



October 26, 2016

Michael J. Rozycki  
Planning Director  
San Miguel County Planning Department  
P.O. Box 548  
Telluride, Colorado 81435

Re: Montrose-Nucla-Cahone Transmission Improvement Project  
Transmittal of Special Use Permit Application for Temporary Staging Area

Dear Mr. Rozycki:

Tri-State Generation and Transmission Association, Inc. (Tri-State) submits the attached information to support San Miguel County's requirements for our request for a Special Use Permit for a 60-acre Temporary Staging Area to store materials, equipment and vehicles in conjunction with the rebuild of the existing Montrose-Nucla-Cahone 115-kilovolt (kV) transmission line to 230-kV. The requested use is temporary and the area will be restored to pre-construction conditions after completion of the Maverick-Cahone 230-kV transmission line.

Tri-State met with San Miguel County Planning on July 13, 2016, for a pre-application meeting regarding the subject project. That meeting was summarized in your pre-application conference summary letter dated August 5, 2016 (included as Appendix 1 in the application). Tri-State has prepared the enclosed application (eight copies and two electronic copies of the application on USB) and related appendices in accordance with San Miguel County Land Use Code. Tri-State previously submitted a check for \$1,000 to cover the fees for both this application (\$500) and the transmission line application (\$500) we filed last week.

Please call me (303-254-3448) or Germaine French (303-254-3942) with any questions or concerns and you proceed with your completeness review.

Sincerely,

Karl W. Myers  
Transmission Siting, Permitting and Environmental  
Planning Manager

Enclosures:

8 copies of SUP Application and Appendices

2 electronic copies of the SUP Application and Appendices on USB



# Application for Special Use Permit San Miguel County, Colorado

## Temporary Staging Area for the Montrose-Maverick-Cahone 230-kV Transmission Line Project



Submitted to: San Miguel County Planning Department  
333 W. Colorado Ave., Telluride, CO 81435

Submitted by: Tri-State Generation and Transmission Assoc., Inc.  
1100 W. 116<sup>th</sup> Ave. Westminster, CO 80234



October 2016



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## **1.0 APPLICATION SUBMITTAL CONTENTS (ARTICLE 4, SUBMISSION REQUIREMENTS SECTION 4-2)**

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Land Use Code Section 4-2 establishes the minimum submission requirements for all development applications.

### **Introduction/Project Description**

Tri-State Generation and Transmission Association, Inc. (Tri-State) submits the following information to support San Miguel County's requirements for the request for a Special Use Permit for a 60-acre Temporary Staging Area to store materials, equipment and vehicles in conjunction with the rebuild of the existing Montrose-Nucla-Cahone 115-kilovolt (kV) transmission line to 230-kV.

The portion of the line segment that occurs in San Miguel County is currently called the Nucla to Cahone 115-kV transmission line. However, the new line segment will be called the Maverick to Cahone 230-kV transmission line since the new line will connect at the new Maverick 230-kV substation instead of at the Nucla 115-kV substation (at the Nucla Generating Station).

The Temporary Staging Area will be used regularly throughout the life of construction as materials are moved to various parts of the transmission right-of-way. This 60-acre parcel will be the primary area where all project materials are staged for use on the transmission line project. The requested use is temporary and the area will be restored to pre-construction conditions after completion of the Nucla-Cahone 230-kV transmission line.

### **4-201—General**

Tri-State met with San Miguel Planning staff on July 13, 2016 for a pre-application meeting. The summary of this meeting was summarized in San Miguel County's pre-application conference summary letter dated August 5, 2016. This letter can be found in Appendix 1. Tri-State has prepared the enclosed application and related appendices in accordance with these pre-application items and San Miguel County Land Use Code.

### **4-202—Required Background Information**

#### **Owner**

Tri-State will not be the owner/operator of Temporary Staging Area. Tri-State plans to lease the 60-acre parcel off County Road 19Q in Disappointment Valley (See Figure 1 – Vicinity Map). The Temporary Staging Area is located in the West End (WE) Zoning District of San Miguel County. Materials will begin to be stored on site in summer of 2017 and the site will continue to be used through construction of the Nucla-Cahone line segment, which is scheduled to be complete in 2020 with some additional wreck-out and reclamation to follow in 2021.

**Applicant's Name and Address**

Tri-State Generation and Transmission Association, Inc.  
 1100 West 116<sup>th</sup> Avenue  
 Westminster, CO 80234  
 303-452-6111

**Authorized Officer for the Applicant**

Mr. Joel K. Bladow  
 Senior Vice President, Transmission

**4-203—Parcel Description**

Please see Figure 1 for the 8-1/2" x 11" vicinity map locating the Temporary Staging Area within San Miguel County. Figure 2 is an aerial photograph (site plan) showing the proposed Temporary Staging Area, road and fence lines. The affected landowner information is included below in Table 1.

**Table 1: List of Affected Property Owners for Temporary Staging Area**

Name	Parcel No.	Address	Section	Township	Range
Steve M. and Pamela Suckla	479516300001	12551 Highway 491 Cortez, CO 81321	17	42N	17W

**4-204—Disclosure and Proof of Ownership**

The application for the temporary staging area will only affect one consenting landowner. Tri-State is requesting a four-year lease for use of this parcel (2017-2021).

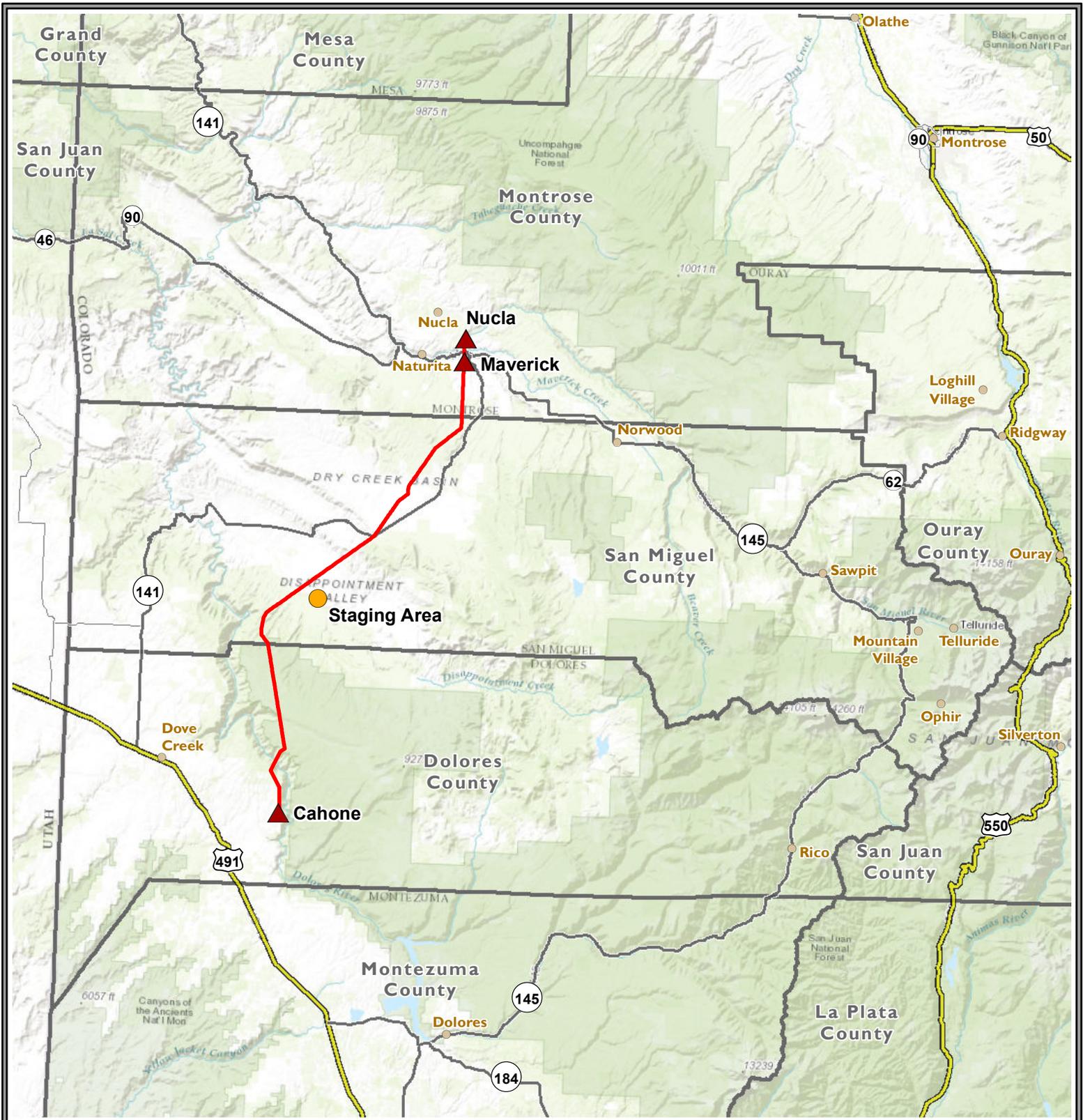
**4-205—Legal Access**

Tri-State will obtain a four-year lease from and provide compensation to the private landowner for the use of this proposed temporary staging area.

**4-206—Standards Report**

A written report demonstrating that the proposed development complies with the applicable substantive review standards.

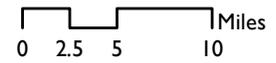
The Standards Report is included as Chapter 3 of this Application.



**Tri-State Generation and Transmission**

**Temporary Staging Area Vicinity Map Figure 1**

- ▲ Substation
- Staging Area
- City
- Transmission Center Line (150' ROW)
- County Boundary



Updated By: ydavamul  
Updated: 9/26/2016

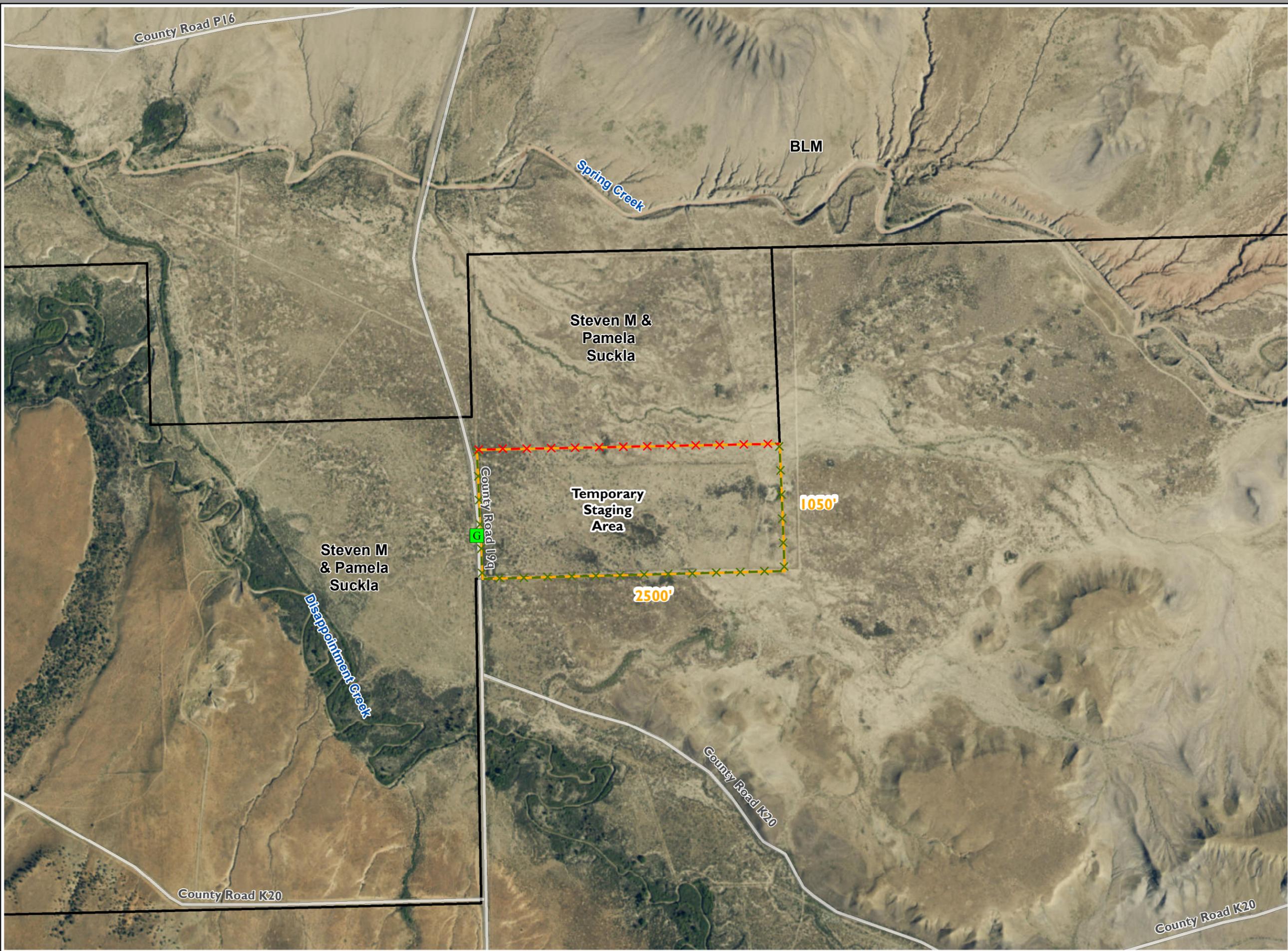


This map includes confidential information of Tri-State and third parties. The GIS data and maps may not be disclosed to any third party. The user agrees to keep this information confidential and not disclose it to third parties. If you have any questions regarding this, please contact the Tri-State legal department. GIS data and maps available to Tri-State Generation and Transmission Association employees are provided as general information to aid Tri-State transmission maintenance. No user of Tri-State's GIS data and maps may sell any portion of the information provided therein. Tri-State makes no warranty regarding accuracy or completeness of the data and maps. Users shall rely only upon proper field verification of Tri-State GIS data.





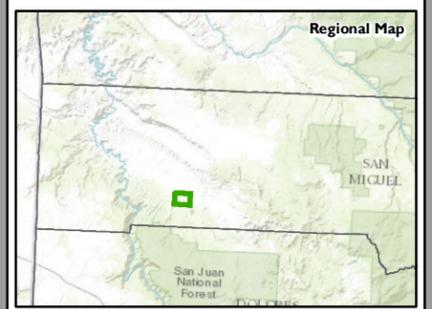
Temporary Staging Aerial Photograph Site Plan Figure 2



- G Driveway Entrance
- Parcels
- Temporary Staging Area
- Fenceline
  - x Existing
  - x Future



This map includes confidential information of Tri-State and third parties. The GIS data and maps may not be disclosed to any third party. The user agrees to keep this information confidential and not disclose it to third parties. If you have any questions regarding this, please contact the Tri-State legal department. GIS data and maps available to Tri-State Generation and Transmission Association employees are provided as general information to aid Tri-State transmission maintenance. No user of Tri-State's GIS data and maps may sell any portion of the information provided therein. Tri-State makes no warranty regarding accuracy or completeness of the data and maps. Users shall rely only upon proper field verification of Tri-State GIS data.





#### **4-207—Pre-Application Summary Sheet**

The pre-application summary letter dated August 5, 2016 provided by the San Miguel County Planning Department is included as Appendix 1.

#### **4-208—Site Plan**

Site Plan Requirement:

*The number of copies of 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps that may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.*

Tri-State is offering Figures 2 and 3 to meet the requirements of the Site Plan including property boundaries, existing structures and associated access roads.

#### **4-209—Copies of Application**

Tri-State has submitted eight (8) copies of the application to San Miguel County per directions provided in the Pre-application Conference Summary letter.

#### **4-210—Revegetation Plan**

Appendix 2 includes a Revegetation Plan (aka reclamation plan) to address reclamation of the Temporary Staging Area. The reclamation plan also includes a seed mix recommended by the Bureau of Land Management Tres Rios Field Office for salt desert shrublands. The final seed mix for the Temporary Staging Area would be reviewed and approved by the private landowner prior to the start of reclamation activities. Reclamation will be deemed complete once vegetation has been reestablished to 70 percent of pre-construction cover or when approved by the landowner and the Colorado Department of Public Health and Environment (CDPHE).

#### **4-211—Weed Control Plan**

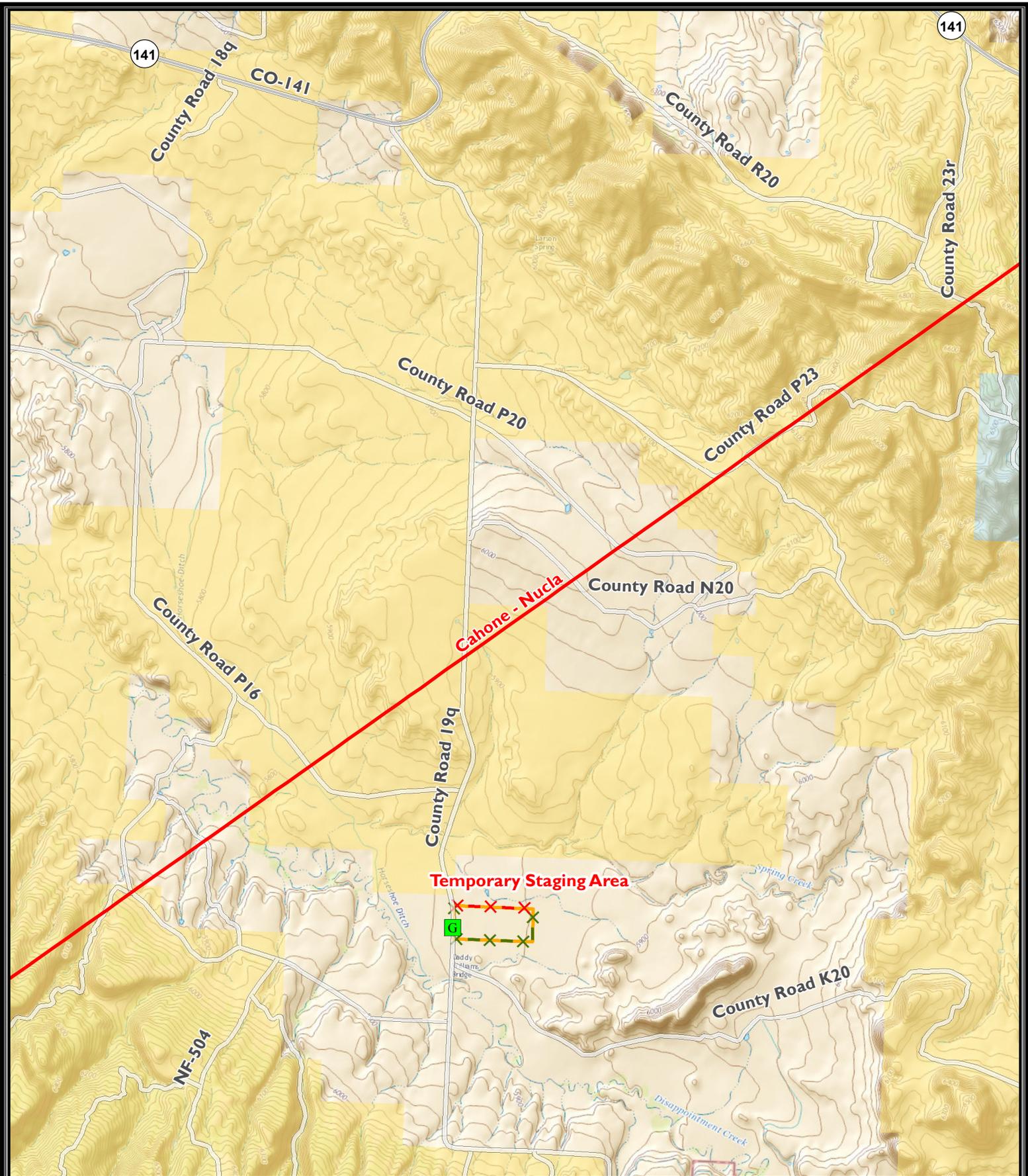
Tri-State has prepared a framework noxious weed plan for the entire rebuild project which includes treatment of Temporary Staging Area in San Miguel County. This noxious weed plan is included as Appendix 3.

