

PROGRAMMATIC AGREEMENT
AMONG
WESTERN AREA POWER ADMINISTRATION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
CONCERNING EMERGENCY AND
ROUTINE OPERATION AND MAINTENANCE ACTIVITIES AND OTHER ROUTINE
ACTIVITIES AT WESTERN FACILITIES IN CALIFORNIA

WHEREAS, The Western Area Power Administration (Western), Sierra Nevada Region and Desert Southwest Region operate and maintain extensive electrical transmission systems that includes transmission lines, substations, communication sites, maintenance facilities, and ancillary features; and

WHEREAS, Western conducts emergency and routine operation and maintenance (O&M) activities necessary to ensure the reliability of the electrical system and other routine activities; and

WHEREAS, these activities include the actions described in Appendix B; and

WHEREAS, certain of these emergency and routine O&M activities and other routine activities are considered undertakings and may have an effect upon historic properties included in or eligible for inclusion in the National Register of Historic Places; and

WHEREAS, Western has consulted with the Advisory Council on Historic Preservation (ACHP) and the California State Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. §800.14(b)(iv) of the regulations implementing Section 106 of the National Historic Preservation Act, 16 U.S.C. §470f, as amended (NHPA); and

WHEREAS, the parties to this Agreement desire to create an efficient mechanism to ensure that Western's emergency and routine O&M activities and other routine activities identified in this Agreement comply with NHPA requirements; and

WHEREAS, other Federal agencies have been invited to concur in this Agreement because of their land management responsibilities on lands where Western has easements. These agencies include the U.S. Forest Service, the Bureau of Reclamation, and the Bureau of Land Management. The agencies have chosen not to participate as concurring parties; and

WHEREAS, the definitions given in Appendix A are applicable throughout this Agreement; and

WHEREAS, on December 10, 1997, Western, ACHP, and SHPO executed an agreement titled Agreement Concerning Emergency and Routine Maintenance Activities at Western Facilities in California (1997 Agreement). The 1997 Agreement provides for Western to conduct routine and

emergency maintenance activities on Western-owned or -managed facilities in accordance with the stipulations of the 1997 Agreement satisfying Western's Section 106 responsibilities; and

WHEREAS, this Agreement supersedes and replaces the 1997 Agreement referenced above; and

NOW, THEREFORE, Western, ACHP and SHPO agree that Western's emergency and routine O&M program and other routine activities described in this Agreement shall be administered in accordance with the following stipulations to satisfy Western's Section 106 responsibility.

STIPULATIONS

Western will ensure that the following measures are carried out.

- I. The Natural Resources Manager from each region will be responsible for the implementation of and compliance with this Agreement. The Regional Historic Preservation Official (RPO) will coordinate with Western's Federal Historic Preservation Officer (FHPO), Western's Maintenance Supervisor and the Natural Resources Manager to ensure consistent implementation of this Agreement. The RPO will be responsible for developing and reviewing scopes of work, consultant proposals, historic preservation reports, the Area of Potential Effects (APE) of Projects and project impacts, the need for identification and evaluation of historic properties, and the treatment of historic properties affected by routine operation and maintenance actions and other routine activities if avoidance by project design is not appropriate.
- II. The classes of activities listed in Section I of Appendix B will not require any cultural resources investigations or any additional consultation among the parties to this Agreement. These activities have little likelihood of impacting cultural resources. Western will carry out these activities without consulting the SHPO.
- III. The classes of activities listed in Section II of Appendix B have a low probability of affecting cultural resources because they have limited potential to result in surface disturbances or other impacts. The RPO will consult with the Maintenance Supervisor and the Natural Resources Manager to determine the project area and scope and APE for each activity in Section II they plan to undertake and conduct a project review. Such project review will include, but is not limited to, a Class I records and literature search for known cultural resources in the vicinity of the project, information on the location of previously conducted surveys and survey results, and information about the likelihood of the project area containing cultural resources, including integrity of surface conditions and existence of facilities of 45 years or older. Western need not consult with the SHPO if Class III (intensive) level surveys have been completed and no historic properties have been identified or if the undertaking proposed involves facilities less than 45 years of age. If the project area has not been surveyed to Class III (intensive) level or the identified historic property cannot be avoided, the RPO will evaluate existing environmental data to determine the possible existence of cultural resources, the likelihood of impacting such resources, and further actions required. The RPO will determine whether or not a field survey, archeological monitoring or other historic preservation efforts are necessary. In

