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Special thanks and acknowledgement to Tom Schroeder, Program Principal with the Wyoming Department of Environmental Quality-Industrial Siting Division, who took a lead role in coordinating this effort with local, state, and federal agencies and whose thoughtful contributions, reviews, and suggestions were greatly appreciated.

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# Disclaimer

This document is provided as a summary guide to certain requirements. The agencies listed are the best sources to describe their specific jurisdiction and permit requirements.

## Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Introduction</td>
<td>1-1</td>
</tr>
<tr>
<td>1.1 Purpose and Objectives</td>
<td>1-1</td>
</tr>
<tr>
<td>2. State Permitting and Regulatory Requirements</td>
<td>2-1</td>
</tr>
<tr>
<td>2.1 Wyoming Department of Environmental Quality (WDEQ), Industrial Siting Division (ISD)</td>
<td>2-2</td>
</tr>
<tr>
<td>2.2 Wyoming Department of Environmental Quality (WDEQ), Water Quality Division (WQD)</td>
<td>2-4</td>
</tr>
<tr>
<td>2.2.1 Wyoming Pollutant Discharge Elimination System (WYPDES)</td>
<td>2-5</td>
</tr>
<tr>
<td>2.2.2 Permits to Construct Water &amp; Sewer System</td>
<td>2-6</td>
</tr>
<tr>
<td>2.3 Wyoming Department of Environmental Quality (WDEQ), Air Quality Division (AQD)</td>
<td>2-6</td>
</tr>
<tr>
<td>2.3.1 Construction General Emission Standards</td>
<td>2-6</td>
</tr>
<tr>
<td>2.4 Wyoming Department of Environmental Quality (WDEQ), Land Quality Division (LQD)</td>
<td>2-7</td>
</tr>
<tr>
<td>2.5 Wyoming Public Service Commission (PSC)</td>
<td>2-7</td>
</tr>
<tr>
<td>2.6 Wyoming State Engineer's Office (WSEO)</td>
<td>2-9</td>
</tr>
<tr>
<td>2.7 Fire Marshal; Department of Fire Prevention &amp; Electrical Safety</td>
<td>2-9</td>
</tr>
<tr>
<td>2.8 Wyoming Office of State Lands and Investments (OSLI)-State Land Easements</td>
<td>2-10</td>
</tr>
<tr>
<td>2.9 Wyoming Department of Transportation (WYDOT)</td>
<td>2-10</td>
</tr>
<tr>
<td>2.10 Wyoming Game and Fish Department (WGFD)</td>
<td>2-11</td>
</tr>
<tr>
<td>2.10.1 Consultation to Identify Special Status Species</td>
<td>2-11</td>
</tr>
<tr>
<td>2.10.2 Special Use Permit for Crossing Wildlife Habitat Management Area</td>
<td>2-13</td>
</tr>
<tr>
<td>2.11 Wyoming Department of Agriculture Weed and Pest Council (WWPC)</td>
<td>2-15</td>
</tr>
<tr>
<td>2.12 Wyoming State Historic Preservation Office (SHPO)</td>
<td>2-15</td>
</tr>
<tr>
<td>2.13 Wyoming Department of State Parks and Cultural Resources (WYSPCR)</td>
<td>2-16</td>
</tr>
<tr>
<td>3. Local Permitting and Regulatory Requirements</td>
<td>3-1</td>
</tr>
<tr>
<td>4. Federal Permitting and Regulatory Requirements</td>
<td>4-1</td>
</tr>
<tr>
<td>4.1 National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS), Various Agencies</td>
<td>4-2</td>
</tr>
<tr>
<td>4.2 U.S. Department of Energy (DOE), Western Area Power Administration (Western)</td>
<td>4-5</td>
</tr>
</tbody>
</table>
4.3 Section 368 Energy Corridors ........................................................................ 4-5
4.4 U.S. Department of Agriculture (USDA) ..................................................... 4-7
  4.4.1 Rural Utilities Service (RUS) ................................................................. 4-7
  4.4.2 U.S. Forest Service (USFS), Special Use Permit/Right-of-Way Grant Application ................................................................. 4-8
  4.4.3 U.S. Natural Resources Conservation Service (NRCS)/Farm Services Agency (FSA) ................................................................. 4-10
4.5 U.S. Environmental Protection Agency (USEPA) ........................................ 4-10
  4.5.1 Clean Water Act (CWA), Section 401—Water Quality Certification ...... 4-11
  4.5.2 Clean Water Act (CWA), Section 402—National Pollutant Discharge Elimination System ................................................................. 4-11
4.6 U.S. Army Corps of Engineers (USACE) ...................................................... 4-12
  4.6.1 Section 404—Discharge of Dredged or Fill Material into Navigable Waters of the United States ................................................................. 4-12
4.7 National Historic Preservation Act (NHPA) ................................................ 4-15
4.8 U.S. Fish and Wildlife Service (USFWS) ...................................................... 4-16
  4.8.1 Endangered Species Act (ESA)—Section 7 (consultation) and Section 10 (Incidental Take Permits) ................................................................. 4-16
  4.8.2 Bald and Golden Eagle Protection Act (BGEPA)—Incidental take Permit ................................................................................................. 4-18
  4.8.3 Migratory Bird Treaty Act (MBTA) ............................................................ 4-19
  4.8.4 National Wildlife Refuges ........................................................................ 4-20
4.9 U.S. Federal Energy Regulatory Commission (FERC) .................................. 4-21
4.10 U.S. Federal Highway Administration (FHWA) ........................................... 4-22
  4.10.1 Utility Crossings/Encroachments ............................................................. 4-22
  4.10.2 Utility Permit/Road Crossing Permit, Federal Highway Administration ................................................................................................. 4-22
4.11 U.S. Department of Defense (DOD) ............................................................... 4-23
4.12 U.S. Department of Interior (USDOI) ............................................................ 4-24
  4.12.1 U.S. Bureau of Indian Affairs (BIA) ......................................................... 4-24
  4.12.2 U.S. Bureau of Land Management (BLM) ................................................ 4-26
  4.12.3 U.S. Bureau of Reclamation (BOR) ........................................................ 4-30
  4.12.4 U.S. National Park Service (NPS) ............................................................. 4-32
4.13 U.S. Federal Aviation Administration (FAA) ............................................... 4-34
4.14 U.S. Federal Communications Commission (FCC) ....................................... 4-34
5. Schedule of Permitting/Consultation Sequence ............................................. 5-1
6. Permitting Flow Chart .................................................................................... 6-1
Tables

Table 2-1: State of Wyoming Permit, Approval, and Coordination Requirements ...... 2-1
Table 2-2: WDGF Wildlife Management Areas ......................................................... 2-13
Table 3-1: Wyoming Counties and Permitting Processes ........................................ 3-1
Table 4-1: Federal Requirements, Permits, and Consultation................................. 4-1
Table 4-2: NEPA Permitting Scenarios .................................................................... 4-3
Table 4-3: USFS Jurisdictions within Wyoming ....................................................... 4-8
Table 4-4: Federally Recognized Tribes and Tribes With Traditional Use Areas ....... 4-25
Table 4-5: BLM-Managed Wilderness Study Areas .................................................. 4-29
Table 4-6: BOR Jurisdictions .................................................................................... 4-31
Table 4-7: National Park Service Sites, Wyoming ................................................... 4-32

May 3, 2012
Page iii
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1. Introduction

1.1 Purpose and Objectives

Recognizing the need for local, state, and federal agencies to coordinate their efforts on transmission and to quickly respond to challenges, nine federal agencies have been closely coordinating their review of electric transmission on Federal lands under a joint Memorandum of Understanding (MOU) executed in 2009. Additionally, the President recently issued a Memorandum stating that agencies should: “ensure that their processes for reviewing infrastructure proposals work efficiently to protect our environment, provide for public participation and certainty of process, ensure safety, and support vital economic growth.”

Building on the cooperation developed through the MOU, and in response to the Presidential Memorandum, the federal Administration has created a Rapid Response Team for Transmission (RRTT). The RRTT has the goal of improving the overall quality and timeliness of electric transmission permitting, review, and consultation by the federal government on both federal and non-federal lands. The Wyoming Renewable Energy Coordination Committee (RECC) consists of a group of state and federal agencies working together to share data and ensure efficient and responsible development of renewable energy resources and transmission. An important function of the RECC is to provide review and input to the RRTT. The following agencies are represented on the RECC:

- Wyoming Infrastructure Authority (WIA)
- Wyoming Governor’s Office (WGO)
- Wyoming Department of Environmental Quality, Industrial Siting Division (WDEQ, ISD)
- Wyoming Office of State Lands Investments (OSLI)
- Wyoming Game and Fish Department (WGFD)
- Wyoming County Commissioners Association (WCCA)
- U.S. Bureau of Land Management (BLM)—Statewide Wind Program
- U.S. National Park Service (NPS)
- U.S. Fish and Wildlife Service (FWS)

Tetra Tech has been requested to assist the WIA to provide information to the RECC for use in their participation with the RRTT review of the transmission routing and permitting processes that are required in Wyoming. Specifically, Tetra Tech will work with WIA to identify the various permitting processes required to route and construct new electric transmission lines in Wyoming.
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2. State Permitting and Regulatory Requirements

The siting of electric transmission lines in the state of Wyoming will typically involve several state agencies, including the Wyoming Public Service Commission (PSC), Wyoming Department of Environmental Quality (WDEQ), Wyoming State Preservation Office (SHPO), Wyoming Game and Fish Department (WGFD), Wyoming Department of Transportation (WYDOT), Wyoming Office of State Lands and Investment (OSLI), and the Wyoming Department of State Parks and Cultural Resources (WYSPCR). Table 2-1 summarizes these various state agencies, and the applicable permits, forms, and/or consultations required for projects in the state.

### Table 2-1: State of Wyoming Permit, Approval, and Coordination Requirements

<table>
<thead>
<tr>
<th>Agency</th>
<th>Study/Permit/Coordination</th>
</tr>
</thead>
<tbody>
<tr>
<td>WDEQ, Industrial Siting Division</td>
<td>Wyoming Industrial Siting Act Permit Application (Section 107 or Section 109)</td>
</tr>
<tr>
<td>WDEQ, Water Quality Division</td>
<td>Section 401 Water Quality Certification</td>
</tr>
<tr>
<td></td>
<td>WYPDES, Large Construction General Permit (WYR10-0000) and SWPPP</td>
</tr>
<tr>
<td>WDEQ, Air Quality Division</td>
<td>Consultation with WDEQ for compliance with Construction General Emission Standards</td>
</tr>
<tr>
<td>WDEQ, Land Quality Division</td>
<td>Permits for mining and extraction of aggregate (WS 35-11-401 (a))</td>
</tr>
<tr>
<td>Wyoming PSC</td>
<td>Certificate of Public Convenience and Need (CPCN)</td>
</tr>
<tr>
<td>Wyoming State Engineer</td>
<td>Supervision of waters of the State (Article 8 Section 5 of WY Constitution)</td>
</tr>
<tr>
<td>Fire Marshal, Department of Fire Prevention &amp; Electrical Safety</td>
<td>Jurisdiction over electrical features when facility not regulated by WY PSC (WS 35-9-120 and Section 90-2 of International Electrical Code)</td>
</tr>
<tr>
<td>Wyoming OSLI</td>
<td>Non-roadway easement and temporary use permit for crossing state-owned lands</td>
</tr>
<tr>
<td>WYDOT</td>
<td>Utility Permit</td>
</tr>
<tr>
<td></td>
<td>Self-Issue Oversize Permit</td>
</tr>
<tr>
<td>WGFD</td>
<td>Consultation to Identify Special Status Species</td>
</tr>
<tr>
<td></td>
<td>Special Use Permit for crossing Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>Wyoming Department of Agriculture Weed and Pest Control WWPC</td>
<td>WWPC Act of 1973 Consultation for Noxious Weeds</td>
</tr>
<tr>
<td>Wyoming SHPO</td>
<td>Determination of Compliance with state and national historic properties under the National Historic Preservation Act Section 106</td>
</tr>
<tr>
<td>WYSPCR</td>
<td>Consultation and permission from park superintendent if crossing a state park</td>
</tr>
</tbody>
</table>
2.1 Wyoming Department of Environmental Quality (WDEQ), Industrial Siting Division (ISD)

The Wyoming Department of Environmental Quality (WDEQ) Industrial Siting Division (ISD) administers the Wyoming Industrial Development Information and Siting Act (WISA) [Wyoming Statute 35-12-101:119] and the Rules and Regulations of the Industrial Siting Council (ISC), Chapters 1 and 2. The Wyoming Industrial Siting Council (ISC) is a seven-member council created through W.S. 35-12-104, which reviews the socio-economic and environmental impacts of planned industrial development facilities before making a decision on the issuance of a permit for construction and operation. The ISA permit application addresses the Project description, location, schedule, and estimated taxes. The permit also requires an assessment of socioeconomic baseline conditions, an analysis of the potential socioeconomic impacts within the area of impact, potential environmental impacts, and a requirement for a reclamation and decommissioning plan. In order to minimize or prevent duplication of efforts, the ISC permit, the county permit, and the Federal agency sometimes utilize common information for their distinct and unique permits. The ISC regulations allow for common data to be submitted as long as it meets the application requirements and format.

An electric transmission project with a maximum operating voltage of 160 kilovolts or greater and an estimated construction cost of $186.1 million or more (adjusted annually for inflation/deflation) will require a WISA permit from the ISC. Projects within an estimated construction cost in the range of $148.8 to $186.7 million will require a Certificate of Insufficient Jurisdiction from the ISC. The application requirements for ISA permits can be found online at [http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title35/T35CH12.htm](http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title35/T35CH12.htm). The ISC must find that the proposed industrial facility will comply with all applicable local, state, and federal law throughout each phase of planning, construction, and operation. Counties and other local governments may participate as parties to the permit, examine the application, and request permit conditions.

Wyoming Statute 35-12-119(c) lists activities exempt from an ISA permit. These activities include:

1. Electric transmission lines with a maximum operating voltage of less than one hundred sixty thousand (160,000) volts, except:

   A. Any collector system, regardless of voltage, associated with a commercial facility generating electricity from wind and which meets the definition of an industrial facility pursuant to W.S. 35-12-102(a)(vii)(E) and (F) shall not be exempt;
(B) A commercial facility generating electricity from wind that is exempt from W.S. 35-12-102(a)(vii)(E) or (F) shall not become subject to this chapter because its collector system is greater than one hundred sixty thousand (160,000) volts.

