Operations and Maintenance Plan for Electric Facilities on Bureau of Land Management Lands within Utility Name

**P R E P A R E D F O R :**

Bureau of Land Management Field Office Name

**P R E P A R E D B Y :**

**Utility Name**

List of Appendices

**Instructions: List of Appendices could include any of the following. Templates for appendices are available for download.**

Utility Operations and Maintenance Activities

Biological Resource Protection Measures and Best Management Practices

Cultural Resources Management Plan

Paleontological Resource Management Plan

Utility Approach to Fire Safety and Risk Reduction

BLM Field Office-Specific Conditions and Measures

List of Figures

Figures should include:

O&M Plan workflow process

Utility Activity Environmental Review Process

Biological Resources Screening Process

Cultural Resources Screen Process

Acronyms and Abbreviations

Provided below is a list of common acronyms and abbreviations, please review and incorporate additional as needed

BLM Bureau of Land Management

BMP Best Management Practice

CEQ Council on Environmental Quality

CFR Code of Federal Regulations

CRMP Cultural Resources Management Plan

District Office BLM District Office Name

DOI Department of Interior

ESA Endangered Species Act

Field Office BLM Field Office

FLPMA Federal Land Policy and Management Act

FOSCA Field Office Special Consideration Area

GIS Geographic Information System

GPS Global Positioning System

GTLF Ground Transportation Linear Feature

kV Kilovolt

NEPA National Environmental Policy Act

NHPA National Historic Preservation Act

Plan Master Utility O&M Plan

POC Point of Contact

PVC Polyvinyl Chloride

RMP Resource Management Plan

ROW Right-of-Way

RPM Resource Protection Measure

SCADA Supervisory Control and Data Acquisition

SF-299 Standard Form 299

SME Subject Matter Expert

TMP Travel Management Plan

Utility O&M Operations and Maintenance

Overview

# Introduction, Goals, and Background

The Bureau of Land Management (BLM) is responding to the application from Utility Name (referred to as the *Utility*) to:

Renew, amend, and consolidate their existing Utility right-of-way (ROW) grants on BLM-administered lands. Consolidated ROW grants will provide the Utility with the authority to continue operation and perform routine operations and maintenance (Utility O&M) on their electric facilities and access roads (i.e., all ingress and egress) on BLM-administered lands.

Utility O&M activities (O&M activities) are those activities conducted by the Utility to operate and manage powerline facilities and vegetation within and adjacent to the ROW boundary. Utility Name and the BLM have coordinated on the development of a Utility O&M Plan (referred to herein as the *Plan*) that documents the review and approval process for routine O&M activities on BLM-administered lands.

The Utility has the rights to operate and maintain electrical transmission and distribution infrastructure and other facilities through ROW grants that are issued by BLM Field Offices (Field Office) in accordance with 43 Code of Federal Regulations (CFR) § 2800-2808.12. Under these regulations, ROW grants are issued to qualified entities for the use of public lands for systems or facilities over, under, on, or through public lands. ROW grants allow the BLM to direct and control the use of those lands in a manner that protects the natural resources associated with public lands and prevents unnecessary or undue degradation of public lands. As a ROW holder on BLM-administered lands, the Utility has the obligation to comply with the provisions described in 43 CFR § 2805.12 and its ROW grants during construction, operation, maintenance, and termination of facilities. In addition, the Utility must comply with local, state, and federal laws, regulations, policies, rules, and standards governing the safe and reliable delivery of electricity.

**The BLM and the Utility should establish objectives associated with the Plan to include but not limited to the following:**

* + 1. Identify the applicable facilities to be maintained and access (including all ingress and egress) to those facilities.
    2. Identify and describe the Utility’s O&M activities.
    3. Document the established review and approval process for O&M activities and institute consistent processes and standards for these activities on public lands in accordance with all applicable laws, regulations, and authorities. This process will include schedules and communications for:
       1. The Utility notifying the BLM about O&M activities;
       2. The Utility requesting approval from the BLM about undertaking O&M activities; and
       3. The BLM responding to a request by the Utility.
    4. Standardize pre-work submittals and post-work notification requirements for O&M activities.
    5. Establish consistent requirements for O&M activities aimed at controlling or preventing damage to scenic, aesthetic, cultural, and environmental resources including identification of standard best management practices (BMPs) and resource protection measures (RPMs).
    6. Per the terms of their grant and 43 CFR § 2805.12(a)(4), ensure the Utility’s ability to do

everything reasonable to prevent wildfire on or in the immediate vicinity of their ROW areas.

* + 1. Ensure that O&M activities are conducted by the Utility’s field personnel, contractors, sub- contractors, and other authorized agents in a manner that is consistent with all applicable laws, regulations, and authorities.
    2. Encourage information sharing between all parties to streamline analysis, including survey data, geographic information system (GIS) spatial data, and resource maps.1
    3. Describe processes for:
       1. Identifying changes in conditions (e.g., regulatory, policy, environmental, or other factors that influence how work is reviewed and screened); and
       2. Minor edits and modifications to the Plan, as necessary.

Description of Facilities

The Utility facilities addressed in this Plan include electric transmission *and/or* distribution infrastructure, substations, underground facilities, internal communications equipment, other monitoring equipment and appurtenances, helicopter landing zones, third-party facilities, and roads where O&M activities may occur.

**General descriptions of associated facilities are included for inclusion, please describe the infrastructure that is operated and maintained by your Utility specifically and add or delete as necessary.**

## Transmission Infrastructure

Transmission infrastructure consists of Describe infrastructure to be covered under O&M plan Include the number of kilovolts for associated infrastructure kilovolts (kV)...

## Distribution Infrastructure

Distribution infrastructure consists of poles supporting powerlines, or in some instances, underground conduit with powerlines, used to transport electricity with voltages ranging from 4 to kV. Distribution lines include conductors supported by wood, lightweight or engineered steel, composite, or concrete poles designed to deliver electricity to customers and end users. Overhead distribution facilities include support cross arms, insulators and conductors ect. Distribution poles may be supported by anchors, guy wires, stub poles ect . Overhead facilities may currently be supported by composite or steel poles….

**General descriptions continued**

## Substations

To deliver electricity to its individual customers, the Utility must use equipment to “step down” the voltage one or more times. The Utility accomplishes this by using substations and equipment such as transformers on or adjacent to distribution poles or underground lines. Substations use transformers to lower the voltage of electric energy before it is sent to the distribution lines and on to customers, or to raise voltage if adding electricity to transmission lines. Substations generally have switching (switchyards), protection, control equipment, and transformers. In a large substation, circuit breakers are used to interrupt any short circuits or overload currents that may occur on the network. Smaller distribution stations may use recloser circuit breakers or fuses for protection of distribution circuits. Substations often are located within fenced enclosures with gravel and concrete pads.

## Underground Facilities

Underground facilities include transmission and distribution infrastructure consisting of conduit with electrical cables used to transport electricity. Pull boxes, junction boxes, vaults, transformers, automation and detection devices, and other equipment may be installed below ground; and they may be connected to aboveground facilities with cables attached to a pole with a protective cover.

## Ancillary Facilities

Utility facilities addressed in this Plan also include “ancillary” facilities. “Ancillary” is defined in 43 CFR § 2801.5 as a secondary use entirely within the scope of a primary authorization that solely supports the operations allowed by that primary authorization and that the same holder of the primary authorization does not make available to third parties through commercial sales. Utility electric facilities have several possible ancillary facilities including but not limited to: internal communications equipment, monitoring equipment, access, laydown yards, and helicopter landing zones/pads.

## Internal Communications Equipment

Internal communications equipment is necessary for the Utility to monitor and operate its facilities in a safe and reliable manner. Examples of communications equipment include fiber optic cables, communications towers, radio antennas, and supervisory control and data acquisition (SCADA) equipment. Security fences, grounding equipment, and other equipment may also be necessary to maintain and operate Utility infrastructure. Communications-related sites and equipment may require a separate BLM ROW grant, and maintenance of these facilities may be subject to the requirements of this Plan.

## Other Monitoring Equipment

The Utility maintains a variety of other monitoring equipment within their ROWs. This equipment includes, Describe all types of monitoring equipment used, cameras weather stations ect..