large areas where dense vegetation prevents a Class III survey, mechanical means of vegetation removal (use of a masticator) may be used provided best management practices (BMP) as outlined in Appendix C are followed. Western shall discuss every determination in the annual report in accordance with Stipulation IX of this Agreement.

- IV. The classes of activities listed in Section III of Appendix B will be subjected to Class I and Class III inventories by a qualified cultural resource specialist if they have not been subjected to a prior inventory. Additionally, any routine O&M activities and other routine activities Western undertakes that are not identified in one of the three classes will be subjected to Class I and Class III inventories by a qualified cultural resource specialist, if they have not been subjected to a prior inventory. Western's RPO, in consultation with the Natural Resources Manager and Maintenance Supervisor, will determine the APE. They will identify areas not requiring additional survey based on a records search, previous survey and consultation indicating that no historic properties were present and places where there is no potential for survival of the historic property. Western shall discuss every determination in the annual report in accordance with Stipulation IX if this Agreement.
- V. If the surveys that take place under Stipulations ~~II and III~~^{III & IV} find no resources that meet California's SHPO and land-managing agencies' site definition, no consultation with the SHPO in accordance with 36 C.F.R. §§ 800.4 and 800.5 is required. If an archaeological or historic site is located, but the APE can be changed in order to avoid the site, no consultation among the signatories of this Agreement is required. After reviewing for completeness and evaluating for eligibility to the National Register of Historic Places, Western will forward to the SHPO and the land-managing agencies or Tribe (as appropriate) any field survey data including any site survey report as well as site information within four weeks of the acceptance of the completed report and site information. If historic properties meeting site definitions are located and cannot be avoided, consultation will take place in accordance with 36 C.F.R. §§ 800.4 through 800.6.
- VI. Western will review building acquisition, modification, upgrading, disposal, and demolition projects to determine whether historic properties will be impacted. If historic properties will be impacted or if structures (including substation equipment) are more than 45 years old, Western will consult with the SHPO according to 36 C.F.R. §§ 800.4 through 800.6.
- VII. Emergency activities will be carried out without consultation. Emergency activities are defined as situations of unplanned or unscheduled power outages or imminent outages that potentially threaten human life and property. These activities may take place between or at towers and within existing facilities such as substations, and may include replacing structures (including crossarms, insulators, and/or conductors) and tree removal. If one has not been conducted, Western will conduct a Class III survey of the emergency activity APE as soon as practicable and notify the SHPO and the local land-management agency of the findings.