Tri-State will consult with the private landowner and contract with certified weed sprayers to pre-treat weeds before brush removal and staging of construction equipment. Tri-State will also treat noxious weeds after the site has been reclaimed and materials and equipment have been removed from the staging area. Tri-State's treatment methods will be consistent with State law as well as requirements of the San Miguel Weed Board. A copy of the noxious weed plan has been submitted for review to Ron Maybrey, San Miguel County Weed Advisor.

Pre-construction treatment of weeds in the Temporary Staging Area and within the existing ROW will be conducted to suppress weeds before the ground is disturbed. In addition, all heavy equipment, including all-terrain vehicles (ATV), utilized during construction will be washed prior to departure from the equipment storage facility prior to arrival on the Staging Area. The environmental monitor for the project will regularly be inspecting construction equipment for noxious weeds as they come on and off the ROW and staging area. All seed mixes and mulch used for reclamation activities will be certified weed-free.

#### **4-212—Employee Housing Mitigation Plan**

The Montrose-Nulca-Cahone transmission line project will employ an annual temporary work force of 40–60 people. The Temporary Staging Area for this construction project will be used regularly throughout the life of construction as materials are moved to various parts of the transmission ROW. This 60-acre parcel will be the primary area where all materials for the transmission line will be stored. Construction of the transmission line project is not expected to have a long-term effect on local housing and will not require additional temporary housing. The project may have a short-term minor effect on hotel availability in the project vicinity during the construction period; however, there are camping facilities and hotels to accommodate the work force in cities and towns such as Montrose, Ridgeway, Nucla, Naturita, Norwood, and Dove Creek, Colorado, outside of San Miguel County.



**Temporary Staging Area  
Vicinity Map with Surrounding Roads**

**Figure 3**

- Transmission Line - Tri-State
- G Driveway Entrance
- X Existing
- X Future
- Temporary Staging Area

This map includes confidential information of Tri-State and third parties. The GIS data and maps may not be disclosed to any third party. The user agrees to keep this information confidential and not disclose it to third parties. If you have any questions regarding this, please contact the Tri-State legal department.

GIS data and maps available to Tri-State Generation and Transmission Association employees are provided as general information to aid Tri-State transmission maintenance. No user of Tri-State's GIS data and maps may sell any portion of the information provided therein. Tri-State makes no warranty regarding accuracy or completeness of the data and maps. Users shall rely only upon proper field verification of Tri-State GIS data.

Date Created: 10/25/2016 Author: curtmi





## 2.0 STANDARDS REPORT

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This chapter serves as a separate written report demonstrating the Projects conformance with all pertinent standards in the San Miguel County Land Use Code.

### 2.1 Project Conformance with Zone District Standards (Article 5, Section 5-3 Zone District Standards)

#### 5-320 F—Uses Allowed Subject to Two-Step Special Use Review

**Consistency Statement:** This SUP application is subject to a two-step review for a Public Utility Area Service Center Special Use Permit pursuant to Land Use Code Section 5-320 F. III. - Utility Services Facilities.

#### 5-320 J—General Development Guidelines for All Uses

##### *I. Potable Water & Sewage Disposal*

**Consistency Statement:** The Temporary Staging Area does not have a permanent need for water for either construction or operations and maintenance activities. During construction water used for dust control will be secured from existing permitted sources uses such as a local water district or landowner and would be stored in water trucks or tanks on-site. Drinking water will be supplied by workers. Sewage disposal will be handled with portable toilets; trash will be collected in trash bins located at the Temporary Staging Area and along the ROW.

##### *II. Effects on Agriculture*

###### **a. Fences**

**Consistency Statement:** Tri-State will be installing a new fence on the northern boundary of the parcel and replacing an existing fence on the western boundary (County Road 19Q) where access to the site will occur. Tri-State will also be installing a new gate on the western side of the parcel for access to the staging area (See Figure 3 – Vicinity Map with Surrounding Roads). Pursuant to landowner approval, permanent gates will be installed as required to provide for controlled access during construction activities. Construction related damage to gates and fences will be repaired immediately at the construction contractor’s expense and to the specification of the affected landowner.

###### **b. Irrigation Ditches**

**Consistency Statement:** There are no irrigation ditches located on the Temporary Staging Area and therefore no impact to irrigation infrastructure and use.

###### **c. Historical Easement for Ditches**

**Consistency Statement:** Not applicable.

### ***III. Cooperation with landowners and wildlife lifestyle***

**Consistency Statement:** In coordination with Colorado Parks and Wildlife (CPW), Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (USFWS), and San Miguel County staff, Tri-State prepared a Biological Resource Protection Plan for the transmission line and associated temporary use areas including the Temporary Staging Area that includes standard environmental protection measures to reduce project related effects to wildlife. This plan is included as Appendix 6. Implementation and compliance with this plan will ensure the use of the Temporary Staging Area will result in minimal effects to wildlife.

### **5-320 K—Review Standards for all WE Zone District Special Uses**

All special uses shall:

- I. Be consistent with the County Master Plan, the County Land Use Policies in Article 2 and the purpose of the WE Zone District;*

**Consistency Statement:** The project is consistent with County Master Plan, County Land Use Policies and the WE Zone District. See responses under Section 5-1002 A.

- II. Be consistent with and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses, and/or shall enhance the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development;*

**Consistency Statement:** The proposed Temporary Staging Area occurs in land that is not in agricultural production, nor is it used for domestic livestock grazing. The site is dominated by desert shrubland species. The area is not open to recreation as it is located entirely on private land. The site occurs in greasewood communities which are typically not suited to most agricultural uses. The requested use is temporary and the area will be restored to pre-construction conditions post construction of the Nucla-Cahone transmission line.

- III. Be designed, located and operated so that the public health, safety and welfare will be protected;*

**Consistency Statement:** The proposed Temporary Staging Area occurs in a remote part of San Miguel County in Disappointment Valley. The landowner from whom Tri-State will be leasing the land does not live on the parcel being proposed for use. The closest residence belongs to another member of the Suckla family and is located approximately one mile away from the staging area. The location of and use of the staging area does not pose a threat to human health, safety, and welfare.

- IV. Be located, designed and operated to minimize adverse effects, including impacts on scenic quality, pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibration and odor on surrounding properties;*

**Consistency Statement:** The Temporary Staging Area has been located in a remote location in Disappointment Valley and will therefore have minimal and short-term visual effects primarily to landowners that pass County Road 19 Q. There will be minimal and short-term effects on surrounding properties from use of the proposed staging area.

- V. Provide adequate public facilities and services to serve the special use, including but not limited to roads, adequate water supply in terms of both quality and quantity, sewer, solid waste and fire protection;*

**Consistency Statement:** The Temporary Staging Area will be accessed on the west side of the parcel off County Road 19Q. A track pad will be installed at the entrance of the Temporary Staging Area as a stormwater best management practice and will be included as part of the stormwater permit that will be prepared and submitted to the Colorado Department of Health and Environment.

Tri-State and its contractors will utilize temporary portable toilets on the staging area.

Storage and disposal of hazardous material will be in compliance with applicable local, state, and federal regulation. Tri-State has committed to Environmental Protection measures included in Appendix 4 (FP-1 through FP-3; HM-1 through HM-3; and WQ-1 through WQ-3) to address water quality and waste concerns.

- VI. Not substantially adversely affect agriculture or ranching operations and residences;*

**Consistency Statement:** The proposed Temporary Staging Area occurs in land that is not in agricultural production, nor is it used for domestic livestock grazing. The site is dominated by desert shrubland species. There are no residences within the Temporary Staging Area parcel, nor are there adjacent residences that will be impacted by the location and use of the proposed Temporary Staging Area.

- VII. Only include roads, utilities and associated structures that bear logical relationships to existing topography and minimize cuts and fills; and*

**Consistency Statement:** The proposed staging area has relatively flat topography area and will be accessed from an existing county road. There are no proposed cuts and fills associated with the staging area beyond that needed to install the vehicle track pad.

*VIII. Be consistent with the historic rural and agricultural character of the West End. Input from neighbors shall be considered by the County in determining consistency.*

**Consistency Statement:** The Temporary Staging Area will not result in any effects to agricultural operations. The use will be temporary and the site will be restored to 70 percent of pre-construction conditions after the transmission line construction is complete.

## **2.2 Project Conformance for Areas and Activities of Local and State Interest (Article 5, Section 5-4 '1041' Environmental Hazard Review)**

### **5-402—General Standards**

*The standards in this section apply to all Areas of Local and State Interest with the exception of Mancos shale, expansive soil and rock, wildfire and historic and archaeological areas.*

#### *5-402 A. Development in Hazard-free Areas*

*Restrict development to a hazard-free area if such an area exists on a site.*

#### *5-402 B. Development in Hazard Areas*

*If no adequate hazard-free area exists on a site, the diversity of permitted uses in a zone district and permitted residential land use densities may be limited to minimize potential dangers to persons or wildlife.*

**Consistency Statement.** The proposed Temporary Staging Area does not occur in designated hazard areas.

### **5-403—Floodplain Hazard Areas**

*In addition to the development standards in 5-402 and the San Miguel County Floodplain Regulations (refer to Section 5-28), the standards in this section apply to mapped floodplain hazard areas as depicted in the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, National Flood Insurance Program, and to areas later found to be in flood hazard areas.*

*5-403 A. If no adequate hazard-free area exists on a site, development proposed within final base flood elevations Zones A1-30 and/or regulatory floodway shall:*

- I. Have the lowest floor (including basement) elevated to one foot above the base flood level or be designed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural*

- components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and*
- II. *Be designed by a qualified professional engineer who shall certify that the flood proofing methods identified in Section 5-403 A.I. are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.*

**Consistency Statement.** The proposed Temporary Staging Area does not occur within any designated 100-year floodplain (FIRM Insurance Rate Map).

#### **5-404—Geologic Hazard Areas**

The proposed use for this parcel is to stage materials for construction of a transmission line. There are no known geologic hazards in the area that would affect storage and use of equipment in this area.

#### **5-405—Historic and Archaeological Resource Areas**

A Class I and III cultural resources inventory was conducted on the Temporary Staging Area. No cultural or historic resources were found on-site. The project will not affect any historic properties or cultural resources. The negative results for this site are being incorporated into a comprehensive cultural resources report for the Montrose-Nucla-Cahone transmission line project and the Bureau of Land Management is the lead federal agency for compliance with Section 106 of the Historic Preservation Act.

A Discovery Plan is being prepared for the entire project and will include procedures for reporting and protecting cultural and historic resource discovery during construction. The discovery plan includes procedures for the identification, protection, initial treatment, evaluation and treatment of discoveries (including discoveries of human remains), and also outlines procedures for coordination, notification, and reporting.

#### **5-406—Wildfire Areas**

The proposed Temporary Staging Area occurs in desert scrubland community types. In order to reduce the risk of equipment igniting vegetation on-site during use of the Temporary Staging Area, Tri-State will remove brush in the Temporary Staging Area prior to storing materials and equipment in the staging area. Tri-State has created a Fire Plan that is included as Appendix 5 to address fire risk and response.

#### **5-407—Wildlife Habitat Areas**

*Development activities, such Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the*

*land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.*

**Consistency with Wildlife Impact Assessment:** Project related impacts to wildlife (including the Temporary Staging Area) have been thoroughly addressed through the Environmental Assessment/NEPA process, and in the pending Biological Opinion being prepared by the U.S. Fish and Wildlife Service for the Montrose-Nucla-Cahone Transmission Line Project. This analysis included the proposed staging area as part of the EA process; Tri-State prepared a Biological Resource Protection Plan (see Appendix 6) which incorporates Environmental Protection Measures for rare plants, big game, raptors, and other migratory birds.

Figure 4 shows wildlife habitat areas within the proposed staging area and surrounding areas in San Miguel County. The Temporary Staging Area occurs in elk severe winter range. There are no documented raptor nests within 0.5 mile of the staging area and the staging area occurs outside of critical and occupied habitat for the Gunnison Sage-Grouse. There are no documented eagle nests in the area and the closest bald eagle roost site is located approximately 5 miles to the east of the proposed staging area.

Reclamation of the staging area post construction along with noxious weed management will mitigate long-term effects to wildlife foraging opportunities and habitat.

### **5-407 A General Standards**

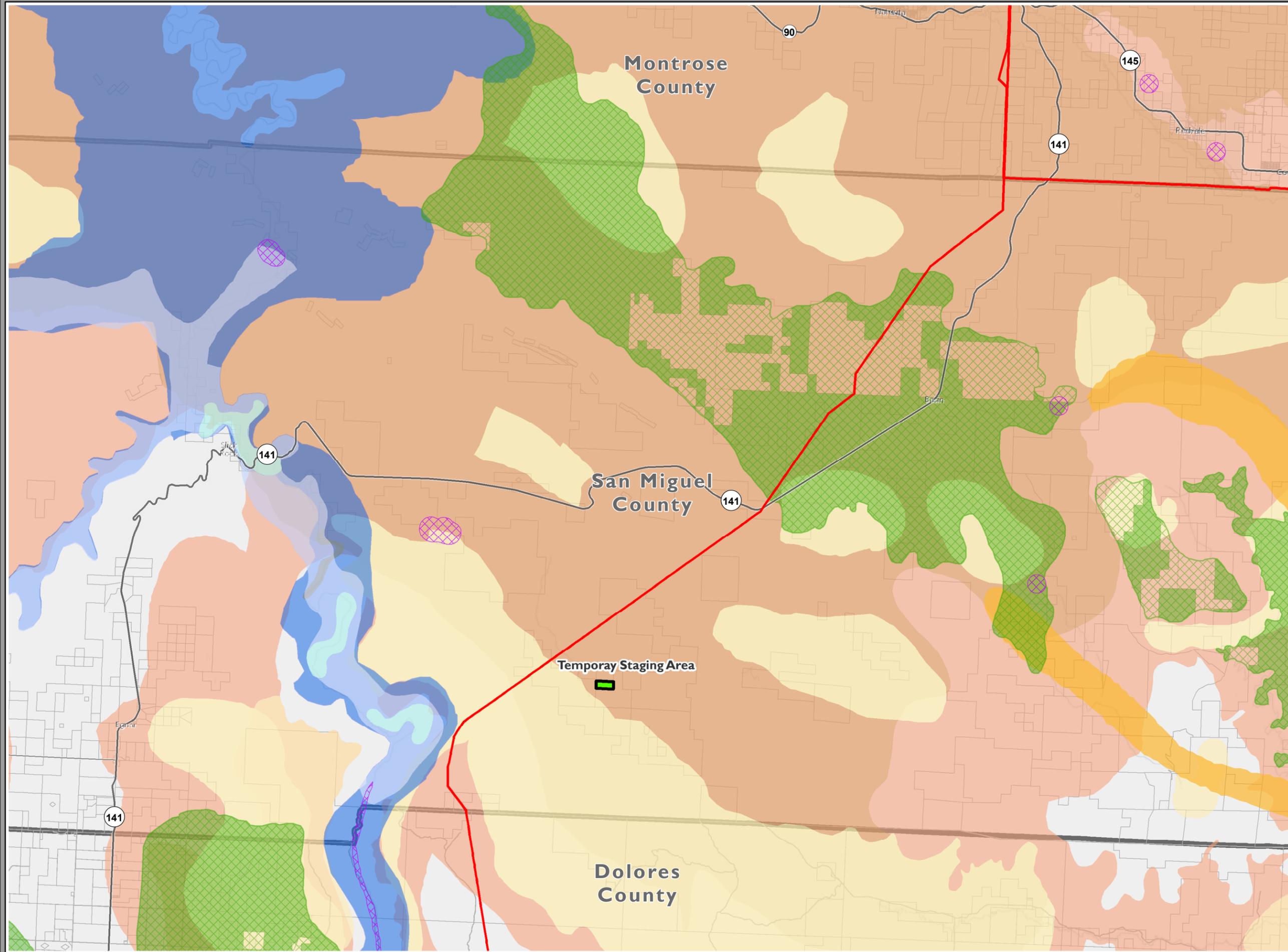
**II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.**

*III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated*

**Consistency with Vegetation Removal Statement:** Tri-State has committed to the Environmental Protection Measures listed in Appendix 4 to reduce overall impacts to vegetation and wildlife from use of the Temporary Staging Area. Tri-State will be removing all woody vegetation (primarily greasewood) on the staging parcel. Vegetation removal is required for the safe passage and storage of construction equipment and materials and to reduce risk of fire. There will be some ground disturbance associated with the removal of the vegetation, but Tri-State will limit soil disturbance to areas where the vegetation will be removed. Post-construction the site will be reclaimed and revegetated per the landowner's specifications.