## Helicopter Landing Zones

Helicopter landing zones are necessary when helicopters are prescribed for activities or where traditional access is infeasible. Standard helicopter landing specifications include a touchdown pad (approximately Dimensions feet) and a hardened touchdown pad using asphalt, concrete, large-size gravel (>3 inches), or natural bedrock. A Dimensions-foot area surrounding the pad may be needed to ensure a safe landing zone. The Utility also uses elevated helicopter landing pad structures. Access to helicopter landing zones occurs on an as-needed basis but requires prior notification when located on BLM-administered lands. Helicopter landing zones are typically located away from transmission, distribution, and substation facilities given potential safety issues associated with landing helicopters near power lines. For landing zones on BLM-administered lands that are authorized by ROW grant, the locations would be identified in project notification work packages. Use of existing helicopter landing zone facilities that are not under a ROW grant held by the Utility must be coordinated with the Field Office of jurisdiction as soon as possible to ensure that conflicts with existing users are minimized, as a safety precaution, and may result in the activity becoming a Class III. The Utility is responsible for contacting the local BLM dispatch office to provide a deconfliction notification for use of all landing zones. All helicopter use would occur in accordance with Federal Aviation Administration and all other applicable laws and regulations.

## Third-Party Facilities

By regulation (43 CFR § 2805.14(b)), a ROW grant holder may not allow a third party to use its facility or charge for that use without authorization from the BLM. Third-party use of the Utility facilities needs documented concurrence by the Utility and a separate authorization from the BLM. The BLM and the Utility are aware that existing Utility facilities contain non-Utility equipment that are owned and operated by a third party (e.g., telecommunication lines attached to Utility poles). Third-party facility installation and subsequent third-party O&M activities are not covered under this Plan.

Road Inventory

Utility will need to identify all ingress and egress routes including public roads and BLM routes within BLM administered lands.

Safe and reliable access to Utility facilities is required for completing O&M activities and is a vital component of implementing this Plan.

Public roads include roads established and maintained by local, state, and federal transportation agencies that are open for public use. These include city streets, county roads, state highways, and interstate highways. Public roads are for identification purposes only and not subject to this Plan.

BLM routes are existing linear features that may be designated as primitive roads, roads, and trails. Each Field Office may further define management of their routes in land use planning documents (e.g., Resource Management Plan [RMP], Travel Management Plan [TMP]). BLM routes are generally open to the public, but may have vehicular, seasonal, and user restrictions.

## Overview of BLM Routes

The BLM maintains a geospatial database of transportation (from motorized to foot) linear features as they exist on the ground, called the *Ground Transportation Linear Feature* (GTLF). The GTLF includes all linear features, such as public roads, as well as BLM routes.

The BLM routes are defined in the BLM handbook, *H-8342 Travel and Transportation*, as follows.

* + - * **Primitive Road:** A linear route managed for use by four-wheel drive or high-clearance vehicles. These routes do not customarily meet any BLM road design standards.
      * **Road:** A linear route declared a road by the owner, managed for use by low-clearance vehicles having four or more wheels, and maintained for regular and continuous use.
      * **Trail:** A linear route managed for human-powered, stock, or off-highway vehicle forms of transportation or for historical or heritage values. Trails are not generally managed for use by four-wheel drive or high-clearance vehicles.

## Overview of Utility Road Grants

**Instructions: BLM and the Utility will need to coordinate to develop terminology on BLM routes such as navigation or access roads. BLM and the Utility should agree on and utilize a database to document and review proposed routes. Below are sample text of defined access and use of physical controls.**

Per the terms of Utility name ROW grants, the Utility has access to and from its facilities to ensure that they can engage in timely and efficient operation and maintenance of its facilities. The BLM and the Utility will agree upon terminology to categorize BLM routes as either *navigation* or *access*, which are documented in BLM and Utility databases. BLM routes may be included in the consolidated ROW grants or may be included in future short-term ROW grants. The ROW grants may authorize the Utility to perform road maintenance activities on BLM routes to facilitate safe access to Utility facilities. Road maintenance is considered an O&M activity, further described in Appendix X and must be consistent with or exceeding road standards outlined in the BLM manuals, *MS 9113 – Roads or MS-9115 – Primitive Roads*.

*Navigation* roads are BLM routes used generally to drive to the location of Utility facilities. They may be maintained by the BLM or authorized users. They may be maintained by the Utility on an as- needed basis with a short-term ROW grant. This action must be analyzed in accordance with the National Environmental Policy Act (NEPA).

*Access* roads are BLM routes branching from the navigation roads, used generally to provide direct point access to Utility facilities. They may be maintained by the BLM or authorized users. These roads may be restricted to authorized users by the BLM.

## Overland Travel Routes

The Utility is allowed to operate and drive within their ROW boundaries, unless specifically prohibited in the ROW grant or BLM travel management plan. In some locations, overland travel may be required for the Utility to access its facilities and/or work within their ROW boundaries.

Overland travel occurs when there is vehicular travel off BLM routes or public roads within BLM- administered lands. Overland travel is initially considered a Class II activity, further described in Appendix X.

## Physical Controls

In coordination with the BLM, the Utility may also identify locations where physical controls are proposed to restrict public access. The Utility will follow all notification and review protocols required by the BLM as well as record and share this information with the BLM. All authorized road gates will be kept locked with Utility and BLM-issued locks.

Description of Activities

Provided below is example text for describing activities and considerations as the Utility and BLM classify O&M activities.

This chapter provides a summary of standards and requirements to which the Utility must adhere for safe and reliable delivery of electricity. Regular and consistent O&M activities are needed to maintain safe and reliable facilities and ensure compliance with these obligations.

The Utility’s regulatory requirements regarding the type and frequency of inspections and maintenance of poles and towers, powerlines, equipment, roads, and vegetation are dictated by federal and state standards, including those established by the Electric Reliability Organization. The Utility also considers the age of the infrastructure, the numbers and types of customers on the circuit, the geography and environmental conditions, and the impact of failures on the electric system when making decisions about what O&M activities will be conducted. Site-specific factors also influence the frequency of O&M activities, such as the level of dirt, dust, and bird droppings on insulators; the level of vandalism of facilities; the severity of storms; natural disasters; and accidents.

The activities addressed under this Plan include those activities that are vital to ensuring that Utility electric facilities are operated and maintained in accordance with regulatory standards, utilizing current best practices/methods. While maintenance standards and methods may change over time in response to regulatory changes and advances in equipment and technology, routine O&M activities that support the existing facility use and are within the authorized use area, are not considered a substantial deviation requiring grant amendment. Substantial deviation is specifically defined under Section X

Activity Classes, Best Management Practices, and Resource Protection Measures

Section below provides sample text providing a brief introduction to the development and content of individual appendices for activity classes, BMPs, and RMPs.

This Plan organizes the O&M activities, described in detail in Appendix X, into three activity classes: Class I, Class II, and Class III. For each class, the Plan describes the environmental review, notification, and approval processes to be carried out by the Utility and BLM. The Utility or BLM can request, with justification, that an activity be reclassified during the annual meeting, review period, or authorization period. Reclassifications of an entire category of activity classification are considered modifications to the Plan (Plan Section X). Disputed reclassification requests will be handled via the elevation process as described in Chapter X, *Communication and Monitoring*, Section X, *Elevation Process*. The Plan also identifies standard BMPs and RPMs that were compiled and created collaboratively by the Utility and the BLM to avoid and minimize adverse environmental impacts associated with O&M activities (described in Appendix X).

BMPs are standard operating practices the Utility implements as an effective and practicable means of preventing or reducing adverse impacts on environmental resources while carrying out O&M activities. RPMs are resource protection measures to avoid and/or minimize impacts on federally listed and BLM sensitive species, sensitive and critical habitats, cultural resources, and other environmentally sensitive resources that have been identified through the Plan’s environmental review process.

Instructions: Provided below are sample descriptions of activity classification, BLM and the Utility should closely coordinate and determine activity classes based on identified O&M needs, Utility infrastructure and resource planning area.

## Class I Activities

Class I includes O&M activities that have no or very limited (*de minimis*) potential to cause adverse environmental impacts due to limited scope and duration, location, and/or the application of BMPs. Class I activities include patrols, inspections, and other minor work. Other minor work includes, but is not limited to, minor road maintenance and repair, infrastructure maintenance and repair, pole test and treat, and tree/shrub pruning and pole and vegetation clearing around facilities. These activities occur at regularly scheduled intervals or as needed. Notification of these activities occurs via annual meetings, and no resources are anticipated to be affected.