- VIII. Western will provide each land-management agency represented herein with information and any changes on the location of its rights-of-way and facilities within their jurisdiction. Each land-management agency will provide Western with appropriate information on sites identified on Western's rights-of-way or at its facilities subsequent to the preparation of this Agreement.
- IX. On an annual basis, Western will prepare a report detailing actions taken under this Agreement for the portions of the emergency and routine O&M program and other routine activities listed under Section II and III of Appendix B. This report will be submitted to the ACHP and the SHPO by October 1 of each year beginning in 2010. The report will list the actions taken, a short description of each action, the date each action was reviewed, results of records search and inventory (if applicable), any consultations with and by whom, and the decision made based upon this information. The report will also include a general discussion of Western's efforts to identify historic resources, an evaluation of the effectiveness of the Agreement, information about Western's public involvement efforts, and items related to Western's historic property protection program.
- X. Western shall develop and implement a plan for discovery should project activities encounter a previously unknown historic property. All work that might affect the property shall cease until Western, in consultation with all appropriate parties (including the SHPO, Western's HPO, Tribes, private landowners, and state, local, and land-management agencies), can evaluate the property's eligibility and project probable effects. Western shall consult with the SHPO and the land-management agencies or individuals to determine what measures can be taken to mitigate the effects or avoid the property. The consultation shall also determine when work at the location of the discovery may resume.
- XI. Treatment of human remains and items of cultural patrimony will be handled on a case-by-case basis with involvement of the appropriate parties listed in Stipulation X. In the event that human remains or items of cultural patrimony as defined by the Native American Graves Protection and Repatriation Act, 25 U.S.C. § 3001, *et seq.*, (NAGPRA) are encountered on lands under the ownership of Western, Western shall consult with the lineal descendants and culturally affiliated Tribe(s) to establish the appropriate disposition of any Native American human remains or items of cultural patrimony in compliance with NAGPRA. On Federal lands managed by another Federal agency, the Federal land manager, with Western's cooperation, will assume responsibility for compliance with NAGPRA. If Native American human remains are encountered on state or private land, Western shall follow the procedures set forth in the California Public Resources Code § 5097, *et seq.* If a private landowner desires to maintain ownership of archeological items, records, and materials, copies of records shall be maintained by Western, and copies of records shall be forwarded to the appropriate office of the California Historical Resources Information System.

XII. Curation of Recovered Data:

A. Any cultural items (artifacts), materials, and records associated with the collection of those cultural items that were obtained by Western in activities associated with this Agreement shall be maintained at a local curatorial facility in accordance with the standards specified in 36 C.F.R. Part 79, as required by any other Federal agency. A curatorial agreement shall be executed between Western, or its representatives, and the curatorial facility prior to the implementation of any collection or recovery. If no suitable facility can be identified to house the material recovered during the implementation of this Agreement, Western shall consult with the SHPO to identify and finalize alternative arrangements.

B. Western shall return all archeological items, records, and materials recovered from privately held lands to the owner as established under the Archaeological Resources Protection Act, 16 U.S.C. § 470aa-mm (ARPA). If these items, records, or materials are refused by their owner or donated to an appropriate Federal agency, Western shall ensure that the receiving agency acquires title to these items, records, or materials and makes binding arrangements to curate such property. If the owner desires to maintain ownership of the archeological items, records, and materials, copies of the records shall be maintained by Western, and copies of reports shall be forwarded to the appropriate office of the California Historical Resources Information System.

XIII. The land-management agencies shall provide information to Western about the location of historic properties included in, or eligible for inclusion in, the National Register of Historic Places within Western's rights-of-way and about the location of historic preservation activities (surveys) that did and did not result in the identification of historic properties; e.g. both positive and negative historic property findings.

XIV. Any signatory party to this Agreement may terminate the Agreement by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event that the parties agree to terminate this Agreement, Western will comply with 36 C.F.R. §§ 800.4 through 800.6 with regard to all activities covered by this Agreement.

XV. Any signatory party to this Agreement may propose to the other signatory parties that this Agreement be amended, whereupon the parties will consult in accordance with 36 C.F.R. 800.6(c)(1) and (7) to consider such an amendment. Other parties may be added to this Agreement upon mutual agreement of the original signatories.

XVI. Should any party to this Agreement object within 30 days to any actions proposed pursuant to this Agreement, Western shall consult with the objecting party to resolve the objection. If Western determines that the objections cannot be resolved, Western shall forward all documentation relevant to the dispute to ACHP. Within thirty (30) days after receipt of the pertinent documentation, ACHP shall either:

A. Provide Western with comments which Western will take into consideration in reaching a decision regarding the dispute; or

B. Notify Western that it will comment pursuant to 36 C.F.R. § 800.7(c), and proceed to comment. Any ACHP comment provided in response to such a request will be taken into account by Western in accordance with 36 C.F.R. § 800.7(c)(4) and Section 110(1) of the NHPA with reference to the subject of dispute.