The ISD receives and processes permit applications. Notice of the filing and the forthcoming hearing is provided, including notice to affected landowners relative to the impact of the proposed facility. Up to 75 copies of the application are supplied; 19 are provided to state agencies for statutory review and comment. Copies are provided to local governments, schools and districts in the affected area. The application is examined for completeness. The application is terminated if deficiencies are not corrected within 30 days of the applicant being notified. Compliant applications and recommendations for permit conditions are given to the ISC for consideration. The ISC holds a contested case hearing with sworn testimonies, examination and cross examination of witnesses. Those persons with statutory eligibility are able to participate. The ISC may issue a permit to construct and operate a transmission line if it finds that the proposed facility:

- Complies with all applicable law;
- Will not pose a threat of serious injury to the environment or to the social and economic condition of the inhabitants
- Will not substantially impair the health, safety or welfare of the inhabitants
- The applicant has the financial resources to construct, maintain, operate, decommission and reclaim the facility

In making its decision the ISC may add permit conditions and, under certain circumstances, relocate the transmission line to mitigate identified impacts. It may require a bond to indemnify local governments. The decision will typically be issued in 135 days of the filing of an application under section 109 and within 60 days of the filing of an application under section 107. The contents for applications under section 107 and 109 may be located through the ISD web page: http://deq.state.wy.us/isd/. An application fee is paid at the time of the filing in an amount determined to cover the costs of processing the application. A fee is also collected for compliance and subsequent appearances before the ISC. The ISC decision may be appealed by the applicant or any party to the district court within 30 days of the decision.

Contact Information:

Wyoming Department of Environmental Quality, Industrial Siting Division
Herschler Building, 4 West
122 West 25th Street, Cheyenne, WY 82002
(307) 777-7369
2.2 Wyoming Department of Environmental Quality (WDEQ), Water Quality Division (WQD)

2.2.1 Clean Water Act (CWA), Section 401 Water Quality Certification

The WDEQ Water Quality Division (WQD) is the responsible state agency for CWA Section 401 water quality certification. Section 401 of the CWA states, in part “Any applicant for a federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into navigable waters, shall provide the licensing or permitting agency a certification from the state in which the discharge originates or will originate if appropriate” (Section 401(a)(1)). No federal license or permit would be granted if certification has been denied by the state. Section 401 certification would be required.

Any project requiring compliance with section 404 of the CWA would require 401 certification (Section 401(a)(1)) from the WDEQ/WQD. A joint WDEQ and U.S. Army Corps of Engineers (USACE) public notice is issued prior to the issuance of all individual 404 permits by the usage. There is no public notice prior to the authorization of any activity under a Section 404 nationwide or statewide general permit from the state of Wyoming.

Certification under Section 401 can be granted under the nationwide permitting process for most areas in Wyoming. However, an Individual 404 Permit and certification would be required for crossing of Class I waters. Because of the high level of protection afforded to these waters by the regulations, authorization of the activities covered by the nationwide permitting process without individual departmental review is not permissible. These waters in Wyoming include (WDEQ 2002):

- The main stem of the North Platte River from the Natrona County Road 309 bridge (Goose Egg bridge) upstream to Alcova Reservoir in Natrona County
- The main stem of the North Platte River from the headwaters of Pathfinder Reservoir upstream to Kortes Dam (Miracle Mile segment) in Carbon County
- The main stem of the North Platte River from the mouth of Sage Creek (approximately 15 stream miles downstream of Saratoga, Wyoming) upstream to the Colorado state line in Carbon County

The permit process timeline is part of the permitting timeline for the Section 404 permit application process to USACE. If an individual Section 401 permit is required, WDEQ conducts a separate public notice and comment period prior to issuing the Section 401 certification. The public notice and comment period consists of a 15- to 30-day period soliciting comments from the public and resource agencies.
If an individual Section 401 permit is required, WDEQ conducts a separate public notice and comment period prior to issuing the Section 401 certification.

Contact Information:
Wyoming DEQ, Water Quality Division
122 W.25th, 4 West, Cheyenne, WY 82002
(307) 777-7781

2.2.2 Wyoming Pollutant Discharge Elimination System (WYPDES)

The WDEQ/WQD is the state agency responsible for regulating the WYPDES program in the state of Wyoming. The permit requirement for electric transmission projects that disturb five or more acres is called a Large Construction General Permit (LCGP) [WYR10-0000]. The LCGP regulates stormwater discharges from all construction activities that disturb five or more acres. Also covered are discharges from smaller construction activities if they are part of a larger common plan of development or sale that will ultimately disturb 5 or more acres.

Under the LCGP, the applicant must prepare a stormwater pollution prevention plan (SWPPP) and submit a Notice of Intent (NOI) to WDEQ 30 days before beginning construction activities. The SWPPP describes potential pollution sources and the best management practices (BMPs) that would be used to prevent stormwater contamination. The NOI describes the construction project and route(s) that stormwater may take from the construction site to waters of the state. WDEQ reviews the NOI to determine whether the operator may discharge stormwater under the general permit, or if an individual Wyoming Pollution Discharge Elimination System permit is required.

In addition, operators of large construction projects must determine if any part of the project falls within a Greater Sage-Grouse Core Area (SGCA) before applying for coverage under the Large Construction General Permit (LCGP). If any part of a project falls within a SGCA, coordination with the WGFD is necessary and a letter must be obtained confirming consistency with the Executive Order (EO 2011-4) prior to applying for coverage under the LCGP.

Operators covered under the LCGP ensure, through implementation of the facility SWPPP, that stormwater discharges from their facility do not cause a violation of state surface water quality standards as defined in Chapter 1 of the Wyoming Water Quality Rules and Regulations. Furthermore, stormwater discharges must not cause pollution, contamination, or degradation to waters of the state.

Coverage must be continued by the operator until the construction site is “finally stabilized.” Final stabilization means that areas of the construction site that do not have permanent structures such as buildings or roads must be revegetated with perennial vegetation to a uniform 70 percent of natural background cover.
2.2.3 **Permits to Construct Water & Sewer System**

If water and/or sewage systems are intended to be built to serve offices, man-camps, or staging areas, Chapter 3 of the Wyoming Water Quality Rules and Regulations may require a permit to construct such systems. The requirements vary depending on size and location so if construction of such systems is anticipated, the Water and Wastewater Manager for the Water Quality Division should be contacted. Permits to construct are not required if bottled water is used to provide potable water and if portable toilets are used in place of wastewater treatment systems.

2.3 **Wyoming Department of Environmental Quality (WDEQ), Air Quality Division (AQD)**

2.3.1 **Construction General Emission Standards**

The WDEQ Air Quality Division (AQD) is the responsible agency for compliance with the state Construction General Emission Standards (Chapter 3, General Emission Standards). Construction of an electric transmission line within the state does not require a construction permit from AQD. However, a permit would be required for the construction and operation of a concrete batch plant, if it is necessary for construction of the transmission structures. Permit requirements for the batch plant are stipulated under Wyoming Department of Environmental Quality, Air Quality Division, Standards and Regulations, Chapter 6, Permitting Requirements. The permit processing timeframe, assuming the batch plant is portable, would be a 30-day completeness review, and a 60-day analysis period.

If the batch plant is stationary, it would require a 30-day completeness review, followed by a 30-day public notice and public comment period. After the comment period closes, the agency will review comments. If requested by the public, a public hearing and 30-day comment period will follow. After this, the agency will again review, and address, if needed, any comments.

The Industrial Siting permit application reports plans for fugitive dust control and methods to assure compliance with fugitive dust regulations (e.g. truck speed, remedy of complaints) as required by W.S., 35-12-109(a)(ix) The Air Quality Division is a reviewer of Industrial Siting permit applications according to statute, recommending approval or denial of the permit, recommending permit conditions and stating regulatory jurisdiction (if any) over the project.

**Contact Information:**

Wyoming DEQ, Air Quality Division
122 W.25th, Cheyenne, WY 82002
(307) 777-7391
2.4 Wyoming Department of Environmental Quality (WDEQ), Land Quality Division (LQD)

Pursuant to W.S. 35-11-401(a) Permits may be required for the mining and extraction of aggregate.

Contact Information:
Wyoming DEQ, Land Quality Division
122 W.25th, 3 West, Cheyenne, WY 82002
(307) 777-7756

2.5 Wyoming Public Service Commission (PSC)

Pursuant to Wyoming Statute 37-2-205, public utilities as defined by Wyoming Statute 37-1-101(a)(vi) are required to obtain a Certificate of Public Convenience and Necessity (CPCN) from the PSC prior to construction of certain facilities, including electric transmission lines.

The PSC considers the financial ability and good faith of the applicant as well as the necessity of additional service in determining whether to issue a CPCN. Specific public notice and hearing requirements apply to CPCN applications for high voltage electric transmission lines with a capacity of 230 kilovolts (kV) or greater. The PSC must publish notice of application in a newspaper of general circulation in each county where the line will be constructed. The public service commission must also give actual notice of hearing on the application by registered mail at the applicant's expense to each landowner who may be affected. The notice of hearing must be given at least thirty (30) days before the hearing is held and must contain a summary of the pertinent facts about the application.

Construction of high voltage electric transmission lines with a capacity of 230 kilovolts (kV) or greater may not begin until all necessary rights-of-way are acquired. However, high voltage electric transmission lines may be constructed in segments subject to certain conditions specified in Wyoming Statute 37-2-205(h). Those conditions include:

- The public utility has obtained all required right-of-way within the authorized segment;
- Authorization to construct the transmission line within the authorized segment shall not exceed ten (10) miles from the advancing end of an authorized segment, provided that the commission may waive the ten (10) mile limitation if the transmission line segment is:
  - Located entirely between substations or switching stations;
  - Located between a substation or switching station and the state line; or
  - Located entirely within state or federal land.
- Notice has been provided to all private property owners along the entire length of the proposed transmission line;
- The PSC provides an opportunity for private property owners who are adversely affected by the location of the segment an opportunity to be heard before the authorization of a segment concerning the location of the segment or the impact of any future extension of the transmission line.
Section 204 and 205 of the PSC’s Procedural Rules and Special Regulations specify the required contents of applications for CPCNs. Electric transmission (and distribution) lines more than 3 miles in length and sixty-nine (69) kV and above are considered “Major Utility Facilities” which are subject to additional requirements under Section 205 of the rules. (See rules at http://soswy.state.wy.us/rules/) The rules require that the following information be included with an application for a CPCN:

- The name and address of the applicant;
- The type of plant, property or facility proposed to be constructed;
- A complete description of the facilities proposed to be constructed, including preliminary engineering specifications in sufficient detail to properly describe the principal systems and components; and final and complete engineering specifications when they become available;
- The rates, if any, proposed to be charged for the service that will be rendered because of the proposed construction;
- The estimated total cost of the proposed construction;
- State the manner by which the proposed construction will be financed; (g) State the financial condition of the applicant;
- The estimated annual operating revenues and expenses that are expected to accrue from the proposed construction;
- The estimated starting and completion date of the proposed construction;
- For facilities that are “Major Utility Facilities” the rules also require that the following additional information be included in the CPCN application:
  - A description of the proposed site by an appropriate description of the involved properties and the county or counties in which the major utility facility will be located and where possible a metes and bounds description; a description of the route of line or lines in the project and the number of route miles located in each county; a description of the various types of country in or through which the facility will be constructed;
  - A brief report on the surrounding scenic, historical, archeological and recreational locations, natural resources, plant and animal life, land reclamation, possible safety hazards, and plans for protecting the environment;
  - Land, mineral and water requirements for the major utility facility, the status of the acquisition of land, or rights-of-way or of minerals and water for the project, the sources or locations thereof, and the proposed method of transportation and utilization;
  - A statement setting forth the need for the project in meeting present and future demands for service, in Wyoming or other states, and the proposed sale of the utility commodity or service which the construction of this facility will make available;
  - A statement of the effect of the project on applicant's and other systems' stability and reliability, if applicable;
  - The estimated cost of and plans for financing the project, and a statement of the estimated effect of the project on applicant's revenues and expenses;
A list of local, state, Indian, or federal governmental agencies having requirements which must be met in connection with the construction or operation of the project, and the status before those agencies; and applicant shall file such agency's final order when entered.

Contact Information:
Wyoming Public Service Commission
Hansen Building Suite 300
2515 Warren Avenue, Cheyenne, WY 82002
(307) 777-7427

2.6 Wyoming State Engineer’s Office (WSEO)

Article 8 Section 5 of the Wyoming Constitution gives the State Engineer’s Office (WSEO) supervision of the waters of the State. The (WSEO) maintains a database of water ownership and rights. Use of non-utility system water generally requires a permit.

Persons seeking a permit from the Industrial Siting Council should discuss their water usage requirements with the SEO. If more than 800 acre feet of water will be used within a year, then a water supply and yield analysis must be made to enable the WSEO to issue an opinion on the quantity of water available. The certificate is filed with the Wyoming PSC prior to an issuance of any Certificate of Public Convenience and Necessity and with the ISC before the issuance of a permit to construct and operate.

The WSEO is a reviewer of Industrial Siting permit applications according to statute, recommending approval or denial of the permit, recommending permit conditions and stating regulatory jurisdiction (if any) over the project.

Contact Information:
Wyoming State Engineer’s Office
122 W. 25th, 4 East, Cheyenne, WY 82002
(307) 777-7354

2.7 Fire Marshal; Department of Fire Prevention & Electrical Safety

Wyoming adopted the International Electrical Code and created an office of electrical inspection. Pursuant to 90-2 of the code and W.S. 35-9-120 the office has jurisdiction over electrical features when the facility is not regulated by the Wyoming PSC, specifically transmission lines constructed by merchant companies, and utility companies not regulated by the PSC.

Contact Information:
Wyoming State Fire Marshal
122 W. 25th, 1 West, Cheyenne, WY 82002
(307) 777-7288
2.8 Wyoming Office of State Lands and Investments (OSLI)-State Land Easements

The Wyoming OSLI is the state agency responsible for granting non-roadway easements and temporary use permits on state lands. A Non-roadway Easement would be required to obtain an easement on state land for the transmission line. The application would require information such as structure dimensions and lease payment amount (State of Wyoming 2010). Seventy-five percent of the ‘consideration’ or total lease amount must be submitted up front.

Requests are submitted to the State Land Board (Board), comprised of the five elected officials that oversee such authorizations. After the permit is submitted, the state lands staff would give a preliminary approval, which may include an approval after negotiations on the easement. The staff would create a summary for the board, including lease payment. The request then goes to the Board to be approved. A $25.00 filing fee is submitted with the completed permit application. The Board meets every other month and the permit application would be approved or denied at the meeting. Construction should not start without Board approval. The applicant has one year to build the project after approval. If the project is not constructed within the one year time frame, the project proponent would need to submit a letter stating why it was not built and requesting an extension. An as-built survey would be required, in accordance with survey rules. The remaining amount of the lease would be paid after construction.

