be highly visible.	During construction (Federal and private lands)
	2. The general contractor in charge of construction activities will place signage and/or provide traffic control crews at select locations as necessary to ensure that motorists are aware of the presence of crossing or slow moving construction vehicles.	During construction (Federal and private lands)
	3. Helicopter offloading of logs will be away from local roadways; thus, this activity will not impact traffic along local dirt access roads.	During construction (Federal and private lands)
	4. Any damage to existing roadways caused by construction vehicles will be repaired in accordance with specifications established by Federal, Trinity County, Caltrans, or private landowners.	During construction (Federal and private lands)
	5. Speed limits on nonpublic access roads will not exceed 15 mph (USFS 2007b).	During construction and maintenance (Federal and private lands)

The project proponent will reimburse the USFS according to its fee schedule for roadway maintenance. However, if the project proponents restore the roadways to preconstruction or better conditions in accordance with an agreement with the USFS, fees will be waived.

2.11 VISUAL RESOURCES

The visual character of Trinity County is one of a variety of steep slopes blanketed with rich forests and incised with swift cold streams draining to the west. The visual character of the project area consists of moderate to steep hillsides and ridges vegetated with a variable mosaic of coniferous forest, oak woodlands, and brush.

The portion of the project within National Forest System lands falls into USFS Management Areas P (allows ecological changes only, while management activities [except for very low visual impact recreation facilities] are prohibited), R (provides for management activities that are not visually evident), and PR (management activities remain visually subordinate to the characteristic landscape when managed according to partial retention of visual quality objectives) for visual resources. Small portions of the project, including the Weaverville Switchyard, lie within BLM Class III lands. Class III objectives are to partially retain the existing character of the landscape. The project will be consistent with the aforementioned USFS and BLM management objectives. However, changes resulting from the project could alter the visual quality of the area. Some sensitive areas for scenery may not be screened by vegetation because some of the existing vegetation will be removed when the current ROW is widened. The new Weaverville Switchyard will be a new facility but small and partially screened from SR 299. A majority of the project is in remote areas where some portions are viewed as being highly sensitive for scenery but where there are few viewers. EPMs will reduce visual impacts to the extent possible.

Table 2-10 lists the visual resources mitigation actions.

Table 2-10 Applicable Visual Resources Mitigation Actions

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Make project facilities visually unobtrusive to the extent practicable.	1. Any steel poles used for the project will be made of self-rusting steel, which turns dark, flat brown. Poles that could be observed from County Route 105 will be located behind vegetative screening.	During construction (Federal and private lands)
	2. Smaller shrubs and vegetation will be maintained in order to aid in screening.	During construction and maintenance (Federal and private lands)
	3. As feasible, existing vegetation will be maintained along the boundary of the Weaverville Switchyard to provide screening.	During construction and maintenance (BLM and private lands)
Avoid the application of permanent paint or discoloring agents to rocks or vegetation.	4. Survey markers, flagging, or other suitable material will primarily be used to indicate survey or construction activity limits. Any paint or discoloring agents that may be used cannot be permanent.	During construction (Federal and private lands)

2.12 WATER RESOURCES

The project area includes perennial, intermittent, and ephemeral streams; watersheds; and floodplain portions of the Trinity River and associated smaller tributary stream floodplains. The perennial streams crossed by the project include the Trinity River (twice), Rush Creek, and Little Browns Creek. In addition, 32 intermittent and ephemeral streams and 10 wetlands will be crossed by the transmission line and existing or proposed access roads. Sediment is the water quality parameter of greatest concern in the project area. No groundwater basin or subbasin is located in the project area. The transmission line in Segment 3 of the project will span the 100-year floodplain of Rush Creek. All remaining portions of the project ROW are determined to be outside the 500-year floodplain.

Vegetation removal, grading, excavation, and other soil-disturbing activities would potentially result in erosion and sediment discharges into nearby watercourses. An Erosion and Sedimentation Control Plan and a Stormwater Pollution Prevention Plan will be developed by Western or its contractor(s) to reduce erosion and sedimentation impacts. Water needed during construction will be obtained from more than one existing source, impacts will be short term, and water use will be extremely limited.