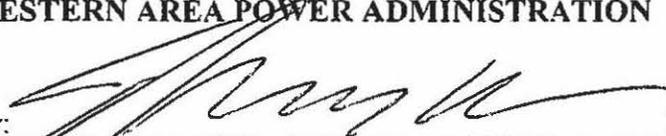
Any recommendation or comment provided by ACHP will be understood to pertain only to the subject of the dispute. Western's responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

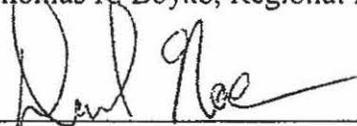
XVII. All appendices attached to this Agreement shall be in force and in effect, as part of this Agreement, until suspended or amended, or until the termination of this Agreement.

Execution and implementation of this Programmatic Agreement and its transmittal by Western to the ACHP in accordance with 36 C.F.R. §800.6(b)(1)(iv), and subsequent implementation of its terms shall evidence, pursuant to 36 C.F.R. §800.6(c) that Western has satisfied its Section 106 responsibilities for all individual undertakings of its emergency and routine operation and maintenance program and other routine activities in California described in this Agreement.

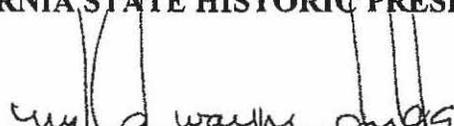
SIGNATORY PARTIES:

WESTERN AREA POWER ADMINISTRATION

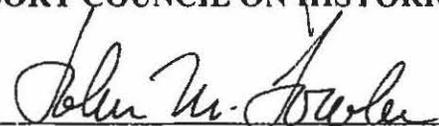
By:  Date: 11/2/10
Thomas R. Boyko, Regional Manager, Sierra Nevada Region

By:  Date: 12/29/09
Darrick Moe, Regional Manager, Desert Southwest Region

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

By:  Date: 20 JAN 2010
Milford Wayne Donaldson, State Historic Preservation Officer

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 3/1/10
John M. Fowler, Executive Director

APPENDIX A
Definitions

All-dielectric Self-supporting Cables (ADSS) - Cables installed on transmission and distribution lines for grounding and transferring communication data throughout the transmission line system (see OPGW).

Aircraft Warning Devices - These devices consist of both signs and marker balls. Signs are usually placed on the tops of transmission line structures. "Marker balls" are large colored balls placed around overhead groundwires to make the groundwires more visible to aircraft and birds.

Anchors - Anchors are metal pins or concrete weights attached to the ends of guy wires to secure them to the ground.

Armor Rod - Protective pre-formed wires wrapped around aluminum conductor to prevent damage at point of support. Also used to repair minor conductor damage.

Auger Truck - A truck equipped with a bed-mounted auger used to dig holes for poles or structure foundations.

Bird Guard - A specially designed device placed on transmission line structures to prevent birds from being electrocuted.

Bobcat - A small front-end loader.

Brushhog - A debris chipper that grinds vegetation.

Bucket Truck - A specially designed truck equipped with a bucket and hydraulic arm used to lift men and equipment to the top of transmission line structures during construction, maintenance and inspection of transmission line structures.

Bushing - An electrically insulating lining for a hole to protect a through conductor.

Capacitor Banks - Capacitors are devices which store an electrical charge. Capacitors are grouped in "banks" inside switchyards and substations. Capacitor banks perform various functions including increasing power flow, compensating for voltage drops, and improving power at the point of delivery.

Cellular Tower Antennae - Antennae installed on a Western transmission line tower or other Western facilities by private telecommunication companies for wireless services and telecommunication projects. Installation of cellular tower antennae usually involves the need for other nearby components such as small equipment cabinets, and underground or aerial telephone line connections.

Circuit Breakers or "Breakers" - A circuit breaker is any device designed primarily to provide safe, rapid interruption of abnormal current flow. Circuit breakers interrupt a faulted circuit, and reclose as soon as the fault has been cleared.

Class I Survey - A literature and records search of previously identified archaeological and historic site records within or near the project APE.

Class II Survey - A professionally-conducted sample survey designed to characterize an area.

Class III Survey - An intensive, professionally-conducted, cultural resources survey to identify cultural resources present in the APE. Intensive surveys should be no more than 20 meter transects apart and cover 100% of the APE.