In addition, as mentioned above Tri-State has a Revegetation Plan (Appendix 2) and Noxious Weed Plan (Appendix 3) that will be implemented for the transmission line and the proposed Temporary Staging Area to reduce long-term effects to native vegetation communities.

**Tri-State Generation and Transmission**  
**Temporary Staging Area**  
**Wildlife Habitat Areas**  
**Figure 4**



- Transmission Line - Tri-State
- State Route
- Other Major Road
- Temporary Staging Area
- GSG Critical Habitat
- GSG Occupied Habitat
- Bald Eagle Roost Sites
- Bighorn Production Area
- Bighorn Winter Concentration Area
- Bighorn Summer Range
- Elk Migration Corridors
- Elk Production Area
- Elk Severe Winter Range
- Elk Winter Concentration Area
- Elk Winter Range
- Parcel Boundaries
- County Boundary



0 0.75 1.5 3 Miles

Updated By: curtmi  
 Updated: 10/25/2016

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***V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved***

**Consistency Statement:** The Temporary Staging Area would not affect waterholes, springs, marshes, ponds or watering areas.

*VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized*

*VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer*

The proposed Temporary Staging Area does not occur within suitable habitat for any federally listed species. There are no known bald or golden eagles within 0.5 mile of the staging area. The closest raptor nest (red-tailed hawk in 2015) is located 1.4 miles to the west of the Temporary Staging Area.

Tri-State will conduct nesting surveys for raptors and other migratory birds prior to brush removal at the staging area if brush clearing occurs during the spring or summer season. If an active nest is found during pre-brush clearing activities, the nest will be left intact until the birds have fledged their young.

***XII. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.***

***5-407 B—Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range***

***5-407 C—Deer, Elk and Bighorn Sheep Winter Range***

***5-407 D—Deer and Elk Migration Corridors***

***5-407 E—Deer and Elk Production Areas***

**Consistency Statement for Deer, Elk Winter Concentration, Migration Corridors, and Production Areas:** Tri-State collected big game and other wildlife data as part of the early planning stages of this project. CPW and San Miguel County data were the primary data set incorporated into planning efforts. This data were analyzed in detail in the Environmental Assessment for the Montrose-Nucla-Cahone transmission line project.

Big game data is shown in Figure 4 – “Wildlife Habitat Areas.” The only mapped habitat in the proposed Temporary Staging Area is elk severe winter range which includes the majority of Dry Creek Basin as well as Disappointment Valley (where the proposed Temporary Staging Area occurs). The Environmental Protection Measures table found in Appendix 4 and the Biological

Resource Protection Plan (Appendix 6) best management practices to reduce project related effects to big game and other wildlife species during transmission line construction. The Temporary Staging Area will be required year round so seasonal restrictions are not a viable conservation/mitigation strategy in this specific area. Given the large expanse of undeveloped lands in Disappointment Valley, use of the proposed staging area is not expected to result in long-term negative effects to elk populations. The Temporary Staging Area will be reclaimed once all of the materials and equipment are removed post construction to mitigate long-term effects to big game habitat.

***VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed***

**Consistency Statement:** Tri-State will be installing a new fence on the northern boundary of the staging area and replacing an existing fence on the western boundary paralleling County Road 19Q. Tri-State will request permission from the private landowner to install wildlife friendly fence design for the new fence on the northern boundary and for the replacement of the fence on the western boundary. The landowner will ultimately need to approve of this design per the lease agreement. Typically, Tri-State installs panel gates and wire fence and we will not be using mesh or woven fencing material

**5-411—Public Utility Facilities**

The project is located consistent with the San Miguel Comprehensive Plan see Standards Report.

**2.3 Project Conformance for Public Utilities Structures and Electricity Transmission (Article 5, Section 5-7 Improvements)**

**5-709 B**

*Construction and operation of the facility will not unreasonably impact the physical, economic, or social environment of San Miguel County or this region, including agricultural land and water.*

**Consistency Statement:** Tri-State is requesting a temporary use of this parcel to facilitate construction of the 230-kV upgrade of the Montrose-Nucla-Cahone transmission line. The landowner will be compensated for this use and the staging area use will not result in unreasonable impacts to the physical, economic, or social environment of San Miguel County or the greater region. There will be no impacts to agriculture or water as a result of this staging area.

**5-709 C**

*Adverse impacts to the County and/or region have been identified, and the applicant has presented a satisfactory program of mitigation, including assurances of implementation.*

**Consistency Statement:** See 5-709-B.

### **5-709 D**

*Alternative sites and routes and methods to reduce the impact to the land such as combining new lines with existing lines, placing new lines underground, etc., have been identified and approved by the San Miguel County Board of County Commissioners.*

**Consistency Statement:** Tri-State selected a site based on landowner interest/approval as well as through evaluation of environmental, visual, and cultural resources. The Suckla family is willing to lease this parcel of land to Tri-State in trade for proper compensation. This site was also selected because it was not located in habitat for federally listed species including the Gunnison Sage-Grouse, avoids surface waters, wetlands, and riparian areas, and will not result in impacts to cultural and historic resources. In addition, the land historically and currently has not been used for agricultural purposes so there are no impacts to existing land use.

### **5-709 G**

*Proposed uses in Airport Reservations shall be for use by the facility and these and any other allowed facility shall meet the navigable airspace requirements of AC No. 70-7460-2-E, dated 7/5/73 and issued by the U.S. Federal Aviation Administration, Department of Commerce, as may be amended.*

**Consistency Statement:** The proposed project does not affect the Airport Reservations areas as depicted in Appendix D of the San Miguel County Land Use Code.

### **5-709 H**

*All proposed above ground extensions are routed wherever possible to:*

- I. Avoid paralleling of major transportation routes;*
- II. Cross any transportation route at as close to a right angle as possible;*
- III. Avoid “tunnel” effect of clearing areas visible from a population concentration or major transportation route;*
- IV. Avoid clear-stripping of right-of-way;*
- V. Avoid corrosive spoils;*
- VI. Avoid creation of access way scars visible as above;*
- VII. Avoid historic and archaeological sites; natural phenomenon;*
- VIII. Avoid impact on wildlife and wildlife habitat;*
- IX. Preserve as much as possible the natural landscape;*
- X. Minimize conflict with existing and planned uses shown on the County Master Plan Map;*

- XI. *Maximize the natural screening potential of vegetation and topography;*  
*and*
- XII. *Avoid crossing or use interference with a fishery.*

***I. Avoid paralleling of major transportation routes***

**Consistency Statement:** The project avoids paralleling major transportation routes. The project's western boundary occurs off County Road 19Q which has limited and primarily local traffic.

***II. Cross any transportation route at as close to a right angle as possible***

**Consistency Statement:** The staging area does not cross any major state or county roads. (See Figures 2 and 3).

***V. Avoid corrosive soils***

**Consistency Statement:** Corrosive soils should not be a concern for the proposed use. There will be no construction or permanent infrastructure required at the proposed staging area (with the exception of fences and a gate) and the area will only be used to store equipment, vehicles, and transmission line structures, wires, and materials.

***VI. Avoid creation of access way scars visible as above***

**Consistency Statement:** The proposed staging area is located away from State Highway 141 and occurs in a portion of Disappointment Valley with little traffic. There will be no long-term visible scars from temporary use of the staging area with the implementation of the noxious weed and reclamation plans for the project.

***VII. Avoid historic and archaeological sites; natural phenomenon***

**Consistency Statement:** Tri-State is committed to avoiding impacts to cultural resources to the greatest extent feasible and practical. A Class III inventory has been completed for the entire project. There are no eligible sites located on the proposed staging area parcel.

***VIII. Avoid impacts on wildlife and wildlife habitat***

**Consistency Statement:** See Section 5-407 and refer to the Environmental Protection Measures and Biological Resource Protection Plan in Appendices 4 and 6.

***IX. Preserve as much as possible the natural landscape***

**Consistency Statement:** This temporary use will result in impacts to vegetation. Long-term impacts will be mitigated proposed project preserves the natural landscape to the greatest extent possible by avoiding the construction of new access roads and by utilizing an existing utility corridor.

**X. *Minimize conflict with existing and planned uses shown on the County Master Plan Map***

**Consistency Statement:** The proposed project will not have any effect on existing or planned uses as shown on the County Master Plan map. This use is temporary and the area will be reclaimed post construction.

**XI. *Maximize the natural screening potential of vegetation and topography***

**Consistency Statement:** The proposed staging area is located in a rural area away from the primary transportation routes (State Highway 141) through Disappointment Valley. The site will be reclaimed post-construction to minimize visual and vegetation related effects to local traffic from this temporary use.

**XII. *Avoid crossing or use interference with a fishery***

**Consistency Statement:** The proposed staging area does not occur within or in proximity to aquatic resources.

**5-709 I**

*All proposed extensions of central service plant whose curvature, grade or other constraint inherent in such facility tends to require alignment along valley floors or public ways, shall avoid impacts listed in (C) above; provide for recompaction to restore the original density of disturbed irrigated ground; provide for restoration of the original slope of hillsides and ridge cuts; and by innovative construction techniques minimize the width of clearing and cuts, including those required for installation of normally buried facilities above ground where such might be less disturbing to the sum criteria of this plan.*

**Consistency Statement:** Tri-State will restore the Temporary Staging Area following completion of the project construction phase in accordance with the Revegetation Plan in Appendix 2. A water truck will be on-site to address fugitive dust control that may results from use of the staging area.

**2.4 Project Conformance for All Special Uses and Uses Requiring One-Step and Two-step Review (Article 5, Section 5-10 Special Uses)**

**5-1002—Standards for All Special Uses and Other Uses Requiring One-Step and Two-step Review**

*All Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (Section 5-26), shall comply with the standards in this section.*

## **5-1002 A. Consistency with Master Plan, Land Use Policies, Zone District and Neighborhood**

### ***I. Consistent with the County Master Plan***

**Consistency Statement:** The proposed Temporary Staging Area will be an approved use consistent with the County Master Plan Article 2 and the purpose of the WE Zone District as described below.

### **II. Consistent with Article 2—Land Use Policies (All applicable policies listed)**

#### ***Section 2-1: Conformance with Comprehensive Plan***

**Consistency Statement:** The proposed Temporary Staging Area is a permitted use under the County Land Use Plan and the WE Zone District allows utility lines as an accepted use.

#### ***Section 2-4: Community Balance***

**Consistency Statement:** The Temporary Staging Area is needed to support the rebuild of an existing transmission line. The project will not directly result in significant changes in social, economic, or environmental conditions in the county.

#### ***Section 2-6: Compatibility with Existing Adjacent Neighborhoods***

**Consistency Statement:** Tri-State has located the proposed Temporary Staging Area away from major transportation corridors in San Miguel County. The closest home is approximately one mile away and belongs to another member of the Suckla family. The proposed Temporary Staging Area will not result in permanent impacts to the character of the land or the affected private landowner. The landowner has agreed to this use and Tri-State will compensate the landowner for the temporary use of the property.

#### ***Section 2-8: Natural and Man-Made Hazard and Resource Areas***

**Consistency Statement:** The proposed use of the Temporary Staging Area will not increase natural hazards nor will it create man-made hazards.

#### ***Section 2-10 and Section 2-11: Drainage and Erosion***

**Consistency Statement:** The proposed Temporary Staging Area is located on a relatively flat parcel that is conducive to safely storing vehicles, equipment, and materials. The proposed Temporary Staging Area is not expected to result in drainage concerns.

Tri-States reclamation measures include restoring natural contours, using temporary and permanent best management practices to reduce runoff and reseeding.

Tri-State will incorporate the Temporary Staging Area into the stormwater management plan for the Nucla-Cahone line segment which will be consistent with the Colorado Department of Health and Environment General Construction Permit requirements.

***Section 2-16: Wildlife Protection***

*It is the policy of the County to identify and protect wildlife habitats for the preservation of wildlife, to encourage land use patterns that avoid disruptions to such habitat. The County will coordinate with Colorado Parks and Wildlife personnel regarding proposed development or uses within or adjacent to mapped wildlife habitat areas to mitigate impacts of development on wildlife.*

**Consistency Statement:** Through the implementation of Environmental Protection measures found in Appendix 4 and the Biological Resources Protection Plan (Appendix 6), the project is consistent with San Miguel counties requirements for wildlife protection. Section 5-407 provides a summary of wildlife analysis, protection, and agency consultation for the project.

*2-1601 It is the policy of the County to protect, enhance and preserve Gunnison Sage-grouse populations and their habitats. To this end, the County will consider and, to the extent possible, implement the rangewide and local conservation strategies set forth in the Gunnison Sage-grouse Rangewide Conservation Plan, dated April 2005, and all amendments to the Plan (Colorado Parks and Wildlife) when considering land use activities and development that is located within Gunnison Sage-grouse habitat as mapped by the Colorado Parks and Wildlife.*

**Consistency Statement:** The Temporary Staging Area has been located in an area that avoids federally listed species habitat, migratory birds including eagles, surface waters, wetlands, and riparian areas. The Temporary Staging Area will be reclaimed prior to construction to mitigate impacts to native vegetation. The Temporary Staging Area does occur in severe winter range for elk. Given the large expanse of mapped severe winter range in Disappointment Valley and Dry Creek Basin, it is unlikely the temporary use of the proposed Temporary Staging Area would result in long-term negative impacts to big game. Reclamation and noxious weed control will mitigate these potential long-term effects to big game and other wildlife that occur in the area.

***III. Consistent with the purpose of the Zone District in which it is proposed to be located***

**Consistency Statement:** The Temporary Staging Area will be an approved use consistent with the purpose of the WE Zone District as described below.

***IV. Consistent with and Compatible with the Character of the Neighborhood of the Parcel proposed for Development and surrounding land Uses, and may enhance the mixture of***

***complimentary Uses and activities in the Neighborhood of the Parcel proposed for development***

**Consistency Statement:** The proposed project will be compatible with the character of the neighborhoods (rural landscapes and rangeland).

***V. Necessary for public convenience at the proposed location***

**Consistency Statement:** On July 22, 2013, Tri-State received a Decision from the Colorado Public Utilities Commission granting a Certificate of Public Convenience and Necessity for the Montrose-Nucla-Cahone Transmission Improvement Project in Proceeding No. 13A-0489E. This Temporary Staging Area is required to support the construction phase of this project. The private landowner has approved the location for the staging area and will be compensated for the use of the property.

***VI. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected***

**Consistency Statement:** The proposed project will be operated to meet all applicable safety standards in order to protect public health, safety and welfare.

**5-1002 B. Impacts on Surrounding Area**

*Compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed seed dispersal, as well as, the control and Minimization of adverse impacts including noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, Impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.*

**Consistency Statement:** Given the rural nature of the area proposed for a Temporary Staging Area, the project is expected to have minimal and short-term impacts to surrounding areas and land use.

**5-1002 C. Public Facilities**

*Adequate public facilities and services shall exist or shall be provided to serve any reviewable Use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.*

**Consistency Statement:** The Temporary Staging Area will have no impact on public facilities. Construction related impacts to public facilities have been addressed in the permit application to San Miguel County for the construction, operation, and maintenance of the Nucla-Cahone transmission line.

### **5-1002 D. Bond Requirement**

*A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.*

**Consistency Statement:** Tri-State has a demonstrated record of implementing transmission construction projects with comprehensive environmental requirements and is financially well-positioned to perform site remediation and address all other conditions, stipulations on private land without the need for a bond. Tri-State is also responsible for reclamation and re-vegetation of the Suckla property as outlined in the lease agreement.

### **5-1002 E. The following must be addressed as part of any application**

#### *I. A Site plan including:*

- a. Ownership, Use and zoning of all adjacent Parcels*
- b. Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking plan*
- c. Easements*
- d. Location and dimensions of Structures and Signs*
- e. Typical elevations/Heights of such Buildings*
- f. Landscaping*
- g. Topography*
- h. Specific areas proposed for specific types of land Use/the identification of specific land Uses*
- i. Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable*

**Consistency Statement:** The pertinent requirements listed have been addressed in Figures 2 and 3 that show the location, topography, access, and area roads.

#### **II. Lighting plan**

**Consistency Statement:** Some temporary lighting of the Temporary Staging Areas may be required early morning for construction preparation. Construction activities will only occur during day light hours.

***III. Signs—all Signs must meet Section 5-704 standards***

**Consistency Statement:** The project will have no permanent signs with the exception of a small metal plate denoting the primary access to the Temporary Staging Area if requested by the construction contractor.

***IV. Water/sewer plan - must meet state standards and may include verification of a commercial well permit***

**Consistency Statement:** The project will not require a permanent water or sewer plan.

***V. Drainage plan***

**Consistency Statement:** The project will follow reclamation and revegetation guidelines including restoring drainage patterns and contours as described in Appendix 2 – Revegetation Plan. Tri-State will prepare a Storm Water Management Plan to prevent any sediment from leaving the project area.

***VI. Grading plan***

**Consistency Statement:** No grading will be required for the Temporary Staging Area. Ground disturbance will result from removal of woody vegetation. Vegetation will be removed to allow for the safe storage of materials and safe passage of equipment.

***VII. Dust control plan***

**Consistency Statement:** Fugitive dust could be generated from use of the Temporary Staging Area. It is Tri-State responsibility to ensure the project contractors and the designated environmental monitors ensure all sources of dust generation are identified and fugitive dust and other pollutant emissions are minimized.

Fugitive dust will be controlled during construction by reducing vehicle and equipment speeds on the Temporary Staging Area, minimization of the amount of new exposed soil /surface disturbance, and periodic application of clean water as directed by the environmental monitors to exposed disturbed surface areas (application of water will be via water trucks). The environmental monitor and lead construction inspector will monitor the Temporary Staging Area to minimize dust dispersal within and surrounding the Temporary Staging Area.

***VIII. Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents***

**Consistency Statement:** Not applicable. The site will only be used to store construction materials and equipment.

***IX. Weed control plan that must include use of weed free hay or straw***

**Consistency Statement:** The Noxious Weed Plan (Appendix 3) requires use of weed free hay or straw.

***X. Wildlife Plan (see Section 5-407 A. XII.)***

**Consistency Statement:** See Appendix 6 for the Project Biological Resources Protection Plan.

***XI. Additional permits as necessary from other agencies***

**Consistency Statement:** The Temporary Staging Area is associated with the construction of the Montrose-Nucla-Cahone 230-kV Transmission Project. This project is covered under a separate Special Use Application that was previously submitted to San Miguel County on October 19, 2016.

