

6 Unavoidable Adverse Impacts

Unavoidable adverse impacts are those that would occur after implementation of all incorporated BMPs, APMs and mitigation measures. Unavoidable adverse impacts do not include temporary or permanent impacts which would be mitigated.

The Applicants and Western have committed to implementing BMPs and APMs to minimize or eliminate potential impacts from constructing and operating the Proposed Project. If additional impacts are identified through other Federal, State or County permitting processes, the Applicants would develop appropriate mitigation measures in consultation with the requesting agency (*i.e.*, USFWS, USACE). Additional mitigation identified will be disclosed in the FEIS.

Constructing and operating the Proposed Project would unavoidably convert less than 0.5 percent of available farmland within the Proposed Project boundary. Loss of this agricultural farmland would have a minimal effect on the overall agricultural production in the area.

Constructing, operating and maintaining the Proposed Project may result in unavoidable adverse impacts to biological resources and cultural resources as described below. The Proposed Project would have a less than significant impact on the other resource areas as identified in **Chapter 4**; although identified as less than significant, unavoidable impacts to land use and visual resources are also discussed below.

Some biological resources would be lost due to the construction and operation of the Proposed Project. Construction of the Proposed Project Components would result in the permanent loss of a small amount of native vegetation and wildlife habitat. Operation of the Proposed Project would likely result in avian and bat mortalities. A BA is being prepared under Section 7 of the ESA for Federally-listed species. Impacts will be determined in the BA and findings will be summarized in the FEIS. The agencies will follow USFWS recommendations provided during the Section 7 consultation process.

Unavoidable adverse impacts to cultural resources, such as prehistoric properties, historic properties, and cultural landscapes, cannot be determined until the results of the Class III Survey and TCP Survey are completed. A MOA is being developed among Western, RUS, SHPO, affected Federal agencies, Applicants, and all interested Native American Tribes in conjunction with preparation of the EIS. The preferred mitigation measure is to avoid identified sites; however, the MOA would provide an agreement among the parties for the treatment of the unavoidable adverse impacts. Compliance with the MOA provisions would ensure that Section 106 requirements are met.

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