LOW-IMPACT RECERTIFICATION APPLICATION

Buffalo River Hydroelectric Project, LIHI # 21

(FERC NO. 1413)

October 2021

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1. FACILITY DESCRIPTION

The Buffalo River project is located on the Buffalo River near its confluence with the Henry's Fork River, about 39 miles north of Ashton in Fremont County, Idaho. The project is located in the northeast corner of Fremont County near the border with Montana and Wyoming (Figure 1). The project is owned by the Fall River Rural Electric Cooperative, Inc. (FRREC) and occupies about 9.8 acres of land within the Caribou-Targhee National Forest, administered by the US Forest Service (USFS). The project operates under a Special Use Permit with USFS (Appendix A). The dam is the only one on the Buffalo River. The Island Park Dam and Reservoir, a major U.S. Bureau of Reclamation (USBR) development, is located on the Henrys Fork of the Snake River just upstream of the confluence. The Island Park hydro project is also owned by FRREC and is LIHI certified as No. 2 (Figure 2).

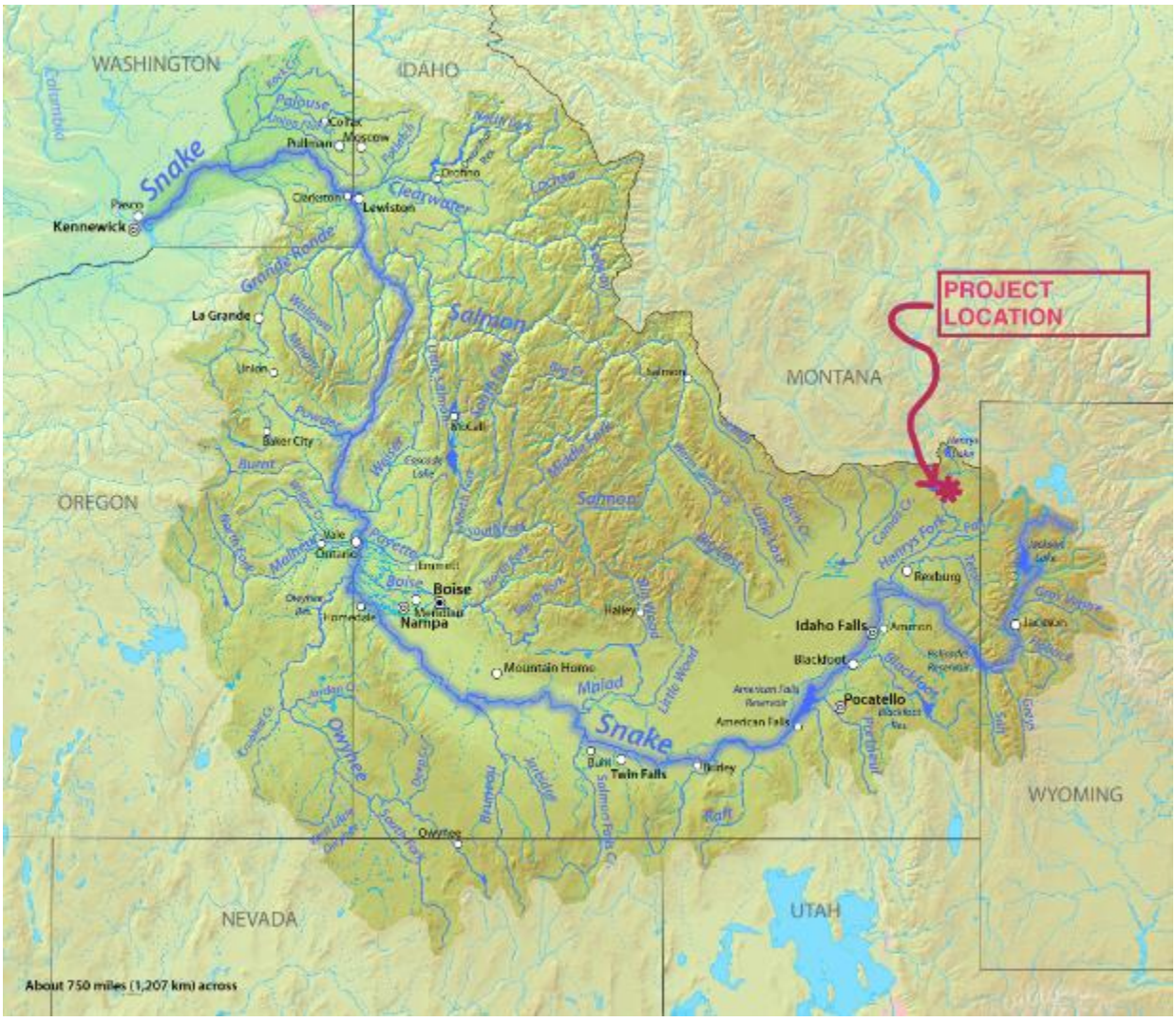

Figure 1. Project location.

Figure 2. Buffalo River Dam.

The project was first certified by LIHI in 2006 for a 5-year period. The certification lapsed from 2011 – 2016 until certification was sought again. At that time, the project was certified effective November 28, 2016 through November 28, 2021. The current certification included the following condition:

> Condition 1. The Owner shall consult the USGS and HFF on how best to adjust flow records on an ongoing basis in order to assure their accuracy. Within 90 days of receipt of the LIHI certification, the Owner shall provide proof of the consultation and a description of the steps that have been taken to correct the problem.

This condition was closed in 2017 upon agreement that Henry's Fork Foundation (HFF) would calibrate the stream gage 3 to 4 times annually and FRREC staff would read the gage daily and provide stream flow data to HFF. Fall River provides the daily staff gauge readings to HFF at the end of each month. HFF checks calibration during the year. HFF has obtained a permit to install an automated gauge that should become operational next year.

There have been no material changes at the project since it was last certified by LIHI.

The Buffalo River is 10.5 miles in length and drains an area of about 36.7 square miles. River flows are predominantly derived from springs that originate in the headwaters. The springs provide a stable year-round base flow at the project of about 200 cfs.

The dam was built in 1936 to generate hydroelectric power for the construction of USBR's Island Park Dam and Reservoir, part of the Minidoka Project, which provides water to irrigate farmland in Idaho's Snake River Plain. The facility was subsequently acquired by Ponds Lodge, a resort lodge located upstream on the Buffalo River in Island Park. It provided power for the lodge until the powerhouse was struck by lightning and burned in 1986. Buffalo Hydro, Inc. acquired a new license for the project in 1989 and rebuilt the powerhouse, resuming hydroelectric operation in 1994. In 1997, Buffalo Hydro, Inc.

sold their operation to FRREC. On November 5, 2004[1] the Federal Energy Regulatory Commission (FERC) issued a subsequent license for the Buffalo Hydroelectric Project for a period of 40 years. That license also incorporated various USFS 4(e) conditions, embodied in license article 401. USFS conducts annual inspections of the project and files inspection reports with FERC. All inspections have determined that the project is in compliance with USFS condtions and the special use permit.

The project consists of a 142-foot-long by 12-foot-high timber-faced rock-filled diversion dam. In 2005 the upstream face of the dam was sealed to prevent leakage and entrainment of trout in the leakage openings. A new intake structure was built in 2005 with fish screens and a mechanical screen cleaner having openings of 0.25 inch and a screen approach velocity less then 0.8 feet per second.

The project has two spillways, a 40-foot-long by 3-foot-high concrete slab spillway with stop logs and a small auxiliary spillway. The original fishway was replaced in 2005 with a 270-foot long fishway to pass age 0 trout as small as 100 mm. The fishway was designed in consultation with the USFS, the U.S. Fish and Wildlife Service (FWS), Idaho Department of Fish and Game (IDFG), and Henry's Fork Foundation (HFF).[2]

The 250-kW Bouvier Kaplan inclined shaft turbine is fed by a 52-foot-long by 5-foot-diameter concrete encased steel penstock. The turbine is located in a 34 by 22-foot masonry block powerhouse. The powerhouse was constructed with materials that blend into the area. This material includes black split face masonry block with stucco on the concrete foundation.

The dam creates an impoundment of about 1.9 acres. The project diverts a fixed flow of 100 cfs from the Buffalo River year-round, directing the flow via a short 52-foot-long penstock to the powerhouse on the east bank of the Henry's Fork about 330 feet upstream of the Buffalo River confluence. The diversion creates a 660-foot-long bypassed reach. The estimated total average annual generation is 1.6 GWh. The generation is transferred in a 1,800-foot-long underground transmission line.

Project features are shown in Figures 3-6 below.

[1] FERC had issued the original license for the project on March 14, 1980.

[2] Henry's Fork Foundation is a nonprofit based in eastern Idaho that uses a science-based, collaborative approach to promote favorable streamflow, good water quality, healthy fish populations, and a positive fishing experience in the Henry's Fork and South Fork Snake River watersheds. HFF has completed or funded well over 100 research and monitoring projects, conducted numerous on-the-ground restoration projects, and worked to safeguard public river access.

Figure 3. Impoundment

Figure 4. Bypassed Reach and Fish Ladder (looking downstream)

Figure 5. Overflow Spillway and Fish Attractant Pipe

Figure 6. Powerhouse and Henry's Fork (looking upstream))

Table 1. Facility Information Table

Item	*Information Requested*	*Response (include references to further details)*
Name of the Facility	Facility name (use FERC project name or other legal name)	Buffalo River
Reason for applying for LIHI Certification	• To participate in state RPS program and specify the state and the total MW/MWh associated with that participation (value and % of facility total Mw/MWh). • To participate in voluntary REC market (e.g., Green-e) • To satisfy a direct energy buyer's purchasing requirement • To satisfy the facility's own corporate sustainability goals • For the facility's corporate marketing purposes • Other (describe)	(select the most applicable) To participate in voluntary REC market and satisfy company's sustainability goals.
	If applicable, amount of annual generation (MWh and % of total generation) for which RECs are currently received or are expected to be received upon LIHI Certification	100%
Location	River name (USGS proper name)	Buffalo River
	Watershed name - Select region, click on the area of interest until the 8-digit HUC number appears. Then identify watershed name and HUC-8 number from the map at: https://water.usgs.gov/wsc/map_index.html	Upper Henry's HUC 8: 17040202
	Nearest town(s), county(ies), and state(s) to dam	Island Park, Freemont County, Idaho
	River mile of dam above mouth	1.0
	Geographic latitude of dam	44.414583
	Geographic longitude of dam	-111.392778
Facility Owner	Application contact names (Complete the Contact Form in Section B-4 also):	Dave Peterson Fall River Rural Electric Cooperative
	Facility owner company and authorized owner representative name. **For recertifications: If ownership has changed since last certification, provide the effective date of the change.**	Bryan Case, General Manager Fall River Rural Electric Cooperative
	FERC licensee company name (if different from owner)	n/a

Item	*Information Requested*	*Response (include references to further details)*
Regulatory Status	FERC Project Number (e.g., P-xxxxx), issuance and expiration dates, or date of exemption	P-1413 issued 11/05/2004, expires 10/31/2044
	FERC license type (major, minor, exemption) or special classification (e.g., "qualified conduit", "non-jurisdictional")	minor
	Water Quality Certificate identifier, issuance date, and issuing agency name. Include information on amendments.	Idaho WQC issued 11/10/2003 https://elibrary.ferc.gov/eLibrary/filedownload?fileid=004695C8-66E2-5005-8110-C31FAFC91712
	Hyperlinks to key electronic records on FERC e-library website or other publicly accessible data repositories	2004 FERC license https://elibrary.ferc.gov/eLibrary/filedownload?fileid=01CE1606-66E2-5005-8110-C31FAFC91712 2016 FERC order modifying article 407 https://elibrary.ferc.gov/eLibrary/filedownload?fileid=01E431CB-66E2-5005-8110-C31FAFC91712 2005 FERC order amending article 402 https://elibrary.ferc.gov/eLibrary/filedownload?fileid=01CEC2A5-66E2-5005-8110-C31FAFC91712
Powerhouse	Date of initial operation (past or future for pre-operational applications)	1936
	Total installed capacity (MW) **For recertifications: Indicate if installed capacity has changed since last certification**	0.25 No change
	Average annual generation (MWh) and period of record used **For recertifications: Indicate if average annual generation has changed since last certification**	1608 MWh 1995 – 2020 Average changed from 1800 MWhs to 1608 MWhs. 1608 MWhs is actual average for period 1995 to 2020.
	Mode of operation (run-of-river, peaking, pulsing, seasonal storage, diversion, etc.) **For recertifications: Indicate if mode of operation has changed since last certification**	Run of river No change
	Number, type, and size of turbine/generators, including maximum and minimum hydraulic capacity and maximum and minimum output of each turbine and generator unit	One 250-kW Bouvier Kaplan inclined shaft turbine Hydraulic capacity = 100 cfs (minimum and maximum)
	Trashrack clear spacing (inches) for each trashrack	0.25 inch