The Montrose-Nucla-Cahone Project occurs on federal (BLM and USFS) lands. An Environmental Assessment has been prepared for the Project and the BLM and USFS are expected to publish their decision documents in early December 2017.

Tri-State will also be applying for a Stormwater Permit from the Colorado Department of Public Health and Environment for the Nucla-Cahone line segment. This permit application and stormwater plan will include the proposed Temporary Staging Area.

Note: Although the project crosses Ouray County, no permits are required.

**2.5 Project Conformance with Scenic Quality (Article 5, Section 5-21)**

Tri-State has committed to mitigation measures to minimize effects to aesthetics and visual resources that will minimize impacts and changes to scenic quality in San Miguel County.

***5-2101 A. Preserving vistas***

The proposed Temporary Staging Area is located away from State Highway 141 and is located in an area with limited traffic beyond local traffic. The Temporary Staging Area will be reclaimed post construction to reduce long-term visual effects to landowners living in Disappointment Valley.

***5-2101 B. Blending with natural topography***

Not applicable to Temporary Staging Area.

***5-2101 C. Using natural colors and textures and non-reflective materials***

Not applicable to Temporary Staging Area.

***5-2101 D. Using native species in revegetation***

Tri-State will propose to use a native seed mix to reclaim the proposed Temporary Staging Area parcel; however the landowner will specify their reclamation requirements in the final lease agreement. Appendix 2 includes a proposed seed mix for the Temporary Staging Area that will be presented to the landowner.

***5-2101 E. Saving and reusing topsoil***

Tri-State is not proposing to grade the Temporary Staging Area due to the relatively flat nature of the site. There will be ground disturbance from the removal of greasewood and other wood vegetation from site. Dust control will be implemented on-site to preserve topsoil. Disturbed areas will then be regraded if necessary and re-seeded to approximate pre-construction contours and reseeded as specified in EPM S-1.

***5-2101 F. Following contours and minimizing cuts and fills***

Brush removal will be required on the proposed Temporary Staging Area parcel to reduce equipment ignition of brush and to ensure the safe storage of materials and passage of construction vehicles. Any additional ground disturbance would be reclaimed and restored to pre-construction conditions after the transmission line has been constructed

***5-2101 G. Installing utilities with least damage***

There will be no need for permanent utilities such as water, gas, or electric power associated with the project.

***5-2101 H. Shielding exterior lights***

There will be no need for permanent exterior lighting. Some portable lighting may be used in the early morning hours and in the evenings when the transmission construction crews return from work for the day.

**2.6 Project Conformance in Wetland Areas (Article 5, Section 5-22)*****5-2201 B. Applicability******5-2201 C. Definitions******5-2202 B. Wetland Area Mapping******5-2203—Development in Wetland Areas***

*A potential developer desiring to develop within a wetland or within 100 feet of a wetland must submit an application for approval of such activity to the County for review under the Two-step Special Use Permit Process.*

**Consistency Statement:** There are no wetlands or riparian communities located within the proposed Temporary Staging Area or within 100 feet of the proposed Temporary Staging Area.

Wetland-related requirements are not applicable to Temporary Staging Area.

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# **Appendix 1: San Miguel County Pre-application Summary Sheet**

Maverick to Cahone 230-kV Transmission Line – Temporary Staging Area  
San Miguel County Special Use Permit Application

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**SAN MIGUEL COUNTY  
PLANNING DEPARTMENT**



P.O. Box 548, 333 West Colorado Avenue, 3<sup>rd</sup> Floor, Telluride, CO 81435

Phone (970) 728-3083 Fax (970) 728-3098

email: [miker@sanmiguelcountyco.gov](mailto:miker@sanmiguelcountyco.gov) or [karenh@sanmiguelcountyco.gov](mailto:karenh@sanmiguelcountyco.gov)

August 5, 2016

Karl Myers  
Transmission Siting & Permitting Manager  
Tri State Generation and Transmission Association  
P.O. Box 33695  
Denver, CO 80233-0695

**Re: Pre-application Conference Summary:  
To Replace the existing Above-ground 115-kilovolt (kV) Electric Transmission Line to operate at 230-kV, and to include Storage and Staging Areas within the West End (WE) Master Plan Area and the West End (WE) Zone District in San Miguel County.**

Dear Karl,

The Planning Office appreciated meeting with you and your team concerning the permitting and construction of the portion of the proposed Tri-State Transmission Line Improvement Project (Project) from Montrose-Nucla-Cahone (MNC) that is located within unincorporated San Miguel County. It is our understanding that the proposal is to improve the existing MNC 115-kV line to operate at 230-kV. It is also our understanding that Tri-State's proposal is to upgrade the transmission line in its current alignment through San Miguel County to include the upgrade-in-place alignment in the Dry Creek Basin. As part of this transmission line project there will need to be temporary staging areas to store poles, equipment and vehicles. It is our understanding that Tri-State has identified an approximately 60 acre site on private land owned by the Suckla family located south of SH 141, which is accessed by CR 19Q in the Spring Creek area.

The purpose of this correspondence is to serve as a Pre-application Summary, in accordance with San Miguel County Land Use Code Section 4-207, for the purposes of **Rebuild of an Above-ground 115-kilovolt (kV) Electric Transmission Line to operate at 230-kV** located in the WE Master Plan Area and is within the WE Zone District. Utility service facilities such as utility lines (which I interpret to include transmission lines) and service centers are identified in LUC Section 5-320 F. III as Uses Allowed Subject to Two-step Planning Commission and Board of County Commissioner Special Use Permit Review. LUC Section 5-320 J General Development Guidelines for all uses in the WE Zone District apply to your application. The Review Standards for all WE Zone District Special Uses are set forth in LUC Section 5-320 K. These special uses standards include consistency with the County Master Plan,; as noted above the subject

transmission line upgrade is within the WE Master Plan Area, Section 5.3 of the WE Master Plan 'More Specific Guidelines for the Siting of Utilities and Utility Lines Throughout the County need to be addressed in your SUP application.; the County LUC Policies in Article 2, I would encourage you to review and address LUC Section 2-12 Scenic Quality policies as they apply to your application as well as the Wildlife Protection Policies in LUC Section 2-16 and specifically LUC Section 2-1601 it's the county policy to protect, enhance and preserve Gunnison Sage Grouse populations and their habitats to include considering the range-wide conservation strategies set forth in the most current Gunnison Sage-grouse Range-wide Conservation Plan.

The Special Use Permit application for this proposed transmission line upgrade shall also address the provisions and standards contained in LUC Section 5-709 Public Utility Structures and Electricity Transmission and Distribution Lines including sub-sections 5-709 A. thru 5-709 K. It is staff's understanding that a portion of the transmission line alignment traverses wetlands and as such the application will need to address the applicable review standards in LUC Section 5-22-3 Development in Wetlands. In preparing the SUP application you will need to review LUC Section 5-4 Areas & Activities of Local and State Interest "1041" Environmental Hazard Review to determine if any of these "1041" categories apply to your proposed project and if so the application will need to address any and all applicable review standards in this LUC section.

A separate Special Use Permit application is required for the proposed approximately 60-acre temporary staging area to store poles, equipment and vehicles in conjunction with this transmission upgrade and re-build project on private property in the WE Zone District. This SUP application is also subject to a two-step review for a Public Utility Area Service Center Special Use Permit pursuant to Land Use Code Sections 5-320 F. III. Utility Services Facilities, 5-320 J. General Development Guidelines, 5-320 K. Review Standards for Special Uses, Section 5-4 Areas and Activities of Local and State Interest, 5-1002 Standards for All Special Uses and other Uses Requiring One-step and Two-step Review. While this will be treated as a separate SUP application per LUC Section 3-8 Consolidation of Applications these two requests for Special Use Permits will be "consolidated so that the different but related requests for approvals are considered comprehensively by the Planning Commission and the Board of County Commissioners. Most but not all of the Review Standards stated in this letter are contained in this letter following the submission requirement.

Considering that the access to the proposed large staging area, CR 19Q is also an access to the Spring Creek Basin Wild Horse Management Area (HMA) in Disappointment Valley I would encourage you early on in the process to contact T.J. Holmes, a wild horse advocate who resides in the area to identify any issues or concerns there may be, if any, with the proposed staging area and its potential impacts to the Spring Creek Wild Horse Herd. Ms. Holme's email address is [mtbqrrl@fone.net](mailto:mtbqrrl@fone.net).

### **Submission Requirements**

Land Use Code Section 4-2 establishes the minimum submission requirements for all development applications:

#### **4-201 General**

All development applications shall include, at minimum, the information and materials specified in this section of the Code. During the pre-application conference the Planning Office staff may authorize modifications to the required submission contents.

#### **4-202 Required Background Information**

A letter signed by the property owner containing the property owner's name, the applicant's name, address and telephone number, and if applicable, the name, address and telephone number of the representative authorized to act on behalf of the property owner.

#### **4-203 Parcel Description**

The street address and current legal description of the parcel on which the development is proposed to occur and an 8-1/2" x 11" vicinity map locating the subject property within San Miguel County.

#### **4-204 Disclosure and Proof of Ownership**

A disclosure of ownership of the parcel on which the development is proposed to occur, consisting of a current certificate from a title insurance company or attorney licensed to practice law in the State of Colorado, listing the names of all owners of the property and all holders of subsurface mineral interests of record listed in the real estate records of the San Miguel County Clerk and recorder, mortgages, judgments, liens, easements, contracts and agreements affecting use and development of the parcel and proof of the owner's right to use the land for the purposes identified in the development application. This shall normally require proof of complete ownership or written consent from all owners. The staff may also request the applicant to supply information regarding the subject property and contiguous property sufficient to indicate that the subject lot was legally created.

#### **4-205 Legal Access**

Sufficient information to demonstrate that the applicant has adequate legal access to the parcel for the development proposal.

#### **4-206 Standards Report**

A written report demonstrating that the proposed development complies with the applicable substantive review standards that have been identified in this pre-application summary letter.

#### **4-207 Pre-Application Conference Summary Sheet**

A copy of the pre-application conference summary sheet provided to the applicant at the pre-application conference.

#### **4-208 Site Plan**

The number of copies of 24" x 36" and 8-1/2" x 11" site utilization maps as specified by the staff during the pre-application conference. During the pre-application conference, the Planning Office may authorize an applicant to consolidate or delete specific maps that may not be applicable to a particular development proposal. The 24" x 36" site utilization maps must be folded to fit within a legal-size folder with the name of the application visible. Site maps shall include identification of Areas of Local and State Interest as set forth in Section 5-4 and Wetland Areas as set forth in Section 5-22, for all areas where development activity is proposed.

#### **4-209 Copies of Application**

During the pre-application conference the staff shall specify the number of copies of the application to be submitted. This number is identified in the section concerning referrals. fed

#### **4-210 Revegetation Plan**

A plan for revegetation of all surfaces disturbed in conjunction with development that preferably employs native species includes replacement of topsoil and specifies a maintenance schedule and techniques.

#### **4-211 Weed Control Plan**

A plan for control of noxious weed, as listed in the San Miguel County Weed Identification List, for all surfaces disturbed in conjunction with Development, as approved by County staff. Disturbed surfaces over one cumulative acre in size will require bonding for revegetation and weed control.

#### **Review Standards for Public Utilities Structures and Public Utilities Staging Areas**

Land Use Code Section 5-709 establishes the standards for the Planning Commission and Board of County Commissioners to use in reviewing all public utility applications, which you must address in the Standards Report required by Section 4-206:

#### **Review Standards for Special Uses in the WE Zone District**

- 5-320 F. Uses Allowed Subject to Two-Step Planning Commission and Board of Commissioners Special Use Permit Review (see Section 5-320 K.)
  - III. Utility service facilities such as utility lines and service centers;
- 5-320 J. General Development Guidelines for all uses
  - I. All uses must conform to the state health and sanitation requirements regarding

potable water supply and sewage disposal;

- II. Before issuing a special use permit for any land use change adjoining or affecting agricultural lands, assurance must be established that adequate provisions are included that minimize or eliminate impacts on agricultural lands, including compliance with the following guidelines
  - a. Fences shall be constructed to separate development from adjoining agricultural lands or stock drives. Both new and existing fences shall be properly maintained and repaired. Notification of the lot owner's duty to maintain such fences shall be provided on subdivision plats;
  - b. Where irrigation ditches cross or adjoin land proposed to be developed, adequate provisions shall be made to insure that the use of such ditches, including the maintenance thereof, can continue uninterruptedly; and
  - c. Existing historical easements utilized to gain access to ditches, head gates and fences for maintenance or operational purposes shall be preserved or replaced with alternate easements suitable for a continuation of the historic use.
  
- III. In addition, local landowners recognize that the cooperative existence between landowners and wildlife is a way of life. To assure the preservation of both farmers/ranchers and wildlife, the Colorado Parks and Wildlife is encouraged to maintain reasonable herd populations.

Land Use Code Section 5-320 K. establishes the standards for the Planning Commission and Board of County Commissioners to use in reviewing all special uses in the WE Zone District, which you must address in the Standards Report required by Section 4-206:

5-320 K. Review Standards for all WE Zone District Special Uses

All special uses shall:

- I. Be consistent with the County Master Plan, the County Land Use Policies in Article 2 and the purpose of the WE Zone District;
  
- II. Be consistent with and compatible with the character of the immediate vicinity of the parcel proposed for development and surrounding land uses, and/or shall enhance the mixture of complimentary uses and activities in the immediate vicinity of the parcel proposed for development;
  
- III. Be designed, located and operated so that the public health, safety and welfare will be protected;
  
- IV. Be located, designed and operated to minimize adverse effects, including impacts on scenic quality, pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibration and odor on surrounding

properties;

- V. Provide adequate public facilities and services to serve the special use, including but not limited to roads, adequate water supply in terms of both quality and quantity, sewer, solid waste and fire protection;
- VI. Not substantially adversely affect agriculture or ranching operations and residences;
- VII. Only include roads, utilities and associated structures that bear logical relationships to existing topography and minimize cuts and fills; and
- XII. Be consistent with the historic rural and agricultural character of the West End. Input from neighbors shall be considered by the County in determining consistency.

### **Review Standards for Areas and Activities of Local and State Interest**

This section of the Code contains development standards for Areas and Activities of Local and State Interest, pursuant to C.R.S. Section 24-65.1-101 et seq. The standards apply to areas mapped on San Miguel County's adopted Environmental Hazard Maps and to unmapped areas known to be Areas of Local and State Interest ("Colorado House Bill 1041 Environmental Hazard Areas"). Section 5-401 D. identifies Areas of Local and State Interest, and Section 5-401 E. identifies Activities of Local and State Interest.

#### **5-401 C. Two-step Reviews**

Reviews of multiple single-family dwelling units, multi-family dwelling units and non-residential uses in relation to Areas of Local and State Interest shall be two-step reviews.

All reviews relevant to Activities of Local and State Interest shall be two-step reviews.

#### **5-401 D. The following are the Areas of Local and State interest within San Miguel County:**

- I. Floodplain hazard areas (refer to Section 5-403);
- II. Geologic hazard areas (refer to Section 5-404);
- III. Historic and archaeological resource areas (refer to Section 5-405);
- IV. Wildfire hazard areas (refer to Section 5-406); and
- V. Wildlife habitat areas (refer to Section 5-407).

5-401 E. The following are the Activities of Local and State interest within San Miguel County:

IV. Public Utility Facilities (refer to Section 5-411);

5-402 General Standards

The standards in this section apply to all Areas of Local and State Interest with the exception of Mancos shale, expansive soil and rock, wildfire and historic and archaeological areas.

5-402 A. Development in Hazard-free Areas

Restrict development to a hazard-free area if such an area exists on a site.

5-402 B. Development in Hazard Areas

If no adequate hazard-free area exists on a site, the diversity of permitted uses in a zone district and permitted residential land use densities may be limited to minimize potential dangers to persons or wildlife.

5-402 C. Development Prohibited

Development shall be prohibited within an Area of Local and State Interest (C.R.S. 1041 Environmental Hazard Area) if:

- I. Site planning and engineering techniques cannot completely mitigate potential hazards to public health, safety and welfare.
- II. Development subjects persons or the County to dangers or expenses required to mitigate hazardous conditions, respond to emergencies created by such conditions or rehabilitate improvements and lands.

5-402 D. Exemptions

The following types of development shall be exempt from the provisions of Section 5-4 of this Code:

- I. As per C.R.S. 24-65.1-107: "Effect of article - developments in areas of state interest and activities of state interest meeting certain conditions: (1) This article shall not apply to any development in an area of state interest or any activity of state interest which meets any one of the following conditions as of May 17, 1974: (a) The development or activity is covered by a current building permit issued by the appropriate local government; or (b) The development or activity has been approved by the electorate; or (c) The development or activity is to be on land: (I) Which has been

conditionally or finally approved by the appropriate local government for planned unit development or for a use substantially the same as planned unit development; or (II) Which has been zoned by the appropriate local government for the use contemplated by such development or activity [meaning zoned in response to a specific development application]; or (III) With respect to which a development plan has been conditionally or finally approved by the appropriate governmental authority;" and

- II. Normal and customary ranching and agriculture-related uses or activities.

#### 5-404 Geologic Hazard Areas

This section identifies development standards applicable to specific geologic hazard areas in addition to the general standards in Section 5-402.

##### 5-404 B. Landslide areas

If no adequate hazard-free area exists on a site, land uses shall:

- I. Insure strict adherence to recommended design, construction and maintenance procedures approved by qualified professional geologists or engineers;
- II. Avoid adding water to the site that would cause decreased stability;
- III. Avoid removing the toe of the slide without adequate mechanical support;
- IV. Avoid increasing the weight load on the top of the slide;
- V. Avoid removing vegetation from the site; and
- VI. Avoid oversteepening the existing slope of the slide.