Clipping - The task of permanently attaching the conductor to the insulators during construction. Clipping is the last step in completing conductor stringing.

Communication Sites - Four communication systems are used by Western to track and monitor the power system: microwave transmissions, power line carriers, radio, and leased telephone lines. Microwave communication sites are being used more and more. A microwave site consists of a fenced, level pad occupied by a tower and small control building.

Conductor - Conductors, often called wires or lines, are the actual carriers of current in a transmission system. They are usually made from solid or stranded aluminum and reinforced with steel.

Crossarms - The crossarm is the crossing member of a wood pole or steel transmission line structure which supports the insulators for the conductors.

Cultural Resources - Any definite location of past human activity, occupation, or use. Cultural resources are identifiable through inventory, historical documentation or oral evidence. Cultural resources include archeological, historic, pre-historic, or architectural sites, structures, places, objects, or artifacts and all records and remains related to or located within such resources.

Cut Out Fuse - A fuse is an electrical safety device that melts and interrupts the circuit when the current exceeds certain amperage.

Dampener Installation - Vibration dampeners are installed to inhibit the conductor or overhead ground wires from oscillating, whipping, and/or bouncing. They may be installed using bucket trucks.

Disconnect Switches - A switch is used to open or close a circuit. An open switch stops current from flowing in a circuit, while a closed switch allows current to flow again. Disconnect

switches are used throughout an electrical system to separate various parts of the system during a fault, and to allow for maintenance and repair.

Footing – An enlargement at the base of a structure used to distribute the load or weight of the structure. Footings are dug with an auger into the ground and sometimes are filled with concrete.

Ground Mat - A large wire mesh mat buried under a substation or other electrical facility used to help ground electrical equipment.

Ground Rod - A metal pole installed in the ground to a depth of at least 5 feet. The rods are attached to grounding cables.

Ground Wire - A safety device that directs current to the earth or “ground”. Overhead ground wires act as lightning rods. They are connected to the transmission line structures and extend down into the ground.

Guy Wire - A steel wire used to support or strengthen a structure. A guy wire securely anchors the structure to the ground. Guy wires are used at deadend and turning structures and at endpoints such as substations.

Insulators - An insulator keeps current from flowing to earth or another conductor. Insulators usually hang from the transmission line structure crossarms. An insulator inhibits the flow of electricity to earth or another conductor. Insulators are usually bell-shaped, arranged in strings, and are made of porcelain, Pyrex glass or plastic.

Knee Brace - An angle support device used to support a transmission line structure’s crossarm.

Light Beacon - A light attached to a tower used for guidance or aircraft warning.

Lightning Arrestor - Any attachment, usually a metal bayonet, used to attract lightning away from the transmission system and direct it to a ground wire and the ground.

Masticator - A tractor-type machine used for mechanically removing vegetation. Two types of masticators are generally used:

1. **Feller Buncher** - A tractor-type piece of machinery used to mechanically clear or mow dense vegetation. This is a method of vegetation removal that mechanically blades high growth vegetation down to 6-8 inches high while avoiding soil disturbance during normal operations.
2. **Hydroax** - A hydro-axe is an articulated tractor with a mower-mulcher mounted on the front of the machine. It has rubber flotation-type tires that cause little disturbance to the surface ground in dry soil. The mower-mulcher clips and mulches vegetation from 4 to 10 inches above ground. The hydroax can also be used to remove tree stumps from the ground.

Microwave Radio Tower - A tower, usually constructed of steel lattice, equipped with a microwave receiving dish.

Overhead Fiber Optic Ground Wires (OPGW) - A type of cable that is installed overhead on electric power transmission and distribution lines. OPGW combines the functions of electrical grounding and sending communication data.

Parabolic Dish - A bowl-shaped antennae or reflector used in microwave communications.

Pole Guard - A metal collar or brace used to add strength to a pole. See also "stub".

Portable or Mobile Substation - A mini-substation that can be transported by truck and installed anywhere along the transmission system.

