



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Morley Nelson Snake River Birds of Prey
National Conservation Area
3948 Development Ave.
Boise, ID 83705
208-384-3300



DECISION RECORD

*Establishment of a Sustainable Water Supply for Mountain Home
Air Force Base, Mountain Home, Idaho (DOI-BLM-ID-B011-2017-0002-EA)
December 4, 2017*

Introduction: The Bureau of Land Management, Morley Nelson Snake River Birds of Prey National Conservation area (BLM), has conducted an environmental assessment (DOI-BLM-ID-B011-2017-0002-EA) to analyze the environmental effects and document the findings of an application received from the United State Air Force (USAF) requesting the BLM to authorize a right-of-way (ROW) grant for a water pipeline.

The pipeline would be located southwest of Mountain Home, Idaho and consists of establishing a new sustainable water supply conveyed via predominantly linear underground infrastructure to a water treatment facility that would be established within the Air Force Base boundary.

Decision: Based upon the analysis of the potential environmental impacts described in Environmental Assessment (EA) DOI-BLM-ID-B011-2017-0002-EA, Establishment of a Sustainable Water Supply for Mountain Home Air Force Base, Mountain Home, Idaho and supporting documents, it is my decision to approve Alternative C, the BLM Preferred Alternative (Western Alignment) to construct, operate, use, maintain, and terminate a right-of-way for a 20/24 inch water pipeline and pump station. The BLM will issue a 30 year ROW grant with the option for renewal. BLM will be granting a ROW that is 75.00 foot permanent width (with a 100.00 foot construction width) and 14.4 miles (76.032.00 feet) long and contains 174.55 acres, more or less.

Compliance and Monitoring: At the direction of the Authorized Officer, a Compliance Officer will inspect and monitor the land use area to assure compliance of the ROW Permit, Stipulations and Exhibits (43 C.F.R 2805.3). The Idaho Water Resource Board (IWRB) is responsible for monitoring all earth disturbing construction, reduction and/or specific construction avoidance zones, and employee education for any and all cultural resources that may be revealed during construction of the pipeline, IWRB would be responsible for monitoring and controlling any non-native invasive weed species within the permitted area for the life of the project in accordance with BLM requirements regarding weed-control methods

Terms / Conditions / Stipulations: The terms and conditions, stipulations, and best management practices of granting right-of way can be found in Appendix B.

Plan Conformance and Consistency: The 2008 Snake River Birds of Prey National Conservation Area Resource Management Plan and Record of Decision is the applicable land use plan for the BLM Preferred Alternative. The BLM Preferred Alternative is in conformance

with the land use plan and while not specifically provided for, it is consistent with following land use plan decisions:

- P. 2-15 Management Objective: “Meet the needs of the public in a manner that minimizes impacts on resources consistent with NCA legislative requirements”
- P. 2-15 Management Action: Include in all BLM authorizations permitting surface disturbing activities (non-grazing), requirements that (1) affected areas be reseeded with a perennial vegetative cover, and (2) surface disturbing activities be located at least a half-mile from occupied sensitive plant habitat.

Alternatives Considered: Three alternatives were considered for the project:

- Alternative A: No Action
- Alternative B: Proposed Action (Eastern Alignment)
- Alternative C: BLM Preferred Alternative (Western Alignment)

Alternative A (No Action): If this alternative were selected, a ROW grant would not be authorized and Mountain Home Air Force Base would continue to rely on groundwater sources.

Alternative B (Proposed Action [Eastern Alignment]):

The Eastern alignment alternative analyzed a total of approximately 36 acres of surface disturbance, based on a pipeline length of 7.8 miles, an average depth of 6.5 feet, and an average disturbed area width of 30 feet. Similar to Alternative C (Western Alignment), much of the affected area of the Eastern Alignment has been previously disturbed (i.e., trenching would be within or immediately adjacent to established roads). However, portions of the existing roads would need to be widened, resulting in an additional 80 acres of disturbance and the location of the proposed intake valve and pump station, at the shoreline of CJ Strike Reservoir, is undeveloped.