Item	*Information Requested*	*Response (include references to further details)*
	Approach water velocity (ft/s) at each intake if known	0.8 feet/second
	Dates and types of major equipment upgrades **For recertifications: Indicate only those since last certification**	N/A
	Dates, purpose, and type of any recent operational changes **For recertifications: Indicate only those since last certification**	N/A
	Plans, authorization, and regulatory activities for any facility upgrades or license or exemption amendments	N/A
Dam or Diversion	Date of original dam or diversion construction and description and dates of subsequent dam or diversion structure modifications	1936
	Dam or diversion structure length, height including separately the height of any flashboards, inflatable dams, etc. and describe seasonal operation of flashboards and the like	142-foot-long by 12-foot-high timber-faced rock-filled diversion dam
	Spillway maximum hydraulic capacity	Not known.
	Length and type of each penstock and water conveyance structure between the impoundment and powerhouse	52 foot long penstock
	Designated facility purposes (e.g., power, navigation, flood control, water supply, etc.)	Hydroelectric power
Conduit Facilities Only	Date of conduit construction and primary purpose of conduit	n/a
	Source water	n/a
	Receiving water and location of discharge	n/a
Impoundment and Watershed	Authorized maximum and minimum impoundment water surface elevations **For recertifications: Indicate if these values have changed since last certification**	n/a run of river No change
	Normal operating elevations and normal fluctuation range **For recertifications: Indicate if these values have changed since last certification**	n/a run of river No change
	Gross storage volume and surface area at full pool **For recertifications: Indicate if these values have changed since last certification**	1.9 acres, gross storage unknown No change
	Usable storage volume and surface area **For recertifications: Indicate if these values have changed since last certification**	Negligible

Item	*Information Requested*	*Response (include references to further details)*
	Describe requirements related to impoundment inflow and outflow, elevation restrictions (e.g., fluctuation limits, seasonality) up/down ramping and refill rate restrictions.	n/a, instantaneous run of river
	Upstream dams by name, ownership and river mile. If FERC licensed or exempt, please provide FERC Project number of these dams. Indicate which upstream dams have downstream fish passage.	None
	Downstream dams by name, ownership, river mile and FERC number if FERC licensed or exempt. Indicate which downstream dams have upstream fish passage	None
	Operating agreements with upstream or downstream facilities that affect water availability and facility operation	n/a
	Area of land (acres) and area of water (acres) inside FERC project boundary or under facility control. Indicate locations and acres of flowage rights versus fee-owned property.	9.8 acres on federal land. 0.1 acres is occupied by project facilities, 1.9 acre impoundment
Hydrologic Setting	Average annual flow at the dam, and period of record used	236 cfs - 2013-2020
	Average monthly flows and period of record used	2013-2020 January 207 cfs February 218 cfs March 222 cfs April 234 cfs May 297 cfs June 249 cfs July 242 cfs August 227 cfs September 230 cfs October 228 cfs November 223 cfs December 216 cfs
	Location and name of closest stream gaging stations above and below the facility	Upstream: USGS # 13042500 HENRYS FORK NR ISLAND PARK ID Downstream: USGS # 13043500 HENRYS FORK AT DEWINARS RANCH NR ISLAND PARK ID
	Watershed area at the dam (in square miles). Identify if this value is prorated from gage locations and provide the basis for proration calculation.	About 36.7 sq. miles
	Other facility specific hydrologic information	n/a
Designated	Number of zones of effect	3

Item	*Information Requested*	*Response (include references to further details)*
Zones of Effect	Type of waterbody (river, impoundment, bypassed reach, etc.)	Zone 1: impoundment Zone 2: bypassed reach Zone 3: tailrace
	Upstream and downstream locations by river miles	Zone 1: RM 1.0 – RM 1.13 Zone 2: RM 1.0 – RM 0.87 Zone 3: RM 1.0 – RM 0.92
	Delimiting structures or features	The dam delimits zones 1 and 2, and zones 1 and 3.

2. STANDARDS MATRICES

Table 2. Standard selections

	Zone:	**1: Impoundment**	**2: Bypass**	**3. Tailrace**
River Mile Extent:		RM 1.13 – 1.0	RM 1.0 – 0.87	RM 1.0 – 0.92
Criterion		**Standard Selected**		
A	**Ecological Flows**	1	2	1
B	**Water Quality**	1	1	1
C	**Upstream Fish Passage**	1	2	2
D	**Downstream Fish Passage**	2	2	1
E	**Shoreline and Watershed Protection**	1	1	1
F	**Threatened and Endangered Species**	1	1	1
G	**Cultural and Historic Resources**	1	1	1
H	**Recreational Resources**	2	2	2

Figure 7 below shows the Zones of Effect and the standards selected to meet the LIHI criteria are discussed in Section 3.

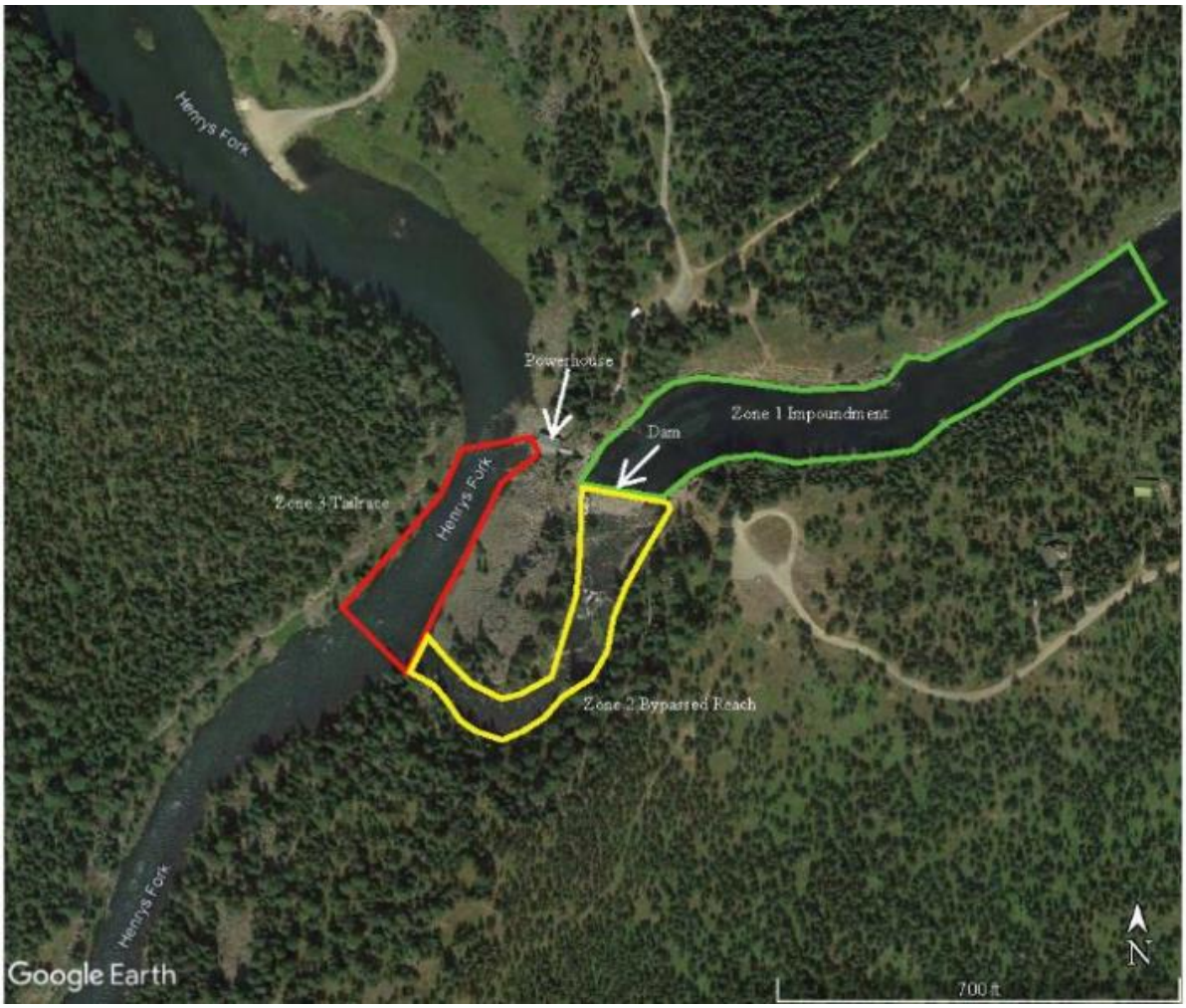

Figure 7. Zones of Effect

3. SUPPORTING INFORMATION

a. Ecological Flow Regimes

Criterion	*Standard*	*Instructions*
A	2	Agency Recommendation: • Identify the proceeding and source, date, and specifics of the agency recommendation applied (NOTE: there may be more than one; identify and explain which is most environmentally protective). • Explain the scientific or technical basis for the agency recommendation, including methods and data used. This is required regardless of whether the recommendation is or is not part of a Settlement Agreement. • Explain how the recommendation relates to formal agency management goals and objectives for fish and wildlife. • Explain how the recommendation provides fish and wildlife protection, mitigation and enhancement (including in-stream flows, ramping and peaking rate conditions, and seasonal and episodic instream flow variations). • Explain how flows are monitored for compliance.

Zone 1, the impoundment qualifies for Standard A-1 since the project operates in run of river mode with no impoundment storage. Zones 2 and 3 qualify for Standard A-2.

The project operates in a true run of river mode under license article 402 and diverts 100 cfs for generation. Inflow less than 100 cfs (the turbine's fixed hydraulic capacity) is passed over the dam with 10 cfs through the fishway, 2 cfs through the fish attractant pipe, and the remainder over the spillway. FERC amended Article 402 in 2005 allowing for short term deviations from run-of-river when the station is taken off line that results in a lag time of about 20 – 30 minutes before the forebay elevation rises enough that flows over the spillway approximate inflows. Run of river operation can be temporarily modified due to operating emergencies beyond the control of the licensee, and for short periods upon agreement of Idaho Department of Fish and Game, and the U.S. Forest Service, and with notification to FERC within 10 days after each incident. This has not occurred in the past.

Article 403 required an Operational Compliance Monitoring Plan[3] which includes monitoring river flow and project operation and providing the data to agencies upon request. License article 410 required development of a Diversion Operation Plan[4] to maintain the Buffalo River channel in the project area and pass large woody debris past the project for its habitat benefit downstream. The plan includes monitoring of the spillway for debris and monitoring of the fishway channel after high flow events to ensure fish access is maintained and the fishway remains intact.

The bypassed reach is about 660 feet long and characterized by two major steep gradient sections and other moderate gradient sections. Riffle habitat predominates based on habitat mapping and habitat quality that was characterized during the last relicensing. Aquatic habitat studies at that time also indicated that habitat in the bypassed reach is almost identical to adjacent areas upstream and downstream of the project, and that the existing bypass flows of about 50% of total inflow when the project is

[3] https://elibrary.ferc.gov/eLibrary/filedownload?fileid=00FCABE4-66E2-5005-8110-C31FAFC91712
[4] https://lowimpacthydro.org/wp-content/uploads/2021/10/20050517-Buffalo-River-Various-license-plans.pdf

generating, were sufficient to sustain the aquatic ecosystem in the reach. No agencies or FERC recommended a change in the bypass flow although IDFG stated that if the river hydrology changed in the future, a bypassed reach flow of 50 cfs would be essential to protect aquatic resources in the Buffalo River.[5] There have been no changes in river hydrology that warrant re-evaluation of the bypassed reach flow and no agency has ever requested such an evaluation.

The prior LIHI certification review report[6] included calculations of the bypassed reach flow using the Tennant Montana Method, a regionally accepted approach to assess flow adequacy for aquatic biota. That method uses 30% of average daily flow to characterize good habitat conditions. The report used available daily low flow values from 2012 – 2016 and determined that existing bypassed reach flows exceeded the 30%. For this recertification, additional flow data from 2017 to 2021 (to date) was used to provide a longer timeframe of data since 2012 – 2016 were somewhat drier than normal.