Reactors - Devices used to introduce inductive reactance into a circuit. Usually installed in groups or banks, they help limit current to a safe value and protect equipment from excessive power surges during a fault.

Reclosers - A device associated with a circuit breaker that allows the circuit to close automatically after a fault.

Regulators - See voltage regulators.

Solar Power Array - A collection or grouping of devices such as mirrors or photovoltaic cells, capable of capturing solar energy for use in generating electricity.

Shoo-fly - A temporary tap line used to direct current around a piece of the transmission system that is under construction or repair. It also refers to a temporary road used to get around an obstruction in the normal right-of-way.

Stabilizer or Outrigger Pads - Metal plates used to support lifting equipment.

Stub - A temporary reinforcement done at the base of a pole to provide additional strength. A stub usually consists of a short piece of another pole.

Steel Transmission Line (TL) Structure - A steel structure, usually in a lattice or single pole configuration which can be used in special construction situations and to carry large transmission voltages.

Substations - On-ground facilities consisting of electrical equipment used to transform (step down or up) the voltage for delivery and consumer use.

Switches (Switchgear) - Substation equipment designed and operated to switch electrical circuits and to interrupt power flow.

Tap Changers - Devices in some transformers that increase or reduce the potential by changing the transformer turns ratio. Tap changing transformers are used to control voltage at loads, substations, and direct current ties.

Transformers - Transformers transfer energy from one circuit to another circuit and are used to increase or decrease voltage in an alternating current system. A transformer consists of two "windings", or many turns of magnetically coupled wires or coils, placed very close together within an oil cooled cylinder.

Voltage Regulators - Electric devices that regulate voltage flowing through distribution lines. It automatically raises and lowers the voltage to maintain required voltage levels for service.

Wave Traps - A wave trap is used in carrier communications to confine the carrier signal to one transmission line section. It is a parallel circuit tuned to the frequency of the carrier signal.

Wood Transmission Line (TL) Structures - Structures built from large wooden poles (usually of fir, pine, larch or cedar) that are treated with a preservative chemical to protect them against decay fungi.

X-Braces - X-braces, usually constructed of wood, provide reinforced support to large wooden transmission line structures.

APPENDIX B**Routine Operation and Maintenance Activities and Other Routine Activities****I. Activities with No or Minor Associated Surface Disturbance:**

Many of these activities take place within the confines of an existing substation or communications site. Most substations have been leveled and graveled. Equipment used for these activities consist of rubber-tired vehicles such as bucket trucks, backhoes, front-end loaders, cranes, auger trucks, bobcats, and pole trucks. Many vehicles require stabilizer pads which can compact a ground area of about 2' by 2'.

A. Substation Activities:

- 1) Maintenance and replacement of transformers and breakers.
- 2) Servicing and testing of equipment at existing substations, including oil changeouts.
- 3) Installation or replacement of bushings.
- 4) Cleaning or replacement of capacitor banks.
- 5) Maintenance or installation of propane tanks within a substation yard.
- 6) Maintenance of switches, voltage regulators, reactors, tap changes, reclosers and valves.
- 7) Replacement of wiring in substations and switch yards.
- 8) Replacement of existing substation equipment including regulators, capacitors, switches, wave traps, radiators, and lightning arresters.
- 9) Installation of cut-out fuses.
- 10) Adjust and clean disconnect switches.
- 11) Placement of temporary transformer.
- 12) Maintenance, installation and removal of solar power array and controller.
- 13) Clean up of chemical spills when clean up remains above the ground mat.
- 14) Installation of foundation for storage buildings above ground mat within existing substation yard.
- 15) Ground mat repairs.
- 16) Clearing vegetation by hand within the boundary of a fenced substation.

B. Transmission Line Activities:

- 1) Ground and aerial patrols.
- 2) Climbing, inspection, and tightening hardware on wood and steel transmission line structures.
- 3) Replacement or repair of ground wire.
- 4) Replacement or placement of aircraft warning devices.
- 5) Replacement or cleaning of insulators.
- 6) Installation of bird guards.
- 7) Replacement of cross arms on wood pole transmission line structures.
- 8) Cut and drop danger trees.