Contact Information:
Wyoming Office of State Lands and Investments
122 W. 25th, 3 West, Cheyenne, WY 82002
slfmail@wyo.gov
(307) 777-7331

2.9 Wyoming Department of Transportation (WYDOT)

A Utility Permit from WYDOT would be required for the installation of utility facilities on a state highway within the ROW. Each permit application must contain a description, including dimensions, of the proposed utility installation and a detailed plan or sketch showing the physical placement of the utility with relation to highway features (State of Wyoming 2007).

Permit requirements, a sample application, and WYDOT contacts can be found at: http://www.dot.state.wy.us/webdav/site/wydot/shared/Highway_Development/Utilities/WYDOT_Utility_License_Packet.pdf. Contacts for the utility permit would depend on the district where the work is proposed.

Utilities may apply to become a self-issuing company. In this case, the company would complete application(s) and submit to the WYDOT overweight loads office.
Whenever a utility installation, adjustment, or maintenance activity could affect the movement of traffic or traffic safety, the utility will implement a traffic control plan and utilize traffic control devices as necessary to ensure the safe and expeditious movement of traffic around the work site and the safety of the utility work force in accordance with procedures established by WYDOT. The traffic control plan and the application of traffic control devices must conform to the standards set forth in the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) and 23 CFR Part 630, Subpart J.

No application fee is specified by WYDOT for a Utility Permit. The Overweight Permit would cost $25 a vehicle and additional $20 for overweight manual. The utility permit application review could take from two weeks to two months depending on WYDOT staff availability.

Contact Information:
Wyoming Department of Transportation
Right-of-Way
5300 Bishop Blvd., Cheyenne, WY 82009
Toll-Free 1-888-570-9908

2.10 Wyoming Game and Fish Department (WGFD)

2.10.1 Consultation to Identify Special Status Species

The WGFD is the responsible state agency for consultation concerning state listed special status species. WGFD would be consulted to identify species on the state Species of Special Concern list or other sensitive species that may be affected by electric transmission projects. While WGFD would not directly issue permits related to electric transmission projects, WGFD would be involved in consultation to determine environmental impacts as part of the Wyoming Industrial Siting Act Permit Application, Section 404 permit, and Section 401 certification. In addition, state Species of Special Concern would be evaluated in an EIS if a federal NEPA process is required for electric transmission projects.

Wyoming Game and Fish Commission Regulations, Chapter 52, Nongame Wildlife, Section 12, Protected Animals, states nongame wildlife listed in this section are defined as protected animals under W.S. §23-1-101 and may only be taken in accordance with Commission Regulation Chapter 33, Issuance Of Scientific Or Educational Permits.

WGFD would be consulted at the beginning of the state or federal permit application process to address concerns for state species of special concern and for those species listed above as protected animals.

Two sets of habitat priority areas were developed by Wyoming Game & Fish Department personnel in each region: "crucial" areas and "enhancement areas." All of the Wyoming Game and Fish Commission Wildlife Habitat Management Areas occur within either a priority crucial area or an enhancement area. Crucial Habitat Priority Areas are based on significant biological or ecological values. These are areas that need to be protected or managed to maintain viable healthy populations of terrestrial and aquatic wildlife for the present and future. They represent habitat values and identify where those values occur on the
landscape. Examples of values include crucial winter range, sage-grouse core areas seasonal habitats, Species of Greatest Conservation Need (SGCN) diversity and uniqueness, quality and condition of vegetative communities, movement corridors, and quality of watershed hydrologic function. The WGFD will concentrate habitat protection and management activities in these areas. Enhancement Habitat Priority Areas represent those with a realistic potential to address wildlife habitat issues and to improve, enhance, or restore wildlife habitats. These areas offer potential for improving habitat and focusing Department habitat efforts. They may overlap crucial areas or be distinct from them. Enhancement areas are based on habitat issues. Like crucial areas where values are key, issues were identified by regional personnel and used to select enhancement habitat areas. Examples of issues include loss of aspen communities, habitat fragmentation, development, loss of connectivity, water quality effects, water quantity limitations, beetle killed conifer, lack of fish passage, loss of fish to diversions, and degraded habitat.

The WGFD has identified important greater sage-grouse habitats, recommended seasonal restrictions within the project area, and appropriate measures to minimize potential impacts from proposed projects. The USFWS recommends surveys and mapping of important greater sage-grouse habitats where local information is not available. The results of these surveys should be used in project planning to minimize potential impacts to this species. No project activities that may exacerbate habitat loss or degradation should be permitted in important habitats.

The State of Wyoming has adopted Executive Order (EO 2011-5), Greater Sage-grouse Core Area Protection to ensure greater sage-grouse conservation. If the proposed project is located in an area designated by the State of Wyoming as a sage-grouse Core Population Area, additional consultation should be pursued with the WDFG on the core area strategy as it relates to the project.

Permitting an electric transmission line in a Core Population Area must follow Executive Order 2011-5 guidance pertaining to electric transmission lines. New transmission lines constructed within a Core Population Area will be consistent with this Executive Order if they are constructed between July 1 and March 14 (or between July 1 and November 30 in identified winter concentration areas) and within one-half mile either side of existing (prior to Governor’s Executive Order 2010-4) II 5 kV or larger transmission lines creating a
corridor no wider than one mile. New transmission lines outside this one-mile wide corridor within a Core Population Area should be authorized or conducted only when it can be demonstrated that the activity will not cause declines in greater sage-grouse populations.

For purposes of consistency with this Executive Order, a transmission line corridor has been established through Core Population Areas in south central and southwestern Wyoming. This two-mile wide corridor represents the state of Wyoming’s preferred alternative for routing transmission lines across the southern portion of the state while reducing impacts to Core Population Area and other natural resources. New transmission lines constructed within this corridor shall be considered consistent with this Executive Order if construction occurs within the corridor between July 1 and March 14 (or between July 1 and November 30 in winter concentration areas).

New distribution, gathering, and transmission lines sited outside established corridors within Core Population Areas should be authorized or conducted only when it can be demonstrated by the state agency that the activity will not cause declines in Greater Sage-grouse populations.

Contact Information:
Wyoming Game and Fish Department
5400 Bishop Blvd., Cheyenne, WY 82006
(307) 777-4600

2.10.2 Special Use Permit for Crossing Wildlife Habitat Management Area

The WGFD is authorized to by W.S. § 23-1-302 (a)(iii) to acquire lands and waters to develop, improve, operate, or maintain game production areas, game management areas, and areas with public access for hunting, fishing, or trapping. Permitting a transmission line within a Wildlife Habitat Management Area (WHMA) would require a Special Use Permit from WGFD. There are 36 WHMAs as listed in Table 2-2.

Table 2-2:

<table>
<thead>
<tr>
<th>Wildlife Habitat Management Area</th>
<th>Wildlife Habitat Management Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Amsden Creek Wildlife Habitat Management Area</td>
<td>19. Rawhide Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>2. Bud Love Wildlife Habitat Management Area</td>
<td>20. Red Canyon Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>3. Camp Creek/Horse Creek Wildlife Habitat Area</td>
<td>21. Red Rim-Daley Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>4. Chain Lakes Wildlife Habitat Management Area</td>
<td>22. Red Rim-Grizzly Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>5. Ed O. Taylor Wildlife Habitat Management Area</td>
<td>23. Renner Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>7. Grayrocks Wildlife Habitat Management Area</td>
<td>25. Soda Lake Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>8. Greys River Wildlife Habitat Management Area</td>
<td>26. South Park Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>9. Half Moon Wildlife Habitat Management Area</td>
<td>27. Spence/Mortariarity Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>10. The Kerns Wildlife Habitat Management Area</td>
<td>28. Springer Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>11. Kirk Inberg/Kevin Roy Wildlife Habitat Area</td>
<td>29. Sunlight Wildlife Habitat Management Area</td>
</tr>
</tbody>
</table>
WGFD may issue a Special Use Permit to allow special uses of lands and waters acquired or administered by the Wyoming Game and Fish Commission when such use does not interfere with the purpose for which the lands and/or waters were acquired or are administered. “Special use” is defined as any activity that is not defined as public use or any use that could conflict with the purpose for which the land or water was acquired or is administered by the Commission. A Special Use Permit may contain conditions and/or restrictions on said use at the discretion of WGFD to protect wildlife, wildlife habitat, public safety, and public use. Special use applications should include the following information (WGFD Regulations Chapter 23, Section 8):

- Name/contact of applicant
- Date, time, duration, nature and location of proposed special use
- Concise explanation and description of the proposed special use
- Statement of equipment/facilities to be utilized
- Any additional information requested by WGFD necessary to assess potential impact of the special use on the Commission acquired or administered lands and waters
- Liability insurance

WGFD may assess an application-processing fee to cover administrative costs. In addition, WGFD may require the filing of a bond with satisfactory surety payment to the Commission to cover costs, such as habitat restoration, rehabilitation, and clean-up of the area, or for any damages or costs that are incurred as a result of the special use.

Special use permit applications should be submitted through the Lands Administration Section of the WGFD not less than 60 days prior to the date of the requested special use.

### Table 2-2: WDGF Wildlife Management Areas

<table>
<thead>
<tr>
<th>Wildlife Habitat Management Area</th>
<th>Wildlife Habitat Management Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Laramie Peak Wildlife Habitat Management Area</td>
<td>30. Sunshine Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>13. Lost Creek Wildlife Habitat Management Area</td>
<td>31. Table Mountain Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>14. Medicine Lodge Wildlife Habitat Management Area</td>
<td>32. Teton Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>15. Mexican Creek Wildlife Habitat Management Area</td>
<td>33. Tom Thorne/Beth Williams Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>16. Morgan Creek Wildlife Habitat Management Area</td>
<td>34. Whiskey Basin/Little Red Creek Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>17. Ocean Lake Wildlife Habitat Management Area</td>
<td>35. Wick/Beumee Wildlife Habitat Management Area</td>
</tr>
<tr>
<td>18. Pennock Mountain Wildlife Habitat Management Area</td>
<td>36. Yellowtail Wildlife Habitat Management Area</td>
</tr>
</tbody>
</table>

![Image of wildlife]
2.11 Wyoming Department of Agriculture Weed and Pest Council (WWPC)

The WWPC is the appropriate state entity for consultation on matters involving state listed noxious weeds. WWPC is comprised of 23 weed & pest districts in the state, associated with the boundaries of each county. The existence of the Council is allowed for by law under the Wyoming Weed & Pest Control Act of 1973 under W.S. 11-5-102.

The Department is one of 19 State agencies charged with statutory review of permit applications to the Industrial Siting Council. W.S. 35-12-110(b) requires the Department to recommend or deny a permit and provide any recommendations for permit conditions. Furthermore the Department must disclose any regulatory jurisdiction over the project and notify the Council of its ability to effectively regulate the project.

Contact Information:
Wyoming Department of Agriculture, Weed and Pest Council
State Weed & Pest Coordinator
2219 Carey Ave., Cheyenne WY 82002
(307) 777-6585

2.12 Wyoming State Historic Preservation Office (SHPO)

Per Wyoming Statutes 35-12-110(b)(xx) SHPO is required to advise the Industrial Siting Division (ISD) on the advisability of issuing or denying a permit to construct and operate and give recommendations for permit conditions. The Wyoming SHPO assists the ISD by reviewing the cultural resources sections of the permit application and making recommendations as to its adequacy. The ISD requires its applicants to consult with SHPO staff and database, conduct Class II or Class III Cultural Surveys by professionals meeting the Secretary of Interior Professional Standards for Archaeology, History, or Architectural history, include the agent’s report in the application which meets the Wyoming SHPOs guidelines for Class II and Class III reports, and comment on the acceptability of the recommendations for each site (unless redacted).

Under the implementing regulations of Section 106 the National Historic Preservation Act (36CFR800) the Wyoming SHPO consults with the lead federal agency on the effect of the undertaking and the eligibility of identified resources for listing in the National Register of Historic Places. The Wyoming Antiquities Act of 1935 (as amended) prohibits any excavation on any prehistoric ruins, pictographs, hieroglyphics or any other ancient markings, writing, or archeological and paleontological deposits on any state land in Wyoming without first obtaining a permit from the State Board of Land Commissioners. The State Board of Land Commissioners Directs the State Archaeologist (a section within the Wyoming SHPO) to promulgate and enforce such regulations as it may deem necessary to protect from vandalism or injury prehistoric ruins, relics, and archeological and paleontological deposits of the state as well as natural features. Two types of permits are issued by the Office of State Lands and Investments (OSLI): a survey and limited testing permit, and a permit to conduct archaeological data recovery or extensive testing. The Wyoming SHPO or the State Archaeologist is available to answer questions about this permit requirement on state lands. Permits are issued by OSLI.
The Wyoming SHPO does not charge fees for Section 106 review or other review. Fees may be incurred for file searches; these are charged at $30 per section.

It is strongly advised to consult with the Wyoming SHPO at the beginning of the state or federal permit application process to address concerns for historic properties or cultural resources as early as possible.

Contact Information:
Wyoming State Historic Preservation Office
Barrett Building, 3rd Floor, 2301 Central Avenue
Cheyenne, WY 82002
(307) 777-7697

2.13 Wyoming Department of State Parks and Cultural Resources (WYSPCR)

The WYSPCR is the state agency responsible when easements must be obtained for electric transmission lines that must cross state parks. Consultation and permission from the Department Director predicated on the approval of the State Board of Land Commissioners is required if crossing a state park property.

The Department of State Parks and Cultural Resources, Division of State Parks, Historic Sites and Trails, Rules and Regulations, Section 15, Preservation of Public Property, provides that the destruction, injury, defacement, removal or disturbance in any manner of any building, sign, equipment, monument, statue, marker or other structure, or of any animal or plant matter and direct or indirect products thereof, including but not limited to, petrified wood, flower, cane, or fruit, egg, nest, or nesting site, or of any soil, rock or mineral formation, artifact, relic, historic or prehistoric feature, or of any other public property of any kind on park lands is prohibited without prior permission of the superintendent.

State parks and historic sites as listed in Wyoming Statute 36-8-501-1501.