The streams and wetlands that will be spanned by the transmission line are jurisdictional waters of the United States. No structures or facilities (i.e., poles or foundations) will be located within waterways or wetlands. Fourteen of the intermittent and ephemeral streams will be impacted by access road improvements across or adjacent to them, and one additional stream will be impacted by construction of a new spur road. Work in these streams will consist of the placement of clean rock, removal and/or replacement of culverts, or graveling of a road across dry streams. If a culvert is removed and not replaced, the crossing will be converted to a low-water crossing. These activities will impact about 0.07 acre of jurisdictional waters of the United States. Construction of the transmission line will not occur within any jurisdictional wetlands, and no access road improvements will occur within wetlands.

The majority of the new poles will be located outside the floodplains. Where installation of new poles within floodplains is determined to be unavoidable, proposed structures will be designed to withstand flood events.

Under CWA Section 404 Nationwide Permit (NWP) 12 (Utility Line Activities), Western and its contractor(s) must also comply with 28 general conditions for work within waters of the United States, which generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands (Appendix A).

Table 2-11 lists the water resources mitigation actions.

2.13 WILDERNESS AND RECREATION

The project will not be located within or adjacent to any established wilderness areas. The closest wilderness area (Trinity Alps) is about 4 to 8 mi west of the project site. Recreational opportunities in the project area include hiking, biking, camping, fishing, other water-based

Table 2-11 Applicable Water Resources Mitigation Actions

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Avoid sediment and debris input to streams and wetlands.	1. Structures will be placed to avoid sensitive features such as riparian areas, watercourses, and wetlands providing they do not interfere with human safety or line reliability (USFS 2007a). To the extent practicable, no access road improvements or new road construction will occur in wetlands.	During construction (Federal and private lands)
	2. To the extent practicable, activities will be routed around wet areas while ensuring that the route does not cross sensitive resource areas. If wet areas cannot be avoided, best management practices will be implemented in these areas. These practices include the use of wide-track or balloon-tire vehicles and equipment or other weight-dispersing systems.	During construction (Federal and private lands)
	3. Excavated material or other construction materials will not be stockpiled or deposited near or on stream banks, lake shorelines, or other watercourse perimeters where they could be washed away by high water or storm runoff or could encroach, in any way, upon the watercourse.	During construction (Federal and private lands)
	4. Earth material will not be excavated from, nor will excavated material be stored in, any stream, swale, lake, or wetland (USFS 2000).	During construction (Federal and private lands)
	5. Dewatering work for structure foundations or earthwork operations adjacent to, or encroaching on, streams or watercourses will be conducted to prevent muddy water and eroded materials from entering the streams or watercourses with the construction of interceptors.	During construction (Federal and private lands)
	6. Sediment discharge into streams, lakes, and wetlands near construction sites will be minimized (CASQA 2003). • Vegetated buffers on slopes could be used to trap sediment and promote groundwater recharge. • Riparian vegetation could be planted and used to stabilize stream banks. • Earth dikes, swales, and lined ditches could be used to divert work-site runoff that will otherwise enter a disturbed stream. • Certified weed-free straw bale barriers could be installed to control sediment in runoff water. Straw bale barriers will be installed only where sediment-laden water could pond, thus allowing the sediment to settle out. • Check dams (i.e., small barriers constructed of rock, gravel bags, sandbags, or fiber rolls) could be placed across a constructed swale or drainage ditch to reduce the velocity of flowing water, allowing sediment to settle, thereby reducing erosion. • Equipment and vehicles will not be washed in streams or wetlands.	During construction (Federal and private lands)

Table 2-11 (Cont.)