## Class II Activities

Class II includes O&M activities with the potential to cause adverse environmental impacts, but those impacts can be avoided or sufficiently minimized through the application of agreed upon BMPs and RPMs (Appendix). As described in Chapter X, *Activity Review Process*, work under Class II does not require a pre-work approval from the BLM but does require a complete work package. Class II activities may include, but are not limited to, pole or tower repairs or replacement; shoo-fly/inter-set installations inside the ROW boundaries; line reconductoring; access road grading; and routine vegetation maintenance such as non-emergency tree felling, vegetation mastication, and ROW clearing. The need for these activities is identified primarily from Class I inspections and patrols, and the work is conducted in accordance with state and federal regulatory requirements and timelines.

## Class III Activities

Class III includes O&M activities with the potential to cause adverse environmental impacts and where BLM approval is required prior to the Utility conducting the activity. Class III involves O&M activities that:

* + 1. Require additional cultural resource review;
    2. Are likely to adversely affect listed species or significantly affect their habitat; or
    3. May have activity constraints or conditions in specified areas identified in the Field Office RMP, captured in Appendix Click or tap here to enter text.that need BLM approval, or
    4. Require additional approval from the BLM for other resource management concerns as identified in the specified areas.

As described in Chapter X, Class III activities require a complete work package and approval from the BLM to proceed.

## Conditional Class III Activities

Conditional Class III activities are O&M activities where additional BLM analysis is needed.

Activity Review Processes

Instructions: Below is sample text for development of the activity review process for Class I, II, II activities. The text is provided to guide the coordinated development of the review process with BLM and the Utility.

This chapter describes the process for review of O&M activities on BLM-administered lands. The process for O&M activities is illustrated in Figure X.

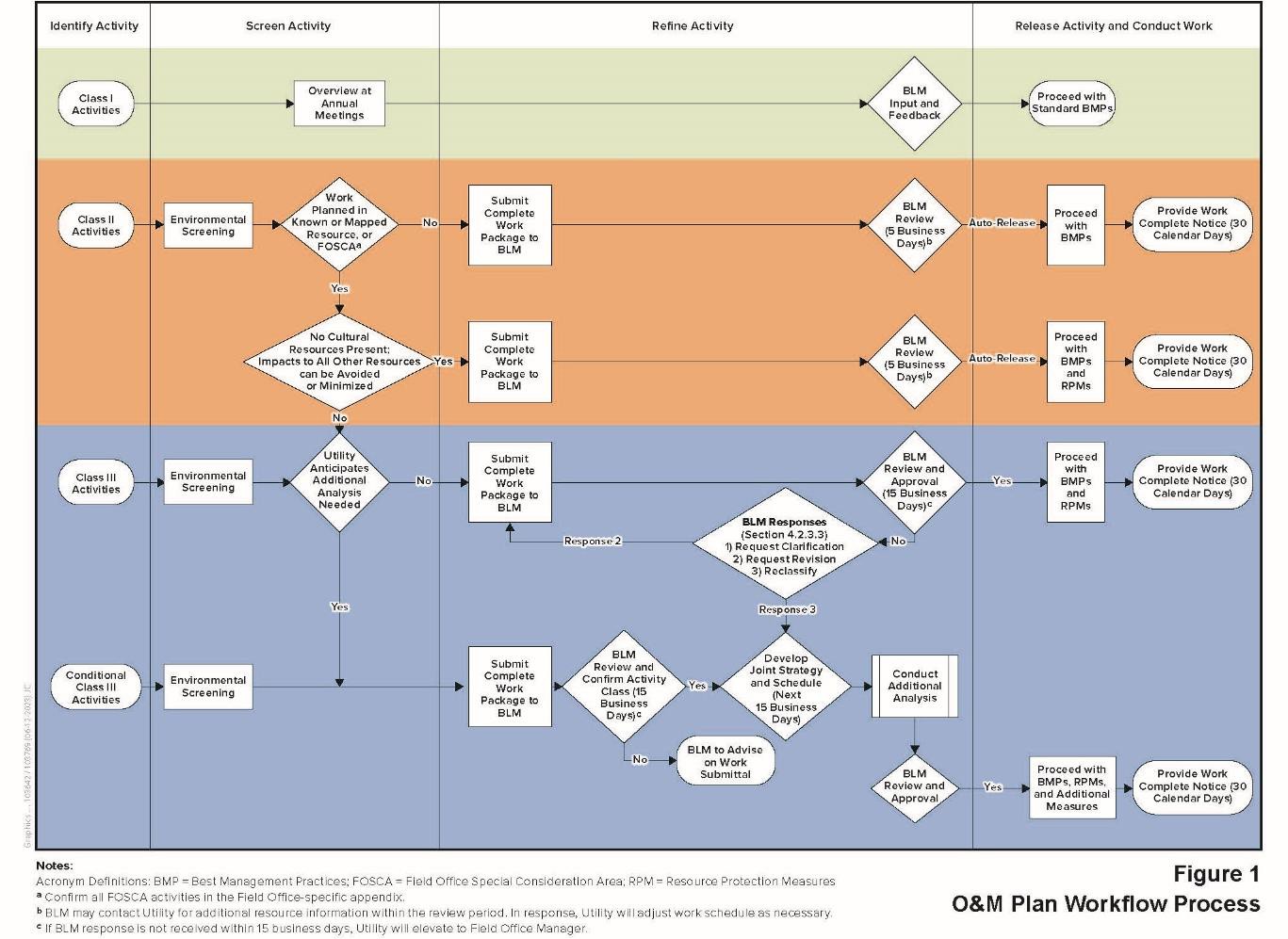
Appendix X provides a general classification of O&M activities based on the expected level of disturbance associated with these activities and the likelihood that resources or special designation areas may be affected by work disturbance areas. The activity review process verifies whether the activity class criteria are met based on the work scope, disturbance expected, presence of resources or special designation areas, and likely impacts. In some cases, the typical activity classification may not apply because the O&M activity will occur in an area that requires an elevation in classification. The quantity of work included in a work activity package does not determine the activity class.

This section documents how the Utility and the BLM review O&M activities to evaluate environmental impacts and prescribe appropriate BMPs and RPMs. The Utility environmental review process is conducted by resource specialists who perform a desktop review to screen work locations against GIS data and aerial imagery for biological, cultural, and other environmentally sensitive resources; proximity to waterways and wetlands; land ownership; and access to the activity. Utility staff may field-verify work locations to confirm desktop review results and the need for RPMs. The BLM subsequently reviews the O&M work notification packages to determine whether additional information or analysis is needed.

For the purposes of this Plan, the BLM and the Utility have reviewed Class I work (as described in this Plan) and determined that these activities are typically *de minimis* and do not need additional screening (Appendix X). For Class II work, the Utility will provide a complete work package to the BLM for review 5 business days prior to the work being released. In cases where the BLM identifies a new or unexpected resource concern, the BLM will request additional information or clarification from the Utility within the 5-day review period. The Utility will adjust the work schedule as necessary. If the Utility provides a complete and accurate work package, and no issues are identified by the BLM within the 5-day review, the work can be released. Class III activities require BLM approval before they can proceed. Conditional Class III activities are those O&M activities that the Utility anticipates will require additional analysis prior to work being released.

# Class I Activity Process

Class I activities, which have no or very limited (*de minimis*) potential to cause adverse environmental impacts, are evaluated and implemented by the Utility without further action from the BLM. As a standard practice, the Utility incorporates their BMPs into Class I work to avoid the potential for adverse environmental impacts. The Utility will process any Class I activity that is unable to meet this threshold as Class II or Class III, as appropriate. The Utility will provide an overview of the Class I work that is likely to occur in the coming year at an annual meeting between the BLM and the Utility.