Contact Information:
Barrett Building, 2301 Central Avenue
Cheyenne, WY 82002
(307) 777-6303
3. Local Permitting and Regulatory Requirements

The local regulatory authorities include counties and incorporated city governments within the state of Wyoming. In Wyoming, transmission line projects that incur a construction cost of $186.1 million and are 160 kilovolts or more are under the permitting jurisdiction of the state, however local government permitting requirements may apply. Wyoming has 23 counties and 99 incorporated municipalities currently. The requirements and permits needed for construction of an electric transmission line will vary by county and municipality. Some or all of the following elements may be necessary:

- Above and below ground utility permit
- Road access permit
- Road maintenance agreement
- County building permit
- ROW permits
- Grading permits
- Consultation with local weed and pest districts
- Conditional Use Permit/Special Use Permit. *Projects may be exempt. If the PSC or the WDEQ/ISC has jurisdiction over a transmission project within the state, either has the authority to preempt local decisions regarding transmission siting and construction.

Table 3-1 provides a listing of applicable permitting processes for Wyoming counties and the telephone contact information.

Table 3-1: Wyoming Counties and Permitting Processes

<table>
<thead>
<tr>
<th>County</th>
<th>Permitting Process</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany</td>
<td>Conditional Use Permit required. No transmission line-specific permit required.</td>
<td>(307) 721-2568 <a href="http://www.co.albany.wy.us/">http://www.co.albany.wy.us/</a></td>
</tr>
<tr>
<td>Bighorn</td>
<td>No comprehensive zoning. Easements negotiated with landowners. No fees or permits required.</td>
<td>(307) 568-2424 <a href="http://www.bighorncountywy.gov/">http://www.bighorncountywy.gov/</a></td>
</tr>
<tr>
<td>Campbell</td>
<td>Campbell County Zoning and Land Use Regulations: Special Use Regulations 45.55 Utility, Transportation, and Communication Use. Includes setbacks and heights.</td>
<td>(307) 685-8061 <a href="http://www.ccgov.net/">http://www.ccgov.net/</a></td>
</tr>
<tr>
<td>Carbon</td>
<td>Conditional Use Permit-Major, for more than 69kV. $100 +depending upon number of transmission structures. Typically 90-120 days required for public notice and hearings before the P&amp;Z and BoCC. Building permit required prior to construction. Contact Road &amp; Bridge (307-324-9577) if County roads involved.</td>
<td>(307) 328-2651 <a href="http://www.carbonwy.com">www.carbonwy.com</a></td>
</tr>
<tr>
<td>Converse</td>
<td>No zoning. Permit required to cross County Road.</td>
<td>(307) 358-3602 <a href="http://conversecounty.org/">http://conversecounty.org/</a></td>
</tr>
<tr>
<td>Crook</td>
<td>No permitting or zoning for transmission lines.</td>
<td>(307) 283-4548 <a href="http://www.crookcounty.wy.gov/">http://www.crookcounty.wy.gov/</a></td>
</tr>
</tbody>
</table>
### Table 3-1:
**Wyoming Counties and Permitting Processes**

<table>
<thead>
<tr>
<th>County</th>
<th>Permitting Process</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fremont</td>
<td>No permitting or zoning for transmission lines.</td>
<td>(307) 332-1077 <a href="http://fremontcountywy.org/">http://fremontcountywy.org/</a></td>
</tr>
<tr>
<td>Goshen</td>
<td>No permitting or zoning for transmission lines.</td>
<td>(307) 532-3852 <a href="http://goshencounty.org/">http://goshencounty.org/</a></td>
</tr>
<tr>
<td>Hot Springs</td>
<td>Land Use Change and Use Permit required. Requirements include local notice and public hearings. Generally 60 days needed.</td>
<td>(307) 864-2961 <a href="http://www.hscounty.com/">http://www.hscounty.com/</a></td>
</tr>
<tr>
<td>Laramie</td>
<td></td>
<td>(307) 633-4303 <a href="http://www.laramiecounty.com/">http://www.laramiecounty.com/</a></td>
</tr>
<tr>
<td>Lincoln</td>
<td>For projects involving federal lands, Zoning and Development Permit and $100 fee required. One week needed. For projects on other lands, Conditional Use Permit and $150 fee required. Requirements include public notice and public meetings. Approximately 3 months needed.</td>
<td>(307) 877-9056 <a href="http://www.lcwy.org/">http://www.lcwy.org/</a></td>
</tr>
<tr>
<td>Natrona</td>
<td>Conditional Use Permit and $300 fee required for all zones except Light Industry and Use Control Zones. Requirements include public notice in local papers and 2 public hearings (with Planning Commission and County Commissioners). Approximately 60 days needed.</td>
<td>(307) 235-9200 <a href="http://www.natrona.net/">http://www.natrona.net/</a></td>
</tr>
<tr>
<td>Niobrara</td>
<td></td>
<td>(307) 334-2211 <a href="http://niobraracounty.org/">http://niobraracounty.org/</a></td>
</tr>
<tr>
<td>Park</td>
<td>Zoning in Major Utility Use requires Special Use Permit and $250 fee. Requirements include public notice, hearings, and contacting landowners within 660 feet of project. Approximately 2 months needed.</td>
<td>(800) 786-2844 ext. 8540 <a href="http://www.parkcounty.us/">http://www.parkcounty.us/</a></td>
</tr>
<tr>
<td>Platte</td>
<td>No permits required. Agreements or easements negotiated with landowners.</td>
<td>(307) 322-1341 <a href="http://www.plattecountywyoming.com/">http://www.plattecountywyoming.com/</a></td>
</tr>
<tr>
<td>Sheridan</td>
<td>Conditional Use Permit and $475 fee, plus cost of postage. Application must be submitted at least 45 days prior to public hearing. Requires approximately 3-4 months for review and approval. Building permit (fee dependent on value of structures) and Zoning permit ($150).</td>
<td>(307) 674-2920 <a href="http://www.sheridancounty.com/">http://www.sheridancounty.com/</a></td>
</tr>
<tr>
<td>Sweetwater</td>
<td>Permitted use in Agriculture Zone District (most of county). Construction Use Permit required. Fee is based on cost of portion of project that crosses county (0.001% times cost of project). No public hearings required. 2 weeks needed.</td>
<td>(307) 872-3914 <a href="http://www.tourwyoming.com/?utm_source=google&amp;utm_medium=cpc&amp;utm_campaign=SummerCoo">http://www.tourwyoming.com/?utm_source=google&amp;utm_medium=cpc&amp;utm_campaign=SummerCoo</a></td>
</tr>
<tr>
<td>Teton</td>
<td>Conditional Use Permit and $2,000 fee required for above ground structures. Approximately 6 months needed. Permitted in most zones.</td>
<td>(307) 733-3959 <a href="http://www.tetonwyo.org/">http://www.tetonwyo.org/</a></td>
</tr>
<tr>
<td>Uinta</td>
<td></td>
<td>(307) 783-0318 <a href="http://www.uintacounty.com/">http://www.uintacounty.com/</a></td>
</tr>
<tr>
<td>Washakie</td>
<td>County Road Right-of-Way permit and $100 fee required. 2 weeks needed.</td>
<td>(307) 347-6778 <a href="http://www.washakiecounty.net/">http://www.washakiecounty.net/</a></td>
</tr>
<tr>
<td>Weston</td>
<td>No permitting process. No zoning.</td>
<td>(307) 746-9497 <a href="http://westongov.com/">http://westongov.com/</a></td>
</tr>
</tbody>
</table>
4. Federal Permitting and Regulatory Requirements

The applicable federal regulatory requirements and permits needed for construction of electric transmission lines in Wyoming are included in Table 4-1.

Table 4-1: Federal Requirements, Permits, and Consultation

<table>
<thead>
<tr>
<th>Agency</th>
<th>Study/Permit/Consultation</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Environmental Policy Act (NEPA)</td>
<td>Environmental Impact Statement (EIS)—Various Agencies</td>
</tr>
<tr>
<td>U.S. Environmental Protection Act (NEPA)</td>
<td>Clean Water Act (CWA)</td>
</tr>
<tr>
<td></td>
<td>Section 401—Water Quality Certification</td>
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<td></td>
<td>Section 402—National Pollutant Discharge Elimination System (NPDES)</td>
</tr>
<tr>
<td>U.S. Army Corps of Engineers (USACE)</td>
<td>Clean Water Act (CWA)</td>
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<tr>
<td></td>
<td>Section 404—Discharge to and Fill in Waters of the U.S.</td>
</tr>
<tr>
<td>National Historic Preservation Act</td>
<td>Section 106</td>
</tr>
<tr>
<td>U.S. Fish and Wildlife Service (USFWS)</td>
<td>Endangered Species Act (ESA) Section 7 Consultation</td>
</tr>
<tr>
<td></td>
<td>Endangered Species Act (ESA) Section 10 Incidental Take Permit</td>
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<tr>
<td></td>
<td>Bald and Golden Eagle Protection Act (BGEPA)</td>
</tr>
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<td></td>
<td>Migratory Bird Treaty Act (MBTA)</td>
</tr>
<tr>
<td></td>
<td>National Wildlife Refuges (NWR)—ROW authorization for crossing and Special Use Permit (SF299)</td>
</tr>
<tr>
<td>U.S. Federal Energy Regulatory Commission</td>
<td>Rate filing</td>
</tr>
<tr>
<td>U.S. Federal Highway Administration (FHWA)</td>
<td>Consulted and permits required for utility crossing or encroachments on National Highway System and/or the Interstate Highway System</td>
</tr>
<tr>
<td>U.S. Department of Energy (DOE)</td>
<td>Western Area Power Administration</td>
</tr>
<tr>
<td></td>
<td>Section 368 (Energy Corridors) - Corridors designated by Section 368(a) of the Energy Policy Act of 2005, Public Law 109-58 (H.R. 6)</td>
</tr>
<tr>
<td>U.S. Department of Agriculture</td>
<td>Rural Utilities Service (RUS) Borrower's Request for Funding—Requires NEPA Compliance</td>
</tr>
<tr>
<td></td>
<td>U.S. Forest Services (USFS)—Requires NEPA Compliance; Special Use Permit; Right-of-Way Grant</td>
</tr>
<tr>
<td>U.S. Natural Resources Conservation Service (NRCS)</td>
<td>Farmland Protection Policy Act</td>
</tr>
<tr>
<td>U.S. Department of Defense (DOD)</td>
<td>ROW Request</td>
</tr>
<tr>
<td>U.S. Department of Interior</td>
<td>Bureau of Indian Affairs (BIA)</td>
</tr>
<tr>
<td></td>
<td>Bureau of Land Management (BLM)—ROW/Special Use Permit</td>
</tr>
<tr>
<td></td>
<td>Bureau of Reclamation (BOR)—ROW grant application</td>
</tr>
<tr>
<td></td>
<td>National Park Service (NPS)—ROW application</td>
</tr>
<tr>
<td>U.S. Federal Aviation Administration (FAA)</td>
<td>Form 7460-1</td>
</tr>
<tr>
<td>U.S. Federal Communications Commission (FCC)</td>
<td>Consult to avoid line-of-sight obstruction</td>
</tr>
</tbody>
</table>
4.1 National Environmental Policy Act (NEPA) Environmental Impact Statement (EIS), Various Agencies

NEPA is required when a Federal action is proposed that may have impacts on the human or natural environment. Federal actions include those that occur on Federal lands, or require the use of Federal funding, permits, facilities, equipment or employees. A NEPA environmental impact statement (EIS) effort is required for Federal actions which may have a significant impact on the human or natural environment. The lead federal agencies for NEPA in Wyoming will vary depending on several circumstances including funding, location of the project, and the permits that may be required. Several agencies that may be lead agencies for a NEPA analysis of an electric transmission project in Wyoming may include:

- U.S. Department of the Interior/ Bureau of Land Management (BLM), National Park Service (NPS), Bureau of Indian Affairs (BIA), Bureau of Reclamation (BOR)
- U.S. Department of Agriculture, Forest Service (USFS)
- U.S. Department of Energy (DOE), Western Area Power Administration (Western)

NEPA requires that federal agencies undertake an assessment of environmental effects of proposed actions prior to making decisions for all "major federal actions" that have the potential to significantly affect the quality of the human or natural environment. "Major federal actions" are defined as actions with effects that may be major and that are potentially subject to federal control and responsibility (40 CFR 1508.18). Federal actions include the provision of federal funding, the issuance of a permit, or the granting of approval by a federal agency or for which the federal agency has ongoing program responsibility. The lead federal agency would be responsible for NEPA compliance. The council on Environmental Quality (CEQ) Regulations Implementing NEPA (40 CFR Parts 1500–1508) require each federal agency to develop guidance for implementing NEPA.

If the transmission line crosses a portion of federally managed lands or is otherwise determined by the agency to be a "major federal action," the respective federal agency would require that a NEPA document be prepared for electric transmission projects. The primary NEPA triggers for electric transmission projects are described below and shown in Table 4-2.

NEPA requires that an EIS or, for projects without adverse impacts, an Environmental Assessment (EA) be prepared for all "major federal actions" that have potential to significantly affect the quality of the human or natural environment, unless agency regulations specify the action to be a categorical exclusion.
Table 4-2: NEPA Permitting Scenarios

<table>
<thead>
<tr>
<th>Scenario 1: EIS, No State and Local Permitting Required</th>
<th>Scenario 2: EIS with State/Local Permitting</th>
<th>Scenario 3: Limited NEPA with State and Local Permitting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Action/NEPA Trigger</td>
<td>Federal Ownership</td>
<td>Federal Funding</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Federal Approval</td>
</tr>
<tr>
<td>Lead Federal Agency</td>
<td>U.S. Department of Agriculture, Rural Utilities Service</td>
<td>Western U.S. Bureau of Land Management, U.S. Forest Service or other Federal agency</td>
</tr>
<tr>
<td></td>
<td></td>
<td>U.S. Army Corps of Engineers</td>
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<td></td>
<td></td>
<td>U.S. Fish and Wildlife Service</td>
</tr>
<tr>
<td>NEPA Scope</td>
<td>Full Project</td>
<td>Limited to geographic scope of federal nexus</td>
</tr>
<tr>
<td>State and Local Compliance</td>
<td>accomplished through federal agency-led EIS</td>
<td>would require separate State and local permitting</td>
</tr>
<tr>
<td>Endangered Species Act Compliance</td>
<td>Section 7</td>
<td>Section 7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Section 10</td>
</tr>
</tbody>
</table>

The CEQ Regulations Implementing NEPA (40 CFR Parts 1500–1508) define the terms categorical exclusion, EA, and EIS:

- “Categorical exclusion” means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations (Sec. 1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact statement is required. An agency may decide in its procedures or otherwise, to prepare environmental assessments for the reasons stated in Sec. 1508.9 even though it is not required to do so. Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect. (40 CFR 1508.4).