Alternative C (BLM Preferred Alternative [Western Alignment]): Under this alternative, water drawn from the CJ Strike Reservoir would be conveyed a total distance of approximately 14.34 miles. The entire route would be aligned along existing roads (e.g., Highway 167 and CJ Strike Cutoff Roadway) and no segments of these roads would require widening or improvement. Further, the proposed intake valve and pump station would be collocated with an existing intake valve, pump station, and power source at the shore of the reservoir that is owned, operated, and maintained by Simplot, and where electricity is readily available. This existing power source would serve as both temporary and permanent power supplies for the construction and operation of the pump station.

Under Alternative C, there would be a total of approximately 52.15 acres of surface disturbance, based on a pipeline length of 14.34 miles, an average depth of 6.5 feet, and an average disturbed area width of 30 feet. Much of the affected area under this alternative has been previously disturbed during development of existing infrastructure (i.e., trenching would be within or immediately adjacent to the established CJ Strike Cutoff Roadway).

Rationale for Decision: 43 CFR §2800 states that it is BLM's objective to grant rights-of-way under the regulations in this part to any qualified individual, business, or government entity and to direct and control the use of rights-of-way on public lands in a manner that:

- (a) Protects the natural resources associated with public lands and adjacent lands, whether private or administered by a government entity;
- (b) Prevents unnecessary or undue degradation to public lands;
- (c) Promotes the use of rights-of-way in common considering engineering and technological compatibility, national security, and land use plans; and
- (d) Coordinates, to the fullest extent possible, all BLM actions under the regulations in this part with state and local governments, interested individuals, and appropriate quasi-public entities.

Under the BLM Preferred Alternative, the pipeline route would be aligned along existing roads (e.g., Highway 167 and CJ Strike Cutoff Roadway) and no segments of these roads would require widening or improvement. Further, the proposed intake valve and pump station would be collocated with an existing intake valve, pump station, and power source at the shore of the reservoir that is owned, operated, and maintained by Simplot, and where electricity is readily available. This existing power source would serve as both temporary and permanent power supplies for the construction and operation of the pump station. While this alignment involves more surface disturbance overall, that disturbance occurs in locations with previous surface disturbance.

As described in the EA, overall impacts to resources would be less under the BLM Preferred Alternative than the Proposed Action because construction would primarily occur in areas with existing surface disturbance. In particular, the BLM Preferred Alternative would have fewer impacts to nesting raptors because the alternative would not require any blasting activities or the construction of new roads. This corresponds with the purposes of the NCA, one of which is to provide for the conservation, protection, and enhancement of raptor populations and habitats and the natural and environmental resources and values associated therewith.

Best management practices (BMPs) to control waste and noxious weeds and to reduce impacts to paleontological resources, cultural resources, vegetation, wildlife, livestock grazing, soil, public health and safety, and air resources were incorporated in the design of the action alternatives. None of the environmental effects discussed in detail in the EA and associated appendices would be significant.

Overall, the BLM Preferred Alternative would protect and prevent degradation of resources because it would have the least amount of impact to resources. Where disturbance that would occur, it would be in areas with previous surface disturbance. Specifically, the entire route would be along existing roads and would use existing infrastructure for water transport. The BLM Preferred Alternative was chosen because it minimizes impacts to resources and is most compatible with the purposes for which the NCA was established.

Public Involvement: A public scoping meeting was announced via a formal USAF News Release on January 3, 2017 (see Appendix D); the Public Scoping Meeting was held on January 17, 2017 at the Mountain Home Public Library. Attendees included representatives from BLM, Mountain Home AFB, IWRB, Idaho Power, City of Mountain Home, and Mountain Home News (local media). No substantive issues were raised during this meeting. Additional information is available on the BLM's ePlanning site: <https://go.usa.gov/xn8Xp>.