##### 5-404 C. Potentially Unstable Slopes

- I. If Development is proposed in an area containing moderate and extremely hazardous Slopes, Development shall be permitted only if design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer and the County are utilized.
- II. Any land uses on a potentially unstable slope area shall avoid:
  - a. Cutting into slope without providing adequate mechanical support;
  - b. Decreasing slope stability by adding water;

- c. Adding weight to the top of the slope;
- d. Removing vegetation from the slope without adequate revegetation; and
- e. Oversteepening slopes.

II. Development shall not:

- a. Increase water supply to cliffs or overhangs;
- b. Remove protective vegetation;
- c. Add weight or otherwise disturb overhanging strata;
- d. Cause any excavations that remove underlying support; or
- e. Increase erosion that removes underlying support.

5-404 E. Slopes Greater Than 30 Percent

I. If Development is proposed in an area containing Slopes greater than 30 percent design and Development shall be based upon a detailed site survey including geologic and engineering analysis to identify the most level Development Site on the Parcel.

II. In addition a developer shall:

- a. Provide mechanical support for all cuts;
- b. Confine cuts and fills and grading and scraping to the minimum area needed for construction;
- c. Provide for stability and revegetation of cut and fill slopes; and
- d. Retain a certified engineer to design a soil absorption sewage disposal systems.

5-404 F. Alluvial fans

I. If no adequate hazard-free area exists on a site, land uses shall:

- a. Be based upon site evaluation and recommendations by a qualified professional engineer or geologist; and
- b. Be protected by channelizing, damming or diverting potential mud

or debris flows utilizing engineering structures designed by a qualified professional engineer or geologist.

- II. A disturbance shall be prohibited in the drainage basin above a fan unless an evaluation of the effect on runoff and stability of the fan shows that disturbance is acceptable.

5-404 G. Talus slope

- I. If no adequate hazard-free area exists on a site, structural construction associated with residential, commercial, industrial and high impact recreational activity shall be permitted only if design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer and the County are utilized.
- II. In addition developers shall:
  - a. Design developments other than those referenced in section 5-404 G.I. to withstand down slope movement;
  - b. Bury foundations and utilities in talus slope areas below the active surface;
  - c. Minimize site disturbance in talus slope areas to avoid inducing slope instability; and
  - d. Not remove the toe of a talus slope without providing adequate mechanical support.

5-404 H. Mancos shale

Development within a Mancos shale area shall be permitted based upon an evaluation of the development's effect on slope stability and shrink-swell properties:

- I. If design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer and the County are utilized;
- II. If designed to provide adequate surface drainage; and
- III. If concentrated runoff from impervious surfaces into natural drainages is demonstrated to pose no threat of adverse effects.

5-404 I. Faults

If no adequate hazard-free area exists on a site, land uses shall incorporate adequate mitigation measures determined by a qualified professional engineer or geologist and approved by the County.

5-404 J. Expansive Soil and Rock

Development in an identified area of expansive soil and rock shall be permitted upon County approval of engineered foundation and floor system designs.

5-404 K. Ground Subsidence

In the event a development site is comprised exclusively of moderate and extremely hazardous areas, the development shall be permitted if design and construction stabilization and maintenance measures approved by a qualified professional geologist or engineer and the County are utilized.

5-407 Wildlife Habitat Areas

This section establishes land use standards for wildlife habitat areas in addition to the general standards in Section 5-402. The standards apply to areas mapped by the Colorado Parks and Wildlife (CPW) on the County's adopted Wildlife Resource Information System (C.R.S.1041 Wildlife maps) and to areas known to be wildlife habitat areas by the Colorado Parks and Wildlife, and areas mapped by the Colorado Natural Heritage Program. Agricultural and Ranching activities are exempt from this Section.

5-407 A. General Standards

The standards in this section apply to all wildlife habitat areas.

- I. Residential development shall be clustered to avoid impacting wildlife and their habitat.
- II. Removal of vegetation shall be minimized. Vegetation removed shall be promptly replaced with beneficial native browse species.
- III. Wildlife food, cover and water shall be preserved and development effects that would destroy these shall be mitigated. Special consideration shall be given to trees and shrubs with high wildlife food value, especially heavy seed, berry and fruit producing species.
- IV. The planting of wildlife food species and woody cover along fences shall be encouraged as one way of improving wildlife habitat.
- V. Waterholes, springs, seepage, marshes, pond and watering areas shall be preserved.

- VI. Known endangered species habitats shall be preserved and all disturbances to those habitats shall be minimized.
- VII. Every golden eagle nest site, bald eagle roost site, and all other raptor nest sites shall be protected from the adverse impacts of development within a ½ mile buffer.
- VIII. Mesh or woven fences shall be prohibited and are encouraged to be removed.
- IX. Fences located within CPW designated mapped wildlife habitat areas are discouraged. Fences in such wildlife habitat areas shall be limited to “wildlife friendly fences” that are in compliance with applicable CPW fencing standards. Wildlife friendly fences are very visible and allow wild animals to easily jump over or slip under the wires or rails. The following regulations shall apply to fencing:
  - a. Smooth wire or rounded rail for the top, smooth wire on the bottom;
  - b. Fence is limited to 42: in height;
  - c. At least 12” between the top two wires or rails;
  - d. At least 16” between the bottom wire or rail and the ground;
  - e. Posts at minimum 16’ intervals;
  - f. Gates, drop-downs, removable fence sections or other passages where animals concentrate and cross;
  - g. Using a rail, high-visibility wire, flagging or other visual markers for the top.
  - h. A zigzagged worm fence (rails stacked alternately on top of one another, with rails interlocked like laced fingers where the ends meet) should create openings for wildlife to cross by intermittently dropping rails to the ground every 400’; and in swales and at stream crossing for easy wildlife passage.
  - i. Perimeter fencing of an entire parcel is discouraged.
  - j. As an exception to “wildlife friendly fencing” dogs shall be kept in an enclosed kennel or small fenced yard adjacent to the residence.

The standards or allowance for a small fenced yard or area shall be specified in the county’s revised dog or animal control regulations.

If staff has a question regarding the appropriateness of proposed fencing to be located within a CPW mapped wildlife habitat area the application may be referred to the CPW for comment and recommendation. Any new fencing shall follow the CPW “Fencing with Wildlife in Mind” guidelines available at the CPW website, [www.wildlife.state.co.us](http://www.wildlife.state.co.us)

- IX. Residential development shall maintain bear proof storage for garbage disposal for all parcels located in all zone districts.

- X. Development activities, such as Subdivisions, PUDs and Special Use Permits uses may require a Wildlife Impact Assessment prepared by a qualified wildlife biologist or scientist for all mapped wildlife habitat areas or known habitat areas to be submitted with the land use application. The Impact Assessment should include changes, trends and proposed mitigation to be reviewed by the Colorado Parks and Wildlife or other County review staff.
- XI. Barking dogs, dogs at large, and stray dogs are not permitted in any unincorporated portion of San Miguel County pursuant to Board of County Commissioner Resolution 1982-27 or as may be set forth in the most current Board of County Commissioner Resolution regarding dog or animal control rules and regulations.
- XIII. It is illegal for dogs to chase and/or harass wildlife, on public or private property. A Colorado wildlife officer or other peace officer may capture or kill any dog he or she determines to be harassing wildlife, pursuant to C.R.S. §33-6-128.

5-407 B. Deer, Elk and Bighorn Sheep Winter Concentration Area/Severe Winter Range

Land uses in deer, elk or bighorn sheep winter concentration areas/severe winter range shall comply with the standards in Section 5-407 A. and the standards in this Section.

- I. Overgrazing of ranges by livestock shall be prohibited.
- II. Development shall be restricted to areas in which wildlife impacts can be minimized.
- III. Access for the Colorado Parks and Wildlife for managing wildlife shall be maintained.
- IV. Commercial activity and recreational uses requiring County review shall be prohibited from December through April 15.

5-407 C. Deer, Elk and Bighorn Sheep Winter Range

Land uses located in deer, elk or bighorn sheep winter range shall comply with Sections 5-407 A. and 5-407 B.I.-III. and the standard in this section.

Commercial activity and recreational uses requiring County review shall be prohibited from December 1 through April 15, unless an applicant can demonstrate written approval from the Colorado Parks and Wildlife of a site-specific wildlife protection plan. Such plan shall include CPW monitoring provisions and set forth on-site protection, including but not limited to habitat enhancement and habitat protection, including but not limited to control of fencing, noise,

lighting and siting of structures, and establishment of routes and means of transportation and hours/days of operation. Permits must be renewed annually. The dates in this section may be modified and permits may be suspended at any time upon CPW recommendation on a case-by-case basis as necessary to protect the health of the herd.

5-407 D. Deer and Elk Migration Corridors

Land uses located in deer and elk Migration Corridors shall comply with Section 5-407 A. and the standards in this section.

- I. Development blocking a corridor and preventing migration between summer and winter ranges shall be prohibited.
- II. Fences restricting deer or elk migration shall be prohibited.

5-407 E. Deer and Elk Production Areas

Land uses located in deer and elk production areas shall comply with Section 5-407 A. and the standards in this Section.

- I. Where no appropriate development site exists in a production area, development shall be prohibited.
- II. Access shall be maintained for the Colorado Parks and Wildlife for trapping, tagging and studying wildlife.
- III. Manipulation of vegetation shall be prohibited, except within a designated building envelope.
- IV. Commercial and construction activity, recreational uses and off-road motorized activity shall be prohibited from May 1 through June 30. These dates may be modified upon Colorado Parks and Wildlife recommendation on a case-by-case basis as necessary to protect the health of the herd.

5-411 Public Utility Facilities

5-411 A. Sites for Public Utility Facilities

Where feasible, major facilities of public utilities shall be located consistently with the San Miguel County Comprehensive Development Plan.

5-415 D. Burdens on Public

Development of a key facility that imposes burdens or deprivation on the public shall not be approved solely on the basis of potential benefit.

### **5-709 Public Utilities Structures and Electricity Transmission and Distribution Lines**

All public utility structures and electricity transmission lines more than 115 kilovolts shall comply with the standards in this section. Additionally, all above ground electricity transmission or distribution lines in excess of 1,000 linear feet in length in San Miguel County are subject to compliance with the standards in this section. These standards do not apply to the normal construction of local service natural gas lines.

- 5-709 A. The proposed development poses no significant threat to the health, welfare and safety of the citizens of San Miguel County or the citizens of the region.
- 5-709 B. Construction and operation of the facility will not unreasonably impact the physical, economic, or social environment of San Miguel County or this region, including agricultural land and water.
- 5-709 C. Adverse impacts to the County and/or region have been identified, and the applicant has presented a satisfactory program of mitigation, including assurances of implementation.
- 5-709 D. Alternative sites and routes and methods to reduce the impact to the land such as combining new lines with existing lines, placing new lines underground, etc., have been identified and approved by the San Miguel County Board of County Commissioners.
- 5-709 E. All costs associated with the construction of new distribution lines, including any costs resulting from mitigation of visual impacts, shall be paid by the utility provider and/or the individual property owners who will connect to the new lines.
- 5-709 F. The benefits of the development outweigh the unavoidable and unmitigatable impacts upon the physical, social, and economic environment of San Miguel County and this region.
- 5-709 G. Proposed uses in Airport Reservations shall be for use by the facility and these and any other allowed facility shall meet the navigable airspace requirements of AC No. 70-7460-2-E, dated 7/5/73 and issued by the U.S. Federal Aviation Administration, Department of Commerce, as may be amended.
- 5-709 H. All proposed above ground extensions are routed wherever possible to:
  - I. Avoid paralleling of major transportation routes;
  - II. Cross any transportation route at as close to a right angle as possible;
  - III. Avoid "tunnel" effect of clearing areas visible from a population concentration or major transportation route;
  - IV. Avoid clear-stripping of right-of-way;
  - V. Avoid corrosive soils;

- VI. Avoid creation of access way scars visible as above;
- VII. Avoid historic and archaeological sites; natural phenomenon;
- VIII. Avoid impact on wildlife and wildlife habitat;
- IX. Preserve as much as possible the natural landscape;
- X. Minimize conflict with existing and planned uses shown on the County Master Plan Map;
- XI. Maximize the natural screening potential of vegetation and topography; and
- XII. Avoid crossing or use interference with a fishery.

5-709 I. All proposed extensions of central service plant whose curvature, grade or other constraint inherent in such facility tends to require alignment along valley floors or public ways, shall avoid impacts listed in (c) above; provide for recompaction to restore the original density of disturbed irrigated ground; provide for restoration of the original slope of hillsides and ridge cuts; and by innovative construction techniques minimize the width of clearing and cuts, including those required for installation of normally buried facilities above ground where such might be less disturbing to the sum of criteria of this plan.

5-709 J. These regulations shall not apply to the normal construction of individual telephone subscriber service, distribution and feeder cables, including the delivery of cable television, toll service, and extended area service telephone lines.

5-709 K. Approval shall not be considered until such time as the Public Utilities Commission has granted a Certificate of Public Necessity and Convenience, if such Certificate is required from the Public Utilities Commission.

**5-1002 Standards for All Special Uses and Other Uses Requiring One-step and Two-step Review**

All Uses requiring One-step and Two-step Review, except Oil and Gas Exploration and Development (Section 5-26), shall comply with the standards in this section.

Consistency with Master Plan, Land Use Polices, Zone District and Neighborhood

The Use shall be:

5-1002 A.I. Consistent with the County Master Plan;

II. Consistent with County Land Use Policies in Article 2;

III. Consistent with the purpose of the Zone District in which it is proposed to be located;

IV. Consistent with and Compatible with the Character of the Neighborhood

of the Parcel proposed for Development and surrounding land Uses, and may enhance the mixture of complimentary Uses and activities in the Neighborhood of the Parcel proposed for Development;

- V. Necessary for public convenience at the proposed location; and
- VI. Designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

5-1002 B. Impacts on Surrounding Area

Compatibility with the Character of Parcels adjacent to the Parcel shall be expressed in terms of appearance, scale and features, Site design, landscaping, weed seed dispersal, as well as, the control and Minimization of adverse Impacts including Noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, Impacts on pedestrian and traffic congestion, parking, trash, service delivery, or other undesirable or hazardous conditions.

5-1002 C. Public Facilities

Adequate public facilities and services shall exist or shall be provided to serve any reviewable Use including, but not limited to, roads, potable water, sewer, solid waste, parks, police, fire protection, emergency medical, hospital and medical, drainage system and schools.

5-1002 D. Bond Requirement

A bond may be required, as a condition of any reviewable Use permit as deemed necessary by the Board of Commissioners or the Planning Commission, sufficient to cover the cost of Site remediation and/or satisfaction of the other conditions and requirements.

5-1002 E. The following must be addressed as part of any application:

- I. A Site plan including:
  - a. Ownership, Use and zoning of all adjacent Parcels;
  - b. Driveways, streets and right-of-way, Access ways, including points of ingress, egress, parking plan;
  - c. Easements;
  - d. Location and dimensions of Structures and Signs;
  - e. Typical elevations/Heights of such Buildings;

- f. Landscaping;
  - g. Topography;
  - h. Specific areas proposed for specific types of land Use/the identification of specific land Uses; and
  - i. Information regarding the function and characteristics of any Building or Use proposed, including: days and hours of operation, number of employees, number of students, number of rooms for rent, etc., as applicable;
- II. Lighting plan;
  - III. Signs - all Signs must meet Section 5-704 standards;
  - IV. Water/sewer plan - must meet state standards and may include verification of a commercial well permit;
  - V. Drainage plan;
  - VI. Grading plan;
  - VII. Dust control plan;
  - VIII. Detailed engineered plans and specifications by a registered Colorado Professional Engineer as requested by staff or Referral Agents;
  - I. Weed control plan that must include use of weed free hay or straw;
  - II. Wildlife Plan (see Section 5-407 A. XII.); and
  - XI. Additional permits as necessary from other agencies.

Upon or prior to the expiration of the three (3) year period, the owner/applicant may provide a written statement withdrawing the Special Use application and requesting the Special Use approval be terminated. If upon expiration of the three (3) year period the owner/applicant does not provide a written statement withdrawing the application the matter shall be noticed and scheduled for Public Hearing by the County. The applicant is encouraged to provide a written statement, prior to the Public Hearing, indicating why the approved Special Use has not been permitted and/or commenced, identifying any changes that may have occurred in the surrounding land uses and explaining how the proposed Special Use meets the review standards in Land Use Code Sections 5-1002 A. and 5-1002 B.

Review of an approved Special Use shall be conducted in accordance with the applicable provisions of Article 3 Procedures for one-step reviews and shall include posting and sending written notice of the Public Hearing for review of the Special Use to adjacent property owners. Development

### **5-2203 Development in Wetland Areas**

#### **5-2203 A. Administrative Review**

No Development activity shall be allowed within any Wetland or Buffer Zone without a Wetland Special Use Permit issued in compliance with the terms of this section. All activities that are not permitted by Special Use Permit shall be prohibited.

A Wetland Special Use Permit may be issued in accordance with the Administrative Review Process described in Section 3-4 of this Code when the applicant demonstrates to the County's satisfaction that the proposed Wetlands Development satisfies at least one of the following standards/criteria:

- I. The proposed development is required to provide protection against property loss and/or damage.
- II. The proposed development will increase the size and improve the quality of Wetlands, aquatic, and/or riparian habitat, and enhance ecosystem functioning such as improving water quality, wildlife habitat and biodiversity.
- III. The proposed Development is associated with residential Development (construction of Access, utilities and/or a home or homes).
- IV. The proposed Development is associated with a Minor Facility Administrative Review process for Oil and Gas Exploration and Development pursuant to Section 5-2603.

#### **5-2203 B. Two-Step Special Use Permit Review**

A potential developer desiring to develop within a wetland or within 100 feet of a wetland must submit an application for approval of such activity to the County for review under the Two-step Special Use Permit Process described in Section 3-6 of this Code. However, when such proposed development comprises construction of access, utilities and/or a home or homes on parcels final platted or otherwise legally created prior to June 4, 1992, such application shall be reviewed in accordance with the Administrative Review Process described in Section 3-4 of this Code. Major Oil and Gas Facility applications shall be processed in accordance with this Section. No development activity shall be allowed within any wetland or buffer zone without a Wetland Special Use Permit issued in

compliance with the terms of this section. All activities that are not permitted by Special Use Permit shall be prohibited.