Table 3. Bypassed Reach Flow Calculations

Year	Low Daily Average River Flow (cfs)	30% of Flow (cfs)
2012	185	56
2013	178	53
2014	165	50
2015	170	51
2016	183	55
2017	210	63
2018	210	63
2019	218	65
2020	200	60
2021 to date	202	61
Average	192	58

In every year, flows in the bypassed reach remained above IDFG's informal flow recommendation of 50 cfs and therefore provide good habitat conditions based on the Tennant method.

b. Water Quality

Criterion	*Standard*	*Instructions*
B	1	Not Applicable / De Minimis Effect: • Explain the rationale for why the facility does not alter water quality characteristics below, around, and above the facility.

All zones qualify for Standard B-1.

Uses of the Buffalo River in the project reach are designated for aquatic life: cold water communities – salmonid spawning; primary contact recreation; and domestic water supply. Under the state water quality standards, a salmonid spawning designation invokes more stringent temperature and dissolved oxygen criteria compared to other aquatic life designations.

Although a water quality certification application was filed with the Idaho Department of Environmental

[5] https://elibrary.ferc.gov/eLibrary/filedownload?fileid=01CDEC10-66E2-5005-8110-C31FAFC91712
[6] https://lowimpacthydro.org/wp-content/uploads/2020/07/BuffaloRiverIDFinal22Feb2017.pdf

Quality (IDEQ) on November 26, 2002, IDEQ did not act on the application until November 28, 2003, just outside of the maximum one year allotted under federal Clean Water Act Section 401 for final action on an application. FERC therefore deemed the certification waived. The certification was later issued in 2003 and contained no conditions, so the determination of a waiver had no material effect.

The Idaho 2018/2020 Integrated Report identifies the reach encompassing the project (assessment unit ID 17040202SK016_03) has insufficient data and information to determine if beneficial uses are being attained and is listed as Category 3, not assessed (Figure 8). The reach from Elk Creek upstream and above the project not listed as Category 4a, not supporting aquatic habitat due to sedimentation/siltation.[7]

As part of LIHI certification in 2016, IDEQ stated in an email to the Applicant's consultant dated July 6, 2016: "DEQ can't confirm compliance with numeric standards due to the lack of data; however, DEQ is confident the Project is not adding common pollutants such as sediment solar load (temperature) by the current operations". Project operations have not changed since that time and given the run of river operations the project does not impact water quality in the Buffalo River.

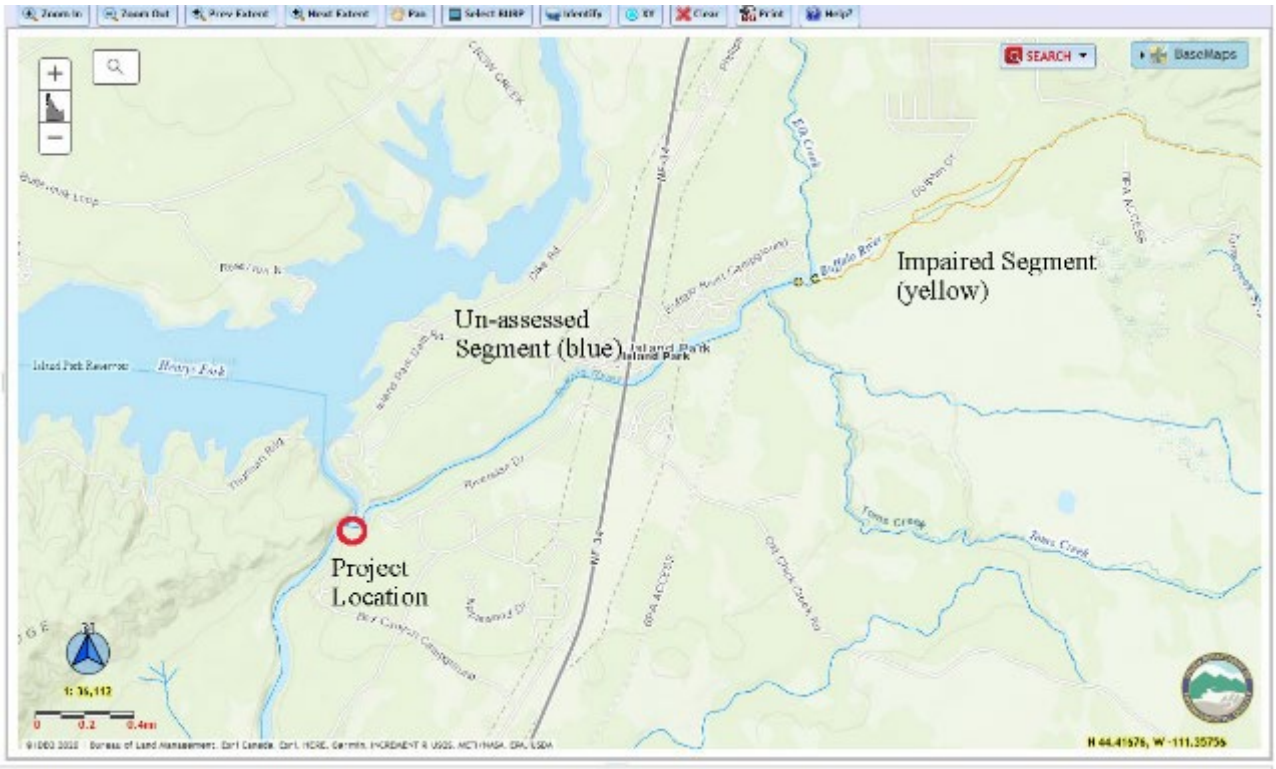

Figure 8. 2018/2020 State Integrated Report[8]

[7] https://www2.deq.idaho.gov/admin/LEIA/api/document/download/14890
[8] https://mapcase.deq.idaho.gov/wq2020/default.html

c. Upstream Fish Passage

Criterion	*Standard*	*Instructions*
C	2	Agency Recommendation: • Identify the proceeding and source, date, and specifics of the agency recommendation applied (NOTE: there may be more than one; identify and explain which is most environmentally protective). • Explain the scientific or technical basis for the agency recommendation, including methods and data used. This is required regardless of whether the recommendation is or is not part of a Settlement Agreement. • Describe any provisions for fish passage monitoring or effectiveness determinations that are part of the agency recommendation, and how these are being implemented. • Provide evidence that required passage facilities are being operated and maintained as mandated (e.g., meets season, coordination with agencies)

Zone 1, the impoundment, qualifies for Standard C-1 since once fish have passed above the dam there is no further project obstruction to continued passage. Zones 2 and 3 qualify for Standard C-2 as it relates to resident fish rather than migratory fish.

The Project is located in the Snake River headwaters with natural barriers downstream (Figure 8), diadromous fish did not use the Project area historically. Henry's Fork and the Buffalo River support rainbow trout, brook trout, mountain whitefish, as well as several non-game species. In the 1930s, construction of the Buffalo River Dam blocked upstream fish passage to the Buffalo River, the only large tributary to the Henrys Fork between Island Park Dam (River Mile 91.7) and Mesa Falls (River Mile 65.0), two barriers that isolate this reach of Henry Fork.

Figure 8. Upper Mesa Falls, Targhee National Forest, on Henrys Fork 26 miles downstream of the Project.

The IDFG Fisheries Management Plan 2019-2024[9] identifies the river as a coldwater fishery managed for wild rainbow and brook trout. In 1996, a working group of the Henry's Fork Watershed Council realized the goal of restoring fish migration from the Henry's Fork into the Buffalo River with the completion of a fish ladder at the Buffalo River dam, replacing one built in the 1930s.

License article 405 required fishway construction, article 407 required monitoring of the fishway and reporting every third year (after three initial annual reports)[10], and article 408 required filing of an upstream fishway construction plan and schedule. The fish ladder was improved in 2006 to allow juvenile trout access to winter habitat and to increase the number of spawning trout migrating upstream in hopes of increasing recruitment to the Henry's Fork fishery. The 270-foot-long fishway was designed in consultation with the USFS, the U.S. Fish and Wildlife Service (FWS), Idaho Department of Fish and Game (IDFG), and Henry's Fork Foundation (HFF) and was put into operation in early 2006.

Article 407 was modified by FERC in 2016[11] with agency approval to reduce fishway monitoring from year-round to only the spring migration season, although the fishway continues to operate year-round. The purpose of monitoring according to USFS in a 2017 letter to FERC[12] is to verify the numbers of migrating adults that may be spawning in the Buffalo River. USFWS approved the monitoring change noting that the number of spawners and up-migrating young had remained relatively constant over time with little movement during winter.

In a 2016 comprehensive report[13] HFF performed data analysis from 2006 – 2016 and conducted various studies on timing of fishway utilization, fishway effectiveness, population genetics, and species composition. The report concluded that fish passage has been successfully restored between the Henry's Fork and Buffalo Rivers.

The latest three-year fishway report for 2017-2019 was filed in January 2020[14] and results indicate that the fishway continues to demonstrate its effectiveness. Numbers of fish passed met the historical average in 2019 and saw the most spawning sized rainbow trout since 2013. Monitoring includes trapping and measuring fish at the fish ladder, and releasing them upstream of the project. The fishway exit and screening on the attraction flow pipe entrance are inspected and cleaned to ensure the fishway remains operable. The entrance to the attraction pipe is located near the exit of the fish ladder and the operator checks these and cleans daily if needed.

[9] https://idfg.idaho.gov/sites/default/files/2019-2024-idaho-fisheries-management-plan-original.pdf
[10] https://lowimpacthydro.org/wp-content/uploads/2021/10/20050517-Buffalo-River-Various-license-plans.pdf
[11] https://elibrary.ferc.gov/eLibrary/filedownload?fileid=01E431CB-66E2-5005-8110-C31FAFC91712
[12] https://elibrary.ferc.gov/eLibrary/filedownload?fileid=01E6FCB0-66E2-5005-8110-C31FAFC91712
[13] https://elibrary.ferc.gov/eLibrary/filedownload?fileid=01E26B8E-66E2-5005-8110-C31FAFC91712
[14] https://elibrary.ferc.gov/eLibrary/filedownload?fileid=0205C0B6-66E2-5005-8110-C31FAFC91712

d. Downstream Fish Passage and Protection

Criterion	*Standard*	*Instructions*
D	2	Agency Recommendation: • Identify the proceeding and source, date, and specifics of the agency recommendation applied (NOTE: there may be more than one; identify and explain which is most environmentally protective). • Explain the scientific or technical basis for the agency recommendation, including methods and data used. This is required regardless of whether the recommendation is part of a Settlement Agreement or not. • Describe any provisions for fish passage monitoring or effectiveness determinations that are part of the agency recommendation, and how these are being implemented. • Provide evidence that required passage facilities are being operated and maintained as mandated (e.g., meets season, coordination with agencies)

Zones 1 and 2 qualify for Standard D-2, zone 3, the tailrace qualifies for Standard D-1 since once fish pass below the dam and bypassed reach there are no project obstructions to continued downstream passage.

License articles 406 required turbine and canal intake screening to prevent fish entrainment. Downstream passage is provided through the spillway. The screen was designed to meet USFS design standards for spacing (1/4-inch) and maximum approach velocity (0.8 ft/sec). Article 407 required impingement monitoring for the first three years after installation and every third year thereafter. Monitoring includes recording the number, species, lengths, and likely causes of death of fish on a daily basis. To date there have been no observations of impingement. If that occurred data would be provided to agencies. The screen is inspected and cleaned as needed to keep it clear and maintain proper approach velocities.

As part of the 2016 comprehensive report discussed above, HFF conducted a PIT-tag study in 2014 – 2015 to evaluate trout movement downstream after they had migrated upstream above the dam. Results indicated that most downstream migrating trout had not previously migrated upstream but were spawned upstream of the dam by resident fish in that reach.

e. Shoreland and Watershed Protection

Criterion	*Standard*	*Instructions*
E	1	Not Applicable / De Minimis Effect: • If there are no lands with significant ecological value associated with the facility, document and justify this (e.g., describe the land use and land cover within the FERC project or facility boundary). • Document that there have been no Shoreline Management Plans or similar protection requirements for the facility.

All zones qualify for Standard E-1.

The lands at the project site and the contributing watershed are primarily in federal ownership or control, including the impoundment, as part of the Targhee National Forest. There are no requirements for a shoreline management or similar protection plan. There are no lands of significant ecological value and

there are no designated critical habitats for threatened or endangered species (see below).

The immediate project vicinity is characterized by a steep basalt face along one bank of the forebay and a marshy area dominated by grasses, sedges, and rushes along the other bank. Downstream along the tailrace, upland vegetation frequently grows to the river margins and in many reaches, riparian shrubs are limited to a narrow strip.