Upon completion of the Preliminary EA and unsigned Finding of No Significant Impact (FONSI), both documents were made available for a 30-day public review during July-August 2017. A total of six public comments were received from both organizations and private citizens. These comments have been addressed in DOI-BLM-ID-B011-2017-0002-EA, Establishment of a Sustainable Water Supply for Mountain Home Air Force Base Mountain Home, Idaho.

The Final EA and signed FONSI will be made available for public review at the Mountain Home Public Library and on the BLM's ePlanning website.

Tribal Consultation: The project was discussed with the Shoshone-Paiute Tribes via the formal Wings and Roots Native American Campfire on January 19, 2017, February 16, 2017, April 20, 2017 and May 18, 2017. Consultation was held with the Shoshone-Bannock Tribes on May 17, 2017. All comments received during consultation with the Shoshone-Paiute Tribes and the Shoshone-Bannock Tribes have been addressed in the EA.

Authorities: The authority for this decision is contained in Title V of FLPMA, sec. 501. [43 USC 1761] (a) The Secretary, with respect to the public lands (including public lands, as defined in section 103(e) of this Act, which are reserved from entry pursuant to section 24 of the Federal Power Act (16 USC 818)) [P.L. 102-486, 1992] and, the Secretary of Agriculture, with respect to lands within the National Forest System (except in each case land designated as wilderness), are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for— (1) reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment, storage, transportation, or distribution of water.

Protest/Appeal Language: This decision shall take effect immediately upon the date it is signed by the Authorized Officer (December 4, 2017) and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10). Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a notice of appeal must be filed in the office of the Authorized Officer at:

Morley Nelson Snake River Birds of Prey National Conservation Area
Attn: Amanda Hoffman
3948 Development Ave.
Boise, Idaho 83705

If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Terms and Conditions:

- a. This grant or permit is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations part 2800.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 182 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a right-of-way granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibit A, dated August 18, 2017, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this right-of-way grant shall constitute grounds for suspension or termination thereof.
- f. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.

Standard Right-of-Way Stipulations

General Terms

1. The Holder shall conduct all activities associated with the construction, operation, maintenance, and termination of the ROW within the authorized limits of the ROW.
2. Holder's liability coverage is provided through a self-funded liability program administered by the Idaho State Office of Insurance Management. Limits of liability are \$500,000 Combined Single Limits, which amount is Holder's limit of liability under the Idaho Tort Claims Act, and this Right of Way. Evidence of financial responsibility will be provided upon request and will consist of a Certificate of Financial Responsibility.
3. The authorized officer may suspend or terminate in whole, or in part, any notice to proceed which has been issued when, in his judgment, conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
4. 30 days prior to expiration or relinquishment of the ROW, the Holder shall contact the authorized officer to arrange a joint inspection of the ROW. This inspection will be held to agree to an acceptable termination (and rehabilitation) plan. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the Holder's commencement of any termination activities.
5. There is reserved to the Secretary of the Interior, or his/her lawful delegate, the right to grant additional ROW or permits for compatible uses on, over, under or adjacent to the land involved in this grant.
6. The Holder shall notify the authorized officer of any change of mailing address within 30 days of such change.

7. Holder shall maintain the ROW in a safe, usable condition, as directed by the authorized officer.
8. If any emergency repair activity results in disturbance outside a previously disturbed area and/or the existing ROW boundary, the Holder will notify the authorized officer within 3 days of the occurrence. Upon review, the authorized officer may conclude the emergency repair activity is a substantial deviation. Substantial deviations require an amendment.
9. The Holder shall protect all survey monuments found within the ROW. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coastal and Geodetic benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. In the event of obliteration or disturbance of any of the above, the Holder shall immediately report the incident, in writing, to the authorized officer and the respective installing authority if known. Where General Land Office or Bureau of Land Management survey monuments or references are obliterated during Holder's operations, the Holder shall secure the services of a registered land surveyor or Bureau cadastral surveyor to restore the disturbed monument and references using surveying procedures found in the Manual of Surveying Instructions for the Survey of the Public Lands of the United States, latest edition. The Holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monument, the Holder shall be responsible for the survey cost.
10. The Holder shall permit free and unrestricted public access upon the ROW for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the ROW.
11. No signs or advertising devices shall be placed on the ROW or on adjacent public lands, except those posted by or at the direction of the authorized officer.