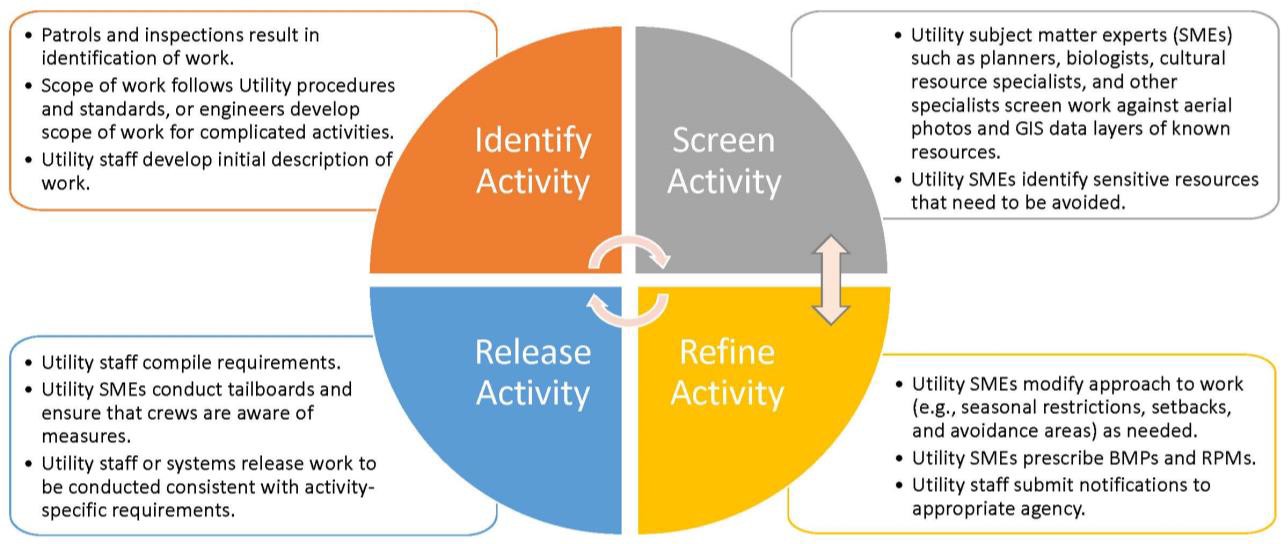
****Example O&M Plan Workflow Process****

The annual meeting will provide the BLM with an opportunity to discuss any areas of concern with proposed Class I work, including newly identified areas where resource protection is required. This also will provide the Utility an opportunity to discuss new technology or techniques that affect O&M activities and specifically Class I work. During the annual meeting, both parties will share at a minimum (1) any new and relevant information to ensure that the Utility is operating with the best available data; and (2) any new methods to better protect resources.

# Class II and III Activity Process

The Utility performs an environmental review as part of all Class II and Class III activities. The following sections describe the Utility and BLM processes based on the O&M activity and resource management considerations.

The primary goals of the environmental review process for Class II and Class III activities are to identify resources prior to an O&M activity; plan the activity to avoid or minimize impacts; implement BMPs and RPMs when necessary to avoid or minimize potential impacts; coordinate with the BLM when needed; and maintain compliance with all applicable laws, regulations, and authorities. The Utility considers the activity type, scope of work, location, work timing, duration, and potential to encounter resources when performing the environmental review. The environmental review process can be categorized into the following categories: identify the activity, screen the activity, refine the activity, and release the activity (Figure X.



Sample Utility Activity Environmental Review Process

## Identify Activity

Instructions: Describe the process for identifying and screening activities based on patrols and inspections.

O&M activities are the result of periodic patrols and inspections as well as long-term system review and planning that consider the age of the facilities, equipment conditions, updated electrical standards and regulations, and other factors. During the activity identification process, Utility engineers evaluate the reported maintenance condition and create an internal notification identifying the necessary O&M activity. For many patrol and inspection results, the remedy is simple (e.g., replace cracked cross-arm or tighten bolt consistent with Utility procedures and standards), and the work can be conducted as a Class I activity. The Utility implements applicable BMPs for Class I activities, which are typically conducted without further screening or review (as described below). BMPs are standard operating practices the Utility implements as an effective and practicable means of preventing or reducing adverse impacts on environmental resources while carrying out O&M activities. BMPs include measures for avoiding and minimizing impacts on multiple resources (Appendix X).

For O&M activities that require more extensive repairs (e.g., pole replacement), the Utility engineer develops a plan for design and then submits the work to the environmental management team for review. Information provided by the Utility engineer includes, but is not limited to, a description of the proposed work, material and equipment required, access roads, photos of the existing equipment, work order maps, Global Positioning System (GPS) coordinates of the worksite, and required work completion date. Depending on the location of the work and its potential to affect resources, the O&M activity could be Class II or Class III.

## Screen Activity

During the screening process, the Utility’s staff of subject matter experts (SMEs) conduct initial environmental review of the proposed activity based on references, including but not limited to, GIS data, aerial imagery, resource occurrence information, and existing survey records. SMEs may conduct field reconnaissance to validate reference information or collect new information when existing information is limited. The Utility’s environmental team collects information from SME technical evaluations and then recommends the appropriate avoidance or minimization, or activity re-design, based on BMPs and work requirements.

### Utility and BLM Screening

Utility staff initially screen the work for resource concerns that could arise while conducting the activity. Complete work package submittals are reviewed by the BLM.

### Biological Resource Screening

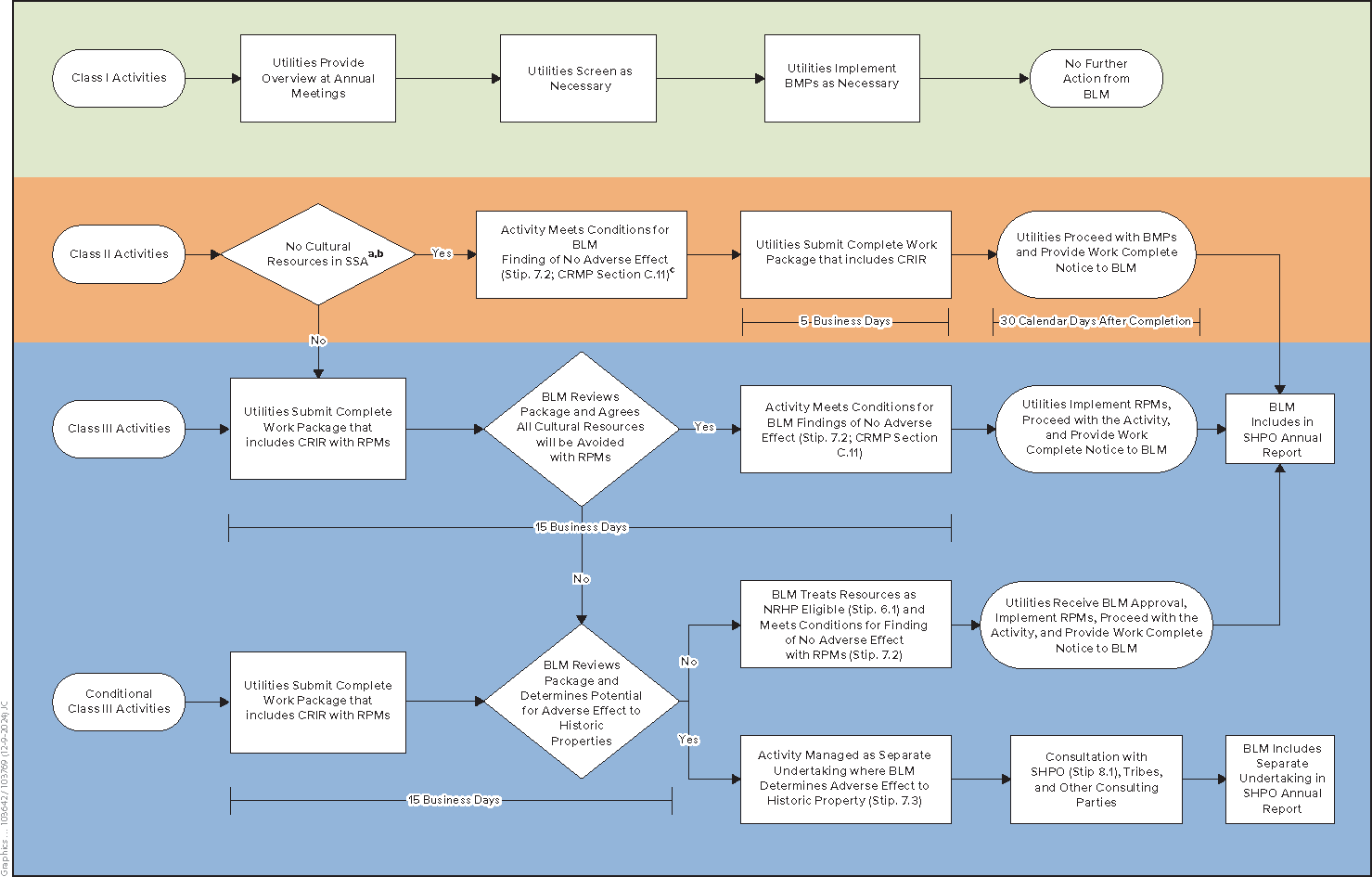
Utility biological SMEs compare work locations against GIS data for the presence of protected biological resources and their habitat (e.g., critical habitat, and other natural resource data), proximity to waterways and wetlands, land ownership and access, existing survey records of known mapped resources, and aerial imagery. Where the initial work screening identifies a potential impact, SMEs determine whether information is needed via a field survey. SMEs use the information collected from the screening and field survey. If an O&M activity would be in suitable habitat for a listed species, there is an assumption of presence for that species and potential impacts are accounted for and addressed by the utility SMEs. Utility SMEs use the information collected from the screening and field survey to prepare a biological constraints report that addresses potential resource impacts and specifies RPMs that are needed to minimize and avoid impacts on biological resources. RPMs are species-specific measures used in addition to BMPs to avoid and minimize impacts on federally listed and BLM sensitive species, including habitats and wetlands and waters. Where RPMs are prescribed, these measures are included in the work package documents (provided to the BLM).