License article 401 required development of a Scenery Management Plan[15] to preserve and enhance the existing scenic values at the project. The plan provided for minimizing visible changes to the dam, adding dark colored stucco to the existing powerhouse exterior and fishway surfaces to blend in with the native lava outcrops in the project area, placement of native rocks in strategic locations to further minimize the visual effects of facilities, and replanting after construction with native vegetation.

A vegetation management plan was also developed under article 401 (current version in Appendix B) as was an erosion control plan.[16] The vegetation management plan is intended to prevent the movement of invasive weeds into the project area during construction activities, prevent the spread of weeds within disturbed areas, and re-establish native plant species in potentially disturbed areas to prevent soil erosion. Erosion is monitored on the east side of the dam near the trail and parking lot, and no issues have been identified to date.

f. Threatened and Endangered Species

Criterion	*Standard*	*Instructions*
F	1	Not Applicable / De Minimis Effect: • Document that there are no listed species in the facility area or affected riverine zones downstream of the facility. • If listed species are known to have existed in the facility area in the past but are not currently present, explain why the facility was not the cause of the extirpation of such species. • If the facility is making significant efforts to reintroduce an extirpated species, describe the actions that are being taken.

All Zones qualify for Standard F-1.

An evaluation of habitat and potential effects of project construction and operation on listed and sensitive species was conducted under Article 401 and USFS conditions[17]. The evaluation concluded that two species of frogs, the Yellowstone cutthroat and bald eagle could be temporarily impacted by construction activities. Protection measures were incorporated into the report to minimize those impacts including restrictions on construction timing to avoid potential impacts, erosion control measures, and re-vegetation after construction.

An online data check was conducted in October 2021 for federally listed species in the immediate project area. The report identifies the following species as possibly present: the threatened Canada lynx and

[15] https://lowimpacthydro.org/wp-content/uploads/2021/10/20050727-Buffalo-River-recreation-and-scenery-plan.pdf
[16] https://lowimpacthydro.org/wp-content/uploads/2021/10/20050517-Buffalo-River-Various-license-plans.pdf
[17] https://lowimpacthydro.org/wp-content/uploads/2021/10/20050727-Buffalo-River-recreation-and-scenery-plan.pdf

grizzly bear along with the monarch butterfly which is a candidate for listing (Appendix C). Several species of migratory birds may also be present on a periodic basis, including bald eagle. Idaho does not have an endangered species act law but maintains a list of sensitive species for classification purposes, including Canada lynx which is classified as threatened.

The project lands occupy only about 10 acres, mostly on federal lands which do not include significant habitat for the listed species. No project operations or maintenance activities would impact the listed species even if they were present.

g. Cultural and Historic Resources

Criterion	*Standard*	*Instructions*
G	1	Not Applicable / De Minimis Effect: • Document that there are no cultural or historic resources located on facility lands that can be affected by construction or operations of the facility; or • Document that the facility construction and operation have not in the past, nor currently adversely affect any cultural or historic resources that are present on facility lands.

All Zones qualify for Standard G-1.

There are no identified cultural or historic resources within the project footprint and project facilities are not eligible for listing on the National Register of Historic Places. However, Article 401 and USFWS conditions required development of a heritage resource protection plan[18] in consultation with the USFS, to mitigate the project's effect on items of potential cultural, historical, archeological, or paleontological value discovered or reported during ground-disturbing activities or as a result of project operations. The plan simply requires all work to stop, USFS to be notified, and their approval obtained before continuing work.

FERC also recommended in the relicensing environmental assessment that if new or undocumented sites are discovered that the licensee should (1) consult with the SHPO and FS about the discovered sites; (2) prepare a site-specific historic properties management plan, including a schedule to evaluate the significance of the sites and to avoid or mitigate any impacts to sites found eligible for inclusion in the National Register of Historic Places; (3) base the site-specific plan on recommendations of the SHPO and FS and the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation; (4) file the site-specific plan for Commission approval, together with the written comments of the SHPO and FS; and (5) take the necessary steps to protect the discovered archeological or historic sites from further impact until notified by the Commission that all of these requirements have been satisfied.

[18] https://lowimpacthydro.org/wp-content/uploads/2021/10/20050517-Buffalo-River-Various-license-plans.pdf

h. Recreational Resources

Criterion	*Standard*	*Instructions*
H	2	Agency Recommendation: • Document any comprehensive resource agency recommendations and enforceable recreation plan that is in place for recreational access or accommodations. • Document that the facility is in compliance with all such recommendations and plans.

All Zones qualify for Standard H-2.

There are numerous recreational opportunities around the project within the national forest lands. Fishing, swimming, non-motorized boating, bird watching, hiking, cross-country skiing, snowmobiling are available as is a large developed campground upstream of the project. Little recreational use occurs within the project boundary other than bank fishing.

A recreation plan was developed pursuant to Article 401 and USFS conditions[19]. The plan included upgrades to an existing unimproved parking area including a new ADA-accessible short trail connecting the parking area to the Box Canyon trailhead and turnaround which included defining the parking area boundaries, leveling and grading, and designation of an ADA parking spot; installation of an interpretive sign along the new trail with views of the dam and forebay, and a Box Canyon trail sign (Figures 9 and 10). FERC most recently conducted an environmental inspection in 2017[20] that, with the exception of a Part 8 sign, all recreational facilities were satisfactory.

The Part 8 sign was installed in the spring of 2018.

[19] https://lowimpacthydro.org/wp-content/uploads/2021/10/20050727-Buffalo-River-recreation-and-scenery-plan.pdf
[20] https://elibrary.ferc.gov/eLibrary/filedownload?fileid=01EE4940-66E2-5005-8110-C31FAFC91712

Figure 9. Interpretive Sign.

Figure 10. Box Canyon Trailhead and Sign.

4. FACILITY AND STAKEHOLDER CONTACTS FORMS

Project Owner:	
Name and Title	Bryan Case, General Manager
Company	Fall River Rural Electric Cooperative, Inc.
Phone	208-652-7051
Email Address	bryan.case@fallriverelectric.com
Mailing Address	1150 North 3400 East, Ashton, Idaho 83420
Project Operator (if different from Owner):	
Name and Title	
Company	
Phone	
Email Address	
Mailing Address	
Consulting Firm / Agent for LIHI Program (if applicable):	
Name and Title	
Company	
Phone	
Email Address	
Mailing Address	
Compliance Contact (responsible for LIHI Program requirements):	
Name and Title	Dave Peterson
Company	Fall River Rural Electric Cooperative, Inc.
Phone	208-652-7431
Email Address	dave.peterson@fallriverelectric.com
Mailing Address	
Party responsible for accounts payable:	
Name and Title	Roz Preston, Accounting Specialist
Company	Fall River Rural Electric Cooperative, Inc.
Phone	208 652-7035
Email Address	roz.preston@fallriverelectric.com
Mailing Address	1150 North 3400 East, Ashton, Idaho 83420

Current and relevant state, federal, and tribal resource agency contacts with knowledge of the facility (copy and repeat the following table as needed).

Agency Contact		***Area of Responsibility***
Agency Name	United States Forest Service	___ Flows ___ Water Quality ___ Fish/Wildlife ___ Watershed ___ T&E Species ___ Cultural/Historic __X_ Recreation
Name and Title	Liz Davy District Ranger	
Phone	208 652-1203	
Email address	Elizabeth.davy@usda.gov	
Mailing Address	46 highway 20 P.O. Box 858 Ashton, ID 83420	
Agency Contact		***Area of Responsibility***
Agency Name	Idaho Fish and Game	__X_ Flows __X_ Water Quality __X_ Fish/Wildlife ___ Watershed __X_ T&E Species ___ Cultural/Historic __X_ Recreation
Name and Title	Brett High Regional Fisheries Manager	
Phone	(208) 525-7290	
Email address	brett.high@idfg.idaho.gov	
Mailing Address	4279 Commerce Circle Idaho Falls, ID 83402	
Agency Contact		***Area of Responsibility***
Agency Name	US Fish and Wildlife Service	___ Flows ___ Water Quality __X_ Fish/Wildlife ___ Watershed __X_ T&E Species ___ Cultural/Historic ___ Recreation
Name and Title		
Phone	208-237-6615	
Email address		
Mailing Address	4425 Burley Dr., Suite A, Chubbuck, ID 83202	
Agency Contact		***Area of Responsibility***
Agency Name	Idaho Department of Environmental Quality	___ Flows _X__ Water Quality ___ Fish/Wildlife ___ Watershed ___ T&E Species ___ Cultural/Historic ___ Recreation
Name and Title	Troy Saffle	
Phone	208-528-2650	
Email address	troy.saffle@deq.idaho.gov	
Mailing Address	900 N. Skyline Drive, Suite B Idaho Falls, ID 83402	

Current stakeholder contacts that are actively engaged with the facility (copy and repeat the following table as needed).

Stakeholder Contact		***Area of Responsibility***
Organization Name	Henry's Fork Foundation	_X__ Flows _X__ Water Quality _X__ Fish/Wildlife _X__ Watershed ___ T&E Species ___ Cultural/Historic _X__ Recreation
Name and Title	Rob VanKirk Ph.D. Senior Scientist	
Phone	208 652-3567	
Email address	rob@henrysfork.org	
Mailing Address	P.O. Box 550 Ashton, ID 83420	

5. SWORN STATEMENTN AND WAIVER FORM

All applications for LIHI Certification must include the following sworn statement before they can be reviewed by LIHI:

SWORN STATEMENT

As an Authorized Representative of FALL RIVER RURAL ELECTRIC COOPERATIVE, INC., *the Undersigned attests that the material presented in the application is true and complete.*

The Undersigned acknowledges that the primary goal of the Low Impact Hydropower Institute's certification program is public benefit, and that the LIHI Governing Board and its agents are not responsible for financial or other private consequences of its certification decisions.
The Undersigned further acknowledges that if LIHI Certification of the applying facility is granted, the LIHI Certification Mark License Agreement must be executed prior to marketing the electricity product as LIHI Certified®.

The Undersigned further agrees to hold the Low Impact Hydropower Institute, the Governing Board and its agents harmless for any decision rendered on this or other applications, from any consequences of disclosing or publishing any submitted certification application materials to the public, or on any other action pursuant to the Low Impact Hydropower Institute's certification program.

FOR PRE-OPERATIONAL CERTIFICATIONS:
Not applicable

Company Name: Fall River Rural Electric Cooperative, Inc.

Authorized Representative:

Name: Dave Peterson

Title: Engineering Manager

Authorized Signature: 

Date: October 15, 2021

APPENDIX A – USFS SPECIAL USE PERMIT

Authorization ID: CT28 Contact Name: FALL RIVER RURAL ELECTRIC, COOPERATIVE, INC. Expiration Date: 12/31/2050 Use Code: 641	FS-2700-4 (VER. 03/17) OMB 0596-0082

U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE

SPECIAL USE PERMIT

Authority: FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976

FALL RIVER RURAL ELECTRIC, COOPERATIVE, INC. of 1150 N. 3400 E. ASHTON, ID 83420 UNITED STATES (hereinafter "the holder") is authorized to use or occupy National Forest System lands on the **Ashton/Island Park and Teton Basin Ranger Districts in the CARIBOU-TARGHEE NATIONAL FOREST** of the National Forest System, subject to the terms and conditions of this special use permit (the permit).

This permit covers approximately 2,110 acres or 250 miles ("the permit area"), as shown on the map attached as Appendix A. A table describing the physical location of distribution and transmission lines be attached as Appendix B. This and any other appendices to this permit are hereby incorporated into this permit.

This permit is issued for the purpose of:

Operating and maintaining overhead / underground power lines and substations for transmission and distribution of electrical energy on the Ashton - Island Park and Teton Basin Ranger Districts within the Caribou-Targhee National Forest.

Footage and acreage for the Teton Basin Ranger District is as follows:
Overhead footage - 224,228 feet covering 514.76 acres (BPA 115kV line)
Underground footage - 153,332 feet covering 351.75 acres
There are no substations on Forest Service land in Teton Basin

Footage and acreage for the Ashton/Island Park Ranger District is as follows:
Overhead footage - 622,642 feet covering 1,128.50 acres
Underground footage - 314,961 feet covering 108.46 acres
Substations - Sawtelle, Island Park, Macks Inn, Ponds, Ponds Propane Tank, Last Chance, and Pinehaven covering 6.12 acres

Total footage and acreage of existing infrastructure is as follows:
Overhead footage - 846,870 feet covering 1,643.26 acres
Underground footage – 468,293 feet covering 460.21 acres
Substations - 6.12 acres

TERMS AND CONDITIONS

I. GENERAL TERMS

A. AUTHORITY. This permit is issued pursuant to the FEDERAL LAND POLICY AND MGMT ACT, AS AMENDED October 21, 1976 and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

B. AUTHORIZED OFFICER. The authorized officer is the Forest or Grassland Supervisor or a subordinate officer with delegated authority.