Construction Plans & Operations and Maintenance

12. The Holder shall construct, operate, and maintain the facilities, improvements, and structures within this ROW in strict conformity with the plan(s) of development which was (were) approved and made part of the grant on [user entry]. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete ROW grant, including all stipulations and approved plan(s) of development, shall be made available to the authorized officer on the ROW area during construction, operation, and termination. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
13. The Holder shall conduct all activities associated with the operation and termination of the ROW within the authorized limits of the ROW. If at any time the Holder wishes to reconstruct, remodel or relocate any portion of the ROW, or the improvements, in a manner that has been determined to be a substantial deviation, prior written authorization must be obtained from the authorized officer

14. Specific sites as identified by the authorized officer (e.g., archaeological sites, areas with threatened and endangered species, or fragile watersheds) where construction equipment and vehicles are not allowed shall be clearly marked onsite by the Holder before any construction or surface disturbing activities begin. The Holder shall be responsible for assuring that construction personnel are well trained to recognize these markers and understand the equipment movement restrictions involved.
15. No construction or maintenance activities shall be performed during periods when the soil is too wet to adequately support construction equipment. If such equipment creates ruts in excess of 3 inches deep, the soil shall be deemed too wet to adequately support construction equipment.
16. Holder shall remove only the minimum amount of vegetation and/or topsoil necessary for the construction and/or maintenance of structures and facilities.
17. The Holder shall furnish and apply water or other means satisfactory to the authorized officer for dust control.
18. Topsoil shall be conserved during excavation and reused as cover on disturbed areas to facilitate regrowth of vegetation.
19. Holder shall limit excavation to the areas of construction. All off-site borrow areas must be approved in writing by the authorized officer in advance of excavation. All waste material resulting from construction or use of the site by Holder shall be removed from the site. All waste disposal sites on public land must be approved in writing by the authorized officer in advance of use.
20. Construction holes left open overnight shall be covered. Covers shall be secured in place and shall be strong enough to prevent livestock or wildlife from falling through and into a hole. Right-of-Way shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ash, and equipment that are a result of the Holder's activities.

Access

21. Construction and/or maintenance-related traffic shall be restricted to routes approved by the authorized officer. New access roads or cross-country vehicle travel will not be permitted unless prior written approval is given by the authorized officer. Authorized roads used by the Holder shall be rehabilitated or maintained when construction activities are complete.
22. If snow removal from the road is undertaken, equipment used for snow removal operations shall be equipped with shoes to keep the blade 2 inches off the road surface. Holder shall take special precautions where the surface of the ground is uneven and at drainage crossings to ensure that equipment blades do not destroy vegetation.

Hazardous Materials and Toxic Substances

23. Holder shall comply with the applicable Federal and State Laws and regulations concerning the use of pesticides (i.e. insecticides, herbicides, fungicides, rodenticide, and other similar substances) in all activities/operations under this grant. Pesticides shall be used only in accordance with their registered uses and within the limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from

the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. Pesticides shall not be permanently stored on public lands authorized for use under this grant. Applicator(s) shall hold a current applicator's license or be under the direct supervision of a licensed applicator.