**Notes:**

Acronym Definitions: BMP = Best Management Practices; RPM = Resource Protection Measures; PBO = Programmatic Biological Opinion; NLAA = Not Likely to Adversely Affect; LAA = Likely to Adversely Affect; ITC = Incidental Take Coverage.

* + - * 1. In cases where there is new or unexpected covered species occurrence, the BLM will request additional information or clarification from the Utility within 5-day review period. The Utility will adjust work schedule as necessary.
        2. Some LAA species’ RPMs allow work to proceed as Class II and the RPMs dictate when BLM review is needed.
        3. BLM response is not received within 15 business days, Utility will elevate to Field Office Manager.
        4. Strategy could be stand-alone consultation, re-initiation, concurrence to use existing Program Biological Opinion (BO), or other approach

Sample Biological Resources Screening Process



**Notes:**

Acronym Definitions: BMP = Best Management Practices; RPM = Resource Protection Measures; SSA = Standard Study Area;

CRMP = Cultural Resource Management Plan; SHPO = State Historic Preservation Office; NRHP = National Register of Historic Places;

CRIR = Cultural Resources Inventory Report

1. SSA is adequately surveyed by existing or new inventory. Refer to CRMP Section C.8.1 and Attachment C-3.
2. For instances of Class III Activities with no cultural resources present, see CRMP Sections C.2.4, C.3, C.8.2, and C.9.
3. Activity may also meet conditions for Stipulation 7.1 Finding of No Historic Properties Present and No Historic Properties Affected, but is categorized under Finding of No Adverse Effect.

Sample Cultural Resources Screening Process

For Class II activities, in cases when the BLM identifies a new or unexpected biological resource of concern that is not covered under existing consultations, Biological Evaluations, or RMP identified special areas, the BLM may request additional information or clarification from the Utility, or request reclassification of the project-specific O&M activity from a Class II activity to a Class III activity, within the 5-day review period. Requests for reclassifications will at a minimum include species resource occurrence data that notes how the resource at the work location cannot be avoided with existing BMPs or RPMs. The Utility and BLM will jointly assess and adjust the work schedule as necessary.

For Class III activities, if there is potential for take for any listed species or modification of their habitat is needed for an O&M activity, the SME will provide the BLM the location and total amount of listed species habitat modification needed for the project in the complete work package. The BLM will determine whether the requested potential take is consistent with the Programmatic Biological Opinion (PBO) and will extend incidental take coverage for the project within 15 business days of receipt of the complete work package from the Utility. If the work package is incomplete, the BLM will return the work package to the Utility with a request for the specific necessary information to complete the package. The Utility can proceed with the activity only after the BLM has approved the activity and extended incidental take coverage.

The full process including a list of BMPs and RPMs that the Utility will use to minimize and avoid work-related impacts on biological resources is detailed in Appendix X

### Cultural Resource Screening

Utility cultural resource SMEs screen O&M activities by reviewing previously recorded cultural resource data, survey coverage, geospatial data, and BLM shared data. The cultural resource SMEs consider the scope of the work (e.g., access, ground disturbance) and evaluate the work in relation to known and potential resources in compliance with the BLM State Protocol Agreement.3 The Utility cultural resource SMEs provide guidance on measures to avoid and minimize potential impacts on cultural resources. The O&M activity is a Class III activity if the desktop review or field survey (if performed) identify cultural resources in the work area. The Utility’s cultural resource screening process is described in detail in Appendix X, *Cultural Resources Management Plan* (CRMP).

## Refine Activity

During Phase 3, based on the results of the environmental screening and review, SMEs collaborate with project managers and O&M work contractors to revise project scope/schedule to avoid impacts on resources. Additionally, SMEs may identify RPMs specific to the resource in question that can be implemented to avoid and minimize impacts from the O&M activity. This process typically results in a final project that avoids or minimizes impacts on resources such that additional consultation with regulatory agencies is not required.

### Complete Work Package

Instructions: BLM and Utility will develop the requirements for submitting a complete work package. Requirements should be outlined for each activity class. Below is an example of items to consider for a complete work package.

After the Utility has screened the O&M activity, it will prepare and submit a complete work package to the BLM describing the proposed work. The details of the contents of the work package are included below.

* Project description with a list of O&M activities.
* Location of activity with attached GIS data and maps.
* Type of work, denoting all areas of ground disturbance to include, but not be limited to, workspace, temporary staging/assembly areas, landing zones, and/or turnaround locations.
* Identify temporary staging/assembly areas (inside or outside the ROW boundaries, within the analysis area). Temporary staging/assembly areas will be tied directly to the timeline of the associated activity and do not require a temporary use permit. The temporary staging/assembly areas may not exceed 1 calendar year without further review.
* O&M activity approximate work start date.
* Access information, including access road, overland travel routes, and helicopter use and landing zone location, if applicable.
* Contact information for the lead Utility person, contractor, or sub-contractor who will manage the O&M work.
* Expected equipment to be used.
* Number, location, size, and species of tree removals or area polygon describing the extent of brush and key species to be removed, if applicable.
* Description and location of wood debris management (e.g., lop and scatter, chip, pile, decking) approach, including plans for sale of forest products.
* Applicable biological resource information and data provided in the form of maps and associated GIS data from desktop review or surveys, or on-the-ground inspections when available.
  + Class II: For cases where no biological resources are present, a brief biological resources summary will be provided in place of a standalone biological constraints report. Summary would include information on land cover/habitat in habitat disturbance areas including access.
  + Class III: A summary of why take of federally listed species or their habitat is or is not expected to occur and the amount of habitat modification when there is a potential for take (e.g., estimate of square footage of ground disturbance).
* Applicable cultural resource information summarizing the non-confidential cultural resource results from the cultural resource screening. All confidential data will be provided to the BLM Cultural Resources staff through a separate process, as described in the CRMP.
* A list of BMPs and RPMs proposed to avoid and minimize impacts (e.g., biological and cultural measures, and other applicable BMPs or RPMs).
* A summary of survey or monitoring methods proposed to avoid and minimize impacts, if applicable.
* Conditional Class III: A determination of whether additional resource impacts beyond those analyzed as part of the Plan would occur and a preliminary assessment of such impacts.

### Class II Activity Process

The Utility staff will review the screening process results to determine whether a given O&M activity meets the criteria of a Class II activity. The Utility will then submit a complete work package to the BLM. For cases where no biological resources are present, a brief biological resources summary will be provided in place of a standalone biological constraints report.

As Class II activities have no cultural resources identified within the work area, and biological and other resource impacts can be avoided or minimized (i.e., no take of listed species will occur), the O&M work will automatically be released after 5 business days from when the work package was submitted to the BLM. If the BLM needs additional resource information to be presented in a Class II work package, the BLM will contact the Utility within the 5 business days review period, and the Utility will adjust the work schedule as necessary.

### Class III Activity Process

The Utility staff will review the screening process results to determine whether a given O&M activity meets the criteria of a Class III activity and would thus require BLM approval prior to initiating work. BLM approval may also be needed for sensitive areas identified as identified special areas in the Field Office specific appendix (AppendixClick or tap here to enter text.). Site-specific requirements for sensitive resources on BLM- administered lands are included in AppendixClick or tap here to enter text.. The Utility will then submit a complete work package to the BLM.