C. TERM. This permit shall expire at midnight on **12/31/2050, 30 years** from the date of issuance.

D. CONTINUATION OF USE AND OCCUPANCY. This permit is not renewable. Prior to expiration of this permit, the holder may apply for a new permit for the use and occupancy authorized by this permit. Applications for a new permit must be submitted at least 6 months prior to expiration of this permit. Issuance of a new permit is at the sole discretion of the authorized officer. At a minimum, before issuing a new permit, the authorized officer shall ensure that (1) the use and occupancy to be authorized by the new permit is consistent with the standards and guidelines in the applicable land management plan; (2) the type of use and occupancy to be authorized by the new permit is the same as the type of use and occupancy authorized by this permit; and (3) the holder is in compliance with all the terms of this permit. The authorized officer may prescribe new terms and conditions when a new permit is issued.

E. AMENDMENT. This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to incorporate new terms that may be required by law, regulation, directive, the applicable forest land and resource management plan, or projects and activities implementing a land management plan pursuant to 36 CFR Part 215.

F. COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS. In exercising the rights and privileges granted by this permit, the holder shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the permit area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

G. NON-EXCLUSIVE USE. The use or occupancy authorized by this permit is not exclusive. The Forest Service reserves the right of access to the permit area, including a continuing right of physical entry to the permit area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation. The Forest Service reserves the right to allow others to use the permit area in any way that is not inconsistent with the holder's rights and privileges under this permit, after consultation with all parties involved. Except for any restrictions that the holder and the authorized officer agree are necessary to protect the installation and operation

of authorized temporary improvements, the lands and waters covered by this permit shall remain open to the public for all lawful purposes.

H. ASSIGNABILITY. This permit is not assignable or transferable.

II.IMPROVEMENTS

A. LIMITATIONS ON USE. Nothing in this permit gives or implies permission to build or maintain any structure or facility or to conduct any activity, unless specifically authorized by this permit. Any use not specifically authorized by this permit must be proposed in accordance with 36 CFR 251.54. Approval of such a proposal through issuance of a new permit or permit amendment is at the sole discretion of the authorized officer.

B. PLANS. All plans for development, layout, construction, reconstruction, or alteration of improvements in the permit area, as well as revisions to those plans must be prepared by a professional engineer, architect, landscape architect, or other qualified professional based on federal employment standards acceptable to the authorized officer. These plans and plan revisions must have written approval from the authorized officer before they are implemented. The authorized officer may require the holder to furnish as-built plans, maps, or surveys upon completion of the work.

C. CONSTRUCTION. Any construction authorized by this permit shall commence by N/A and shall be completed by N/A.

III. OPERATIONS.

A. PERIOD OF USE. Use or occupancy of the permit area shall be exercised at least **90** days each year.

B. CONDITION OF OPERATIONS. The holder shall maintain the authorized improvements and permit area to standards of repair, orderliness, neatness, sanitation, and safety acceptable to the authorized officer and consistent with other provisions of this permit. Standards are subject to periodic change by the authorized officer when deemed necessary to meet statutory, regulatory, or policy requirements or to protect national forest resources. The holder shall comply with inspection requirements deemed appropriate by the authorized officer.

C. OPERATING PLAN. The holder shall prepare and revise an operating plan as needed. The operating plan shall be prepared in consultation with the authorized officer or the authorized officer's designated representative and shall cover all operations authorized by this permit. The operating plan shall outline steps the holder will take to protect public health and safety and the environment and shall include sufficient detail and standards to enable the Forest Service to monitor the holder's operations for compliance with the terms and conditions of this permit. The operating plan shall be submitted by the holder and approved by the authorized officer or the authorized officer's designated representative prior to commencement of operations and shall be attached to this permit as an appendix. The authorized officer may require an annual meeting with the holder to discuss the terms

and conditions of the permit or operating plan, annual use reports, or other concerns either party may have.

D. MONITORING BY THE FOREST SERVICE. The Forest Service shall monitor the holder's operations and reserves the right to inspect the permit area and transmission facilities at any time for compliance with the terms of this permit. The holder shall comply with inspection requirements deemed appropriate by the authorized officer. The holder's obligations under this permit are not contingent upon any duty of the Forest Service to inspect the permit area or transmission facilities. A failure by the Forest Service or other governmental officials to inspect is not a justification for noncompliance with any of the terms and conditions of this permit.

IV. RIGHTS AND LIABILITIES

A. LEGAL EFFECT OF THE PERMIT. This permit, which is revocable and terminable, is not a contract or a lease, but rather a federal license. The benefits and requirements conferred by this authorization are reviewable solely under the procedures set forth in 36 CFR 214 and 5 U.S.C. 704. This permit does not constitute a contract for purposes of the Contract Disputes Act, 41 U.S.C. 601. The permit is not real property, does not convey any interest in real property, and may not be used as collateral for a loan.

B. VALID EXISTING RIGHTS. This permit is subject to all valid existing rights. Valid existing rights include those derived under mining and mineral leasing laws of the United States. The United States is not liable to the holder for the exercise of any such right.

C. ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS. The parties to this permit do not intend to confer any rights on any third party as a beneficiary under this permit.

D. SERVICES NOT PROVIDED. This permit does not provide for the furnishing of road or trail maintenance, water, fire protection, search and rescue, or any other such service by a government agency, utility, association, or individual.

E. RISK OF LOSS. The holder assumes all risk of loss associated with use or occupancy of the permit area, including but not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), avalanches, rising waters, winds, falling limbs or trees, and other forces of nature. If authorized temporary improvements in the permit area are destroyed or substantially damaged, the authorized officer shall conduct an analysis to determine whether the improvements can be safely occupied in the future and whether rebuilding should be allowed. If rebuilding is not allowed, the permit shall terminate.

F. DAMAGE TO UNITED STATES PROPERTY. The holder has an affirmative duty to protect from damage the land, property, and other interests of the United States. Damage includes but is not limited to fire suppression costs and damage to government-owned improvements covered by this permit.

1. The holder shall be liable for all injury, loss, or damage, including fire suppression, prevention and control of the spread of invasive species, or other costs in connection with rehabilitation or

restoration of natural resources resulting from the use or occupancy authorized by this permit. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs. Such costs may be deducted from a performance bond required under clause IV.J.

2. The holder shall be liable for damage caused by use of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees to all roads and trails of the United States to the same extent as provided under clause IV.F.1, except that liability shall not include reasonable and ordinary wear and tear.

G. HEALTH AND SAFETY. The holder shall take all measures necessary to protect the health and safety of all persons affected by the use and occupancy authorized by this permit. The holder shall promptly abate as completely as possible and in compliance with all applicable laws and regulations any physical or mechanical procedure, activity, event, or condition existing or occurring in connection with the authorized use and occupancy during the term of this permit that causes or threatens to cause a hazard to the health or safety of the public or the holder's employees or agents. The holder shall as soon as practicable notify the authorized officer of all serious accidents that occur in connection with these procedures, activities, events, or conditions. The Forest Service has no duty under the terms of this permit to inspect the permit area or operations of the holder for hazardous conditions or compliance with health and safety standards.

H. ENVIRONMENTAL PROTECTION.

1. For purposes of clause IV.H and section V, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

2. The holder shall avoid damaging or contaminating the environment, including but not limited to the soil, vegetation (such as trees, shrubs, and grass), surface water, and groundwater, during the holder's use and occupancy of the permit area. Environmental damage includes but is not limited to all costs and damages associated with or resulting from the release or threatened release of a hazardous material occurring during or as a result of activities of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees on, or related to, the lands, property, and other interests covered by this permit. If the environment or any government property covered by this permit becomes damaged in connection with the holder's use and occupancy, the holder shall as soon as practicable repair the damage or replace the damaged items to the satisfaction of the authorized officer and at no expense to the United States.

3. The holder shall as soon as practicable, as completely as possible, and in compliance with all applicable laws and regulations abate any physical or mechanical procedure, activity, event, or

condition existing or occurring in connection with the authorized use and occupancy during or after the term of this permit that causes or threatens to cause harm to the environment, including areas of vegetation or timber, fish or other wildlife populations, their habitats, or any other natural resources.

I. INDEMNIFICATION OF THE UNITED STATES. The holder shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the holder in connection with the use or occupancy authorized by this permit. This indemnification provision includes but is not limited to acts and omissions of the holder or the holder's heirs, assigns, agents, employees, contractors, or lessees in connection with the use or occupancy authorized by this permit which result in (1) violations of any laws and regulations which are now or which may in the future become applicable; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any solid waste, hazardous waste, hazardous materials, pollutant, contaminant, oil in any form, or petroleum product into the environment. The authorized officer may prescribe terms that allow the holder to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in addition to or as an alternative to monetary indemnification.

J. BONDING. The authorized officer may require the holder to furnish a surety bond or other security for any of the obligations imposed by the terms and conditions of this permit or any applicable law, regulation, or order.

K. STRICT LIABILITY. The holder shall be strictly liable (liable without proof of negligence) to the United States for up to $1,000,000 per occurrence for any injury, loss, or damage arising in tort under this permit. Liability in tort for injury, loss, or damage to the United States exceeding the prescribed amount of strict liability in tort shall be determined under the law of negligence.

L. INSURANCE. The holder shall furnish proof of insurance, such as a certificate of insurance, to the authorized officer prior to issuance of this permit and each year thereafter that this permit is in effect. The Forest Service reserves the right to review the insurance policy and require any changes needed to ensure adequate coverage of the United States in connection with the authorized use and occupancy. The holder shall send an authenticated copy of any insurance policy obtained pursuant to this clause to the authorized officer immediately upon issuance of the policy. Any insurance policies obtained by the holder pursuant to this clause shall name the United States as an additional insured, and the additional insured provision shall provide for insurance coverage for the United States as required under this clause and to the extent of the full limits of insurance available to the holder. The holder shall give 30 days prior written notice to the authorized officer of cancellation of or any modification to the insurance policy. The certificate of insurance, the authenticated copy of the insurance policy, and written notice of cancellation or modification of insurance policies should be sent to **United States Government C/O Ashton Ranger District P.O. Box 858 Ashton, ID 83420.** Minimum amounts of coverage and other insurance requirements are subject to change at the sole discretion of the authorized officer on the anniversary date of this permit.

1. The holder shall have in force liability insurance covering losses, including those arising from strict liability, associated with the use or occupancy authorized by this permit arising from personal injury or death and third-party property damage in the minimum amount of:

$25,000 for injury or death to one person per occurrence;

$500,000 injury or death to more than one person per occurrence; and

$1,000,000 third-party property damage per occurrence.

V. RESOURCE PROTECTION

A. COMPLIANCE WITH ENVIRONMENTAL LAWS. The holder shall in connection with the use or occupancy authorized by this permit comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., CERCLA, as amended, 42 U.S.C. 9601 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.

B. VANDALISM. The holder shall take reasonable measures to prevent and discourage vandalism and disorderly conduct and when necessary shall contact the appropriate law enforcement officer.

C. PESTICIDE USE.

1. Authorized Officer Concurrence. Pesticides may not be used outside of buildings in the permit area to control pests, including undesirable woody and herbaceous vegetation (including aquatic plants), insects, birds, rodents, or fish without prior written concurrence of the authorized officer. Only those products registered or otherwise authorized by the U.S. Environmental Protection Agency and appropriate State authority for the specific purpose planned shall be authorized for use within areas on National Forest System lands.

2. Pesticide-Use Proposal. Requests for concurrence of any planned uses of pesticides shall be provided in advance using the Pesticide-Use Proposal (form FS-2100-2). Annually the holder shall, on the due date established by the authorized officer, submit requests for any new, or continued, pesticide usage. The Pesticide-Use Proposal shall cover a 12-month period of planned use. The Pesticide-Use Proposal shall be submitted at least 60 days in advance of pesticide application. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time a Pesticide-Use Proposal was submitted.

3. Labeling, Laws, and Regulations. Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers. No pesticide waste, excess materials, or containers shall be disposed of in any area administered by the Forest Service.