- 9) Replacement or repair of steel members of steel transmission line structures.
- 10) Inspection of hardware on wood and steel transmission line structures.
- 11) Installation, repair or replacement of X-brace and knee brace.
- 12) Removal or installation of structure mile markers.
- 13) Dampener installation.
- 14) Installation of ADSS or OPGW.
- 15) Replacing ground spike on wood pole structures.
- 16) Brush removal by hand.
- 17) Installation of ground rods.
- 18) Installation of armor rod and clipping-in structures.
- 19) Replacement of conductor.
- 20) Application of wood preservatives on existing wooden pole structures.
- 21) Place fill or rocks around existing towers or structures.
- 22) Place fill or rocks around existing culverts.
- 23) Adding rock to bases of poles or structures where the soil is blown out.
- 24) Installation of cellular antenna on Western facilities when no underground trenching is required.

C. Communication System Activities:

- 1) Microwave radio tower maintenance.
- 2) Communication tower and antennae maintenance.
- 3) Installation of light beacons.
- 4) Removal of microwave dish.
- 5) Installation, removal and repair of parabolic dish.

D. General Maintenance at Facilities:

- 1) Building maintenance including interior and exterior painting; and roof, ceiling, floor, window and door maintenance.
- 2) Application of soil sterilants and herbicides.
- 3) Clearing vegetation by hand.
- 4) Place fill or rocks around existing culverts.

II. Activities with Minimal Surface Disturbance:

These activities may cause minimal and restricted surface disturbance.

A. Substation Activities:

- 1) Excavation for and installation of new footings.
- 2) Repair or replacement of ground mats.
- 3) Replacement or repair of footings for electrical or communications equipment within an existing substation or communications facility.
- 4) Remediation of small spills of oil and hazardous materials.

B. Transmission Line Activities:

- 1) Replacement of existing culverts (use of a backhoe/front-end loader within an existing access road).
- 2) Installation of gates where no new posts need to be installed.
- 3) Digging out buried anchors.
- 4) Uncovering tower legs from soil deposition.
- 5) Installation of anchors.
- 6) Wood pole replacements.
- 7) Stub an existing wood pole structure.
- 8) Rip-rap installation on creek or river banks where no recontouring is required.
- 9) Repair of pole guards.
- 10) Placement of single post informational signs for accessing the right-of-way.
- 11) Place fill in erosional features on access roads.
- 12) Remediation of small spills of oil and hazardous materials.
- 13) Vegetation removal using a masticator following BMPs in Appendix C.

C. Communication System Activities:

- 1) Removal of foundations or footings at communication sites.
- 2) Installation or removal of solar power array and controller.

D. General Maintenance at Facilities:

- 1) Repair fences and gates.
- 2) Pull existing fences.
- 3) Grounds maintenance for existing facilities, including the use of brush hogs.
- 4) Erosion control projects within an existing facility.

III. Activities Causing Extensive Surface Disturbance:

These types of activities may include the use of bulldozers, graders, backhoes, front-end loaders. Activities could take place on any Western facility including transmission line rights-of-way, substations, communication facilities, microwave facilities, and office locations.

- 1) Access road construction or upgrading. (This activity may take place adjacent to, or outside of, Western facilities.)
- 2) Installation of new culverts.
- 3) Installation of foundation for storage buildings outside graveled area at an existing substation.
- 4) Installation of fences and gates where posts or poles must be installed.
- 5) Erosion control projects outside existing facilities.
- 6) Propane tank and pad installation at a communication site.
- 7) Erosion control projects outside existing substation.
- 8) Vegetation clearing by bulldozer or grader.

- 9) Installation of microwave and radio tower.
- 10) Rip-rap installation that includes recontouring on creek or river banks.
- 11) Underground installation of water, power, communication or ground electrical line below ground mat or outside a substation.
- 12) Installation of water diversion bars on existing access roads.
- 13) Installation of foundation for storage buildings inside communication site yards.
- 14) Setting up portable substations outside of an established substation.
- 15) Propane tank installation outside of an established substation.
- 16) Excavation for and installation of new footings on a transmission line or at a communication site.
- 17) Installation of cellular antenna on Western facilities when underground trenching is required.