The BLM will review the work package and respond to the Utility within 15 business days. If the BLM approves the O&M activity as submitted in the work package, the Utility will release the O&M activity to be conducted. Alternatively, the BLM may respond with one of the following responses:

1. Request additional clarification if necessary, so that the BLM can complete review and approval within the original 15 business days; or
2. Deem the work package incomplete and request the Utility to revise and resubmit the work package with the necessary information; or
3. Determine that the O&M activity be reclassified as Conditional Class III requiring additional analysis.

If the Utility has not received a response from the BLM after 15 business days, the Utility will elevate the request to the respective Field Office’s Field Manager. The Field Manager (or delegated acting) will attempt to resolve any concerns within 5 business days.

### Conditional Class III Activity Process

Conditional Class III activities require additional analysis and BLM approval prior to conducting the O&M activity. In these instances, the Utility will provide a complete work package with the acknowledgement that additional analysis may be required. The BLM will review the work package and respond to the Utility within 15 business days, confirming that the O&M activity is appropriately classified as a Conditional Class III due to the need for additional analysis or otherwise advising the Utility on how the work should be submitted for BLM review.

After Conditional Class III confirmation, within the next 15 business days, the BLM and the Utility will develop a joint strategy and schedule to approach the additional analysis. The timeframe needed for the additional analysis will vary based on the analysis or consultation needed. After the additional analysis is complete, the BLM will review the updated analysis and will approve the work if no additional information or analysis is needed.

### Work Scope Changes

Work scope changes are any changes to initially planned O&M activities. The Utility will notify the BLM as soon as work scope changes are identified. In turn, the BLM will make every effort to work with the Utility to determine whether there are concerns with the scope change before work can proceed. If the O&M work scope changes, it will undergo the same environmental review process as the initially planned O&M work, unless the initial environmental review adequately covers the scope change such that no further analysis is required.

If the scope of the O&M work changes between the initial notice to the BLM, the Utility will submit an amended pre-notification package, indicating how the O&M work has changed. The notice will include the work scope, location, access, timing, and BMPs/RPMs to be implemented.

#### Work Complete Notices

Following completion of the O&M work, a Work Complete Notice will be provided to the BLM within 30 calendar days. For Class II activities, the Work Complete Notice will, at a minimum via email to the BLM point of contact (POC), confirm that the work is complete and was conducted as proposed. For Class III activities, the Work Complete Notice may also include an additional summary of how disturbance sizes varied from the estimates detailed in the work package. The Work Complete Notice does not replace any post-reporting requirements contained in the Biological Resource Protection Measures and Best Management Practices (Appendix X) or requirements detailed in the CRMP (Appendix X).

#### Resource Impact Occurrences

In cases where resource impacts occurred during the O&M activity, the Utility will submit the Work Complete Notice to the BLM within 30 calendar days of the work completion. The notice will include the following information:

* Work completion date.
* Summary of the impact.
* Map showing the area of impact.
* Site restoration needs, if applicable.
* Resource impacts include, but are not limited to, cultural resource post-review discoveries, unanticipated effects, identification of human remains; impacted biological resources; impacted waterways; or other unintended resource impacts. The resource impact may be a Utility non- compliance incident (Chapter X, *Communication and Monitoring*, Section X, *Utility Noncompliance Practices*) and may require resource-specific incident management procedures and remediation (Appendix X;).

Communication and Monitoring

Instructions: This chapter should summarize the communication and monitoring commitments of the Utility and the BLM to ensure the effective long-term implementation of this Plan.

# Communication Practices

Primary communications for O&M activities will occur between each Field Office and the Utility via designated POC. Communication points of contact will be established during the annual meeting and updated as needed. If necessary, back-up POC can be identified if the primary POC are not available. Each designated POC will be responsible for distributing communications, notifications, and other related information regarding the O&M activities defined in this Plan to their respective teams for review and comment. All feedback from the Field Office and the Utility should be relayed to their respective points of contact, who will be responsible for sharing the information with the points of contact at the other organization.

## Annual Meetings

The Field Office and the Utility will participate in annual meetings to discuss feedback on the Plan, including the work notification, review, and approval process; lessons learned from the prior year; forecast of work projected for the coming year; and concerns regarding the protection of resources. The annual meeting will also be an opportunity to discuss the communications protocol between the Field Office and the Utility to keep the Field Office informed of ongoing Class I and other O&M activities. The annual meeting will provide the BLM with an opportunity to discuss any areas of concern, including new Field Office-specific areas such as Areas of Critical Environmental Concern, National Monuments, and other special areas identified (Appendix X). The annual meeting will also provide the Utility an opportunity to discuss new technology or techniques that may affect O&M activities.

Annual meetings between Field Office and the Utility will be scheduled by the first quarter of each calendar year and generally will occur during the second quarter of each calendar year. Both parties will work to ensure that appropriate management and resource staff are present at these meetings. Meetings may be conducted virtually as needed. The Utility will provide a draft agenda 2 weeks in advance of the meeting and will provide presentation materials/handouts 1 week in advance of the meeting.

The Utility will also provide a summary of its proposed annual work plan to be discussed at the annual meeting. The summary will include the following information:

* Information on the Utility’s goals and priorities in the upcoming year.
* A general summary of the previous year’s O&M activities.
* Information on the Class I activity work plan for the coming year.
* Key upcoming Utility Class II and III activities.
* POC information for key O&M activities and other primary communication.

Below are sample considerations to prepare for annual meetings between the BLM and Utility

The Field Office will provide a list of questions or issues, if necessary, at least 2 weeks in advance of the meeting. Additionally, the BLM will provide the Utility with the following information at the annual meeting:

* Information on Field Office goals and priorities for the coming year related to Utility planning.
* Staff and potential administrative resources related to the Utility and Plan.
* GIS and/or maps depicting special areas identified (Appendix X).
* Geographic areas of concern where impacts have occurred (e.g., overland travel associated with Utility facilities).
* Geographic areas requiring restoration of impacts.
* Status and estimate of funds remaining of cost recovery agreements with the Utility.
* Any unresolved incidents, non-compliance events, or other occurrences.

During the annual meeting, the Utility and Field Office will also discuss the following:

* Compliance monitoring activities that were conducted by the BLM the prior year.
* Biological or cultural resource monitoring efforts that were conducted by the BLM the prior year.
* Issues of concern related to O&M work practices and Field Office resources.
* Information pertaining to the road maintenance of consolidated and short-term ROW grants.
* Biological and invasive weed occurrence and survey data to be shared and updated.
* Discussion of any proposed Plan updates.
* Known public activities and events that occur annually that may have potential to interact with O&M work.
* Discussion of updates to GIS data and information.
* Discussion of any other resource data updates.

Following the annual meeting, the Utility and Field Office will share applicable GIS data updates. Additionally, the annual meeting should include resource-specific discussions. These discussions should include the topics captured in Appendix X and Appendix X.

## Coordination Calls

The State Office, District Office, Field Office, and the Utility will participate in other coordination conference calls as necessary to discuss issues and trends across the Field. The calls may be scheduled by the Utility or the BLM and will occur on an interval and date acceptable to all parties. The Utility will provide a draft agenda 2 weeks in advance of all meetings. All parties will work to ensure that appropriate resource staff participate in these meetings.

Tribal Engagement

Instructions: Describe briefly tribal engagement and the outcomes and requirements for O&M activities

The BLM is committed to fostering a positive working relationship with Native American Tribes and ensuring that the rights and interests of Tribes are considered and addressed in BLM decisions and planning processes, through government-to-government consultation. As such, the Field Office may perform outreach to tribal communities ethnographically affiliated to that Field Office’s- administered lands at the discretion of the BLM.

The BLM conducted tribal consultation on the Utility grant issuance undertakings (defined in CRMP Appendix X Section X) under the National Historic Preservation Act (NHPA), following the processes outlined in BLM BLM State Name State Protocol Agreement Stipulations X .

## Planning-Level Tribal Engagement

Tribes are invited to participate in forums with BLM and Utility staff to discuss O&M activities on BLM-administered lands. The intention of this high-level information exchange is to keep tribal communities informed.