24. The Holder(s) shall comply with all applicable Federal, State and local laws and regulations, existing or hereafter enacted or promulgated, with regard to any Hazardous Material, as defined in this paragraph, that will be used, produced, transported or stored on or within the ROW or any of the ROW facilities, or used in the construction, operation, maintenance or termination of the ROW or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 et seq., as amended, (hereinafter "CERCLA") and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq., as amended, (hereinafter "RCRA") and its regulations. The term hazardous material also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, 42 U. S. C. § 2011 et seq., as amended. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA section 101(14), 42 U.S.C. § 9601(14), nor does the term include natural gas.
25. Coverage for Holder's liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) is provided through a self-funded liability program administered by the Idaho State Office of Insurance Management. Limits of liability are \$500,000 Combined Single Limits, which amount is Holder's limit of liability under the Idaho Tort Claims Act, and this Right of Way. Evidence of financial responsibility will be provided upon request and will consist of a Certificate of Financial Responsibility.
26. The Holder(s) shall comply with the Toxic Substances Control Act of 1976 as amended, 15 U.S.C. § 2601 et seq. (1982) with regards to any toxic substances that are used, generated by or stored on the ROW or on facilities authorized under this ROW grant. (See 40 CFR Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation, and Liability Act, section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.
27. The Holder shall inform the authorized officer within 48 hours of any accidents on Federal lands that require reporting to the Department of Transportation as required by 49 CFR Part 195 (hazardous liquids transported by pipeline).

Fire Prevention and Control

28. When performing construction and maintenance (including emergency repairs) activities during the “closed” fire season (May 10 – October 20), as set by Idaho State Law, Title 38-115, or during any other closed fire season prescribed by the BLM Idaho State Director, the Holder, including those working on their behalf, shall equip at least one on-site vehicle with firefighting equipment, including, but not limited to, fire suppression hand tools (i.e. shovels, rakes, Pulaski’s, etc.), a 16-20 pound fire extinguisher, and a sufficient supply of water for initial attack, with a mechanism to effectively spray the water (i.e. backpack pumps, watersprayer, etc.).
29. During conditions of extreme fire danger or when the State of Idaho and/or the BLM Idaho State Director issues a fire restriction order, operations shall be limited or suspended in specific areas, or additional measures may be required by the authorized officer.
30. In accordance with 43 CFR 2805.12(d) (or subsequent revisions), the Holder shall do everything reasonable to prevent wildfires on or in the immediate vicinity of the ROW. The Holder will immediately report fires to the BLM authorized officer or Fire Dispatch 800-974-2373 and take all necessary fire suppression actions, when safe to do so, with their personnel and equipment on any fires they cause to ignite.
31. The Holder shall report to the Fire Investigator or BLM Incident Commander and shall not enter into the origin area on BLM fires unless given permission to do so.
32. The Holder will collaborate and cooperate with the BLM in its efforts to investigate, suppress and respond to all future wildland fires. The duty to “collaborate” and “cooperate” includes, but is not limited to, the following duties regardless of whether BLM is on the scene:
 33. The duty to provide the BLM (authorized officer or Fire Dispatch 800-974-2373) with reasonable and timely notice concerning all wildland fires involving the Holder’s facilities, or discovered during routine operations.
 34. The duty to share factual information with the BLM concerning the wildland fires, including but not limited to the names of Holder’s employees with knowledge of the incident; and to allow employees to be interviewed by BLM’s investigators regarding factual information relating to a wildland fire.
 35. The duty to reasonably account for Holder’s actions taken at the scene of a wildland fire.
 36. The duty to minimize disturbance of potential evidence located on the scene; to properly handle and preserve any evidence collected; to not engage in any destructive testing without BLM’s consent; and to make all evidence available to the BLM in a rapid and timely manner.
 37. The duty to not hamper the BLM investigation of origin and cause of the wildland fire; and to reasonably assist BLM’s investigation at the scene.
 38. The duty to provide information concerning the construction, maintenance and/or repairs of any of Holder’s facilities located at or adjacent to a wildland fire.
 39. The duty, during BLM fire suppression efforts: to defer to and follow the instructions of the BLM’s incident commander regarding activities within the boundaries of the wildland fire and checking in and out of the wildland fire; and to recognize BLM’s primary authority over the scene.