APPENDIX C
Best Management Practices

For project areas where dense vegetation prevents a Class III survey and where due to the scale of the project area vegetation removal by hand is not feasible, mechanical means of vegetation removal using mastication machinery as defined in Appendix A may be used provided the following requirements for best management practices (BMP) are in place.

BMP 1: Western will require mastication operators to prevent blading devices from removing vegetation at ground level to avoid soil disturbance. All mowed vegetation shall not be cut below 6 inches.

BMP 2: Mastication equipment will not be used within areas recently subjected to heavy rains in order to prevent rutting in wet soils from equipment tires.

BMP 3: A qualified archaeologist will be on site during mastication activities to monitor survey areas being cleared of vegetation. Should any cultural resources be detected, mastication activities will cease in the area until an assessment and the significance of the find is made. Results of the monitoring and survey activities will be provided in the annual report.

APPENDIX D

Differences between the 1997 Programmatic Agreement and this 2009 Programmatic Agreement

The following changes and additions have been made in this Agreement when compared to the 1997 Agreement.

Title: "Other Routine Activities" have been added to "Emergency and Routine Maintenance Activities". Other routine activities are those activities that Western performs on a regular basis but that are not defined as operation and maintenance activities. Such activities do not include new transmission line construction or other new facility construction.

Second Whereas Clause: "Other routine activities" have been added to "emergency and routine and operation maintenance activities" and throughout.

Last Whereas Clause: Statement of "first amended Agreement" has been added.

STIPULATIONS:

- I. Environmental Manager is changed to Natural Resources Manager.
- II. Regional Historic Preservation Official (RPO) is added as responsible for decisions regarding actions carried out under the Agreement. RPO is responsible for historic preservation requirements at the regional level but is still required to coordinate with Western's Federal Historic Preservation Officer who oversees activities at the Agency level.
- III. The following language has been added to Stipulation III. "In large areas where dense vegetation prevents a Class III survey, mechanical means of vegetation removal (use of a masticator) may be used provided best management practices (BMP) as outline in Appendix --are followed".

Throughout: References to 36 C.F.R. Part 800 have been revised/updated to reflect the amendments to 36 C.F.R. Part 800 effective August 5, 2004.

Appendix A:

The following definitions have been added to Appendix A:

Cellular Tower Antennae - Antennae installed on a Western transmission line tower or other Western facilities by private telecommunication companies for wireless services and telecommunication projects. Installation of cellular tower antennae usually involves the need for

other nearby components such as small equipment cabinets, and underground or aerial telephone line connections.

Class III Survey - An intensive, professionally-conducted, cultural resources survey to identify cultural resources present in the APE. Intensive surveys should be no more than 20 meter transects apart and cover 100% of the APE.

Masticator – A Masticator is a tractor-type machine used for mechanically removing vegetation. Two types of masticators are generally used:

1. **Feller Buncher** – A tractor-type piece of machinery used to mechanically clear or mow dense vegetation. This is a method of vegetation removal that mechanically blades high growth vegetation down to 6 to 8 inches high while avoiding soil disturbance during normal operations.
2. **Hydroax** – A hydro-axe is an articulated tractor with a mower-mulcher mounted on the front of the machine. It has rubber flotation-type tires that cause little disturbance to the surface ground in dry soil. The mower-mulcher clips and mulches vegetation from 4 to 10 inches above ground. The hydroax can also be used to remove tree stumps from the ground.

Appendix B

The following activities have been added to Appendix B:

BI.B.24. “Installation of cellular antenna on Western facilities when no underground trenching is required.”

BII.B.13. “Vegetation removal using a masticator following BMPs in Appendix C.”

BIII.17. “Installation of cellular antenna on Western facilities when underground trenching is required.”

Appendix C

Appendix C has been added for “Best Management Practices”.

Appendix D

Appendix D has been added to summarize amendments.