D. ARCHAEOLOGICAL-PALEONTOLOGICAL DISCOVERIES. The holder shall immediately notify the authorized officer of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this permit. The holder shall follow the applicable inadvertent discovery protocols for the undertaking provided in an agreement executed pursuant to section 106 of the National Historic Preservation Act, 54 U.S.C. 306108; if there are no such agreed-upon protocols, the holder shall leave these discoveries intact and in place until consultation has occurred, as informed, if applicable, by any programmatic agreement with tribes. Protective and mitigation measures developed under this clause shall be the responsibility of the holder. However, the holder shall give the authorized officer written notice before implementing these measures and shall coordinate with the authorized officer for proximate and contextual discoveries extending beyond the permit area.

E. NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT (NAGPRA). In accordance with 25 U.S.C. 3002(d) and 43 CFR 10.4, if the holder inadvertently discovers human remains, funerary objects, sacred objects, or objects of cultural patrimony on National Forest System lands, the holder shall immediately cease work in the area of the discovery and shall make a reasonable effort to protect and secure the items. The holder shall follow the applicable NAGPRA protocols for the undertaking provided in the NAGPRA plan of action or the NAGPRA comprehensive agreement; if there are no such agreed-upon protocols, the holder shall as soon as practicable notify the authorized officer of the discovery and shall follow up with written confirmation of the discovery. The activity that resulted in the inadvertent discovery may not resume until 30 days after the forest archaeologist certifies receipt of the written confirmation, if resumption of the activity is otherwise lawful, or at any time if a binding written agreement has been executed between the Forest Service and the affiliated Indian tribes that adopts a recovery plan for the human remains and objects.

F. PROTECTION OF THREATENED AND ENDANGERED SPECIES, SENSITIVE SPECIES, AND SPECIES OF CONSERVATION CONCERN AND THEIR HABITAT.

1. Threatened and Endangered Species and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals listed as threatened or endangered under the Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 et seq., as amended, or within designated critical habitat shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary and appropriate to avoid or reduce effects on listed species or designated critical habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing threatened or endangered species or designated critical habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

2. Sensitive Species and Species of Conservation Concern and Their Habitat. The location of sites within the permit area needing special measures for protection of plants or animals designated by the Regional Forester as sensitive species or as species of conservation concern pursuant to FSM 2670 shall be shown on a map in an appendix to this permit and may be shown on the ground. The holder shall take any protective and mitigation measures specified by the authorized officer as necessary

and appropriate to avoid or reduce effects on sensitive species or species of conservation concern or their habitat affected by the authorized use and occupancy. Discovery by the holder or the Forest Service of other sites within the permit area containing sensitive species or species of conservation concern or their habitat not shown on the map in the appendix shall be promptly reported to the other party and shall be added to the map.

G. CONSENT TO STORE HAZARDOUS MATERIALS. The holder shall not store any hazardous materials at the site without prior written approval from the authorized officer. This approval shall not be unreasonably withheld. If the authorized officer provides approval, this permit shall include, or in the case of approval provided after this permit is issued, shall be amended to include specific terms addressing the storage of hazardous materials, including the specific type of materials to be stored, the volume, the type of storage, and a spill plan. Such terms shall be proposed by the holder and are subject to approval by the authorized officer.

H. CLEANUP AND REMEDIATION.

1. The holder shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer or the authorized officer's designated representative, of any oil discharge or of the release of a hazardous material in the permit area in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153, Subpart B, and 40 CFR Part 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The holder shall immediately notify the authorized officer or the authorized officer's designated representative of any release or threatened release of any hazardous material in or near the permit area which may be harmful to public health or welfare or which may adversely affect natural resources on federal lands.

2. Except with respect to any federally permitted release as that term is defined under Section 101(10) of CERCLA, 42 U.S.C. 9601(10), the holder shall clean up or otherwise remediate any release, threat of release, or discharge of hazardous materials that occurs either in the permit area or in connection with the holder's activities in the permit area, regardless of whether those activities are authorized under this permit. The holder shall perform cleanup or remediation immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The holder shall perform the cleanup or remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this permit, the holder shall deliver the site to the Forest Service free and clear of contamination.

VI. LAND USE FEE AND DEBT COLLECTION

A. LAND USE FEES. The use or occupancy authorized by this permit is exempt from a land use fee or the land use fee has been waived in full pursuant to 36 CFR 251.57 and Forest Service Handbook 2709.11, Chapter 30.

VII. REVOCATION, SUSPENSION, AND TERMINATION

A. REVOCATION AND SUSPENSION. The authorized officer may revoke or suspend this permit in whole or in part:

1. For noncompliance with federal, state, or local law.

2. For noncompliance with the terms of this permit.

3. For abandonment or other failure of the holder to exercise the privileges granted.

4. With the consent of the holder.

5. For specific and compelling reasons in the public interest.
Prior to revocation or suspension, other than immediate suspension under clause VII.B, the authorized officer shall give the holder written notice of the grounds for revocation or suspension and a reasonable period, typically not to exceed 90 days, to cure any noncompliance.

B. IMMEDIATE SUSPENSION. The authorized officer may immediately suspend this permit in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing. The holder may request an on-site review with the authorized officer's supervisor of the adverse conditions prompting the suspension. The authorized officer's supervisor shall grant this request within 48 hours. Following the on-site review, the authorized officer's supervisor shall promptly affirm, modify, or cancel the suspension.

C. APPEALS AND REMEDIES. Written decisions by the authorized officer relating to administration of this permit are subject to administrative appeal pursuant to 36 CFR Part 214, as amended. Revocation or suspension of this permit shall not give rise to any claim for damages by the holder against the Forest Service.

D. TERMINIATION. This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to expiration of the permit by its terms on a specified date and termination upon change of control of the business entity. Termination of this permit shall not require notice, a decision document, or any environmental analysis or other documentation. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service.

E. RIGHTS AND RESPONSIBILITIES UPON REVOCATION OR TERMINATION WITHOUT ISSUANCE OF A NEW PERMIT. Upon revocation or termination of this permit without issuance of a new permit, the holder shall remove all structures and improvements, except those owned by the United States, within a reasonable period prescribed by the authorized officer and shall restore the site to the satisfaction of the authorized officer. If the holder fails to remove all structures and improvements within the prescribed period, they shall become the property of the United States and may be sold, destroyed, or otherwise disposed of without any liability to the United States. However, the holder shall remain liable for all costs associated with their removal, including costs of sale and impoundment, cleanup, and restoration of the site.

VIII. MISCELLANEOUS PROVISIONS

A. MEMBERS OF CONGRESS. No member of or delegate to Congress or resident commissioner

shall benefit from this permit either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

B. CURRENT ADDRESSES. The holder and the Forest Service shall keep each other informed of current mailing addresses, including those necessary for billing and payment of land use fees.

C. SUPERSEDED PERMIT. This permit supersedes the special use permits designated **FALL RIVER RURAL ELECTRIC, COOPERATIVE, INC., ISL404022, dated 02/26/1999 and TEB404006, Issued 10/02/1956.**

D. SUPERIOR CLAUSES. If there is a conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control.

E. FEES - EXEMPTIONS AND WAIVERS (A-10).

LAND USE FEES. The use or occupancy authorized by this permit is exempt from a land use fee or the land use fee has been waived in full pursuant to 36 CFR 251.57 and Forest Service Handbook 2709.11, chapter 30. Every 5 years, the Authorized Officer shall review the criteria for a land use fee waiver, and if they no longer apply, shall charge the full land use fee.

F. SURVEYS, LAND CORNERS (D-4).
The holder shall protect, in place, all public land survey monuments, private property corners, and Forest boundary markers. In the event that any such land markers or monuments are destroyed in the exercise of the privileges permitted by this authorization, depending on the type of monument destroyed, the holder shall see that they are reestablished or referenced in accordance with (1) the procedures outlined in the "Manual of Instructions for the Survey of the Public Land of the United States," (2) the specifications of the county surveyor, or (3) the specifications of the Forest Service.

Further, the holder shall cause such official survey records as are affected to be amended as provided by law. Nothing in this clause shall relieve the holder's liability for the willful destruction or modification of any Government survey marker as provided at 18 U.S.C. 1858.

G. RIGHT-OF-WAY CLEARING, POWERLINE (F-15).

REMOVAL AND PLANTING OF VEGETATION

1. Removal of Non-Hazardous Vegetation and Planting of Vegetation. Except as provided in emergencies pursuant to paragraph 2, trees, shrubs, grasses, and other plants may be removed, destroyed, or trimmed only in accordance with the vegetation management plan in Appendix B and only after the Authorized Officer's designated representative has marked or otherwise identified what may be removed, destroyed, or trimmed. Timber cut or destroyed shall be paid for at current stumpage rates for similar timber in the CARIBOU-TARGHEE National Forest. The Forest Service reserves the right to dispose of the merchantable timber to those other than the holder at no stumpage cost to the holder. Unmerchantable material shall be disposed of as directed by the Authorized Officer. Planting of trees, shrubs, and other plants in the permit area must have prior written approval from the Authorized Officer.

2. Removal of Hazardous Vegetation. The holder may remove, destroy, or trim hazardous vegetation in accordance with the vegetation management plan without the hazardous vegetation being marked or otherwise identified by the Authorized Officer or the Authorized Officer's designated representative. The holder shall notify the Authorized Officer as soon as possible of any removal of hazardous vegetation under this clause. For purposes of this clause, "hazardous vegetation" is defined as "a live or dead standing tree or other vegetation having a defect, singly or combined, in the roots, butt, bole, or limbs or with unreasonable arcing potential and so situated that the tree or other vegetation poses the risk of imminent mechanical failure to all or part of a power line, pole, or tower," "defect" is defined as "an injury or disease that seriously weakens the stems, roots, or branches of a tree or vegetation, predisposing all or part of it to fall;" "arcing" is defined as "the flow of electricity across a gap through the air from one conductor to another or to a grounded object;" and "imminent mechanical failure" is defined as "damage to a power line, pole, or tower from hazardous vegetation that could occur at any time."

H. ARCHAEOLOGICAL-PALEONTOLOGICAL DISCOVERIES(X-17).
The holder shall immediately notify the Authorized Officer of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this permit. The holder shall leave these discoveries intact and in place until directed otherwise by the Authorized Officer. Protective and mitigative measures specified by the Authorized Officer shall be the responsibility of the holder.

I. IMPROVEMENT RELOCATION (X-33).
This authorization is granted with the express understanding that should future location of United States Government-owned improvements or road rights-of-way require the relocation of the holder's improvements, such relocation will be done by, and at the expense of, the holder within a reasonable time as specified by the Authorized Officer.

J. GRIZZLY BEAR PROTECTION (R4-D5). This special use authorization includes land which is part of the habitat of the grizzly bear. Therefore, in compliance with Forest Service responsibilities under the Endangered Species Act of 1973, 16 U.S.C. 1531, the following conditions apply to this special use authorization:

a. The Forest Service Authorized Officer may order an immediate temporary suspension of all human activities permitted by this authorization and, if needed, revoke the special use authorization when, in his/her judgment, such action is necessary in order to prevent confrontation or conflict between humans and grizzly bears. The holder shall immediately comply with such order. The United States shall not be liable for any consequences from such a suspension or revocation. Suspension or revocation, may be appealed to the next higher level, as provided in Secretary of Agriculture Regulations.

b. The holder, his/her agents, employees, contractors, and subcontractors will comply with the requirements of the attached **Food Storage Order: 04-15-117 for the Teton Basin, Ashton/Island Park, and Dubois Ranger Districts of the Caribou-Targhee National Forest, dated January 29, 2010** in the conduct of any and all activities authorized. The Forest Service Authorized Officer may

review and revise the plan as needed.

c. The holder assumes full responsibility and shall hold the United States harmless from any and all claims by him/her or by third parties for any damages to life or property arising from the activities authorized by this special use authorization and encounters with grizzly bears, or from suspension or revocation of activities authorized by this special use authorization.

d. Intentional or negligent acts by the holder, his/her agents, employees, contractors, and subcontractors that result in injury or death of a grizzly bear will be cause for revocation of this authorization in whole or in part.

e. Failure to comply with provisions a, b, or c may result in suspension or revocation, of this authorization in whole or in part, and may cause criminal action to be taken against the holder under provisions of the Endangered Species Act of 1973, as amended, or other applicable authority.

The Grizzly Bear Management and Protection Plan provided for in paragraph b above will, as a minimum, address the following:

a. Camp locations and period of time each location is to be used.
b. Areas to avoid or enter, by type of activities, schedule.
c. Seasonal or other human activity limitations.
d. Livestock and Pets: 1) by location; 2) numbers: 3) types (horses, dogs, and so forth); and 4) treatment of carcasses.
e. Food Storage: 1) livestock and pets; and 2) human.
f. Food preparation and cleanup.
g. Garbage and Refuse Disposal: 1) livestock and pets; and 2) human.
h. Storage of game meat, if applicable.
i. Suggestions for minimizing direct conflict.
j. Human safety.