- “Environmental assessment”: (a) Means a concise public document for which a Federal agency is responsible that serves to: 1. Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact. 2. Aid an agency's compliance with the Act when no environmental impact statement is necessary. 3. Facilitate preparation of a statement when one is necessary. (b) Shall include brief discussions of the need for the proposal, of alternatives as required by section 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted. (40 CFR 1508.9).
"Environmental impact statement" means a detailed written statement as required by section 102(2)(C) of the Act. Section 102(2)(C) of NEPA states "include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—(i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, (iii) alternatives to the proposed action, (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented." (40 CFR 1508.11) The scope of the NEPA process would depend on the type of federal approval needed and the scope of the lead agency's jurisdiction. Three plausible permitting scenarios have been identified based on the type of federal action triggering NEPA, the scope of the NEPA process, and how compliance with state and local regulations would be achieved. The three scenarios are summarized in Table 4-2: NEPA Permitting Scenarios.

- Scenario 1: EIS, No State/Local Permitting Required
- Scenario 2: EIS with State/Local Permitting
- Scenario 3: Limited NEPA with State/Local Permitting

The NEPA process evaluates potential effects of electric transmission projects on environmental resources, such as land use, threatened and endangered species, wetlands, cultural and historic properties, socioeconomics, scenic areas, and other resources.

In addition to the lead federal agency, other federal agencies, state agencies, or tribes may participate in the NEPA process as cooperating agencies. A cooperating agency has the responsibility to assist the lead agency by participating in the NEPA process at the earliest possible time; by participating in the scoping process; in developing information and preparing environmental analyses, including portions of the EIS concerning which the cooperating agency has special expertise; and in making available staff support at the lead agency's request to enhance the lead agency's interdisciplinary capabilities (EPA 2009).

The time frame for an EIS would be approximately 18 to 30 months, and the time frame for an EA would be approximately 12 to 18 months. These time frames are based on previous experience and are not statutory time frames.

For an EIS, NEPA compliance consists of the following public involvement requirements: scoping, comments on the draft EIS, and response to comments on the draft EIS. As part of the scoping process, the lead federal agency is required to invite other agencies, tribes, and interested persons to participate in the NEPA process; and may choose to hold public scoping meetings. The lead federal agency must request comments on the draft EIS from the public, agencies, tribes, and the applicant. The lead federal agency must then respond to substantive comments on the draft EIS. The lead federal agency must provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents.
so as to inform those persons and agencies that may be interested or affected. The lead federal agency must also make the EIS, the comments received, and any underlying documents available to the public (CEQ 2010).

4.2 U.S. Department of Energy (DOE), Western Area Power Administration (Western)

Western is one of four power marketing administrations within the U.S. Department of Energy (DOE). Western owns and maintains more than 10 percent of the transmission lines in the Western Electricity Coordinating Council (WECC) area. In fiscal year (FY) 2006, Western operated and maintained more than 17,000 miles of transmission lines and almost 300 substations in its operating area (Western 2010b). Construction and operation of a high-voltage transmission line owned at least in part by Western would constitute a major federal action, which would trigger NEPA compliance with Western as the lead federal agency. According to 10 CFR § 1021, Appendix D (D5), main transmission system additions to a main transmission grid is a class of action normally requiring an EIS.

Scenario 1 (Table 4-2) is characterized by a full EIS process with Western as the lead federal agency; no permitting is required for state and local level compliance. The federal action that would trigger this scenario for a project would be Western ownership of at least a portion of the project. Western would make every effort to ensure the project’s compatibility with state and local permitting requirements, local land use plans, and zoning regulations.

Wyoming is located in the Rocky Mountain Region, one of four regions of Western.

Contact Information:
Rocky Mountain Region
P.O. Box 3700
Loveland, CO 80539-3003
(970) 461-7200 or 1-800-472-2306

4.3 Section 368 Energy Corridors

Section 368(a) of the Energy Policy Act of 2005, Public Law 109-58 (H.R. 6), directs the Secretaries of Agriculture, Commerce, Defense, Energy, and the Interior (the Agencies) to designate corridors on federal land in the 11 western states for oil, gas and hydrogen pipelines and electricity transmission and distribution facilities (energy transport corridors). The Agencies determined that designating corridors as required by Section 368 constitutes a major federal action that may have a significant impact upon the environment within the meaning of NEPA. For this reason, the Agencies developed a Programmatic Environmental Impact Statement (PEIS) to address the environmental impacts from the proposed action and the range of reasonable alternatives. The Final Programmatic Environmental Impact Statement, Designation of Energy Corridors on Federal Land in the 11 Western States (DOE/EIS-0386) (DOE and DOI 2008) was released in November 2008. This PEIS provided the methodology used to locate energy transport corridors in the 11 states and identified the
corridor locations that were ultimately derived during this process. In addition, the PEIS presented the effects on the environment associated with potential future projects undertaken within the designated corridors.

The Approved Resource Management Plan Amendments/Record of Decision for Designation of Energy Corridors on BLM-Administered Lands in the 11 Western States (BLM 2009) was released in January 2009. This document records the decision that DOI reached to designate corridors on BLM lands by amending 92 land use plans in the 11 contiguous western states.

The USDA Forest Service Designation of Section 368 Energy Corridors on National Forest System Land in 10 Western States Decision by Secretary of Agriculture To Amend Land Management Plans Described as the Environmentally Preferred Alternative (USFS 2009) was released in 2009. This Record of Decision documents the decision that the USFS reached to designate Section 368 energy corridors on National Forest System lands through amendment of Land Management Plans.

Designation of Section 368 energy corridors is an important step in addressing critical energy needs in the West. Energy corridors on federal lands provide pathways for future long-distance energy transmission that would help to relieve congestion, improve reliability, and enhance the national electric grid. Future use of corridors should reduce the proliferation of ROWs across the landscape and minimize the environmental footprint from development (USFS 2009).

Section 368 does not require that the Agencies consider or approve specific projects, applications for ROWs, or other permits within designated energy corridors. Importantly, Section 368 does not direct, license, or otherwise permit any on-the-ground activity of any sort. If an applicant is interested in obtaining an authorization to site a project within any corridor designated under Section 368, the applicant would have to apply for a ROW authorization, and the Agencies would consider each application by applying appropriate project-specific reviews under requirements of laws and related regulations including, but not limited to, NEPA, the CWA, the Clean Air Act, Section 7 of the ESA, and Section 106 of the NHPA (DOE and DOI 2008).

The applicant would follow the following process if a proposed project is within a designated Section 368 energy corridor:

- Apply for a ROW authorization
- Agencies would perform project-specific reviews under NEPA, the CWA, the Clean Air Act, Section 7 of the ESA, Section 106 of the NHPA, and any other applicable law or regulation.
4.4 U.S. Department of Agriculture (USDA)

4.4.1 Rural Utilities Service (RUS)

Federal funding could trigger NEPA compliance if RUS funding was requested for the development and construction of the transmission line, usually by a generation and transmission cooperative (Table 4-2). The Rural Electrification Act of 1936 authorized USDA to make direct loans and loan guarantees to electric utilities to serve rural customers. RUS makes loans to corporations, states, territories and subdivisions, municipalities, people’s utility districts, and cooperative, nonprofit, limited-divided, or mutual associations that provide retail electric service to rural areas or supply the power needs of distribution borrowers in rural areas (USDA 2004). If an RUS loan was requested for the development and construction of the transmission line, NEPA compliance would be required with RUS as the lead federal agency.

For projects in which the RUS applicant proposes to participate with other parties in the ownership of a project, RUS would determine whether a federal action exists by analyzing whether the applicant or applicants have “sufficient control to alter the development of a project.” In multiple-party projects, RUS regulations provide the following guidance for determining the existence of a federal action:

- If all participating RUS applicants cumulatively own five percent or less of a project, it is not considered a federal action subject to NEPA;
- If all participating RUS applicants cumulatively own 33.3 percent or more of a project, it will constitute a federal action;
- If all participating RUS applicants cumulatively own more than five percent but less than 33.3 percent of a project, the RUS will determine the existence of a federal action. The following factors may be used in such a determination:
  1. Whether construction would be completed regardless of RUS financial assistance or approval;
  2. The stage of planning and construction;
3. Total participation of the applicant(s);
4. Participation percentage of each utility; and
5. Managerial arrangements and contractual provisions (7 CFR § 1794.20).

If RUS determines that the project constitutes a federal action, the level of environmental review required would be determined by RUS guidance. Typically, electric power lines and related facilities designed for and capable of operation at a nominal voltage of 230 kilovolts or more where more than 25 miles of power line are involved require an EA with scoping (7 CFR § 1794.24). Further guidance, however, states that: “Applications for financial assistance for certain proposed actions that may significantly affect the quality of the human environment shall require the preparation of an EIS” (7 CFR § 1794.25). RUS has elected to develop an EIS for recent projects associated with lower voltages and shorter mileages.

Contact Information:
RUS Electric Program
Mark Plank
Northern Regional Division
Stop 1566 (Room 0243), 1400 Independence Avenue
Washington DC 20250-1566
(202) 720-1420

4.4.2 U.S. Forest Service (USFS), Special Use Permit/Right-of-Way Grant Application

Special use permits and a ROW grant application would be required from USFS if any portions of electric transmission projects were to be located on lands within USFS jurisdiction. Table 4-3 lists the USFS forests, national grasslands, and special management areas including wilderness areas located within Wyoming.

Table 4-3: USFS Jurisdictions within Wyoming

<table>
<thead>
<tr>
<th>National Forest/Grassland</th>
<th>Ranger District</th>
<th>Special Management Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bighorn National Forest</td>
<td>Tongue District</td>
<td>Cloud Peak Wilderness</td>
</tr>
<tr>
<td></td>
<td>Medicine Wheel/Paintrock District</td>
<td>Bighorn Scenic Byway</td>
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<tr>
<td></td>
<td>Powder River District</td>
<td>Cloud Peak Skyway</td>
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<tr>
<td></td>
<td></td>
<td>Medicine Wheel Passage</td>
</tr>
<tr>
<td>Bridger-Teton National Forest</td>
<td>Kemmerer Ranger District</td>
<td>Bridger Wilderness</td>
</tr>
<tr>
<td></td>
<td>Big Piney Ranger District</td>
<td>Togwotee Pass, WY Centennial Scenic Byway</td>
</tr>
<tr>
<td></td>
<td>Greys River Ranger District</td>
<td>Granite Creek Wild and Scenic River</td>
</tr>
<tr>
<td></td>
<td>Jackson Ranger District</td>
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<td></td>
<td>Buffalo Ranger District</td>
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<td></td>
<td>Pinedale Ranger District</td>
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</tbody>
</table>
### Table 4-3: USFS Jurisdictions within Wyoming

<table>
<thead>
<tr>
<th>National Forest/Grassland</th>
<th>Ranger District</th>
<th>Special Management Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicine Bow National Forest</td>
<td>Brush Creek–Hayden Ranger District</td>
<td>Huston Park Wilderness</td>
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<tr>
<td></td>
<td>Douglas Ranger District</td>
<td>Encampment River Wilderness</td>
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<tr>
<td></td>
<td>Laramie Ranger District</td>
<td>Platte River Wilderness</td>
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<td></td>
<td></td>
<td>Savage Run Wilderness</td>
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<td></td>
<td></td>
<td>Sarvis Creek Wilderness</td>
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<td></td>
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<td>Flat Tops Wilderness</td>
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<tr>
<td></td>
<td></td>
<td>Mount Zirkel Wilderness</td>
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<td></td>
<td>Snowy Range RNA</td>
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<tr>
<td></td>
<td></td>
<td>Savage Run Wilderness</td>
</tr>
<tr>
<td>Shoshone National Forest</td>
<td>Clarks Fork Ranger District</td>
<td>North Absaroka Wilderness</td>
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<tr>
<td></td>
<td>Wapiti Ranger District</td>
<td>Absaroka-Beartooth Wilderness</td>
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<tr>
<td></td>
<td>Greybull Ranger District</td>
<td>Popo Agie Wilderness</td>
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<td>Washakie Ranger District</td>
<td>Fitzpatrick Wilderness</td>
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<td>Wind River Ranger District</td>
<td>Washakie Wilderness</td>
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<tr>
<td></td>
<td></td>
<td>Wild and Scenic Clarks Fork River</td>
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<tr>
<td></td>
<td></td>
<td>Tie Hack Memorial</td>
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<tr>
<td></td>
<td></td>
<td>Brooks Lake Falls</td>
</tr>
<tr>
<td>Thunder Basin National Grassland</td>
<td>Brush Creek–Hayden Ranger District</td>
<td>Huston Park Wilderness Area</td>
</tr>
<tr>
<td></td>
<td>Douglas Ranger District</td>
<td>Encampment River Wilderness Area</td>
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<td></td>
<td>Laramie Ranger District</td>
<td>Platte River Wilderness Area</td>
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<td></td>
<td></td>
<td>Savage Run Wilderness Area</td>
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<tr>
<td></td>
<td></td>
<td>Snowy Range Scenic Byway</td>
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</table>

Acquisition of the ROW and use authorization requires submittal of SF 299, Application for Transportation and Utility Systems and Facilities on Federal Lands. The issuance of permits and ROW grants may also trigger additional NEPA requirements for all or portions of electric transmission projects located on USFS-managed lands.

Depending on the level of effort required, the agency may assign a processing fee, monitoring fee, and rent fee. A cash or surety bond may be required. Once the application has been submitted, the agency would determine the appropriate fee and would notify the applicant in writing. The application would take 60 days to process from the time that the application is deemed complete.

A summary of the Permitting Process:

- ROW and use authorization through submittal of SF 299
- Application for Transportation and Utility Systems and Facilities on Federal Lands
- Possible additional NEPA requirements

**Contact Information:**

U.S. Forest Service, Rocky Mountain Region  
740 Simms Street, Golden, CO 80401  
(303) 275-5350  
TTD / TTY for the Hearing Impaired (303) 275-5367
4.4.3 **U.S. Natural Resources Conservation Service (NRCS)/Farm Services Agency (FSA)**

The NRCS/ FSA exercises authority over the Farmland Protection Policy Act, which is intended to minimize the impact federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. NRCS identifies prime farmland, unique farmland, and land of statewide or local importance that may be subject to the Farmland Protection Policy Act.