## Activity-Specific Tribal Engagement

At the discretion of the BLM, Tribal consultation or coordination may be conducted on an activity- specific basis. The BLM shall consult when Tribes request government-to-government consultation, will coordinate with the Utility regarding project/consultation schedules, and convey any results of tribal consultation that the tribes are comfortable sharing with Utility staff to ensure tribal concerns and interests are represented during O&M activities.

Changes to Rights-of-Way

Instructions: periodically, existing ROWs may require changes, coordinate with BLM to identify the process for corrections, amendments, additions, ect. See sample text below

# Corrections to Rights-of-Way

ROW corrections are clerical and administrative. These actions or clarifications do not affect the authorization. If a need for correction (e.g., inaccurate permit description, mislabeled permit number) is identified in the ROW, the Utility or the BLM should provide notice to the other parties affected. Minor errors can be corrected at any time and should be completed as soon as possible or as agreed to by the Utility and the BLM. Corrected supporting documents should contain the date that the correction was made for tracking purposes.

## Amendments to Rights-of-Way

If Utility facilities including access roads are to be added or decommissioned, and/or if ROW boundaries are to be modified, these activities could represent a “substantial deviation” that may require amendment to existing ROWs. A substantial deviation means a change in the authorized location or use that requires construction or use outside the boundaries of the right-of-way, or any change from, or modification of, the authorized use. The BLM may determine that there has been a substantial deviation in some of the following circumstances: when a right-of-way holder adds overhead or underground lines, pipelines, structures, or other facilities within the right-of-way not expressly included in the current grant. Maintenance actions or safety-related improvements within an existing ROW, including vegetation management, are not considered a substantial deviation. Activities undertaken to reasonably prevent and suppress wildfires on or adjacent to the ROW also do not constitute a substantial deviation.

A ROW amendment will need a Standard Form 299 (SF-299) and BLM review, including associated NEPA, Endangered Species Act (ESA), and NHPA analysis. ROW amendments will be incorporated into the consolidated ROW grant, as appropriate, once authorized, and will include this Plan as a term and condition of the amended grant to ensure timely and consistent application of the procedures and practices set forth in this document for O&M activities.

If the Utility no longer needs a facility ROW grant, the Utility will notify the BLM and provide updates in GIS regarding which area’s rights are to be terminated. If the Utility needs to decommission a line, the Utility will notify the BLM and work with the Field Office to ensure that the line is decommissioned appropriately.

### Integrating New Facilities into the Plan

If the Utility requires a new ROW for new facilities, these ROWs will be requested through submittal of an SF-299 for BLM review and authorization. Where feasible, newly authorized ROWs or facilities will be incorporated under existing consolidated ROW grants. If new ROWs are issued but not included in the consolidated grant, they will include this Plan as an instrument of the grant, if feasible and appropriate, to ensure consistent application of the procedures and practices set forth in this document.

## Changes to the Plan

Instructions: The O&M plans are living documents and may require changes overtime, please identify minor or major changes, process times, etc.

This Plan periodically may need minor edits or more significant modifications based on its implementation, changes in process, regulation changes, technology, or other factors. Changes and improvements are likely to be identified because of the multiple processes involved (e.g., notification, screening, review, consultation, and meetings). These changes and improvements can take two forms: minor edits to the Plan and modifications to the Plan; both are described in detail below. No edits or modifications may be made to the Plan without approval from both the Utility and the BLM. Any edits or modifications will be in accordance with applicable legal requirements, including but not limited to, NEPA, NHPA, ESA, and the Federal Land Policy and Management Act (FLPMA). It is highly encouraged that proposed changes to this Plan be an annual meeting agenda topic, although proposals may be made at any time for consideration of the BLM and the Utility. The State Office will review, coordinate, and approve any changes to the Plan. The Field Office may review and approve changes to Field Office- specific conditions in coordination with the State Office.

The Utility will maintain a version tracking system that will include the original date the Plan was issued, as well the dates and content for all minor edits or modifications.

### Minor Edits to the Plan

Minor edits are editorial and administrative actions or clarifications that do not substantially affect the Plan. These changes do not require an amendment to the Plan, but they do require approval by the State Office and the Utility before being implemented and will be documented as described above. The Utility requesting or receiving the minor edit request is required to obtain approval only from the State Office, and not from the other Utility, but all parties will receive notice. Examples of minor edits are listed below.

* + - * + Correction of typographical, grammatical, and similar editing errors in the Plan that do not change the intended meaning.
        + Minor changes to the O&M activity descriptions or tables.
        + Minor changes to the BMPs or RPMs.
        + Minor changes to monitoring or reporting protocols.
        + Minor changes to the meeting protocols.
        + Correction of any tables or appendices in the Plan to reflect previously approved changes but that do not independently alter or change the intended meaning of the Plan.

The Utility or the BLM may propose minor edits to the Plan by providing written notice to all other parties. Such notice will include a statement of the reason for the proposed change, an analysis of the environmental effects of the change, and any other information required by law. The parties will respond in writing to the proposed minor edits within 30 business days of receipt of such notice.

Either the Utility or the BLM may object to a proposed minor edit for any reason if either party believes that the change is substantive and does not qualify as a minor edit. Where possible, before rejecting a proposed minor edit, the recipient of the request will first contact the requestor and suggest reasonable conditions or alterations to the proposal. If both parties agree to the minor edit, the edit will be formally included in the Plan. If either party reasonably objects to a minor edit and the objection is not resolved by any conditions or alterations, the proposed edit will be processed as a modification to the Plan, as described below. Any finalized documents, once changes have been approved or made, will be processed and distributed by the State Office.

### Modifications to the Plan

All changes to the Plan that do not qualify as minor edits may be processed as a modification to the Plan in accordance with all applicable laws, regulations, and authorities. The party proposing the modification will provide a statement of the reasons and an analysis of the modification’s effects. Examples of changes that would require a modification are listed below.

* + - * + Substantial changes to the text of the Plan.
        + New or significantly modified BMPs or RPMs to avoid or minimize resource impacts, including changes or additions to listed species measures.
        + Substantial changes to the monitoring or reporting protocols.
        + Actions or O&M activities that are substantially different or for a larger area than O&M activities previously analyzed.
        + Extending the ROW grants term.

Modifications to the Plan may affect only one Utility and not necessarily other Utilities.

### Review Periods

The BLM and the Utility will review the Plan after the first, third, and fifth years of implementation to determine what modifications may be needed. The Plan will be reviewed every 5 years thereafter to determine whether the Plan is functioning for both the BLM and the Utility as anticipated and whether it is being implemented as anticipated. The Utility will compile comments from the Field Office and discuss potential edits with the State Office.

### Relationship to Other Permits

To the extent that the Utility has concurrent authorizations related to a specific facility, the Utility will operate and maintain facilities consistent with the authorization or permit specific to the facility.

### Elevation Process

Per the terms of the Plan, the Utility will provide complete work packages to the BLM in advance of O&M activities, except for Class I activities, and the BLM will conduct a timely review and response of the work packages. If either party identifies that the information provided does not fulfill the agreed upon requirements for the project work package (Chapter X), or the review and approval processing timelines have not been met, they may elevate their concerns to the next higher level of management. The Utility’s Plan Administrator is the next higher level of management for the Utility. The Field Office Field Manager is the next higher level of management for the BLM, followed by the District Manager, and finally the Deputy State Director for Resources in the State Office. The Utility may elevate their concerns to the next level of BLM management for resolution and approval within an additional 15 business days

## Dispute Resolution

The BLM and the Utility will work together to try to resolve, in a timely manner, any dispute that occurs as part of this Plan. The local leadership of the Field Office and the Utility will work together to try to resolve any disagreements or misinterpretations of the Plan or its appendices. Any issues that cannot be readily resolved will promptly be referred to the next-level supervisor for resolution within both the BLM and the Utility. If issues cannot be resolved at the local level, they will be elevated to the BLM District Manager and the Utility’s Plan Administrator. Issue resolution may be initiated by request of either party. If issues cannot be resolved at the BLM District level, they may be elevated to the State Office. Both the BLM and the Utility are responsible for ensuring timely elevation and resolution of issues.

Monitoring and Consistency Reviews

One of the goals of this Plan is to reduce the administrative burden of case-by-case review and approval for O&M activities by establishing a consistent process by which O&M activities described in the Plan are conducted. To ensure that the review process and O&M activities are being carried out in a consistent manner that meets the standards of the BLM and the Utility—and meets the goals of the Plan, the BLM and the Utility will have an opportunity to share the results from monitoring activities and consistency reviews. Periodic monitoring activities will be conducted to evaluate whether work was classified, screened, and conducted as submitted. Review results will be shared between the BLM and the Utility on an annual basis, as part of the annual meetings, to identify processes that are working successfully and opportunities for improvement. Review results may also be shared on an as-needed basis when issues arise that require immediate actions.