THIS PERMIT IS ACCEPTED SUBJECT TO ALL ITS TERMS AND CONDITIONS.

BEFORE ANY PERMIT IS ISSUED TO AN ENTITY, DOCUMENTATION MUST BE PROVIDED TO THE AUTHORIZED OFFICER OF THE AUTHORITY OF THE SIGNATORY FOR THE ENTITY TO BIND IT TO THE TERMS AND CONDITIONS OF THE PERMIT.

ACCEPTED:

BRYAN CASE
CEO / GENERAL MANAGER

_____

HOLDER NAME, PRECEDED BY NAME AND TITLE OF PERSON SIGNING ON BEHALF OF HOLDER, IF HOLDER IS AN ENTITY — SIGNATURE — DATE

APPROVED:

MEL BOLLING
FOREST SUPERVISOR

_____

NAME AND TITLE OF AUTHORIZED OFFICER — SIGNATURE — DATE

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average one hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

APPENDIX B – 2021-2025 VEGETATION MANAGEMENT PLAN

FALL RIVER RURAL ELECTRIC 2021-2025 VEGETATION PLAN

1. Introduction

Fall River Rural Electric Cooperative, Inc. (Fall River) is submitting a vegetation management plan for the purpose of managing transmission and distribution lines in the Targhee National Forest, in order to maintain a safe reliable electric system. As part of the Special Use Permit to construct and maintain the 46 kV Transmission and Distribution Lines from the Ashton Power Plant to the top of Targhee Pass, Teton Basin Ranger District including Relay Ridge, Grand Targhee and Treasure Mountain, Fall River has prepared this Right-of-Way Maintenance Plan (ROW Plan).

This ROW Plan strives to ensure maintenance activities will minimize the potential for significant impacts to the environment and that activities follow applicable land use and environmental laws and policies. The primary activities covered in this ROW Plan include: Vegetation Management, Danger Tree Management, and Access Road Maintenance. The management emphasis of each activity is summarized below:

1. Vegetation Management - Vegetation within the right-of-way (ROW) corridor is managed to promote native low-growing plant communities (usually shrubs, herbs, and grasses). All tall growing species are removed using an Integrated Vegetation Management (IVM) strategy. All noxious weeds along the ROW and access roads will be treated to prevent future spread.
2. Danger Tree Management - Trees adjacent to the ROW corridors are evaluated in accordance with Fall River Danger Tree and Brush Identification (PT 07 03 85-04) criteria. Trees identified as potential hazards to Fall River facilities are removed during planned vegetation management. Trees identified as imminent danger to Fall River facilities are considered emergency situations and removed immediately.
3. Access Road Maintenance – Roads used by Fall River to access and travel along the ROW corridor are evaluated to ensure Fall River crews are able to safely access all Fall River facilities in order to provide planned and emergency maintenance and use of those roads will cause minimal resource damage.
4. Other activities include fire precautions, road closures, and emergencies. Fall River Electric shall have full responsibility for managing each of the activities to ensure safety and reliability of Fall River transmission and distribution line facilities.

2. Coordination

Fall River and the Forest Service (FS) recognize coordination and communication are integral components to the success of this ROW Plan. To facilitate coordination, Fall River and the FS will meet annually in the spring before any ROW work begins. Discussions will focus on foreseeable activities and anticipated activities that could affect the ROW Plan (e.g., status changes to roads, Land & Resource Management Plan amendments, active and proposed FS management activity).

Ongoing coordination is essential for completion of site-specific projects. Prior to implementation Fall River will contact the Ashton/Island Park District Ranger and Teton Basin Ranger District office, in advance of any proposed vegetation management activity (non-emergency) on national Forest System lands. A list of key personnel contacts is included in Appendix B.

3. ROW Maintenance Plan

Principle use of the ROW is to provide a safe and reliable electric energy transmission system along the 15’ to 100’ wide ROW. Resource management values may be compatible on or adjacent to the

ROW when they do not conflict with the principle use of the ROW. In order to maintain a safe and reliable transmission and distribution system, this ROW Plan addresses normal and emergency maintenance activities for vegetation, danger trees, and access roads. In the pursuit of these activities, Fall River shall participate as lead agency in preparing appropriate site-specific plans.

4. Vegetation Management

Fall River will use the planning steps identified in the Transmission and Distribution System Vegetation Management Program, in accordance with FS and NEPA regulations and will record the outcome of the planning steps in a Supplemental Analysis (SA) document. A SA will document effects of removing or cutting vegetation within the existing ROW. Additional environmental analysis will be conducted if the ROW is to increase from its current width.

If the anticipated impacts, project components knowledge, or circumstances were to differ substantially from those mandated by Caribou-Targhee Forest Personnel, Fall River will consult with appropriate agencies to provide the appropriate mitigation measures. Except where assigned to others in this plan, Fall River will be responsible for vegetation management of the ROW, and Danger tree removal adjacent to the ROW.

The FS may assume vegetative management on specific segments of the ROW for specialized land uses that *will not interfere* with transmission and distribution line operation and maintenance. These segments are identified in Appendix A.

4.1. Vegetation Control

Fall River will be responsible for managing all vegetation within the ROW corridor that is now or will become a hazard to its transmission and distribution line facilities. The desired future condition of the ROW is to establish and/or maintain native low-growing plant communities in areas where vegetation may become a hazard to transmission and distribution facilities. Using IVM to manage potential hazards and establish native low-growing plants provides added benefits (e.g., fuel breaks, travel corridors, forage & habitat diversity) to the ROW vegetation management program. Fall River is responsible for noxious weed control within the ROW and along access roads.

A site-specific project analysis will be the basis for planned activities and documented in a SA or CE prepared in accordance with the Vegetation Management DOE NEPA regulations. The SA will describe the location, prescribed vegetation control, and identify mitigation measures, if any, for each project.

In general vegetation control will be accomplished by the following methods:

Manual and mechanical control methods will be used to remove unwanted vegetation from the ROW. Manual methods usually use chainsaws, while mechanical methods usually use mowing types of equipment (rubber-tired or track mounted) to remove unwanted vegetation.

Herbicides may be used to control unwanted vegetation, noxious weeds or tall growing species. Fall River will use only those herbicides approved by the FS. Herbicide control applications will target individual plants (Spot), or small groups of plants (Localized). Additional herbicide restrictions are listed in Appendix A, part 2.

Debris Disposal will be used to treat vegetation left on the ground following Fall River vegetation control activities. Vegetation left on the ground will be treated to acceptable levels of fuel loading as determined by FS and Fall River.

In general Fall River cuts and leaves vegetation on-site to be used as fuel wood if over 5 inches in diameter or placed into decks to be sold by Fall River or the Forest Service. The following practices will be followed to minimize risk to residual trees from bark beetle build-up in slash

material: Coniferous trees are felled after May when possible. Any cut Douglas-fir greater than 10 inches dbh will be removed prior to the following summer to avoid buildup of Douglas-fir beetle in the down logs. If pine engraver beetle (*Ips pini*) begin to build up in lodgepole pine logging slash, slash will be removed within a few weeks of cutting. As necessary, chipping or mulching may be prescribed.

The Forest Service may assess appropriate charges for timber cut from the ROW if the cutting is more than incidental.

Fuels reduction projects may be conducted adjacent to the ROW to reduce wildfire danger to the ROW and adjacent development such as subdivisions, houses, or City of Island Park.

Underground distribution lines are not routinely maintained for vegetation except for access roads, sectionalizing equipment and above ground cabinets and vaults. Vegetation would be cleared around all underground equipment to permit access to facilities and for potential fire mitigation. Access would be addressed in; 5. Access Road Maintenance section.

4.2. Danger Tree Management

Fall River is responsible for identifying and cutting Danger Trees adjacent to the ROW corridor "Danger Trees" are those trees located adjacent to the ROW that present a current or future danger to Fall River transmission and distribution facilities. As specified in Section 4.0, a site-specific project plan will be evaluated using mandates and guidelines established by Caribou-Targhee Forest Personnel in planning steps to determine resource effects and mitigation measures.

In general, the Danger Tree Management process will be:

Trees will be evaluated using Fall River identification criteria), marked, and summary report sent to Forest Service. The FS and Fall River will mutually agree who will be responsible for removing marked Danger Trees on each project. If the FS elects to cut and remove, or otherwise utilize the Danger Trees as part of their program of work (e.g., salvage sale), Fall River and the FS will agree on a timeline for removal. The FS will coordinate outages or clearances with Fall River to maintain safety and reliability of transmission and distribution line facilities.

Otherwise Fall River will cut the Danger Trees, and the trees will be cut, limbed, and either removed or left for firewood cutters.

Fall River will reimburse the Forest Service for any value associated with the cutting of trees as mutually agreed upon by the FS and Fall River.

5. Access Road Maintenance

For the purpose of this ROW Plan, Access Roads are defined as those roads leading to the transmission and distribution line ROW (these are public FS roads or roads Fall River has acquired easement to use) and Service Roads are defined as those roads located on the ROW (service transmission and distribution line facilities).

Fall River will conduct NEPA environmental review on all Access Road maintenance projects at the appropriate level as determined by FS. For those projects requiring only routine maintenance or minor modifications, a Categorical Exclusion (CE) document would be prepared. The CE process would include complying with the requirements as described in Section 7 of the Endangered Species Act, a review of cultural resources, obtaining the necessary permits, and a review of other sensitive areas or resources. For projects requiring more significant maintenance or modifications Fall River will coordinate with the FS to determine the appropriate approach to ensuring adequate NEPA review.

Maintenance of Access Roads will be the responsibility of the assigned user as shown in this plan.

Additional construction or reconstruction of Access Roads by Fall River, except in emergencies, shall be jointly agreed to by both Parties in advance of construction. Service Roads closed to the public will be maintained to Level 1. Service Roads not closed to public use will be maintained to Level 2 or higher standards as provided in this plan. Refer to appendix C for further discussion of road maintenance levels.

Fall River will be responsible for repairing any damage to Access and Service Roads caused by its activities. Repair of damage, during non-critical periods, will be done as weather and soil conditions permit.

The FS will be responsible for repairing any Fall River Access and Service Road damaged as a result of their management activity or resource allocation. Repair of damage, during non-critical periods, will be done as weather and soil conditions permit.

The FS will notify Fall River in the event transportation management objective changes will affect roads used by Fall River and the FS will mutually agree on the installation of gates, general maintenance, and responsibilities for roads identified as used by both parties. Gates shall be signed to inform public that: Access is for Emergency Use - Do Not Block.

6. Fire Precautions

During official fire seasons, ROW Plan activities must comply with the applicable State fire laws and regulations, or federal regulations and orders. The District Ranger will notify Fall River of wildfire danger near the transmission and distribution line and anticipated actions. The District Ranger may request that Fall River de-energize a transmission and distribution line if there is potential danger to the facility. The Parties acknowledge that there are serious hazards inherent in working near high voltage transmission and distribution lines. Special precautions as outlined in each agency safety handbooks and plans will be followed during such activities as logging, fire suppression and slash burning.

The FS will coordinate with Fall River during suppression actions to assure the safety of persons working near the line and prior to slurry or water drops near the line. All fires discovered by Fall River along the transmission and distribution line ROW, will be reported to the nearest FS emergency contact and/or appropriate State Offices.

Fall River will coordinate with State and Federal agencies including BLM and USFS to determine high risk areas.

Identify risks Examples:

1. Extended drought.
2. Vegetation type.
3. High winds.
4. Difficult terrain.
5. Tree mortality.
6. Lightning.

Operational Practices encompass standard company procedures that relate to wildfires, including vegetation management, turning on/off high-speed line clearing, inspection and maintenance and Public Safety Power Shut-off Protocols. These practices help the utility manage risk on a day-to-day basis through its operations.

Fall River has an inspection program in place that requires all overhead facilities to be inspected annually. Staff is familiar with those areas that need more frequent inspection due to remote and difficult geological terrain. Fall River will monitor drought conditions and determine which areas may need more frequent inspections. Fall River has qualified personnel and un-manned drones to inspect

facilities that are hard to inspect by ordinary means. Regular inspections of substations will mitigate the risk of catastrophic failure of equipment which will mitigate the risk of fire.

Emergency vegetation clearance: The scope of this work includes completing maintenance on an as-needed-basis for any disaster such as a storm to mobilize personnel to keep vegetation cleared for right of ways. Dead or diseased tree also known as hazard trees that overhang or lean towards and may fall into energized power lines will be removed. Note that this may apply to trees outside of the Right-of-Way.