5-2203 C. Issuance of Wetland Special Use Permits

A Wetland Special Use Permit may be issued only if the applicant has shown at least one of the following:

- I. The proposed activity is water-dependent;
- II. The proposed activity is necessary to achieve access to property, and no other access route avoiding wetland and buffer zone areas is technically feasible;
- III. Denial of the permit sought would result in denying the landowner all practical, reasonable and/or economically viable use of the subject property;
- IV. The proposed activity meets the definition of Essential Services in Article 6 of this Code and could not reasonably be located elsewhere; and
- V. In the case of development proposed solely in a buffer zone, the proposed land use would not adversely affect the adjacent wetland area.

5-2203 D. Criteria for Review of Wetland Special Use Permits

In reviewing applications for Wetland Special Use Permits, the Board of Commissioners shall apply the following criteria:

- I. Avoidance -- Development activity within a designated wetland area should be avoided whenever possible; and
- II. Minimization of Impacts -- The impacts of unavoidable development activity should be minimized by including appropriate project design modifications, control techniques or other conditions deemed appropriate by the County.

5-2203 E. Impact Mitigation for Wetland Uses and Activities

As a condition of Wetland Special Use Permit approval, or in the event of a violation of any terms in this Section 5-22, the Board of County Commissioners may require a mitigation plan. The plan shall require the applicant or developer to engage in the restoration of wetland areas in order to offset, in whole or in part, the wetland losses resulting from an applicant's proposed or violator's historic actions. Approval of such plan by the Board of Commissioners shall not constitute an alternative to compliance with the standards set forth in this Section

5-22.

5-2203 F. Submission Requirements

An applicant for a wetland special use permit must submit an application in accordance with Section 4-2 of the Code. In addition, an applicant must submit evidence of compliance with the standards described in Sections 5-2203 A., B. and C., and the Board of County Commissioners may require additional information as appropriate.

**Scheduling of Application Consideration**

Once the Planning Department receives eight (8) copies of a complete application that conforms to all applicable Land Use Code requirements, the application can be scheduled for consideration by the Planning Commission at a regular meeting. The Planning Commission meets the second Wednesday of each month. In accordance with San Miguel County Board of Commissioners Resolution 2000-13, an application review fee of \$500 for the transmission line project, and an additional \$500 (\$1000 total) for the staging area is required, payable to San Miguel County and must accompany the submission for the application to be considered complete.

Once these applications are determined to be complete per LUC Section 3-202- C. the Planning Department will refer the application to the County Attorney, the County Road & Bridge Superintendent, the County Environmental Health Director, the County Open Space Coordinator, the Colorado Department of Transportation (CDOT), the Colorado Parks & Wildlife (CPW) and the Bureau of Land Management (BLM) for their review and comment.

Prior to 20 days before any meeting for which consideration of **any** land use application is scheduled, the applicant shall notify by First Class mail every property owner and condominium unit owner within 500 feet of the perimeter of the subject property as listed in the records of the San Miguel County Assessor. In addition, prior to 20 days before any meeting for which consideration of **any** land use application is scheduled, the applicant shall post notice (letter and sign to be obtained from the Planning Department) of the scheduled consideration of the application. Mailing and posting of notice (*letter and sign to be obtained from the Planning Department*) by an applicant prior to a meeting that is not a public hearing shall be carried out pursuant to Section 3-903 A., B. and C. In addition to the general notice provisions of Section 3-9, the San Miguel County Land Use Code may require additional notice for certain property owners and parties outside the 500 foot perimeter of the subject property for certain specific development applications, as set forth in the Land Use Code.

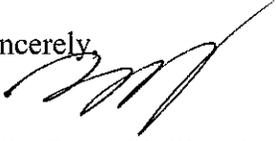
It is the Planning staff's understanding that Notification of Surface Development requirements per CRS 24-65.51-103 does not apply with respect to applications for electric transmission lines. If there is a separate subsurface mineral estate associated with the proposed construction staging parcel such notice to the holder of the mineral estate may be required.

You also will be responsible for such mailing and posting of notice prior to the second step of the

review process, a public hearing before the Board of County Commissioners.

If you have any questions or wish to discuss the contents of this letter please feel free to contact me at (970)728-3083.

Sincerely,

A handwritten signature in black ink, appearing to read 'MR', is written over the word 'Sincerely,'.

Mike Rozycki, Planning Director

[text/preapp\tri.state.rebuild.we]

# **Appendix 2: Revegetation Plan**

Maverick to Cahone 230-kV Transmission Line – Temporary Staging Area  
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## **REVEGETATION PLAN**

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The objective of this Reclamation Plan is to detail practices designed to reclaim any temporary impacts resulting from the Temporary Staging Area associated with the Montrose-Nucla-Cahone Transmission Project.

### **Reclamation Objectives**

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This reclamation plan provides a framework approach and various techniques and options that may be employed to successfully restore the Temporary Staging Area. The reclamation plan is intended to be implemented in conjunction with the other plans in the overall project Plan of Development, with particular focus on the following:

- Storm Water Management Plan
- Noxious Weed Plan

Revegetation will be considered successful if species composition and vegetative cover was similar to preconstruction conditions three years following treatment. The Storm Water Management Plan (SWMP) requires that 70% of surrounding or pre-existing cover be established before the site is considered permanently stabilized. The SWMP will address both temporary erosion control and long-term stabilization of disturbed soils, and these plans are incorporated here by reference.

### **Reclamation of Temporarily Disturbed Areas Post-Construction**

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The Temporary Staging Area will result in temporary disturbance that will be fully reclaimed when the Maverick to Cahone 230 kV Transmission Line Project is complete.

### **Noxious Weeds**

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Noxious weed management is critical to successful reclamation activities. A detailed noxious weed management plan is included in Appendix 3.

### **Seed Bed Preparation**

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Re-contouring, surface roughening, and/or de-compaction will prepare a suitable rough surface with friable soils for seeding. Soil amendments are generally not proposed since they tend to favor weedy annual species that compete with native grasses. Soil amendments may be proposed on a case-by-case basis with agency or landowner approval.

### **Seeding Methods**

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Seeding will utilize a variety of methods depending on the timing of seeding and site conditions. Generally, methods that apply the seed directly to the soil, such as with a drill seeder, broadcast

spreader, or by hand, are preferred. The preferred method for seeding is drill seeding with a rangeland drill; however, if the areas of bare soil and disturbance are patchy and small, broadcast seeding will be used. Broadcast seeding rate will be double the drill seed rates. Broadcast seed will be covered by raking, harrowing, or dragging a chain over the surface.

In some cases, hydro-seeding/mulching may be needed. Where possible, seed will be broadcast first before applying hydro-mulch, tackifier, or erosion blankets.

## **Seed Mixes**

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The seed mix will be state certified weed-free. Tri-State will work with the Natural Resources Conservation Service and the private landowner to develop a seed mix compatible with current conditions and land uses. Tri-State is proposing a native seed mix for the staging area; however the landowner will ultimately determine the preferred seed mix per the lease agreement.

In some cases a sterile cover crop may be added to the mixes to ensure germination and provide ground cover. Cover crop seeding can serve as a nurse crop for native species. Many native species need a season to break dormancy. Cover crop provides quick vegetative cover, soil stabilization, and competes well with invasive weedy species but not with native species.

In addition to re-seeding the predominant species on site—greasewood, Table P-1 (below) includes the additional species recommended by the BLM Tres Rios Field Office for this community type.

## **Mulching**

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Mulch (clean, certified weed-free straw) may be applied at one to two tons (2000-4000 pounds [lbs.]) per acre. Where practical, mulch will be crimped, tackified, or otherwise incorporated into the soil to the degree possible. Crimping or anchoring of mulch will occur immediately following treatment, no longer than 24 hours after treatment.

## **Monitoring Recovery/Maintenance**

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The staging area will be reclaimed and inspected after the first growing season to assess germination and reclamation success. Monitoring requirements will follow measures required in the Storm Water Management Plan until final stabilization is achieved. After construction staging is complete and equipment and materials are removed from site, inspection of site recovery will be done on a monthly basis until 70% of pre-existing vegetation cover is achieved or as otherwise authorized by the landowner and State of Colorado. Tri-State will consult with the landowner regarding the relative success of reclamation and the potential need for additional treatment.

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**Table P-1. Seed Mix: Salt Desert Shrub\***

Common Name (Cultivar)	Scientific Name	% of Mix Desired (PLS)
Bottlebrush squirreltail (Toe Jam)	<i>Elymus elymoides</i>	0.20
Western wheatgrass (X-Arriba)	<i>Pascopyrum smithii</i>	0.20
Galleta grass* (Viva)	<i>Pleuraphis jamesii</i>	0.30
Indian ricegrass (UP White River)	<i>Achnatherum hymenoides</i>	0.10
Sandburg bluegrass <sup>3</sup> (UP Colorado)	<i>Poa secunda</i>	
Cleftleaf wild heliotrope <sup>1</sup> (UP Wildland Collection)	<i>Phacelia crenulata</i>	0.05
Redwhisker clammyweed <sup>1</sup> (UP Wildland Collection)	<i>Polanisia dodecandra</i>	0.02
Annual sunflower (X-VNS)	<i>Helianthus annuus</i>	0.03
Winterfat* (X-VNS)	<i>Krascheninnikovia lanata</i>	0.01
Shadscale (X-VNS)	<i>Atriplex confertifolia</i>	0.01
Four wing saltbush <sup>2</sup> (X-VNS)	<i>Atriplex canescens</i> spp. <i>Canescens</i>	0.05
Basin big sage (X-VNS)	<i>Artemisia tridentata</i> ssp. <i>Tridentata</i>	0.05
	Total	1.02

<sup>1</sup>If these products cannot be supplied through collection, replace with 0.5 lb/acre Scarlet globemallow (*Sphaeralcea coccinea* spp. *Coccinea*).

\*Seed Mix source-Bureau of Land Management-Tres Rios Field Office

<sup>2</sup>Request that source be from western Colorado, E Utah.

\*Recommend requesting that seed be de-bearded for better drill flow.

Basin sagebrush - shall be collected within 10 air miles of the right of way and certified as to the proper species.

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# **Appendix 3:**

# **Noxious Weed Plan**

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## **NOXIOUS WEED PLAN**

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The objective of this Noxious Weed Plan is to detail practices designed to address potential impacts from the spread of noxious weeds during the construction of the Tri-State Montrose-Nucla-Cahone Transmission Line Improvement Project (Project), including the proposed temporary staging area. It will be the responsibility of Tri-State and its project contractors, working with designated environmental inspectors, to comply with measures identified in this plan.

Tri-State will contract with a certified weed sprayer to treat noxious weeds prior to site preparation (brush removal) of the staging area. The site will continue to be treated for noxious weeds until the site has been reclaimed.

Table N-1 table summarizes EPMs for Noxious Weed Management associated with the temporary staging area.

Table N-2 below provides a list of all species that may occur within the staging area and that have been documented on the transmission line right-of-way.

**Table N-1. Noxious Weed EPMs**

<b>Topic - No.</b>	<b>Applicant Committed EPMs And Design Features For Construction (C), Operation, And Maintenance (O&amp;M)</b>
NW-1	Tri-State will treat noxious weed pre-construction and post-construction within the proposed temporary staging area. The specific treatment plan for the staging area will be approved by the landowner prior to implementation
NW-2	All heavy equipment, including all-terrain vehicles (ATV) and lowboys, utilized during construction will be washed prior to departure from the equipment storage facility. This method promotes containment of weed seeds on the work site; all seed mixes and mulch used for reclamation activities will be certified weed-free.
NW-3	Noxious weed treatment conducted on State and Private lands shall comply with Land Use Code 5-1002-E.IX.
NW-4	In order to reduce the spread of noxious weeds, only certified weed-free straw will be used. The Contractor will retain documentation verifying that straw used for mulch, straw bale sediment barriers, or straw wattles has been certified weed free by the Colorado Department of Agriculture.

**Table N-2. Acres of Noxious Weeds Present in the Project Area**

Noxious Weed	Colorado Noxious Weed Act List
Bull thistle	B
Canada thistle	B
Canada thistle/Musk thistle	B
Canada thistle/Musk thistle/Russian knapweed	B
Diffuse knapweed	B
Houndstongue	B
Musk thistle/Russian knapweed	B
Oxeye daisy	B
Russian knapweed	B
Saltcedar	B
Spotted knapweed	B
Whitetop (hoary cress)	B
Whitetop (hoary cress)/ Russian knapweed	B
Common burdock	C
Common mullein	C
Total	

## References

State of Colorado. (2003). *State of Colorado Noxious Weed Act*.

Bureau of Land Management, 2007. Final Vegetation Treatments Using Herbicides on Bureau of Land Management Lands in 17 Western States Programmatic Environmental Impact Statement (PEIS). Available: [http://www.blm.gov/wo/st/en/prog/more/veg\\_eis.html](http://www.blm.gov/wo/st/en/prog/more/veg_eis.html)

# **Appendix 4:**

# **Environmental Protection Measures**

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## ENVIRONMENTAL PROTECTION MEASURES (EPMS)

Environmental Protection Measures (EPMS) provide a complete list of proponent-committed measures to address potential impacts from site preparation and use of the proposed temporary staging area.

Topic - No.	Applicant Committed EPMS And Design Features For Construction
G-1	Tri-State and its contractors will comply with all federal, state and local environmental laws, orders and regulations. Tri-State will comply with applicable San Miguel, Dolores, and Montrose County Land Use Code provisions, and Special Use Permit conditions of approval. Prior to construction, all construction personnel will be instructed on the protection of cultural and ecological resources.
G-2	Tri-State will notify the County and landowner regarding the schedule for material staging and construction of the transmission line
A-1	Tri-State and its contractors will exercise care to preserve the natural landscape, and will conduct construction staging site preparation so as to prevent any unnecessary destruction, scarring or defacing of the natural surroundings in the vicinity of the work.
A-2	All construction materials, waste, and debris will be removed from the staging area in a timely manner. Burning or burying of waste materials within the staging area will not be allowed.
AQ-1	Tri-State and its contractor(s) will utilize practicable methods and devices as are reasonably available to control, prevent, and otherwise minimize atmospheric emissions or discharges of air contaminants.
AQ-2	Possible construction related dust disturbance will be controlled by the periodic application of water on the staging area, thus preventing any visible dust plumes from use of the staging area.
AQ-3	Vehicles and equipment showing excessive emission of exhaust gases due to poor engine adjustments or other inefficient operating conditions will not be operated until corrective adjustments or repairs are made.
AQ-4	Post seeding mulch or other approved methods will be utilized during reclamation activities to help reduce wind erosion and blowing dust. Soil stabilization will be performed as soon as possible after completion of project activities to minimize potential fugitive dust generation as re-vegetation occurs.
AQ-5	The contractor will turn off equipment when it is not in use.
AQ-6	When wind speeds exceed 20 miles per hour (mph), Tri-State and contractors will mobilize additional water trucks to minimize fugitive dust from exposed surfaces.
BR-1	Impacts to wildlife and special status species habitats will be minimized through incorporation of EPMS included under Vegetation and Water Resources.
BR-2	If brush removal occurs during the spring and summer months, Tri-State will conduct pre-construction surveys to ensure compliance with the Migratory Bird Treaty Act. Tri-State will map active nests and flag and avoid any active nests identified.
CR-1	Prior to site preparation of the staging area, all personnel will be instructed on the protection of cultural and paleontological resources with reference to relevant laws and penalties, and the need to cease work in the location if cultural resource items are discovered.
CR-2	Should any previously unknown historic/prehistoric sites or artifacts be encountered during construction, all land altering activities at that location will be immediately suspended and the discovery left intact until such time that the appropriate land management agency is notified and appropriate measures taken to assure compliance with the National Historic Preservation Act and enabling legislation.

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Topic - No.	Applicant Committed EPMs And Design Features For Construction
CR-3	Cultural Resources—Inadvertent Discovery: Pursuant to 43 Code of Federal Regulations (CFR) 10.4 (g); Tri-State will 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 or possible vertebrate fossils. Further, pursuant to 43 CFR 10.4 (c) and (d), Tri-State will stop activities in the vicinity of the discovery and protect it until notified to proceed by the authorized officer.
FP-1	Construction vehicles will be equipped with government approved spark arrestors.
FP-2	Tri-State and its contractor(s) will maintain in all construction vehicles a current list of local emergency response providers and methods of contact/communication.
FP-3	<p>A fire plan will be adhered to during transmission construction activities. The following procedures will be followed by Tri-State and its contractors to reduce fire danger during project construction and future maintenance activities:</p> <ul style="list-style-type: none"> <li>• The nearest federal agency as well as the local fire department will be notified in the event a construction crew observes a lightning strike or other suspicious smoke.</li> <li>• Tri-State’s contractors will avoid parking hot vehicles in contact with dry vegetation.</li> </ul> <p>All woody vegetation will be removed within the staging area to reduce risk of ignition.</p>
HM-1	Tri-State and its contractors will comply with all applicable federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials during both construction and future maintenance activities. In any event, Tri-State and its contractors will comply with the Toxic Substance Control Act of 1976, as amended (15 United States Code 2601, et seq.) with regard 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 will be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency or state government as a result of a reportable release or spill of any toxic substance will be furnished to the authorized officer concurrent with the filing of the reports to the involved federal agency or state government.
HM-2	<p>The following hazardous materials management procedures will be used during maintenance and operation activities:</p> <ul style="list-style-type: none"> <li>• Storage of hazardous materials, chemicals, fuels, and oils and fueling of construction equipment will not be performed within 100 feet of an ephemeral drainage.</li> <li>• An effort will be made to store only enough products required to do the job.</li> <li>• Materials will be stored in a neat, orderly manner, in appropriately closed containers, in secondary containment and, if possible, under a roof or other enclosure.</li> <li>• Products will be kept in their original containers with the original manufacturer’s label.</li> <li>• Substances will not be mixed with one another unless recommended by the manufacturer.</li> <li>• Whenever possible, all of the product will be used up before disposing of the container.</li> <li>• Manufacturer’s recommendations for proper use of a product will be followed.</li> <li>• If surplus product must be disposed of, local and state recommended methods for proper disposal will be followed.</li> </ul>
HM-3	Any waste generated as a result of the project will be properly disposed in a permitted facility. Solid waste generated during construction and periodic maintenance periods will be minimal. All hazardous materials will be handled in accordance with applicable local, state, and federal hazardous material statutes and regulations.
LU-1	Tri-State will notify the affected private landowner prior to the start of staging area site preparation and will compensate the affected landowner for the temporary use of the property.