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Avoid sediment and debris input to streams and wetlands. (Cont.)	7. The contractor shall be prepared to sample for turbidity in the event of sediment/siltation into any water body. Construction activities will not cause turbidity increases in surface waters to exceed: Nephelometric turbidity unit (NTU) when turbidity is between 0 and 5 NTUs, • 20% when natural turbidity is between 5 and 50 NTUs, • 10 NTUs when natural turbidity is between 50 and 100 NTUs, and • 10% when natural turbidity exceeds 100 NTUs.	During construction (Federal and private lands)
	8. Vegetated buffers will be maintained near streams and wetlands. Silt fences could be used along edges of streams and wetlands to prevent erosion and transport of disturbed soil, including spoil piles.	During construction (Federal and private lands)
	9. Mitigation measures applied to roads and other disturbed sites will include: • Minimizing slope hill cuts; • Complying with county, State, and Federal erosion-control standards; • Rocking approaches to stream crosses on new or improved access roads; • Installing silt fences at culvert outlets during wet weather operations. • Using filter strips and, if needed, sediment traps to keep all sand-sized sediment on the land, and disturbed soil will be disconnected from streams, lakes, and wetlands; • Dispersing runoff into filter strips; • Cleaning sediment traps when 80% full, with removal of sediment to a stable, upland site with gentle slopes that will be revegetated; • Designing road ditches and cross drains to limit flow to ditch capacity and prevent ditch erosion and failure; • Installing cross drains to disperse runoff into filter strips and to minimize the amount of disturbed areas connected to the drains; • Spacing cross drains no more than 120 ft apart in highly erodible soils on steep grades, to no more than 1,000 ft apart in resistant soils on flat grades; • Emptying cross drains onto stable slopes that dispersed runoff into filter strips (on soils that might gully, outlets will be armored to disperse runoff) (USFS 2000); and • Placing native rock in stream channels to minimize construction traffic impacts because of low water and dry water crossings (entire road will be rocked on SPI lands).	During construction (Federal and private lands)
	10. No debris will be disposed of in or within 100 ft of any Streamside Management Zones, meadows, wetlands, or Riparian Reserves. In addition, no debris will be disposed of within 100 ft of culverts, road dips, ditches, or anywhere material could reach a stream channel.	During construction and maintenance (Federal and private lands)

Table 2-11 (Cont.)

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Avoid sediment and debris input to streams and wetlands. (Cont.)	11. Material cleaned out from culvert intakes will be disposed of in areas that will prevent their entry into a channel or ditch or their reentry into the culvert intake.	During construction and maintenance (Federal and private lands)
	12. New sources of chemical and pathogenic pollutants will be placed where they cannot reach surface water or groundwater (USFS 2000). • Sanitary sites and drill pads will be placed outside the water influence zone. • Vehicle service and fuel areas, chemical storage and use areas, and waste dumps and areas will be located on gentle upland sites. Mixing, loading, and cleaning will be conducted on upland sites with gentle slopes. Chemicals and containers will be disposed of in State-certified disposal areas.	During construction (Federal and private lands)
Avoid chemical contamination of streams, wetlands, and groundwater.	13. Chemicals will be applied by using methods that minimize the risk of them entering surface water and groundwater (BLM 2005). • When pesticides and herbicides will be used, the goal will be to minimize unintended impacts on soil and surface water bodies. Common practices will include but not be limited to (1) minimizing the use of pesticides and herbicides in areas with sandy soils near sensitive areas; (2) minimizing their use in areas with high soil mobility; (3) maintaining the buffer between herbicide and pesticide treatment areas and water bodies; (4) considering the climate, soil type, slope, and vegetation type in determining the risk of herbicide and pesticide contamination; and (5) evaluating soil characteristics prior to pesticide and herbicide application, to assess the likelihood of their transport in soil. • Pesticides with half-lives of 3 months or less will be favored. They will be applied at the lowest effective rates, as large droplets or pellets. Label instructions will be followed. Selective treatment will be favored. Only aquatic-labeled chemicals will be used in the water influence zone. • Nontoxic, nonhazardous drilling fluids will be used when feasible.	During construction and maintenance (Federal and private lands)
	14. Runoff controls will be applied to disconnect new pollutant sources from surface water and groundwater (USFS 2000). • Contour berms and trenches will be installed around vehicle service and refueling areas, chemical storage and use areas, and waste dumps to fully contain spills. Liners will be used as needed to prevent seepage into groundwater.	During construction (Federal and private lands)

activities (e.g., boating, rafting, kayaking, and swimming), on- and off-road vehicle use, nature viewing, and horseback riding.

Although there are no developed recreational activities or facilities along the project ROW, dispersed recreation might occur on a sporadic basis through unspecified recreational areas along the ROW, such as the nature trails and roadways. These areas could be temporarily affected during expansion of the existing ROW and construction of the new ROW. Ground construction of Segment 1 will not affect water-based activities along the Trinity River and Lewiston Lake, because of the setback of the existing ROW from these activities. All helicopter flights for the project will be coordinated with the USFS in advance, to minimize disturbance to recreation users. Increased OHV use resulting from the project is anticipated to be less than significant. If requested by the land management agency, spur roads will be blocked to deter unauthorized use. The project will not result in the loss of any dedicated recreational activities or facilities.

Table 2-12 lists the wilderness and recreation mitigation actions.