# Bureau of Land Management Compliance Monitoring

The Field Office may conduct periodic monitoring of ROW grants and how the authorized facility is being operated and maintained, including O&M activities to determine whether the terms and conditions of the grants are being followed. The Field Office is encouraged to conduct periodic compliance monitoring on approximately 10% of Class II and Class III O&M activities that are conducted within the Field Office. This includes determining whether the site-specific BMPs and RPMs are being implemented correctly and to document the effectiveness of the BMPs and RPMs. The Utility’s complete work package provides the BLM with the opportunity to both review the proposed work locations in advance and visit work locations to evaluate whether the O&M activities are occurring as characterized and described in the work package. Monitoring activities will occur at the discretion of the BLM, is funded by the Utility under cost recovery, and is a right reserved by the United States in all authorizations.

The results of these monitoring activities will be shared with the Utility at the annual meeting, or sooner if necessary, and will be documented in the ROW grant case file. The BLM and the Utility will discuss the findings and, if necessary, discuss recommendations for amending the environmental screening process, BMPs, RPMs, or other work practices.

# Utility Noncompliance Practices

The Utility is responsible for ensuring that any O&M activities done by its staff or contractors as part of this Plan are completed according to the procedures and protocols in this Plan; the ROW grant; and applicable law, regulation, and policy. Copies of the Plan and its appendices will be provided to Utility contractors or third-party vendors conducting O&M work. O&M activities or occurrences considered by the Utility or the BLM as noncompliant with the procedures and protocols outlined in this Plan are subject to a noncompliance documentation process; the Utility is responsible for remediating the noncompliance in coordination with the BLM, when remediation is deemed necessary by the BLM. If necessary, the Authorized Officer may require the Utility to temporarily stop work in order to resolve the noncompliance (43 CFR § 2807.16).

The following process will be followed by the Utility when a non-compliance incident is identified by the BLM or the Utility.

1. Within 2 business days of verifying that a noncompliance incident has occurred, a Utility representative will report to the Field Office contact (via email to the established POC per this Plan) where the incident occurred, and any other details known at that time (the “Incident Report”).
2. Within 5 to 10 business days after submission of the Incident Report, the Utility representative will submit (via email to the established POC per this Plan) an “Incident Documentation Report” documenting all relevant details relating to the noncompliance incident known at the time. The Utility representative will make initial communication via email to the Field Office contact with their findings.
3. Within 30 calendar days after the submission of the Incident Documentation Report, the Utility representative will send a “Cause and Correction Report” (via email) with the following information

to the Field Office contact: (1) a formal review of what occurred; (2) the cause of the noncompliance incident; (3) any applicable corrective actions proposed by Utility personnel or its contractors; and (4) a proposed resolution or remediation plan to be agreed upon by the BLM. The Utility may ask for additional time in supplying a resolution plan if complex cooperation with the BLM is required. The time extension will be agreed upon by both parties. Utility noncompliance incidents may also require resource-specific incident management procedures and remediation (Appendix X).

1. Any resolution or remediation plan requires BLM approval prior to implementation. The Utility will complete any necessary remediation as agreed upon in the approved plan. Any federal costs associated with implementing the Utility remediation actions are subject to cost recovery (monitoring fees collected and expended under the existing Master Agreements for cost recovery). Depending on the severity of noncompliance, other fees may be required for remediation.

# BLM Responsibility

The BLM is responsible for reasonably ensuring that all BLM employees adhere to the procedures and protocols in this Plan. The BLM will adhere to its obligations under existing and future laws, regulations, and policies; and this Plan was written to be consistent with these obligations. The BLM is responsible for the timely and efficient administration of Utility grants and implementation of this Plan. If the BLM is unable to comply with the Plan because it believes it is not consistent with other laws, regulations, or policies, it will propose an amendment to the Plan to address the inconsistency.

Utility Emergency Response Activities (Class IV)

Utility emergency response activities are not considered to be routine O&M, but rather are activities that are conducted under emergency conditions. Utility emergency response activities have been identified as Class IV activities in other federal O&M Plans but are not identified as a class of routine O&M activities in this Plan. Utility emergency response activities are carried out in compliance with all applicable laws and regulations for emergencies, including, but not limited to: DOI’s NEPA implementing regulations at 43 CFR § 46.150 and FLPMA at 43 U.S.C. § 1772 (e) see also 43 CFR § 2805.22.

While emergency response may be defined differently depending on the regulation, for the purpose of this Plan, Utility emergency response conditions represent immediate or imminent threats to public health and safety, electric system reliability, property, or natural or cultural resources. Emergency response conditions may include imminent threats (e.g., a tree that is likely to contact a line); declared emergencies, being declared by a local government, State Governor, US President, or Tribal Nation (e.g., flood, earthquakes, wildfires, etc.); and situational emergencies (e.g., a ROW holder responding to a facility pole that has been struck by a vehicle). Utility emergency work may also include responding to natural or human-caused catastrophic events that threaten loss of life and property and that require immediate Utility emergency response to mitigate hazards to electric distribution and transmission infrastructure.

Utility emergency response activities include, but are not limited to, post-fire response in coordination with the BLM, outage repairs, downed power lines, and imminent vegetation hazards. In accordance with the 43 CFR § 2801.5 (b) terms, emergency response activities include the removal of ‘hazard trees’ as defined below and in Plan Appendix X, Section X.

"Hazard tree, for purposes of vegetation management for a powerline facility and when used in section 2805.22 of this part, means any tree, brush, shrub, other plant, or part thereof, hereinafter “vegetation” (whether located on public lands inside or outside the linear boundary of the right-of-way for the powerline facility), that has been designated, prior to failure, by a certified or licensed arborist or forester under the supervision of the Bureau of Land Management or the right-of-way holder to be:

1. Dead; likely to die or fail before the next routine vegetation management cycle; or in a position that, under geographical or atmospheric conditions, could cause the vegetation to fall, sway, or grow into the powerline facility before the next routine vegetation management cycle; and
2. Likely to cause substantial damage to the powerline facility; disrupt powerline facility service; come within 10 feet of the powerline facility; or come within the minimum vegetation clearance distance as determined in accordance with applicable reliability and safety standards and as identified in the right-of-way for the powerline facility and the associated approved operating plan or agreement."

43 CFR § 2805.22 specifically describes the requirement for the Utility to address emergency

conditions caused by vegetation hazards “within or adjacent to” electric transmission or distribution ROWs presenting an imminent threat of contact with the line. If vegetation or hazard trees have contacted or present an imminent danger of contacting an electric transmission or distribution line from within or adjacent to an electric transmission or distribution right-of-way, the Utility may prune or remove the vegetation or hazard tree to avoid the disruption of electric service or to eliminate immediate fire and safety hazards.

In all emergency response situations, the Utility is highly encouraged to contact the BLM Field Office with jurisdiction for the ROW (the Field Manager or delegated acting) prior to addressing the emergency or as immediately as possible so that the BLM can help coordinate and identify areas where sensitive resources are likely to be present and assist with compliance by the Utility and the BLM to applicable laws and regulations.

The Utility will notify the BLM regarding Utility emergency response activities within 1 day after the date of the activity commencing. In addition, the Utility will conduct the necessary assessments of impacts and provide post-activity reporting and other information to BLM as required within 30 business days from completing the emergency response activities.

The Utility will work with the BLM to determine the appropriate course of action for all post- emergency responses. Following completion of the emergency response, the subsequent action required for NEPA compliance would be determined based on Department of Interior (DOI) regulations (43 CFR § 46.150) and DOI guidance issued in Environmental Statement Memorandum No. 13-3.

Outside of these specific emergency conditions, all other regular utility operations and maintenance is considered non-emergency and is captured in the Activity Review Process (Plan Chapter X). 43 CFR § 2805.22 states that, “for non-emergency conditions, the holder of a right-of-way for an electric transmission or distribution facility must conduct vegetation management activities in accordance with the terms and conditions of the grant, §§ 2805.12(a)(4) and 2805.14(d), and any approved operating plan or agreement.”