Cultural

Pursuant to 43 CFR 10, the Holder of this authorization must immediately notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4 (c) and (d), the Holder must stop activities in the vicinity of the discovery and protect it until notified to proceed by the authorized officer. The BLM Authorized Officer will determine avoidance, protection or mitigation measures in consultation with the Holder, Idaho SHPO, and affected Tribes. Costs associated with the discovery, evaluation, protection or mitigation of the discovery shall be the responsibility of the Holder.

Any cultural and/or paleontological resource (historic or prehistoric site or object, or fossil) discovered by the Holder, or any persons working on his behalf on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation and mitigation, and any decision as to proper avoidance, protection or mitigation measures will be made by the authorized officer after consulting with the Holder and others under Section 106 of the National Historic Preservation Act.

Avian Protection

Operations and maintenance within the ROW shall comply with the most current nest management guidelines provided by the U.S. Fish and Wildlife Service (USFWS) as clarified in ID-IB-2010-039, or most recent guidance.

If proposed operations and maintenance activities are located within one mile of bald or golden eagle nests, the Holder shall coordinate with the BLM and the USFWS to determine the likelihood of disturbance and any appropriate measures necessary to comply with the Bald and Golden Eagle Protection Act (16 U.S.C. § 668 et seq.).

Operations and maintenance activities shall be conducted, as much as possible, within the ROW in order to avoid and/or minimize take of migratory birds as defined in the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. § 703 et seq.) as amended. If any ground disturbing activities must occur during the nesting season (e.g., soil disturbance or vegetation removal), the Holder shall coordinate with the BLM and USFWS to determine appropriate measures to comply with the MBTA. At a minimum, the Holder shall consider conducting ground disturbance and vegetation removal either prior to or following the nesting season to avoid take during the nesting season.

Plants

The Holder shall be responsible for weed control, including noxious weeds and non-native invasive plants that result from construction, use, or maintenance authorized in the Holder's ROW grant. The Holder must coordinate with the Authorized Officer and/or local authorities for acceptable weed control measures (within limits imposed in the grant stipulations) prior to implementing weed treatments. If herbicides are to be used for weed control, the applicator(s) shall hold a current State of Idaho applicator's license or be under the direct supervision of a licensed applicator.

The Holder is responsible for ensuring the undercarriages of equipment and/or vehicles used within the ROW are free of all soil and plant material prior to operating on public lands to reduce the establishment of new invasive, non-native species and/or the spread of existing species to new areas.

Where appropriate, tree trimming is preferred over cutting or removal.

The Holder may clear brush and remove hazard trees less than 8 inches in Diameter Breast Height (DBH) within the ROW if necessary for operation and maintenance and/or for the health and safety of the Holder and his agents. Trees greater than or equal to 8 inch DBH within the ROW, and ANY hazard tree outside the ROW, shall be marked by the Holder and a request for removal shall be made to the Authorized Officer. Prior to harvest, hazard trees outside the ROW and trees greater than or equal to 8 inch DBH shall be verified, designated, and measured by the authorized officer and any merchantable timber shall be sold to Holder at not less than the appraised value.

For ROWs and other land use authorizations with slickspot peppergrass (*Lepidium papilliferum*) concerns use the following stipulations or terms and conditions from the most current plan, policy, or guidance.

Slickspot Peppergrass

The Holder shall rehabilitate slickspot peppergrass (*Lepidium papilliferum*) habitat disturbed by construction or use to as near a native condition as possible. If ecological site conditions preclude the use of native species, the Holder may use non-invasive, non-native species for rehabilitation purposes, as approved by the Authorized Officer.

The Holder shall control noxious and invasive, non-native weeds on all portions of ROW or permitted areas disturbed during construction, maintenance, or use.

Within the slickspot peppergrass Zone of Consideration, the Holder shall establish at least a 50% perennial plant cover after all ground disturbing activities have been completed unless ecological site conditions preclude that level of cover. If a native species component existed prior to the ground disturbance, then the native species component of the perennial cover should be restored.

The Holder shall control invasive, non-native species located in an additional 2 foot wide strip along the outside boundaries of the ROW.