Other programs managed by USDA include the Conservation Reserve Program (CRP) and the Wetland Reserve Program (WRP). If electric transmission projects cross any lands managed under these programs, additional coordination with the USDA Farm Service Agency (for CRP lands) or NRCS (for WRP lands) may be required to avoid any breaches in the landowners’ contracts. The completion of a Farmland Conversion Impact Rating (Form AD-1006) would be necessary for agricultural lands impacted by the transmission line. Individual NRCS and Farm Service Agency field offices should be identified once the transmission line routes are known. Form AD-1006 should be completed and submitted to NRCS once the transmission line routes have been established and specific impacts to farmland are known. Applications would be processed within 45 days.

- Farmland Conversion Impact Rating completed
- Contact with individual NRCS and Farm Service Agency field offices

**Contact Information:**

NRCS State Office
P.O. Box 33124, 100 East B Street, 3rd Floor, Casper, WY 82602-5011
(307) -233-6750

Farm Service Agency State Office
951 Werner Ct., Ste. 130, Casper, WY 82601
(307) 261-5231

4.5 **U.S. Environmental Protection Agency (USEPA)**

The USEPA Region VIII office in Denver, Colorado is responsible for enforcement of the Clean Water Act (CWA) for the State of Wyoming. In some specific cases, USEPA has delegated authority for CWA to the state.

**Contact Information:**

Mailing address: U.S. EPA Region 8, 8OC-EISC
1595 Wynkoop St., Denver, CO 80202-1129
(303) 312-6312 or 1-800-227-8917
8eisc@epa.gov
4.5.1 Clean Water Act (CWA), Section 401—Water Quality Certification

Under the CWA, a Section 401 Water Quality Certification is typically required for projects receiving an Individual Permit. This certification is not required with nationwide permits in Wyoming. A discussion of Section 401 Water Quality Certification for Wyoming is contained in Section 2.1.3.

4.5.2 Clean Water Act (CWA), Section 402—National Pollutant Discharge Elimination System

CWA Section 402 NPDES permitting for point source discharges has been delegated to the WDEQ Water Quality Division. The U.S. Environmental Protection Agency (EPA) is responsible for reviewing compliance by industrial facilities (including construction sites and substations) with the stormwater regulations and the National Pollutant Discharge Elimination System (NPDES) permitting program on Native American reservation lands within Wyoming. On February 16, 2012, EPA issued the stormwater Construction General Permit (CGP). The 2012 CGP replaces the 2008 CGP (which expired on February 15, 2012), and will provide coverage for eligible new and existing construction projects for a period of five years. The permit would apply only where EPA is the NPDES permitting authority (e.g., Native American lands within Wyoming).

EPA has delegated responsibility for construction stormwater permitting under the CWA to the Wyoming Department of Environmental Quality (WDEQ). Sections 2.1.2, 2.1.3, and 2.1.4 describe these permitting processes.

Facilities with NPDES stormwater permits are required by regulations to have a Stormwater Pollution Prevention Plan (SWPPP) that identifies potential sources of pollution and describes methods by which a facility can reduce the amount of pollutants carried in stormwater and maintain compliance with permit conditions. The plan must be developed and implemented within 12 months of issuance of the NPDES permit.

EPA regulations found in Chapter 40, Code of Federal Regulations, Part 112, apply to facilities (including construction sites and substations) that have discharged, or due to their location, could reasonably be expected to discharge oil in harmful quantities. The regulations require that a Spill Prevention Control and Countermeasure (SPCC) Plan be prepared and certified for such facilities by a registered professional engineer to reduce hazards associated with the storage and distribution of oil.

EPA is generally given an opportunity to review and comment on Section 404 Permit applications by USACE. Direct discussions and coordination with EPA is generally not required by the entity requesting the permit, although EPA and other agency review time should be considered in the permit schedule.
Where EPA is the permitting authority, the CGP outlines a set of provisions construction operators must follow to comply with the requirements of the NPDES stormwater regulations. The CGP covers any site 1 acre and above, including smaller sites that are part of a larger common plan of development or sale, and replaces and updates previous EPA permits. The CGP requires operators of such construction sites to implement stormwater controls and develop SWPPPs to prevent sediment and other pollutants associated with construction sites from being discharged in stormwater runoff.

Operators of construction sites greater than 1 acre, or those designated by EPA, are required to submit a Notice of Intent (NOI) to obtain permit coverage. Submission of a complete and accurate NOI eliminates the need to apply for an Individual Permit for a regulated discharge, unless EPA specifically notifies the discharger that an Individual Permit application must be submitted. The preferred method of transmission of the NOI is via EPA’s website, http://www.epa.gov/npdes/eNOI. Section 2 describes stormwater permitting in Wyoming.

EPA’s review of the NOI is seven days. The permit is considered to be issued on the date it is noticed in the Federal Register and posted on EPA’s website as previously noted. The permit will be effective for two years from that date, ending at midnight on the anniversary of publication.

- National Pollutant Discharge Elimination System (NPDES) CGP permitting program on Native American lands requires the following:
- Stormwater Pollution Prevention Plan (SWPPP)—The plan must be developed and implemented within 12 months of issuance of the NPDES permit
- Spill Prevention Control and Countermeasure (SPCC) Plan for applicable facilities
- CGP covers any site 1 acre and above, including smaller sites that are part of a larger common plan of development
- Notice of Intent required to obtain permit coverage
- Individual Permits may be required

4.6 U.S. Army Corps of Engineers (USACE)

4.6.1 Section 404—Discharge of Dredged or Fill Material into Navigable Waters of the United States

While the USEPA is responsible for implementing the Clean Water Act (CWA), the U.S. Army Corps of Engineers (USACE) is responsible for permitting of dredge and fill operations in wetlands and other waters of the United States through Section 404 of CWA. The purpose of the Section 404 program is to insure that the physical, biological, and chemical quality of the nation's water is protected from irresponsible and unregulated discharges of dredged or fill material that could permanently alter or destroy these valuable resources. Wyoming is located within portions of three USACE districts. The majority of the state is within the Omaha District. The southwestern corner of the state is in the Sacramento District. The portion of the state in the vicinity of the Teton Range is within the Walla Walla, WA District. There is a USACE field office located in Cheyenne, Wyoming. The individual USACE districts would be
Permitting Electric Transmission Lines in Wyoming

responsible for regulatory actions within their districts. Section 404 permits, filed separately, would likely be required from all USACE districts where applicable. USEPA, USFWS, and other state and federal agencies would be given an opportunity to comment on the USACE permit applications.

The transmission line may cross wetlands and other WoUS. The USACE authorizes the use of Clean Water Act (CWA) Section 404 permits for any permanent impacts to wetlands and WoUS resulting from the construction and operation of electric transmission lines in Wyoming. Permits that may be used could include nationwide permit (NWP) 12 or an Individual Permit. There are no Rivers and Harbors Act (RHA) Section 10 “navigable waters” located within the state of Wyoming, so a Section 10 permit would not be necessary.

Nationwide permit (NWP) 12 authorizes the construction, maintenance, or repair of utility lines and substations, including outfall and intake structures and the associated excavation, backfill, or bedding for the utility lines, in all WoUS, provided there is no change in preconstruction contours and the activity does not result in the loss of greater than 0.5 acre of waters of the U.S. No additional permitting is required if the conditions of NWP 12 are met by transmission projects. On February 21, 2012 the USACE officially re-issued the NWPs. Changes to NWP 12 resulted in a clarification that access roads are included with other utility line activities that comprise a single and complete project, including the 0.5-acre that applies to each single and complete project. An Individual Permit would be required if impacts to wetlands are projected to exceed 0.5 acre for any discrete wetland or water of the U.S. Both the NWP #12 and Individual Permitting process are described below.

Regarding potential impacts to water resources, it is assumed that the proposed transmission lines would be routed and other facilities developed to avoid wetlands and WoUS. The transmission line would typically span surface water features and most wetlands. Other project components, such as access roads, substations, construction laydown or staging areas, and other ancillary project features, would also have to be evaluated for potential to impact wetlands and WoUS. This suite of features may result in both temporary and/or permanent impacts and both categories of projected impact would need to be reported to USACE.

Electric transmission line projects in Wyoming may use NWP 12 for each single and complete project. USACE guidance defines the terms “single and complete project” at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. Accordingly, each single and complete project that occurs at separate and distinct locations from one another, that occur along the overall project route, and that result individually in permanent impacts of 0.5 acre or less, can use the NWP 12. NWP 12 is thus the most likely permit to be used for new electric transmission projects in the state.
A summary of the NWP 12 Permits:

- Each crossing of a waterbody in a linear project may be considered a single and complete project depending on the water source for each waterbody.
- Each single and complete project may result in permanent impacts of 0.5 acre or less
- Pre-construction Notification if predicted impacts are greater than 0.1 acre

An Individual Permit under Section 404 of the CWA would be required from USACE if a proposed electric transmission line were to result in dredging or placement of fill in any jurisdictional wetland or WoUS that exceeds 0.5 acre. For disturbances expected to be greater than 0.5 acre, the potential impacts on a wetland would be calculated following wetland delineation. Wetland delineation would utilize the methodologies of the USACE Wetland Delineation Manual of 1987 (USACE 1987). USACE has issued three supplemental manuals that need to be reviewed: the Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region (USACE 2008a) covers eastern Wyoming; the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2) (USACE 2008b) covers the southwestern corner of the state; and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0) (May 2010) covers the mountainous portions of the state. Wetland delineations are typically conducted once a preferred route has been identified and preliminary engineering has been conducted.

A summary of the Individual Permits:

- Permanent impacts that exceed 0.5 acre
- Wetland delineations required following USACE manuals
- Pre-Construction Notification developed

Under the Individual Permit process, a Pre-Construction Notification (PCN) would be developed and would include the wetland delineation report. A PCN is also required when using a NWP 12 if the predicted permanent impacts to wetlands or other WoUS are greater than 0.1 acre. The PCN would describe temporary and/or permanent impacts to wetlands and WoUS and it would request the appropriate permit based on predicted permanent and temporary impacts to wetlands and WoUS.

USACE generally gives EPA and other potentially affected agencies the opportunity to review and comment on Section 404 Individual Permit applications. USEPA is also involved in review when the USACE must make formal jurisdictional determinations for WoUS.

Permit Processing Time Frame: Consultation with USACE should be initiated once the preferred route and preliminary project engineering have been accomplished and the likely temporary and permanent impacts to wetlands and other waters of the U.S. have been projected. Under the NWP 12, if a PCN is required, the time frame is 30 days for initial review of the PCN request, and a potential for a further 45 day review if USACE has remaining
questions or data needs. It is expected that the review process would take up to 18 months if an Individual Permit were required.

Individual Permits may require public and agency involvement and are determined on a case-by-case basis. The evaluation process for an Individual Permit is based on guidelines established under Section 404(b)(1) of the CWA and on the "public interest review" procedures. The public interest review involves a broad qualitative evaluation of a project's benefits and detriments. The public interest review is facilitated by the issuance of a 15- to 30-day Public Notice soliciting comments from the public and resource agencies. A public hearing may be held for highly controversial projects (USACE 2010).

Contact Information:
U.S. Army Corps of Engineers
Wyoming Regulatory Office
2232 Dell Range Blvd, Suite 210, Cheyenne, WY 82009
(307) 772-2300

4.7 National Historic Preservation Act (NHPA)

Section 106 of the National Historic Preservation Act [16 U.S.C. 470f—Advisory Council on Historic Preservation, comment on Federal undertakings] mandates federal agencies undergo a review process for all federally-funded and permitted projects that will impact sites listed on, or eligible for listing on, the National Register of Historic Places. Specifically it requires the federal agency to "take into account" the effect a project may have on historic properties. It allows interested parties an opportunity to comment on the potential impact projects may have on significant archaeological or historic properties. The main purpose for the establishment of the Section 106 review process is to minimize potential harm and damage to historic properties.

Under Section 106, the lead federal agency in consultation with the land managing agency, must identify and assess the effects of electric transmission projects on historic properties. Typically, the project proponent funds the technical studies required to accomplish the identification and assessment effort. The lead federal agency must consult with the State Historic Preservation Officer (SHPO), land managing agency, other appropriate state and local officials, Native American tribes, applicants for federal assistance, and members of the public and consider their views and concerns about historic preservation issues when making final Initiative decisions (ACHP 2008). Effects are addressed by mutual agreement, usually among the SHPO or the Tribal Historic Preservation Officer, the lead federal agency, and any other involved parties (ACHP 2008).

Most often in the case of large scale undertakings, Section 106 compliance is managed through the use of a Programmatic Agreement (PA). The PA identifies the roles and
responsibilities of the involved parties on the project, spells out the process for identifying, evaluating, and mitigating effects on historic properties, and offers the advantage of the flexibility to respond to project changes. The PA is signed by the lead federal agency, the SHPO, the ACHP (if it desires), the project proponent, and other involved parties.

A summary of Section 106 review process involves the following:

- Lead federal agency in consultation with the land managing agency, identifies and assesses effects of project on historic properties.
- Technical studies (funded by project proponent usually)
- Lead federal agency consults with State Historic Preservation Officer, land managing agency, other appropriate state and local officials, Native American tribes, and members of the public to reach mutual agreement concerning effects
- In large projects, a Programmatic Agreement manages Section 106 compliance and is signed by all involved parties
- The Programmatic Agreement identifies roles and responsibilities for the project, establishes process for identifying, evaluating, and mitigating effects on historic properties

4.8 U.S. Fish and Wildlife Service (USFWS)

USFWS has responsibility for implementing the following federal acts that may have a bearing on this Initiative:

- Endangered Species Act (ESA) of 1973 (16 USC 1531–1544), (50 CFR 17)
- Bald and Golden Eagle Protection Act of 1940 (BGEPA) (16 USC 668; 50 CFR 22)
- Migratory Bird Treaty Act (MBTA) (16 USC 701–712)

USFWS also has responsibility for managing National Wildlife Refuges (NWRs) that may contain designated wilderness areas. USFWS responsibilities under each of these acts and as a land management agency are described below.