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Topic - No.	Applicant Committed EPMs And Design Features For Construction
LU-2	The contractor will maintain all fences, brace panels, gates, and track pads during the construction period. Any fence, brace panel, or gate damaged during construction will be repaired immediately by the contractor to the specifications of the private landowner.
N-1	Construction vehicles and equipment will be maintained in proper operating condition and will be equipped with manufacturers' standard noise control devices or better (e.g. mufflers, engine enclosures). Improperly functioning equipment will be removed from the construction site until the issue is corrected.
N-2	Noise associated with project construction activities shall comply with C.R.S 25-12-103(5). Maximum permissible noise levels. Post construction noise levels for project operation shall comply with C.R.S. 25-12-103(12)
NW-1	All heavy equipment, including all-terrain vehicles (ATV) and lowboys, utilized during construction will be washed prior to departure from the equipment storage facility.
NW-2	Tri-State will contract for the pre-construction treatment of noxious weeds within the staging area prior to site preparation activities and use.
S-1	Tri-State and its contractor(s) will mitigate temporary effects to soils compacted by movement of construction vehicles and equipment, by: <ul style="list-style-type: none"> <li>• Loosened and leveled harrowing or disking to approximate pre-construction contours and</li> <li>• Reseeding with certified weed-free grasses and mulched (except in cultivated fields). The specific agency approved seed mix(s) and rate(s) of application will be determined by the affected private landowner.</li> </ul>
VG-1	On completion of the work, the staging area would be reclaimed, so that all surfaces drain naturally, blend with the natural terrain, and are left in a condition that will facilitate natural revegetation, and provide for proper drainage and prevent erosion.
VG-2	All temporary surface disturbances will be seeded with a mix that is acceptable to the landowner. Reclamation will be deemed complete once vegetation has been reclaimed to 70 percent of pre-construction conditions, or at the discretion of the private landowner and the Colorado Department of Health and Environment. .
VG-3	All construction materials and debris will be removed from the project area.
WQ-1	A Storm Water Management Plan (SWMP) will be developed and implemented to address brush removal associated with the staging area. The plan will conform to Colorado Department of Public Health and Environment (CDPHE) requirements including regular inspections to ensure proper and effective functioning of Best Management Practices (BMPs).
WQ-2	All Tri-State construction personnel, including contractors will be trained on stormwater management requirements for the project. The environmental monitor will be responsible for compliance with the stormwater management plan from construction and through post-construction/reclamation.
WQ-3	Construction activities at the staging area will be performed using methods that prevent entrance or accidental spillage of solid matter, contaminants, debris, and other objectionable pollutants and wastes into flowing streams or dry water courses, lakes, and underground water sources. Such pollutants and wastes include, but are not restricted to, refuse, garbage, cement, concrete, sanitary waste, industrial waste, radioactive substances, oil and other petroleum products, aggregate processing tailings, mineral salts, and thermal pollution.

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# **Appendix 5: Fire Plan**

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## **FIRE PLAN**

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The objective of this Fire Plan is to detail practices designed to address potential impacts from construction of the Tri-State Montrose-Nucla-Cahone Transmission Line Improvement Project (Project). Tri-State Generation and Transmission Association, Inc. (Tri-State) has developed this plan as part of the Plan of Development (POD) that accompanies its application to the Bureau of Land Management (BLM) for a Right of Way (ROW) grant. The fire plan includes the transmission line, access roads, as well as all temporary use areas including the focus of this special use permit application-the staging area in San Miguel County. It will be the responsibility of Tri-State and its project contractors, working with designated environmental inspectors, to comply with measures identified in this plan.

Under Colorado law the San Miguel County Sheriff's Office is responsible for responding to wildfires located on private property located outside a fire protection district, including portions of the proposed 230-kV line in Dry Creek Basin.

Tri-State and all contractors are advised to stay in touch with local fire dispatch offices to be of service and for personal safety. The attached map shows fire dispatch centers and phone numbers.

### **Fire Prevention and Suppression Requirements for Project Construction**

1. Tri-State (hereafter referred to as the operator) will require its employees, contractors and employees of contractors to do everything reasonable within their power, expertise, and assessment of human safety to suppress fires resulting from transmission line construction activities occurring within the staging area. In case of fire suppressed by the operator, the operator will report its occurrence to the appropriate Interagency Dispatch Center immediately (see attached map). The operator is responsible for all suppression costs and property damage for any fire resulting from its operations and practices at the temporary staging area.
2. The operator is responsible to ensure that each employee, subcontractor, or any other individual or company working on the project site is aware of the provisions of this fire plan, is familiar with the location and proper use of firefighting equipment, and conducts themselves in a fire-safe manner.
3. No material will be disposed of by burning in open fires without a written permit from the affected land management agency or property owner.
4. Exhaust systems of vehicles will have an acceptable muffler and will be in proper working condition. All motorized equipment and machinery will be equipped with spark arresters.
5. Vehicles will be parked only in cleared areas.

6. All smoking will be done only inside of vehicles or in areas cleared of flammable material and consistent with precautionary measures listed below in Item 9.
7. No fuel or flammable substance will be stored in any glass container.
8. A separate fire cache of tools will be required and maintained at the site of all operations. Tools must be kept sharp and handles smooth, ready for immediate use. Fire tools will not be used on the job for other purposes. When Stage I restrictions are implemented, a 300-gallon water package will be required at the site of all operations (see also item 14). When no restrictions are in place, the cache will contain at a minimum:
  - One shovel per person;
  - One water filled 4 or 5 gallon backpack pump (“Indian” or equivalent); and
  - One axe or Pulaski.
9. Type ABC rated fire extinguishers are required and will be available during all operations at the following capacities:
  - One 2 pound per pick up;
  - One 5 pound for trucks over 1 ton Gross Vehicle Weight; and
  - One 10 pound per dozer, motor patrol, scraper or other earthmoving equipment.
10. During the period of April 1<sup>st</sup> thru November 30<sup>th</sup>, a fire watch person (lookout) is required at the site of all welding, blasting, propane torch use, fueling, tractor or other mechanized equipment operation, etc. unless specifically excepted in item 15. This person will have no other duty than to watch for fire starts, have all required items of the fire cache immediately available, and be ready to take fire suppression actions. The fire watch person will remain on site observing for smoke or fire for a minimum of 30 minutes after cessation of the operations that required them. The fire watch person will be in good physical condition and able to fight fires.
11. Welding is herein used to mean electric arc welding; arc or gas cutting or heating; gas welding; grinding of metal; use of any flammable gas, carbon or hydrocarbon fuel for heating or forging metal.
12. Welding operations are subject to the following additional provisions:
  - There will be no welding when winds are over 15 miles per hour; and
  - Welding will occur only in areas cleared of all flammable vegetation and materials at a minimum radius of 30 feet from the welding operation.
13. Blasting: Use of explosives is authorized, but is subject to the following additional provisions:
  - Operator must have a valid, current Explosives Permit from the State of Colorado;
  - There will be no blasting when winds over 15 mph occur; and

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- Adequate safety lookouts and traffic control will be provided to insure public safety during all blasting operations.
14. In addition, when Stage I restrictions are implemented all fire caches including in areas of welding, blasting and torch use operations, the fire watch and crew must have immediately available to them a water tank of not less than 300 gallon capacity with a pump capable of pumping 20 gallons per minute at 100 pound-force per square inch and not less than 100 feet of hose.
15. Additional Stage I and Stage II prohibited acts will also apply when enacted. Details and updates of restrictions, areas, and additional prohibited acts can be acquired by calling the respective Dispatch office or by going to the following websites:
- [Colorado Emergency Management: Fire Bans & Danger](#)
  - [Montrose Interagency Dispatch Center \(MTC\) - Fire Restrictions](#)
  - [Durango Interagency Dispatch Center \(DRC\)-Fire Restrictions](#)

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# **Appendix 6: Biological Resource Protection Plan**

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## **BIOLOGICAL RESOURCE PROTECTION PLAN**

Tri-State has completed this biological resource protection plan to address potential impacts to biological resources from construction of the Montrose-Nucla-Cahone Transmission Line, including all associated facilities including the proposed staging area.

There are no documented bald or golden eagle nests or bald eagle roost sites within 5 miles of the proposed staging area. The temporary staging area does not contain habitat for any federally listed or candidate species. The staging area occurs entirely outside of occupied and critical habitat for the Gunnison Sage-Grouse. The primary documented habitat on the staging area parcel is elk severe winter range. This biological resource protection plan incorporates conservation measures for the entire transmission line, not only the proposed temporary staging area. Tri-State has included the entire biological resource plan for review to demonstrate the significant conservation measures for which Tri-State has committed to avoid, minimize, and mitigate effects to biological resources for the greater project. Environmental Protection Measures for wildlife and other biological resources specific to the staging area were previously included as Appendix 4. It will be the responsibility of Tri-State and its project contractors, working with designated environmental inspectors, to comply with measures identified in this plan.

The timetable for conservation strategy implementation is as follows:

**Table B-1. Timetable for Final Biological Resource Protection Plan**

<b>Timeframe</b>	<b>Deliverable/Task</b>
By Preliminary Final Environmental Assessment (internal review step)	Progress on Lek/Land acquisition in GuSG habitat <ul style="list-style-type: none"> <li>Parcel boundaries defined by June 15</li> <li>Option to purchase signed by Summer 2016 with a term of 12 months.</li> </ul> Biological Resources Protection Measures Constraints Atlas (see Appendix G)
By Finding of No Significant Impact/Decision Record (FONSI/DR) and Issuance of County Permits- January 2017	GuSG Mitigation: Tri-State will buy on behalf of, or transfer the Miramonte Parcel to Colorado Parks and Wildlife (CPW). Habitat improvement funds will be transferred to BLM within the same time frame.
Avian Collision Risk Assessment	Complete
45 Days Prior to Notice to Proceed	Final Detailed Biological Resource Plan
2017 (Nucla-Cahone Pre-construction phase)	Avian perch activity monitored on existing 115-kV line in Dry Creek Basin
2018 (Nucla-Cahone Construction phase)	EPMs implemented; Avian perch activity monitored on new 230-kV line to verify effectiveness of perch discouragers
2017 through life of transmission line	EPMs implemented.

## Avian Protection Measures

Tri-State has a comprehensive Avian Protection Plan/Program (APP) that addresses avian management on the entire transmission system. Tri-State’s APP is not a project-specific document but instead outlines how avian interactions with Tri-State facilities are managed and reduced on a system wide level. The purpose of the APP is to proactively work toward protecting avian (i.e., bird) species by minimizing collision and electrocution hazards for birds on its existing electrical facilities and outlines the process for proactively minimizing avian impacts during the routing, construction, and maintenance of new facilities. The program also was created to ensure compliance with federal and state regulatory requirements that protect birds, nests, and related parts.

The program dictates that Tri-State will conduct an avian collision risk assessment once final alignment and engineering is complete for new projects to identify areas with moderate to high collision risk. The collision risk assessment was completed in August of 2016. Within San Miguel County, Tri-State will be marking the line across Dry Creek Basin with flight diverters to address the low risk of a grouse collision. Tri-State’s avian program coordinator reviews engineering designs and ensures transmission line clearances are sufficient to minimize electrocution risk raptors.

For pre-construction survey requirements and specific construction buffers and seasonal restrictions for raptors known to occur in the project area, please see Environmental Protection Measures (EPMs) listed in Table B-2.

**Table B-2. Biological Resources Environmental Protection Measures (EPMs)**

Topic - No.	Applicant Committed EPMs And Design Features For Construction (C), Operation, And Maintenance (O&M)	Applicable to C and/or O&M*
<i>Biological Resources and Federally Listed Species</i>		
BR-1	Tri-State and its contractor(s) will also restrict construction activities and future major routine maintenance activities in elk production areas on lands administered by the USFS and BLM administered lands in lands in accordance with the respective Resource Management Plans and Land Management Plans. These timing restrictions on federal lands will be adhered to whenever feasible and a waiver will be required from the land management agency in coordination with Colorado Parks and Wildlife (CPW) if construction needs to occur in sensitive big game habitats during sensitive time periods.  Prior to the Notice to Proceed, Tri-State will update the POD atlas to identify seasonal restrictions for big game per direct guidance from the USFS, BLM, and CPW.	C and O&M

Topic - No.	Applicant Committed EPMs And Design Features For Construction (C), Operation, And Maintenance (O&M)	Applicable to C and/or O&M*
BR-2	<p>To ensure compliance with the Migratory Bird Treaty Act, Tri-State and its contractor(s) will incorporate BLM, USFS, CPW, and US Fish and Wildlife Service (USFWS) guidelines for raptor protection if construction occurs during the breeding season.</p> <p>Raptor nest surveys will be conducted prior to construction. If an active raptor nest is found within the project area, seasonal buffers and timing restrictions will be determined through coordination with the affected agency and will utilize guidance as outlined in CPW’s Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors (CPW 2008) on BLM UFO, private, State, and USFS administered lands. Separate guidance will be followed on lands in the BLM Tres-Rios Field office (TRFO). Buffers will be determined according to species, existing disturbance in the area, and line of sight. If complete avoidance of a buffer is not feasible, a qualified biological monitor could be used to observe the nest during construction activities to ensure the activity does not disturb nesting activities. The biological monitor will have the authority to halt or modify construction if an activity is likely to result in nest abandonment.</p>	C and O&M
BR-3	<p>No bald or golden eagle nests are known to occur within 0.5 mile of any portion of the project. Surveys will be conducted prior to construction to identify any active nest or roost location within 0.5 miles of the transmission ROW and associated access roads. If an active eagle nest is found prior to construction, no work will be permitted within 0.5 mile of the active nest from December 15 through July 15 unless otherwise authorized by the USFWS.</p> <p>Historically, bald eagle communal roosting site and winter concentration areas have been documented along the San Miguel and Dolores Rivers, Wrights Mesa, Dry Creek Basin, and Disappointment Valley. Activity will be restricted from November 15 through March 15 if an active communal roost is found within 0.5 miles the proposed project activities during pre-construction surveys unless otherwise authorized by the USFWS.</p> <p>If complete avoidance of a nest or roost buffer is not feasible, the USFWS will be contacted to approve a modified buffer or approve use of a qualified biological monitor to observe the nest during construction activities to ensure the activity does not disturb nesting activities. The biological monitor will have the authority to halt or modify construction if an activity is likely to result in nest abandonment. If USFWS determines take may occur, Tri-State will obtain an eagle take permit from the USFWS prior to construction. The same process will apply to future major maintenance activities.</p>	C and O&M
BR-4	<p>Once pre-construction surveys have been completed, the Final Construction Constraints Atlas will be updated to reflect appropriate seasonal restrictions and buffers to ensure construction activities are in compliance with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. Seasonal avian restrictions will also apply to heavy maintenance activities as defined in the POD.</p>	C and O&M

Topic - No.	Applicant Committed EPMs And Design Features For Construction (C), Operation, And Maintenance (O&M)	Applicable to C and/or O&M*
BR-5	<p>On State owned lands, USFS, and private property, if a prairie dog colony is found within the project area prior to construction, and construction is scheduled to occur during the breeding season for burrowing owls (April 1 through September 1), surveys will be conducted using CPW's approved protocol.</p> <p>If prairie dog colonies occur on BLM lands, burrowing owl surveys will be conducted using protocol from the TRFO BLM. If an active nesting burrow is found, it will be avoided by a buffer of 0.25 miles from March 15 through August 15 or until the young have fledged and left the nest.</p>	C and O&M
BR-6	<p>In order to preclude avian electrocutions and minimize collision risk, Tri-State has incorporated guidelines developed by the Avian Power Line Interaction Committee (APLIC) and USFWS (APLIC 2012) to protect birds on power lines.</p>	C
BR-7	<p>The construction contractor will be required to avoid active burrows whenever feasible within the ROW during project construction to minimize impacts to ground dwelling species.</p>	C
BR-8	<p>Structure holes will be covered when work is completed each day to prevent entrapment of wildlife.</p>	C
BR-9	<p>Impacts to wildlife and special status species habitats will be minimized through incorporation of EPMs included under Vegetation and Water Resources.</p>	C and O&M
BR-10	<p>If vegetation removal occurs during the spring and summer months, Tri-State will conduct pre-construction surveys to ensure compliance with the Migratory Bird Treaty Act. Tri-State will map active nests and flag and avoid any active nests identified.</p>	C and O&M
BR-11	<p>Tri-State and its contractors will site transmission structures and access roads to avoid BLM/USFS sensitive plant species to the greatest extent feasible. Where sensitive plants are located adjacent to the transmission structures or access roads, fencing/ropes/signs will be installed to prevent construction crews from impacting BLM/USFS sensitive plants. Management of fugitive construction dust as discussed under water resources and quality will also minimize indirect effects to sensitive plant species.</p>	C
BR-12	<p>Emergency maintenance activities will be permitted any time of year to ensure electric reliability and to protect the public health and safety. Examples of emergency maintenance activities include wires on the ground, structure repairs required as a result of severe weather incidents and vandalism activities. The affected agencies will be notified as soon as possible, but within 48 hours of the activities occurring and any required reclamation will be completed as soon as possible.</p>	O&M

**Gunnison Sage-Grouse Conservation Strategy for the Preferred Alternative**

Tri-State recognizes the importance of conserving GuSG populations in the Dry Creek Basin and has prepared a draft GuSG conservation strategy to accompany the standard EPM’s for the Project. This conservation strategy was designed by Tri-State through consultation with CPW and Tom Remington, a biologist with knowledge and experience with GuSG in the Dry Creek Basin and former Director of the then Colorado Division of Wildlife. This conservation strategy was approved by the BLM via email on April 21, 2016. The purpose of this Conservation Strategy is to minimize impacts to the GuSG and its occupied and critical habitat from construction related and long-term operational impacts of the transmission line and to provide a net conservation benefit to GuSG. This document summarizes the project design and conservation strategy for the BLM’s preferred action in the Environmental Assessment. This plan was prepared through coordination with CPW and Tri-State’s and Mr. Remington’s review of publicly available scientific data, literature review, professional knowledge and experience of sage-grouse and the Dry Creek Basin population of GuSG.

Table B-3 outlines the Tri-State’s voluntary, committed EPMs to be implemented for areas of occupied GuSG habitat (which includes critical habitat) during project construction, operation, and maintenance activities.