Best Management Practices

Control of Waste

- Portable toilets will be provided and maintained during construction, as needed.
- Any spills of non-freshwater fluids will be immediately cleaned up and removed to an approved disposal site.
- Garbage, trash, and other waste materials will be collected in a portable, self-contained, and fully enclosed trash container during project construction. Accumulated trash will be removed, as needed, and will be disposed of at an authorized sanitary landfill. No trash will be buried or burned on location.
- Immediately after removal of heavy equipment, all debris and other waste materials not contained in the trash container will be cleaned up and removed.

- No chemicals subject to reporting under the Superfund Amendments and Reauthorization Act Title III in an amount equal to or greater than 10,000 pounds will be used, produced, stored, transported, or disposed annually in association with the project.
- No extremely hazardous substances (as defined in 40 CFR 355) in threshold planning quantities will be used, produced, stored, transported, or disposed in association with the project.
- As necessary, berms will be constructed around all equipment staging and storage facilities sufficient in size to contain the storage capacity of tanks. Berm walls will be compacted with appropriate equipment to assure containment.

Protection of Paleontological Resources

- If a paleontological site is discovered, the BLM would be notified and the site would be avoided by all personnel, personal vehicles, and company equipment. Workers involved in the project would be informed that it is illegal to collect, damage, or disturb such resources, and that such activities are punishable by criminal and/or administrative penalties.
- Any paleontological resource discovery shall be immediately reported to the Authorized Officer. All operations shall be suspended in the immediate area of such discovery until given written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant scientific values. IWRB will be responsible for the cost of the evaluation. The results of further investigation will dictate site-specific stipulations for avoidance or salvage of any potentially significant paleontological resources. Any decision as to proper mitigation measures will be made by the Authorized Officer.
- If substantial paleontological resources are discovered during initial earthwork, it may become necessary to retain the services of a qualified monitor/ paleontologist for the remainder of construction activities.

Protection of Cultural Resources

All BLM and USAF cultural resources stipulations will be followed. These stipulations may include, but are not limited to temporary or permanent fencing or other physical barriers, monitoring of earth-disturbing construction, reduction and/or specific construction avoidance zones, and employee education. All employees, contractors, and sub-contractors of the project will be informed by the project proponent that cultural sites are to be avoided by all personnel, personal vehicles, and company equipment. All employees, contractors, and sub-contractors of the project will also be informed that it is illegal to collect, damage, or disturb cultural resources and that such activities are punishable by criminal and/or administrative penalties under the provisions of the ARPA. In the event of a discovery during construction, the project proponent will immediately stop all construction activities in the immediate vicinity of the discovery and immediately notify the archaeological monitor, if present, or the BLM depending on surface ownership. The BLM will then evaluate or cause the site to be evaluated. Should a discovery be evaluated as significant (e.g., National Register, Native American Graves Protection and Repatriation Act, ARPA), it will be protected in place until mitigating measures can be developed and implemented according to guidelines set by the BLM.

Protection of Flora and Fauna

All vegetation removed during site preparation and construction activities, including trees that measure less than 3 inches in diameter (at ground level) and slash/brush, will be chipped or mulched and incorporated into the topsoil as additional organic matter. Based on field observations, trees are limited in the proposed ROW; however, if trees are present, all trees 3 inches in diameter or greater (at ground level) will be cut to ground level and de-limbed. Tree trunks (whole) and cut limbs will be stacked. Subsurface portions of any trees (i.e., stumps) will be hauled to an approved disposal facility.

To ensure the protection of sensitive and migratory bird species, no construction within the confines of the Snake River Canyon will take place during the raptor breeding season (January 1-July 31). IWRB will also minimize interference with, disturbance to, and damage of all nesting birds granted protection by the MBTA, and will not destroy any occupied migratory bird nests. Specifically, nesting burrowing owls may be present from March through July and are known to occupy abandoned badger burrows as nest sites. IWRB will perform pre-construction site surveys for occupied burrowing owl nests in March and April in order to prevent conflicts during construction, and will observe a 250-foot buffer around occupied nests (USFWS 2013).