Contact Information:
USFWS Mountain-Prairie Region
134 Union Blvd., Lakewood, CO 80228
http://www.fws.gov/mountain-prairie/contactus.htm

4.8.1 Endangered Species Act (ESA)—Section 7 (consultation) and Section 10 (Incidental Take Permits)

The state of Wyoming is located, in its entirety, within the Mountain-Prairie Region (Region 6) of USFWS. USFWS has responsibility for compliance with the ESA. Consultation and potential permitting for the incidental take of threatened and endangered species may be required under Section 7 of the ESA. Section 7 of the ESA requires USFWS to establish whether listed species would potentially be impacted.
To initiate informal consultation, electric transmission projects would provide a map of the project study area to the lead federal agency. Alternative project corridors or routes should be shown on the map. The lead federal agency, or the contractor to the federal agency, would prepare letters requesting a species list for counties transected by the project facilities within Region 6. USFWS has 30 days to respond to the letter request, and would provide a letter listing the species that should be evaluated in each of the counties where a proposed project will be sited. The informal consultation process seeks to accomplish the following goals:

- Clarify whether listed, proposed, and candidate species or designated or proposed critical habitats may be in the project study area
- Determine what effect electric transmission projects may have on these species or critical habitats
- Explore ways to modify electric transmission projects to avoid or minimize adverse effects to the species or critical habitats
- Determine the need to enter into formal consultation for listed species or designated critical habitats or to enter into conference for proposed species or proposed critical habitats

Desktop and pedestrian-based habitat evaluations should be conducted upon identification of the preferred transmission corridor and in conjunction with informal consultation. The more specific information available on specific routes, the easier it will be to clarify whether listed species may be affected by the project.

If listed species or critical habitats for listed species are present in the project study area and the action has a federal nexus, then a Biological Assessment (BA) must be prepared within 180 days of receipt of the USFWS species list under Section 7 of the ESA. The BA may require species specific seasonally dependent surveys prior to preparation which could extend project timelines. The BA is prepared by the lead federal agency or the contractor to the federal agency. The BA includes information prepared to determine whether a proposed action is likely to (1) adversely affect listed species or destroy or adversely modify designated critical habitat, (2) jeopardize the continued existence of species that are proposed for listing, or (3) adversely modify proposed critical habitat. Following submission of the BA, USFWS has 30 days to review and respond. If the BA indicates that the action is “likely to adversely affect species or critical habitat,” then USFWS would announce that formal consultation is required. Upon initiation of formal consultation, USFWS would begin its formal review process and they would either accept the BA or request changes from the lead federal agency. USFWS would then deliver the biological opinion and the Incidental Take Permit (if necessary [under Section 10 of the Act]). Incidental taking of a listed species is defined as reasonably unavoidable and unintentional taking sanctioned by the Incidental Take Permit.
A summary of the components that a Biological Assessment involves includes the following:

- Listed species or critical habitats are present in project study area and there is a federal nexus
- The BA is prepared within 180 days of receiving the USFWS species list
- May require species specific surveys (could be seasonally dependent and thus extend project timeline)
- Prepared by lead federal agency or contractor
- USFWS has 30 days to review and respond.
- If the BA indicates that the action is “likely to adversely affect species or critical habitat,” then USFWS would announce that formal consultation is required.
- USFWS would begin its formal review process and they would either accept the BA or request changes from the lead federal agency.
- USFWS would then deliver the biological opinion and the Incidental Take Permit (if necessary).

If no federal nexus exists, but listed species or critical habitats for listed species are present in the project study area and the action could result in a “take” of the species, the applicant must comply with Section 10 of the ESA, which stipulates that an HCP be developed to address impacts and mitigation to the listed species. An Incidental Take Permit is issued to the applicant by USFWS.

The application fee for an Incidental Take Permit is $100. USFWS has 90 days to review the BA and either accept the findings and recommendations of the BA or request changes. USFWS has 135 days from the initiation of formal consultation to deliver the biological opinion and the Incidental Take Permit (if necessary). USFWS processing time frame for Incidental Take Permits is 3 to 12 months, depending on the complexity of the HCP that would be required.

If no federal nexus is present Incidental Take Permits involve the following:

- Section 10 of the ESA requires an HCP be developed.

### 4.8.2 Bald and Golden Eagle Protection Act (BGEPA)—Incidental take Permit

USFWS has responsibility for compliance with BGEPA. USFWS oversees Bald and Golden Eagles under the provisions of BGEPA, which prohibits any form of possession or taking of either species. The statute imposes criminal and civil sanctions as well as an enhanced penalty provision for subsequent offenses. The statute exempts from its prohibitions on possession the use of eagles or eagle parts for exhibition, scientific, and Native American religious uses.
USFWS delisted the Bald Eagle as an endangered species on July 9, 2007 (72 FR 37346). USFWS also issued guidance strengthening protections for eagles under the BGEPA in a final rule at 72 FR 31132 (June 5, 2007). The June 2007 final rule (1) codified a definition of “disturb” that will broaden the statutory prohibition against “take” of eagles under BGEPA, (2) issued new National Bald Eagle Management Guidelines, and (3) proposed a rule to create a permit program to authorize limited take of bald and golden eagles where the take is associated with, and not the purpose of, otherwise lawful activities.

USFWS has announced a final rule on two new permit regulations that would allow for the take of eagles and eagle nests under BGEPA. The Federal Permit for Non-Purposeful Eagle Take will authorize limited, non-purposeful take of Bald Eagles and Golden Eagles; such a permit will authorize individuals, companies, government agencies (including tribal governments), and other organizations to disturb or otherwise take eagles in the course of conducting lawful activities such as operating utilities and airports. The Federal Permit for Non-Purposeful Eagle Take issued under the new regulations would authorize disturbance. In limited cases, a Federal Permit for Non-Purposeful Eagle Take may authorize the physical take of eagles, but only if every precaution is taken to avoid physical take. Under the Federal Permit for Eagle Nest Removal eagle nest removal would be allowed only when it is necessary to protect human safety or the eagles. Population information for both eagle species will guide USFWS in determining how many permits may be issued in any locality, including other types of permits USFWS already issues (USFWS 2009).

For both the federal permit for Non-Purposeful Eagle Take and the federal permit for Eagle Nest Removal, the fee is $500 (standard) or $1,000 (programmatic) for new permits. Processing time frame for both the Non-Purposeful Eagle Take and the Eagle Nest Removal permit is 60 to 90 days.

4.8.3 **Migratory Bird Treaty Act (MBTA)**

USFWS has responsibility for regulation under the MBTA of 1918 (16 USC 701–712). The MBTA implements various treaties and conventions between the United States, Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Under the MBTA, taking, killing, or possessing migratory birds is unlawful. The MBTA specifically protects migratory bird nests from take or possession, sale, purchase, barter, transport, import, and export. The MBTA applies to both public and private property, and it applies to a high percentage of avian species in the United States. None of the regulations promulgated under the MBTA expressly provide for permits for incidental take (USFWS 1996b). Under the MBTA, permits can be obtained for scientific collecting, banding and marking, falconry, raptor propagation, depredation, import, export, taxidermy, waterfowl sale and disposal, and special purposes. The permit fee is $100 and typically requires 60 days from date of submittal.

Surveys are recommended prior to construction or any ground-disturbing activities during the avian breeding season (as determined by state wildlife agencies, but generally between April and August) to avoid impacts to active nests and breeding birds and to avoid “incidental take”
under the MBTA. If construction and ground-disturbing activities occur outside the breeding season bird surveys are not recommended. The appropriate USFWS regional office (Region 6) should be contacted for electric transmission projects prior to construction for further guidance, and for USFWS recommendations for any breeding bird surveys as part of due diligence to avoid impacts to nesting migratory birds.

A summary of recommended measures for both public and private property:

- Surveys prior to any ground disturbing activities during avian breeding season (generally between April and August).
- Avoidance of active nests and breeding birds
- Contact USFWS Region 6 office prior to construction

Methods and guidelines that the electric generation and transmission industry can apply to reduce bird mortality resulting from industry facilities include the Avian Protection Plan (APP) Guidelines (EEI-USFWS 2005) and Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006 (APLIC 2006).

### 4.8.4 National Wildlife Refuges

The Secretary of the Interior may permit the use of any area within the National Wildlife Refuge System so long as the use is deemed “compatible” with the primary purposes for which the refuge was established and the goals of the National Wildlife Refuge System. The Fish and Wildlife Service Manual states: “Uses that we reasonably may anticipate to reduce the quality or quantity or fragment habitats on a national wildlife refuge will not be compatible” (USFWS Manual 603 FW 2).

Wyoming has seven National Wildlife Refuges:

- National Elk Refuge
- Seedskadee NWR Complex (which includes Seedskadee NWR and Cokeville Meadows NWR)
- Pathfinder NWR
- Mortensen Lake NWR
- Banforth NWR
- Hutton NWR.

Acquisition of the ROW and use authorization requires a Compatibility Determination and submittal of an application for Special Use Permit to Cross Federal Lands using SF 299. The issuance of permits and ROW grants may also trigger additional NEPA requirements for all or portions of electric transmission projects located on USFWS-managed lands.

Depending on the level of effort required, USFWS may assign a processing fee, monitoring fee, and rent fee. A cash or surety bond may be required. Once the application has been
submitted, USFWS would determine the appropriate fee and would notify the applicant in writing.

The timeline for compatibility determinations and ROW permits are dependent upon NEPA compliance required. A compatibility determination is not a federal action under NEPA, but issuance of a ROW permit based on a compatibility determination would constitute a federal action and NEPA trigger. According to USFWS guidance, many compatibility determinations will be completed as part of the NEPA process (USFWS Manual 603 FW 2.18). It is assumed for the purposes of electric transmission projects that any compatibility determinations or ROW permits required by USFWS would be completed through the NEPA process and subject to the NEPA compliance timeline.

A summary of the permitting process follows:

- Application for Special Use Permit to Cross Federal lands (SF 299)
- Compatibility determination (may be part of NEPA process)
- ROW grants may trigger additional NEPA requirements
- USFWS determines appropriate fee

### 4.9 U.S. Federal Energy Regulatory Commission (FERC)

It is unlikely that FERC would play a permitting or regulatory role because the responsibility for the construction and maintenance of transmission lines primarily resides with the state public utility commissions. See Section 2.1.1., Wyoming Public Service Commission (PSC), for rates information.

In accordance with section 216(a) of the FPA, the DOE issued an order on October 2, 2007, for two National Interest Electric Transmission Corridor (National Corridor) designations. The FERC permit process is only applicable to electric transmission facilities proposed to be located in National Corridors (FERC 2008).

While it is unlikely that FERC would play a permitting or regulatory role they would be involved in the rate filings and the sale of electricity once the project becomes operational. The statute governing electric utility rate filings and rate cases at FERC is the FPA. The statutory provisions of the FPA relevant to the rates charged by electric utilities are Sections 201, 205, and 206. Section 201 establishes FERC’s jurisdiction over the transmission of electric energy and the sale of electric energy at wholesale in interstate commerce. FERC also has jurisdiction over “all facilities used for such transmission or sale of electric generation,” but not over facilities that are used for the generation of electric energy, in local distribution, or for the transmission of electric energy consumed wholly by the transmitter.

The courts have found that FERC’s jurisdiction over these matters is exclusive. Jurisdiction over retail transactions is left to the states. FPA Section 205 requires all public utilities file with FERC all rates and charges for any transmission or sale subject to the jurisdiction of FERC, and the classifications, practices, and regulations affecting such rates and charges.
Section 206 of the FPA allows FERC to modify rates upon its own motion or upon motion or complaint (WGA 2010).

All bulk power system owners, operators, and users must comply with approved NERC reliability standards. These entities are required to register with NERC through the appropriate regional entity.

Contact Information:
Federal Energy Regulatory Commission
888 First Street, NE, Washington, DC 20426
(202) 502-6088
TTY: (202) 502-8659 | Toll-free: 1-866-208-3372
customer@ferc.gov

4.10  U.S. Federal Highway Administration (FHWA)

4.10.1 Utility Crossings/Encroachments
The FHWA must be consulted and permits must be secured for utility crossings or encroachments on the National Highway System and/or the Interstate Highway System.

4.10.2 Utility Permit/Road Crossing Permit, Federal Highway Administration
State transportation agencies' utility accommodation policies for federal-aid highways are approved by the Federal Highway Administration (FHWA) per 23 CFR § 645.215 before they can be applied to federal-aid highway projects in that state. Federal-aid highways include interstates and highways of the National Highway System. The utility permit or road crossing permit application would be handled through the respective state departments of transportation and a referral review would be provided to FHWA. When a utility applies for a permit to occupy a federal-aid highway, the state transportation department is not required to submit the matter to FHWA for concurrence, except when the proposed project is not in accordance with federal regulations or with the state’s FHWA utility accommodation policy for federal-aid highway projects (23 CFR § 645.215(d)). In such a case, the proposed permit would be submitted to the FHWA Division Administrator for approval (FHWA 2010).

FHWA regulations also provide guidance on how states may manage utility installations in scenic areas. The scenic area guidance is intended to allow the states to handle individual exceptions through their utility accommodation policies so that clearances from the FHWA division office are not needed.

The FHWA policy for utility accommodation in scenic areas is outlined in 23 CFR § 645.209(h):
New utility installations, including those needed for highway purposes...are not permitted on highway ROW or other lands which are acquired or improved with Federal-aid or direct Federal highway funds and are located within or adjacent to areas of scenic enhancement and natural beauty. Such areas include public park and recreational lands, wildlife and waterfowl refuges, historic sites as described in 23 USC 138, scenic strips, overlooks, rest areas and landscaped areas. The State transportation department may permit exceptions provided the following conditions are met:

1. New underground or aerial installations may be permitted only when they do not required extensive removal or alteration of trees or terrain features visible to the highway user or impair the aesthetic quality of the lands being traversed.

2. Aerial installations may be permitted only when:
   (i) Other locations are not available or are unusually difficult and costly, or are less desirable from the standpoint of aesthetic quality.
   (ii) Placement underground is not technically feasible or is unreasonably costly, and
   (iii) The proposed installation will be made at a location, and will employ suitable designs and materials, which give the greatest weight to the aesthetic qualities of the area being traversed. Suitable designs include, but are not limited to, self-supporting armless, single-pole construction with vertical configuration of conductors and cable.

Contact Information:
Federal Highway Administration, Wyoming Division
2617 East Lincolnway, Suite D, Cheyenne, WY 82001-5671
(307) 772-2101

4.11 U.S. Department of Defense (DOD)
The DOD operates two military facilities within Wyoming. These facilities include Francis E. Warren Air Force Base in Cheyenne and the U.S. Army’s Camp Guernsey, located in Guernsey, Wyoming. Warren Air Force Base also manages a strategic missile wing, with intercontinental missiles and associated facilities scattered on small parcels throughout the southeastern corner of the state and in the adjoining states of Nebraska and Colorado.

Because of the constraints involved with constructing and operating transmission lines within DOD facilities, these areas are typically avoided or identified as sensitive areas in the corridor identification process. Were a route selected that crossed military bases or other lands managed by the DOD, approval from the secretary of the military department that owns the land would be required (10 USC 2668). Right-of-way requests may be approved by the Secretary if it is found that the request is not against the public interest. Approval processes...
for crossing DOD land vary by individual base or installation. If potential crossings of DOD lands are identified, electric transmission projects would work with the appropriate DOD department, DOD Regional Lead, and individual base management to determine the appropriate review process and timeframe.