When the fire danger rises from low to moderate Operations crews will be required to carry hand pump water bags on all vehicles. Anytime a recloser or a fuse operates crews will patrol lines to make sure no lines are down, no frayed conductor, or any vegetation on the lines before reenergizing.

When feasible our members are encouraged to use underground power lines in both primary and secondary applications. Underground lines greatly reduce the chance of fire.

7. Closures

Area closures or road closures as shown in this plan will be in effect during certain times of the year. During the period of closure to all motorized use, activities will not be allowed except for those emergencies described below without FS approval. During emergencies, the FS has a need to know when Fall River is in areas closed to all motorized use in order to handle calls from the public and to coordinate with other permitees and users. The FS will keep Fall River on current mailing lists for comments on proposed changes in closures.

8. Emergencies

Emergencies are those events that occur on or adjacent to the ROW corridors that require immediate action or may cause substantial damage to either the Fall River's facilities or environment. The District Ranger will be notified by Fall River as soon as practical, of the emergency and action taken. Examples of emergencies are listed below:

Vegetation:

Working patrol or aircraft patrol identification of Danger Brush or imminent Danger Trees during routine patrols.

Fall River requires Danger brush to be cut within 24 hours of the time it is reported.

Fall River requires imminent Danger Trees to be cut immediately, or within 24 hours if safety is an issue.

Access road:

Access Road or Service Roads are not passable by crews to respond to transmission line emergencies (e.g., line fault to ground, structure collapse), or vegetation emergencies.
Access Road or Service Roads are not passable by crews to implement planned activities, where the result of delay would put the safety and reliability of the transmission and distribution facility at risk.

Appendix A

Part 1

Responsibilities - ROW corridor vegetation management:

Fall River currently has all ROW corridor vegetation management responsibilities.

Part 2

Restrictions - ROW corridor vegetation management:

Herbicide Restrictions

Herbicides will not be used to control Aspen growth or sprouting to avoid killing the entire clone connected to that root system. Where aspen stands need to be controlled on the ROW stem cutting (Manual or Mechanical) will be used. In order to avoid the formation of suckers, cutting must coincide with maximum leaf-out in mid to late July. Follow-up treatment may be needed in subsequent growing seasons.

Section 4.0 Site Specific

Fall River will remove all tall growing trees in the ROW of the locations listed below. Danger trees adjacent to the ROW corridor will be evaluated and removed if deemed a hazard for fire or to Fall River facilities. The Fall River Operations Manager is responsible for the ROW work and depending on the weather the tree trimming season is from May 1st through November 31st. The areas included in the vegetation plan are:

1. Ashton Power Plant North to Big Bend Substation. (Difficult access and several issues with danger dead trees outside the easement, underbrush directly under line maintain easement to existing center line distance.) 2021
2. Big Bend Substation North to Pine Haven Substation. (Most of the easement easily accessed big material has been removed, needs maintenance mowing or spraying) 2022
3. Pine Haven Substation North to Last Chance Substation. (Mostly difficult access but easements fairly clear, big material has been removed, needs maintenance mowing or spraying) 2023
4. Last Chance North to Ponds Substation. (Good access big material removed, needs maintenance mowing or spraying) 2022
5. Ponds Substation North to Macks Inn Substation. (Fair access big material removed needs maintenance mowing or spraying.) 2021
6. Macks Inn Substation to Zollinger Substation. (Good access big material removed needs maintenance mowing or spraying.) 2025
7. Zollinger Substation North to Henry's Lake Substation. (Very little in easements)
8. Henry's Lake Substation to Targhee Pass (Montana line). (Good access big material removed needs maintenance mowing or spraying) 2023

9. Ponds Substation to Shotgun substation. (Good access big material removed needs maintenance mowing or spraying.) 2025

Fall River will prioritize these areas from worse to best and schedule accordingly. The R-O-W Vegetation Plan will encompass clearing efforts for the next 5 years and from that point on we will follow a scheduled R-O-W maintenance plan. The previous 5-year plan saw a significant reduction in the amount of vegetation from the afore-mentioned 46 KV line and distribution line segments. In an ongoing effort to maintain the easements Fall River crews or contract crews hired by Fall River Electric will make every effort to stay ahead of vegetation growth. The amount of material that needed to be removed from the easements in the previous vegetation plan was excessive and the cost were substantial in both transmission and distribution lines. Fall River will stay ahead of new growth and cut back existing growth as it encroaches on the easements keeping the amount of material that needs to be removed at a minimum. New growth will in all likely hood be mowed as this is the most economical way to remove it. Existing trees that grow into the existing easements, as well as danger trees will be marked with paint to be inspected by Targhee personnel and then removed by Fall River Electric personnel. The trees will be either left for fuel wood or removed according to the recommendations of Forest Service personnel. Targhee Forest personnel will be notified of any annual maintenance of easements on the Targhee.

Appendix B

Contacts Information for Key Personnel

Liz Davy – Ashton/Island Park District Ranger – 208-652-1203 (office), 208-313-7758 (Cell)

Curt Neppl – Ashton/Island Park special use permit administrator – 208-652-1201 (office), 307-620-0189 (cell)

Jeff Hill – Ashton/Island Park Fire Management Officer – 208-652-1205, 208-313-7830 (cell)

Jay Pence – Teton Basin District Ranger – 208-354-6610 (office), 208-313-7738 (Cell)

Joe McFarlane – Teton Basin special use permit administrator - 208-354-6615 (office)

Eastern Idaho Dispatch – 208-524-7600

Trent Yancey – Operations Manager, Fall River REC 208-652-7130 (office), 208-709-3127 (cell)

Tim Jenkins –Foreman, Fall River Electric 208-709-5217 (cell)

Jeremy Banta – Foreman, Fall River Electric 208-709-4210 (cell)

Appendix C

Fall River will repair any damage done to public or access roads by our crews in ROW maintenance activities. In areas with limited access Fall River will maintain access to our 46 kV and distribution Line Easements. See attached map listing roadways and line access.

ACCEPTED:

BRYAN CASE
CEO / GENERAL MANAGER

_____

HOLDER NAME SIGNATURE DATE

APPROVED:

MEL BOLLING
FOREST SUPERVISOR

_____

NAME AND TITLE OF AUTHORIZED OFFICER SIGNATURE DATE

APPENDIX C – USFWS SPECIES REPORT

IPaC Information for Planning and Consultation **U.S. Fish & Wildlife Service**

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Fremont County, Idaho

Local office

Idaho Fish And Wildlife Office

(208) 378-5243
(208) 378-5262

1387 South Vinnell Way, Suite 368
Boise, ID 83709-1657

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS

Canada Lynx Lynx canadensis There is **final** critical habitat for this species. The location of the critical habitat is not available. http://ecos.fws.gov/ecp/species/3652	Threatened
Grizzly Bear Ursus arctos horribilis There is **proposed** critical habitat for this species. The location of the critical habitat is not available. http://ecos.fws.gov/ecp/species/7642	Threatened

Insects

NAME	STATUS
Monarch Butterfly Danaus plexippus Wherever found No critical habitat has been designated for this species. http://ecos.fws.gov/ecp/species/9743	Candidate

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act[1] and the Bald and Golden Eagle Protection Act[2].

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management

/nationwidestandardconservationmeasures.pdf

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
Bald Eagle *Haliaeetus leucocephalus* This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. http://ecos.fws.gov/ecp/species/1626	Breeds Jan 1 to Aug 31
Cassin's Finch *Carpodacus cassinii* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. http://ecos.fws.gov/ecp/species/9462	Breeds May 15 to Jul 15
Clark's Grebe *Aechmophorus clarkii* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jun 1 to Aug 31
Evening Grosbeak *Coccothraustes vespertinus* This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 15 to Aug 10

Franklin's Gull Leucophaeus pipixcan This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Golden Eagle Aquila chrysaetos This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. http://ecos.fws.gov/ecp/species/1680	Breeds Jan 1 to Aug 31
Lesser Yellowlegs Tringa flavipes This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. http://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Olive-sided Flycatcher Contopus cooperi This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. http://ecos.fws.gov/ecp/species/3914	Breeds May 20 to Aug 31
Rufous Hummingbird selasphorus rufus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. http://ecos.fws.gov/ecp/species/8002	Breeds Apr 15 to Jul 15
Willet Tringa semipalmata This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 5

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week

12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

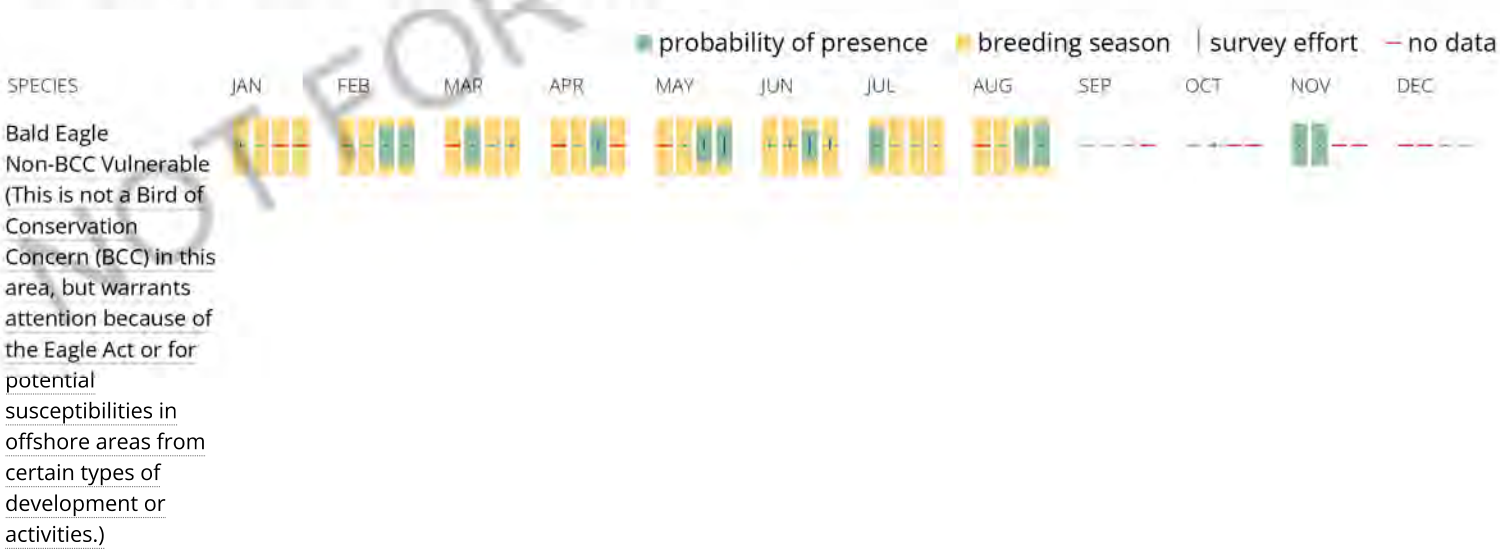
Breeding Season (▪)
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

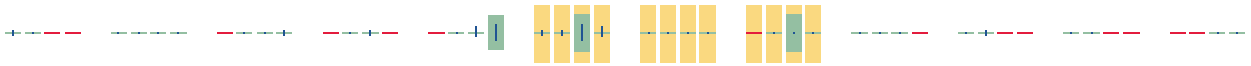
No Data (–)
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

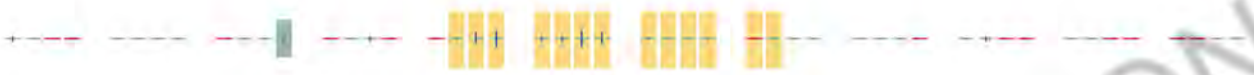


Cassin's Finch BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Clark's Grebe BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Evening Grosbeak BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

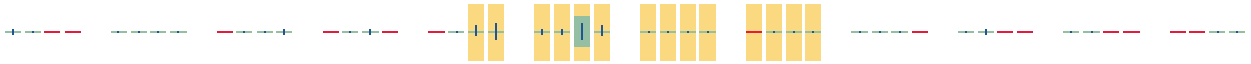


Franklin's Gull BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Golden Eagle Non-BCC Vulnerable (This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.)

Lesser Yellowlegs BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Olive-sided Flycatcher BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)



Rufous Hummingbird BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Willet BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the AKN Phenology Tool.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets .

Probability of presence data is continuously being updated as new and better information becomes available. To learn more

about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the Diving Bird Study and the nanotag studies or contact Caleb Spiegel or Pam Loring.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to obtain a permit to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort

is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

RIVERINE

R3UBH

A full description for each wetland code can be found at the National Wetlands Inventory website

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.