All construction activities will avoid playas occupied by Davis Peppergrass Element Occurrence 64 and areas immediately adjacent to those playas to eliminate the potential for disturbance. This includes activities such as driving and staging construction equipment and supplies within or immediately adjacent to the playas.

Backfilling operations will be performed within a reasonable amount of time to ensure that trenches are not left open for more than 24 hours. If a trench is left open overnight, it will be temporarily fenced or an overnight monitor will be present. The excavated soils will be returned to the trenches, atop the pipe, and compacted to prevent subsidence. The trenches will be compacted after approximately 3-4 feet of fill is placed over the pipe.

To the extent practicable, established livestock and wildlife trails will be left in place as crossovers. In areas where active grazing is taking place, escape ramps/crossovers will be placed every 500 feet. Crossovers will be a minimum of 10 feet wide and will not be fenced.

During construction, any open ends of the pipe will be plugged or covered overnight to prevent animals from crawling in. Before the trench is closed and the pipe is covered, it will be visually inspected for animals. Any trapped wildlife or livestock will be promptly removed and released at least 150 yards from the trench.

Livestock Grazing

All affected grazing permittees will be notified when construction is scheduled to begin. All potential hazards to livestock will be fenced or contained.

All existing improvements (e.g., fences, gates, and bar ditches) in the project area will be repaired to pre-construction conditions. Any fence lines needing to be cut will first be tied to H-braces and openings will be protected as necessary during construction in order to prevent the escape of livestock. A temporary closure will be installed the same day the fence is cut. Following reclamation, the fence will be reconstructed to BLM specifications. Existing livestock grazing allotments are shown in Map A-4.

Protection of Topsoil

Topsoil and sub-surface soils will be replaced in the proper order, prior to final seedbed preparation. Spreading shall not be done when the ground or topsoil is wet. Vehicle/equipment traffic will not be allowed to cross topsoil stockpiles. If topsoil is stored for a length of time such that nutrients are depleted from the topsoil, amendments will be added to the topsoil as advised by the BLM.

Protection of the Public

The hauling of equipment and materials on public roads would comply with all Department of Transportation regulations. Further, no toxic substances would be stored or used within the proposed project area. IWRB would have monitors present during construction, and any accidents involving persons or property would immediately be reported to the BLM and the USAF. IWRB would notify the public of potential hazards by posting signage, as necessary.

Prevention and Control of Weeds

Prior to initiating construction activities in the project area, all construction-related vehicles and heavy equipment would be inspected for noxious weeds and cleaned off-site, as necessary.

It would be IWRB's responsibility to monitor, control, and avoid introduction of invasive, non-native plant species within the proposed project area throughout the life of the project, in accordance with BLM requirements regarding weed-control methods. BMPs put in place to address this issue will include washing off equipment before use in the project Area, in order to ensure noxious weeds and other invasive plant species are not introduced to the area during site preparation and construction activities. As applicable, IWRB would also be required to submit a Pesticide Use Proposal for the project area prior to any pesticide application. Any use of pesticides would comply with Federal and state laws, and applications – if any – would be summarized in quarterly Pesticide Use Reports (PURs).

Protection of Air Resources

BMPs for dust abatement and erosion control will be implemented to reduce fugitive dust for the duration of construction activities, as necessary. Water application, using a rear-spraying truck or other suitable means, will likely be the primary method of dust suppression along the road. Other measures intended to protect against exceedance of NAAQS will be incorporated, if necessary. A summary of criteria pollutants, associated risks, and important thresholds is provided in Section 3.14.1.

Reclamation Framework

A revegetation plan, including information about native plant seed mixtures, watering requirements, etc. will be developed and implemented in order to offset impacts resulting from project construction and in an effort to rehabilitate the landscape using native plants and replacing native topsoil, to the extent practicable (IWRB 2017).