**Table B-3. GuSG EPMs Associated with the Proposed Project**

Topic - No.	Applicant Committed EPMs And Design Features For Construction (C), Operation, And Maintenance (O&M)	Applicable to C and/or O&M*
<i>Gunnison Sage-Grouse</i>		
GUSG-1	Tri-State will utilize single-pole structures to reduce perching surfaces for GuSG avian predators through Dry Creek Basin.	C
GUSG-2	Tri-State and its contractor(s) will install perch discouragers on the horizontal portions of the steel structure including the pole tops in Dry Creek Basin.	C
GUSG-3	Tri-State will utilize self-supporting steel structures in GuSG occupied habitat to reduce GuSG and other avian and wildlife collisions with guy wires.	C
GUSG-4	The project will comply with the 0.6-mile No Surface Occupancy Buffer for lek sites and there are no access roads proposed within 0.6-mile of an active lek. In addition, the project does not occur within 0.6 miles of riparian habitat or documented GuSG concentration areas.	C
GUSG-5	Tri-State’s transmission line and access road construction along the existing alignment will not occur within occupied habitat from March 1 through June 30th.	C
GUSG-6	Planned heavy maintenance activities by Tri-State’s and its contractor(s) including structure replacement, cross arm replacement, and replacement/re-pair of the conductor/fiber optic cable (OPGW) will not occur March 1 through June 30 in GuSG occupied habitat. Light maintenance activities such as annual inspections, hardware tightening, pole testing, and insulator replacement will be permitted year-round. However, during the lekking season, these activities will occur after 10:00 a.m.	O&M

Topic - No.	Applicant Committed EPMs And Design Features For Construction (C), Operation, And Maintenance (O&M)	Applicable to C and/or O&M*
GUSG-7	Emergency maintenance activities will be permitted any time of year to ensure electric reliability and to protect the public health and safety. Examples of emergency maintenance activities include wires on the ground and structure repairs required as a result of severe weather incidents and vandalism activities. The affected agencies will be notified within 48 hours of the activities occurring and any required reclamation will be completed as soon as possible.	O&M
GUSG-8	Maintenance and construction crews will be required to drive 35 miles per hour (mph) or less on all roads associated with GuSG occupied habitat in Dry Creek Basin (with the exception of SH 141) to minimize vehicle collisions with GuSG.	C and O&M
GUSG-9	An agency approved environmental monitor will be present at all times during construction in GuSG occupied habitat to ensure compliance with any and all environmental protection and mitigation measures identified in the Environmental Assessment (EA) and Biological Assessment (BA). The environmental monitor is given full authority to stop or modify construction activities that may be affecting GuSG and other sensitive resources.	C
GUSG-10	Construction and maintenance crews will be required to go through formal environmental training prior to the initiation of construction and maintenance activities in GuSG habitat to ensure compliance with all approved EPMs and mitigation measures for the project.	C and O&M
GUSG-11	Any areas disturbed during project construction and future maintenance activities will be reclaimed using an approved weed-free native seed mix beneficial to GuSG, as provided by the affected land management agency/landowner.	C and O&M
GUSG-12	Tri-State and its contractor(s) will treat noxious weeds infestations per NW-1 through NW-8 to minimize habitat effects impacts to GuSG.	C and O&M
GUSG-13	Tri-State will monitor and maintain the condition of the perch discouragers for the life of the transmission line. Tri-State in coordination with BLM and CPW will monitor the efficacy of the perch discouragers installed in occupied habitat for GuSG for two years. This will include one year of pre-construction monitoring to evaluate current perching activity on the existing 115-kV line.	O&M
GUSG-14	A draft GuSG design minimization and conservation strategy has been prepared by Tri-State for the existing alignment through Dry Creek Basin. This draft minimization strategy can be found in the <i>Biological Resource Plan, Appendix B</i> .	C and O&M
GUSG-15	<p>Establish and implement a fire prevention and suppression plan for construction and future heavy maintenance activities. Adhere to seasonal fire restrictions and stipulations which may include:</p> <ul style="list-style-type: none"> <li>• Educate crews how to enforce and practice appropriate fire prevention and suppression actions and behavior.</li> <li>• Minimize idling during construction and routine maintenance activities.</li> <li>• Park vehicles in designated parking or construction areas. Avoid parking over tall, dry vegetation.</li> <li>• Implement use of spark arrestors.</li> </ul>	C and O&M

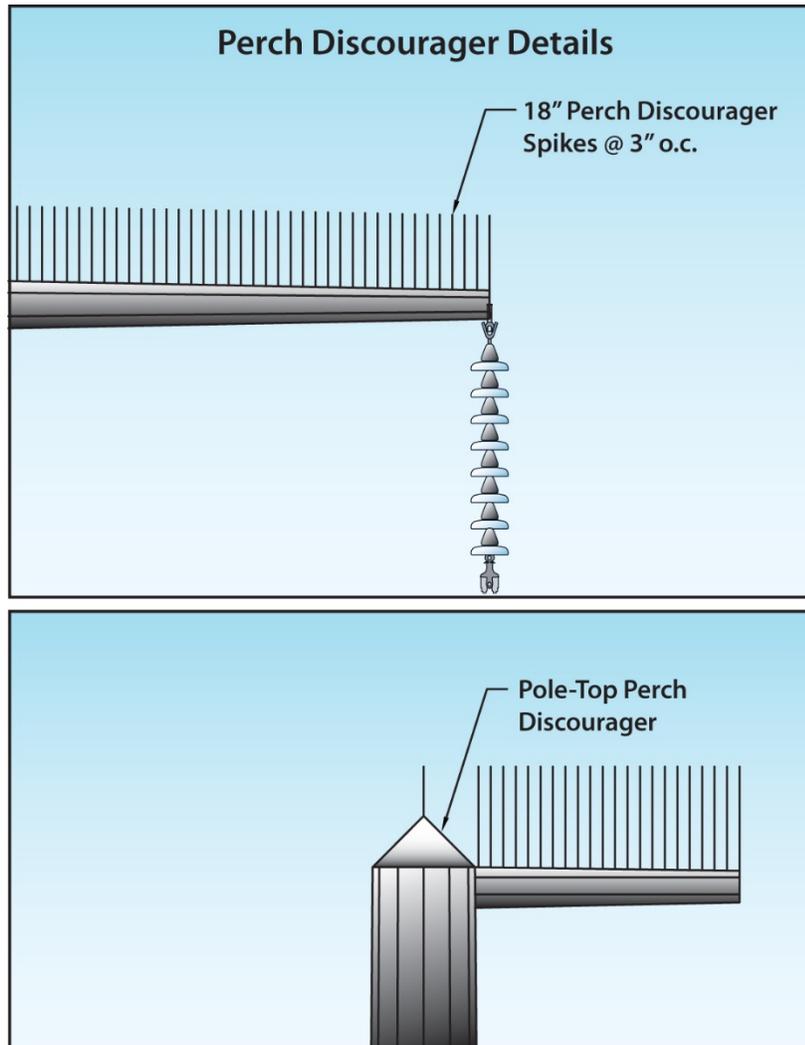
Topic - No.	Applicant Committed EPMs And Design Features For Construction (C), Operation, And Maintenance (O&M)	Applicable to C and/or O&M*
GUSG-16	Any areas disturbed during project construction and future maintenance activities will be reclaimed using an approved weed-free, native seed mix as provided by the affected land management agency/owner.	C and O&M
GUSG-17	Tri-State will design access and pad sites for structures locations in a manner that minimizes effects to the greatest extent feasible while also allowing for the safe operation of construction of maintenance and construction equipment.	C

**Tri-State’s Committed Engineering/Design Specific Conservation Measures**

Tri-State has proposed and committed to multiple engineering and design modifications to their proposed action in order to minimize project related effects to GuSG and critical habitat. Tri-State has agreed to utilize single-pole steel structure configurations to minimize avian predator nesting and perching on structures in GUSG critical habitat. Utilizing steel structures relative to the originally proposed H-frame wood structures will reduce the frequency of routine maintenance needed on the line (excluding cases of vandalism), the frequency with which crews will need to access the ROW for major corrective actions, thereby reducing temporary disturbance to GuSG. Replacing H-Frame structures within the existing alignment with steel monopoles with perch discouragers will reduce the number of structures across GuSG critical habitat. Replacing H-frames with monopole structures along with the installation of perch discouragers (see Figure B-1) on the pole top and davit arms will result in a beneficial effect to GuSG by reducing the amount of time ravens or other avian predators are perching on the transmission line.

Replacing H-Frame structures within the existing alignment with steel monopoles with perch discouragers will reduce the number of structures across GuSG critical habitat from 72 to approximately 50. Replacing H-frames with fewer and single monopole structure along with the installation of perch discouragers on the pole top and davit arms will result in a beneficial effect to GuSG relative to the environmental baseline.

The proposed action will be approximately 7.6 miles in length. Tri-State has committed to changing the standard wood H-frame design to a single, self-supporting steel structure. The cost of wood pole construction on the existing alignment alternative is approximately \$3,864,600.00 (\$508,500.00/mile). The cost to change to single pole steel structures on the existing alignment is \$5,959,920.00 (\$784,200.00/mile). This results in commitment of approximately \$2,095,320 in design features to mitigate grouse impacts. Tri-State has also committed an additional \$120,000.00 (\$40,000.00 /structure) to eliminate guy wires on turning structures (also known as P.I.s) to make the poles “self-supporting”. Removing guy wires may reduce collision risk of GuSG and the overall footprint of the structure itself. The horizontal surfaces on the davit arm



**Figure B-1. Perch Discourager Detail for Dry Creek Basin**

configuration and the pole top will be fitted with perch discouragers as shown in the attached figure. The perch discouragers will be inspected annually, and damaged or missing discouragers will be replaced as soon as maintenance can obtain a clearance on the line (required to safely conduct maintenance on an energized line). Tri-State has committed approximately \$150,000.00 towards perch discourager design, requisition, and installation.

The proposed action is expected to result in approximately 31 acres of direct disturbance to GuSG occupied habitat. This direct disturbance will occur in an existing authorized utility corridor and associated access roads, and therefore the temporary impacts will be minimized through incorporation of EPMs listed in Table B-3.

Tri-State has proposed these design elements as incorporated into the Proposed Action to minimize potential avoidance and predation effects, and result in a beneficial impact to GuSG in Dry Creek Basin. This project will replace the existing 115-kV line with a 230-kV line which will provide a direct and indirect beneficial effect to the grouse relative to existing conditions (the environmental baseline) by: reducing the number of structures currently on the landscape from 73 to 50 (reduces avoidance related effects as well as perching surfaces for corvids); installation of a structure type that minimizes perching surfaces to the greatest extent practical while maintaining safety clearances (minimizes potential corvid predation); installing perch discouragers to reduce the duration of corvids perching on structures; utilizing an existing electric ROW and an existing access road network (keeps impacts confined to an existing corridor ). Tri-State believes these committed design elements mitigate the potential existing effects associated with rebuilding the transmission line in place.

### **Conservation Strategy for the Proposed Action**

Given the extensive design elements and the total cost (approximately \$2,365,320) of Tri-State's proposed engineering/design features, as well as committed environmental protection measures to minimize project related effects to GuSG, Tri-State is not proposing additional compensatory mitigation for the Proposed Action. However, Tri-State is volunteering the following conservation strategy to improve habitat for GuSG and to protect crucial habitat for the GuSG San Miguel Basin Population.

Tri-State's conservation strategy will result in long-term beneficial effects to the San Miguel GuSG population and habitat improvements within Dry Creek Basin. The agency biologists have been clear that the transmission line is not the primary source of direct and indirect effects to the GuSG in Dry Creek Basin. The problem is described as one of "death by many cuts" both man-made and environmental factors. In order to address long-term recovery goals, a collaborative effort between federal, state, county, and local entities and local industry is required. This proposed voluntary conservation strategy will encourage a collaborative effort to address GuSG survival in Dry Creek Basin and target those measures in a way that provides the greatest benefit to the GuSG.

Tri-State has committed to purchasing an approximately 500 acre parcel of property near Miramonte Reservoir (Dan Noble) State Wildlife Area. This 500 acre parcel will be incorporated into the State Wildlife Area and will be under the ownership and management of CPW. This parcel has been a conservation priority for CPW and San Miguel County because it contains the last remaining documented GuSG lek that is unprotected. CPW has collected extensive telemetry data on the GuSG use of this parcel and has documented the use of both lek and brood-rearing on the property. The habitat quality of this parcel is substantially greater than that found in the portion of Dry Creek Basin where the existing Montrose-Nucla-Cahone 115-kV transmission line occurs. This investment will provide a long-term net conservation benefit to the San Miguel Basin GuSG population.

In addition to purchase of the parcel, Tri-State has voluntarily committed \$100,000.00 for habitat improvement projects in the Dry Creek Basin both on and off BLM administered lands. The BLM will plan, implement, manage, and monitor the habitat improvement projects, and provide annual status and expenditure updates to Tri-State on the implemented projects and efficacy of these funded habitat improvement projects.

Habitat improvement projects that may be implemented by the BLM may include but are not limited to:

- Pinyon-Juniper Removal within critical habitat in areas with early stage (Phase I) pinyon-juniper communities.
- Water development/enhancement projects within Dry Creek Basin. These projects may include funding towards the installation of Zeedyk check dams, Zuni bowls, plug and spread methods, and channel shaping.
- Inter-seeding, mowing, or other habitat efforts within Dry Creek Basin designed to enhance understories where needed (recognizing these efforts have had limited success in the past and likely will need refinement to enhance success).
- Fence Removal or fence marking.

Table B-4 below addresses the primary threats to GuSG and the voluntary conservation measures that are being proposed to counterbalance these threats.

**Table B-4. Tri-State MNC 230kV Improvement Project - Voluntary Conservation Measure Alternatives Summary for Tri-State’s Proposed Alternative (Re-build in Place) within GuSG Occupied Habitat in Dry Creek Basin**

	Potential Effect	Conservation Alternative	Conservation Benefit	Description
1	Fragmentation, drought, poor habitat quality	Habitat Enhancement	Increased survival and habitat availability in Dry Creek Basin	Tri-State will contribute \$100,000.00 towards habitat improvement projects in Dry Creek Basin to be planned, implemented, managed, and monitored by the BLM. Tri-State will purchase an approximately 500 acre parcel near Miramonte Reservoir that contains a lek and brood-rearing habitat.

	Potential Effect	Conservation Alternative	Conservation Benefit	Description
2	Limited Population Size and Survivability	Habitat Enhancement/Habitat Conservation	Increased Survival and Genetic Variability	Habitat improvement in Dry Creek Basin should improve population size and survivability in Dry Creek Basin. Habitat acquisition near Miramonte will preserve the last unprotected lek and associated brood-rearing habitat for the San Miguel GuSG population which will have a direct benefit to GuSG survivability.
3	Fragmentation; Direct and indirect impacts to Critical Habitat (CH)	Habitat enhancement: Weed Management	Weed monitoring and management to improve overall habitat for GuSG (above location options apply)	Tri-State will treat noxious weeds in the treatment area to prevent spread and propagation of noxious weeds which will affect the success of grass and forb restoration post- construction. Tri-State will treat noxious weeds associated with the transmission ROW for the life of the facility.
4	Human Disturbance	Re-Build the Transmission Line in an existing corridor	Reduces new habitat fragmentation	Utilize the existing transmission ROW and associated existing access road for construction and future maintenance activities. Temporary disturbance will be re-seeded using the approved BLM mix included in the Final Reclamation Plan, Appendix P.
5	Fragmentation; Direct and indirect impacts to CH	Expand State Wildlife Area-Purchase of Approximately 500 acres of land near Miramonte Reservoir with a GuSG lek that borders an existing State Wildlife Area.	Increase critical habitat protected in perpetuity	Tri-State will fund the purchase of a parcel near Miramonte Reservoir for CPW.
6	Fragmentation; Direct and indirect impacts to CH	Land Acquisition at Miramonte Reservoir  Habitat Enhancement Funding	Protection of habitat	Tri-State will fund the purchase of a parcel near Miramonte Reservoir for CPW.  Reclamation of temporarily disturbed areas will occur post-construction. Perch discouragers will be installed to minimize perch duration and nesting opportunities on the new transmission line structures.

	Potential Effect	Conservation Alternative	Conservation Benefit	Description
7	Fragmentation; Direct and indirect impacts to CH	Habitat Enhancement Funding	Improve forage and habitat sustainability and extent	Habitat enhancement project funding may include seeding, pinyon-juniper removal, water enhancement projects, etc. as determined by the BLM in coordination with the State and USFWS.
8	Fragmentation; Direct and indirect impacts to CH	Habitat enhancement: Water sources	Increased brood-rearing habitat which will have a direct benefit to production and chick survival	Habitat enhancement funding may be used for water enhancements in Dry Creek Basin.

### Monitoring of Perch Discourager Efficacy

Tri-State has contracted EDM, International in Fort Collins to prepare a perch discourager monitoring study for the Dry Creek Basin. Tri-State will contract BIO-Logic and EDM, International to monitor current raven use of the existing structures in 2017 and conduct two years of monitoring the effectiveness of the perch discouragers on the modified davit arm structure in Dry Creek Basin. The USFWS, BLM, and CPW will be provided the proposed study design for review and comment prior to any monitoring activities being initiated. Annual reports will be provided to the BLM, CPW, USFWS, and San Miguel County on monitoring results. The draft monitoring proposal will be submitted to CPW, USFWS, and BLM by December of 2016. It is assumed that the final plan is not needed prior to the FONSI as Tri-State has been told research does not apply towards conservation efforts. This study is being voluntarily offered to collect further information on the efficacy of perch discouragers on a modified davit arm structure type. The monitoring results will only be used to document raven response to the discouragers, not to quantify raven populations in Dry Creek Basin or to make assumptions regarding the potential effects of raven predation on GuSG in Dry Creek Basin.

### References

- Avian Power Line Protection Committee. (2012). Reducing Avian Collisions with Power Lines, The State of the Art in 2102. *Edison Electric Institute and Avian Power Line Protection Committee*.
- Colorado Parks and Wildlife. (2008). *Recommended buffer zones and seasonal restrictions for Colorado Raptors*. Denver: Colorado Parks and Wildlife.
- Federal Register. (2001, January 10). Migratory Bird Executive Order 13186.