Table 2-12 Applicable Wilderness and Recreation Mitigation Actions

Mitigation Commitment	Action	Time of Implementation (Applicable Lands)
Limit access as appropriate.	1. Some recreational uses could require temporary closure or limited access. Proper signage will be posted in these areas for the duration of the closure.	During construction (USFS, BLM, and Reclamation)

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APPENDIX A:

THE 28 GENERAL COMPLIANCE CONDITIONS FOR WORK WITHIN WATERS OF THE UNITED STATES UNDER CLEAN WATER ACT NATIONWIDE PERMIT 12 (UTILITY LINE ACTIVITIES)

1. Navigation.

(a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 (Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities) and 48 (Existing Commercial Shellfish Aquaculture Activities).

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the CWA that defines a list of priority pollutants for which the

U.S. Environmental Protection Agency [EPA] must establish ambient water-quality criteria and effluent limitations).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects from Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable Federal Emergency Management Agency (FEMA)-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety.

15. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a “study river” for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the

appropriate Federal land management agency in the area (e.g., National Park Service [NPS], USFS, BLM, and USFWS).

16. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

17. Endangered Species.

(a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the ESA, or which will destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, both lethal and non-lethal "takes" of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their World Wide Web pages at http://www.fws.gov/ and http://www.noaa.gov/fisheries.html respectively.

18. Historic Properties.

(a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the NHPA have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the NHPA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). If NHPA Section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

(e) Prospective permittees should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit will relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, explaining the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must

include any views obtained from the applicant, SHPO/Tribal Historic Preservation Officer (THPO), appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

19. Designated Critical Resource Waters. Critical resource waters include: NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10 acre and require pre-construction notification, unless the district engineer determines in writing that some other form of mitigation will be more environmentally appropriate and provides a project-specific waiver of this requirement. For wetland losses of 1/10 acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2 acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2 acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu [of] fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to an herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

21. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to

ensure that the authorized activity is consistent with state coastal zone management requirements.

23. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its Section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

24. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing is constructed over tidal waters under NWP 14 (Linear Transportation Crossings), with associated bank stabilization authorized by NWP 13 (Bank Stabilization), the maximum acreage loss of waters of the United States for the total project cannot exceed 0.33-acre.

25. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a NWP verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature: "When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this NWP and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(Transferee)

(Date)"

26. Compliance Certification. Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;

(b) A statement that any required mitigation was completed in accordance with the permit conditions; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

27. Pre-Construction Notification.

(a) Timing. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, as a general rule, will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) Forty-five calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 17 that listed species or critical habitat might [be] affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 18 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the ESA (see 33 CFR 330.4(f)) and/or Section 106 of the NHPA (see 33 CFR 330.4(g)) is completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee cannot begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Pre-Construction Notification: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project will cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. Sketches should be provided when necessary to show that the activity

complies with the terms of the NWP. (Sketches usually clarify the project and when provided, result in a quicker decision.);

(4) The PCN must include a delineation of special aquatic sites and other waters of the United States on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters of the United States, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, where appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10 acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the ESA; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property. Federal applicants must provide documentation demonstrating compliance with Section 106 of the NHPA.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination:

(1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP 48 activities requiring pre-construction notification and for other NWP activities requiring pre-construction notification to the district engineer that result in the loss of greater than 1/2-acre of waters of the United States, the district engineer will immediately provide (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy of the PCN to the appropriate Federal or state offices (USFWS, state natural resource or water quality agency, EPA, SHPO or THPO, and, if appropriate, the NMFS). With the exception of NWP 37

(Emergency Watershed Protection and Rehabilitation), these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(3) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(4) Applicants are encouraged to provide the Corps multiple copies of pre-construction notifications to expedite agency coordination.

(5) For NWP 48 activities that require reporting, the district engineer will provide a copy of each report within 10 calendar days of receipt to the appropriate regional office of the NMFS.

(e) District Engineer's Decision: In reviewing the PCN for the proposed activity, the district engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. If the proposed activity requires a PCN and will result in a loss of greater than 1/10 acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. The district engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. The compensatory mitigation proposal may be either conceptual or detailed. If the district engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the district engineer will notify the permittee and include any conditions the district engineer deems necessary. The district engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the district engineer will expeditiously review the proposed compensatory mitigation plan. The district engineer must review the plan within 45 calendar days of receiving a complete PCN and determine whether the proposed mitigation will ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the district engineer to

be minimal, the district engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the district engineer determines that the adverse effects of the proposed work are more than minimal, then the district engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that will reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the district engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation plan that will reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan.

28. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.