Similarly, if the transmission line route were to be located within a DOD-designated Special Use Airspace or Military Training Route, the individual military facility and the DOD Regional Lead would be contacted by electric transmission projects. DOD would make a determination whether the proposed transmission line route would conflict with the mission of the facility. If no conflict is identified, electric transmission projects would be permitted through the NEPA process. It is not likely that a DOD agency would be the lead federal agency for NEPA, as the length of the route through DOD-managed lands would expect to be minimal.

No permit processing timeframe has been identified; however, it would be expected to take a minimum of six months once the ROW request has been submitted to the DOD.

Contact Information:
Office of the Assistant Secretary of the Army
Region 8 Program Coordinator
721 19th Street, Suite 427, Denver, CO 80202-2500
(303) 844-0958

4.12 U.S. Department of Interior (USDOI)
4.12.1 U.S. Bureau of Indian Affairs (BIA)

The role of BIA in tribal coordination is explained as follows (BIA 2010):

The United States has a unique legal and political relationship with Indian tribes and Alaska Native entities as provided by the Constitution of the United States, treaties, court decisions, and federal statutes. Within the government-to-government relationship, Indian Affairs provides services directly or through contracts, grants, or compacts to 564 federally recognized tribes.

If a corridor is located on or adjacent to tribal lands, the appropriate tribes and BIA should be consulted; permits may be required as determined by the tribal offices and BIA. The issuance of permits and ROW grants may also trigger additional NEPA requirements for all or portions of electric transmission projects located on tribal lands.

Acquisition of the ROW and use authorization requires submittal of SF 299, Application for Special Use Permit to Cross Federal Lands. Depending on the level of effort required, BIA may assign a processing fee, monitoring fee, and rent fee. A cash or surety bond may be required. Once the application has been submitted, BIA would determine the appropriate fee and would notify the applicant in writing. The process would take 60 days to process from the time that the application is deemed complete.
Tribal nations have a special status within the United States. The courts have found them to be "domestic dependent nations" that exercise sovereignty within their own territories. They existed as sovereign entities before the arrival of European immigrants, and the treaties between them and the government of the United States were treaties between sovereign governments. While Native Americans have ceded lands and been removed from their ancestral homelands, in many cases they have reserved rights on the lands they ceded, such as access to traditional hunting grounds, fishing areas, and sacred landscapes. Even federal lands where no treaty rights have been reserved include cultural properties important to Native American religion and culture.

Because traditional tribal territories usually extend well beyond modern reservation boundaries, steps should be taken to assess which tribes may have areas of traditional use within the electric transmission project study area. The list of tribes consulted in the PEIS for DOE energy corridors on federal land in 11 western states (DOE and DOI 2008) was reviewed and USFS and BLM state offices within electric transmission project study area were consulted. Many of the federally recognized tribes and tribes with traditional use areas within the state of Wyoming are listed in Table 4-4.

If a corridor is located on or adjacent to tribal lands, the appropriate tribes and BIA should be consulted. Utilities crossing tribal lands may require permits as determined by the tribal offices and BIA. The issuance of permits and ROW grants may trigger NEPA requirements for all or portions of electric transmission projects located on tribal lands. Once the routes of the proposed transmission line are known, the tribal offices should be contacted for further information.

### Table 4-4

**Federally Recognized Tribes and Tribes With Traditional Use Areas**

<table>
<thead>
<tr>
<th>Tribe</th>
<th>Address</th>
<th>Town</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arapaho Tribe of the Wind River Reservation</td>
<td>P.O. Box 396</td>
<td>Ft. Washakie</td>
<td>WY</td>
<td>82514</td>
</tr>
<tr>
<td>Shoshone Tribe of Wind River Reservation</td>
<td>P.O. Box 217</td>
<td>Ft. Washakie</td>
<td>WY</td>
<td>82514</td>
</tr>
<tr>
<td>Oglala Sioux Tribe of the Pine Ridge Reservation</td>
<td>P.O. Box 2070</td>
<td>Pine Ridge</td>
<td>SD</td>
<td>57770</td>
</tr>
<tr>
<td>Rosebud Sioux Tribe</td>
<td>P.O. Box 430</td>
<td>Rosebud</td>
<td>SD</td>
<td>57570</td>
</tr>
<tr>
<td>Crow Tribe</td>
<td>P.O. Box 159</td>
<td>Crow Agency</td>
<td>MT</td>
<td>59022</td>
</tr>
<tr>
<td>Northern Cheyenne Tribe</td>
<td>P.O. Box 128</td>
<td>Lame Deer</td>
<td>MT</td>
<td>59043</td>
</tr>
<tr>
<td>Ute Indian Tribe of the Uintah and Ouray Reservation</td>
<td>P.O. Box 190</td>
<td>Ft. Duchesne</td>
<td>UT</td>
<td>84026</td>
</tr>
<tr>
<td>Ysleta del Sur Pueblo</td>
<td>119 S. Old Pueblo Rd</td>
<td>El Paso</td>
<td>TX</td>
<td>79917</td>
</tr>
</tbody>
</table>

The NEPA lead agency should be consulted for a complete list of tribes that have traditional use areas in the proposed project area. The NEPA lead agency will consult with tribes following the National Historic Preservation Act (NHPA) Section 106 process. The goal of the NHPA is to have federal agencies act as responsible stewards of the nation’s resources when their actions affect historic properties. Section 106 of the NHPA applies when two thresholds are met: (1) there is a federal or federally licensed action, including grants, licenses, and
permits, and (2) that action has the potential to affect properties listed in or eligible for listing in the National Register of Historic Places (ACHP 2008). See Section 4.1.3 National Historic Preservation Act for additional information.

There are two federally recognized Indian tribes in Wyoming today, Wyoming's Shoshone and Arapaho tribes. They share a single Indian reservation at Wind River. The Wind River Reservation is located in southwestern Wyoming near Lander, Wyoming. This reservation is home to over 3,900 Eastern Shoshone and 8,600 Northern Arapahoe enrolled tribal members and contains about 2,268,000 acres of land within its exterior boundary. There are about 1,820,766 acres of tribal and allotted surface trust acreage.

There are twelve BIA regional offices with the agencies located at the reservation level. The Wind River Agency is in the Rocky Mountain Regional Office and serves the Arapaho Business Committee and Shoshone Business Committee. It will be necessary to consult with the BIA Wind River Agency, and the individual tribes for specific permits and steps required for a project.

A summary of the Permitting process:

- Consultation with NEPA Lead Agency
- NEPA Lead Agency will need to consult with tribes under NHPA Section 106
- Additional outreach from the project proponent may be appropriate in some cases
- NEPA process

**Contact Information:**

Wind River Agency  
Bureau of Indian Affairs  
P.O. Box 158  
Fort Washakie, WY 82514

**4.12.2 U.S. Bureau of Land Management (BLM)**

Special use permits and a ROW grant application would be required from BLM if any portions of electric transmission projects were to be located on lands within BLM jurisdiction. The vast majority of the ROWs granted are authorized by Title V of the Federal Land Policy and Management Act (43 USC 1761-1771) and the Mineral Leasing Act (Section 28 of the Mineral Leasing Act of 1920, as amended, 43 USC 185). It is the policy of BLM to authorize all ROW applications at the discretion of the authorized officer in the most efficient and economical manner possible. Right-of-way grant applications are filed with the BLM field office having jurisdiction over the lands affected by the application. If the application affects more than one BLM administrative unit, the applications may be filed at any BLM office having jurisdiction over any part of the project (43 CFR 2804.11(b)). In addition to the SF-299 form, BLM may request the following information (43 CFR 2884.11(c)):
1. A list of any Federal and state approvals required for the proposal;
2. A description of alternative route(s) and mode(s) you considered when developing the proposal;
3. Copies of, or reference to, all similar applications or grants you have submitted, currently hold, or have held in the past;
4. A statement of the need and economic feasibility of the proposed project;
5. The estimated schedule for constructing, operating, maintaining, and terminating the project (a Plan of Development);
6. A map of the project, showing its proposed location and showing existing facilities adjacent to the proposal;
7. A statement certifying that you are of legal age and authorized to do business in the state(s) where the ROW would be located, and that you have submitted correct information to the best of your knowledge;
8. A statement of the environmental, social, and economic effects of the proposal;
9. A statement of your financial and technical capability to construct, operate, maintain, and terminate the project;
10. Proof that you are a United States citizen; and
11. Any other information BLM considers necessary to process your application.

Upon receipt of a completed ROW application that includes all of the requested additional items listed above, BLM will make a determination whether a decision can be issued within 60 calendar days. By day 30, BLM will send a letter to notify the applicant that BLM cannot process in 60 calendar days and provide the estimated date the decision will be issued (BLM 2010).

BLM Wyoming is organized into three District Offices and 10 Field Offices. The High Desert District has the following field offices: Kemmerer, Pinedale, Rawlins, and Rock Springs. The High Plains District has the following field offices: Buffalo, Casper and New Castle. The Wind River/Bighorn Basin District has the following Field offices: Cody, Lander, and Worland.

Each field office has a Resource Management Plan (RMP). BLM’s Resource Management Plans (RMPs) form the basis for every action and approved use on the public lands. Plans are periodically revised as changing conditions and resource demands require. RMPs generally establish the following:

1. Land areas for limited, restricted or exclusive use; designations, such as Areas of Critical Environmental Concern ACEC); and transfers from BLM administration;
2. Allowable resource uses and related levels of production or use to be maintained;
3. Resource condition goals and objectives to be attained;
4. Program constraints and general management practices needed to achieve the above items;
5. Need for an area to be covered by more detailed and specific plans;
6 Support actions, including such measures as resource protection, access development, realty action, cadastral survey, etc. as necessary to achieve the above;
7 General implementation sequences, where carrying out a planned action is dependent upon prior accomplishment of another planned action; and
8 Intervals and standards for monitoring and evaluating the plan to determine the effectiveness of the plan and the need for amendment or revision.

A project proponent should contact the BLM field or district offices to establish if there are any Special Management Areas in the project area. There are several different types of Special Management Areas including ACECs and WSAs.

Area of Critical of Environmental Concern (ACEC) are special management areas designated by BLM to protect significant historic, cultural, or scenic values; fish and wildlife resources; natural process or systems; and/or natural hazards that:

- Have more than locally significant qualities which give it special worth, consequence, meaning, distinctiveness, or cause for concern, especially compared to any similar resource;
- Have qualities or circumstances that make it fragile, sensitive, rare, irreplaceable, exemplary, unique, endangered, threatened, or vulnerable to adverse change;
- Has been recognized as warranting protection in order to satisfy national priority concerns or to carry out the mandates of federal land management and practices act (FLMPA);
- Has qualities that warrant highlighting in order to satisfy public or management concerns about safety and public welfare; and/or
- Poses a significant threat to human life and safety or to property.

ACECs differ from other special designations, such as Wilderness Study Areas, in that designation by itself does not automatically prohibit or restrict other uses in the area. While WSAs are managed to a “non-impairment” standard that excludes surface disturbing activities and permanent structures that would diminish the areas’ natural character, the management of ACECs is focused on the resource or natural hazard of concern. This varies considerably from area to area, and in some cases may involve surface disturbing actions.

BLM Wyoming manages 42 WSAs encompassing 577,504 acres of public land. In its report to Congress in 1992, BLM Wyoming recommended that 240,364 acres within 21 study areas should be designated as part of the National Wilderness Preservation System. Also in the 1992 report, BLM Wyoming recommended that 337,140 acres within 30 study areas should be released for uses other than wilderness. The Wilderness Act prohibits construction of telecommunication towers, facilities for power generation, transmission lines and energy pipelines. Table 4-5 lists the BLM-managed Wilderness Study Areas within Wyoming.
Table 4-5: BLM-Managed Wilderness Study Areas

<table>
<thead>
<tr>
<th>High Desert District</th>
<th>High Plains District</th>
<th>Wind River/Bighorn Basin District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adobe Town</td>
<td>Fortification Creek</td>
<td>Alkali Creek</td>
</tr>
<tr>
<td>Alkali Basin/East Sand Dunes</td>
<td>Gardner Mountain</td>
<td>Bobcat Draw Badlands</td>
</tr>
<tr>
<td>Alkali Draw</td>
<td>North Fork</td>
<td>Bighorn Tack-On</td>
</tr>
<tr>
<td>Bennett Mountain</td>
<td>Cedar Mountain</td>
<td></td>
</tr>
<tr>
<td>Buffalo Hump</td>
<td>Copper Mountain</td>
<td></td>
</tr>
<tr>
<td>Devil's Playground</td>
<td></td>
<td>Dubois Badlands</td>
</tr>
<tr>
<td>Encampment River Canyon</td>
<td>Honeycombs</td>
<td></td>
</tr>
<tr>
<td>Ferris Mountain</td>
<td>Larkin Dome</td>
<td></td>
</tr>
<tr>
<td>Honeycomb Buttes</td>
<td>McCullough Peaks</td>
<td></td>
</tr>
<tr>
<td>Lake Mountain</td>
<td>Medicine Lodge</td>
<td></td>
</tr>
<tr>
<td>Oregon Buttes</td>
<td>Miller Spring</td>
<td></td>
</tr>
<tr>
<td>Prospect Mountain</td>
<td>Owl Creek</td>
<td></td>
</tr>
<tr>
<td>Raymond Mountain</td>
<td>Pryor Mountain</td>
<td></td>
</tr>
<tr>
<td>Red Creek Badlands</td>
<td>Red Butte</td>
<td></td>
</tr>
<tr>
<td>Red Lake</td>
<td>Savage Peak</td>
<td></td>
</tr>
<tr>
<td>Sand Dunes</td>
<td>Sheep Mountain</td>
<td></td>
</tr>
<tr>
<td>Scab Creek</td>
<td>Split Rock</td>
<td></td>
</tr>
<tr>
<td>South Pinnacles</td>
<td>Sweetwater Canyon</td>
<td></td>
</tr>
<tr>
<td>Twin Buttes</td>
<td>Trapper Creek</td>
<td></td>
</tr>
<tr>
<td>Whitehorse Creek</td>
<td>Whiskey Mountain</td>
<td></td>
</tr>
</tbody>
</table>

Other Special Management Areas include the 3,100-mile long Continental Divide National Scenic Trail (CDNST) which runs from Canada to Mexico through the states of Montana, Idaho, Wyoming, Colorado, and New Mexico. Crossing the spine of the North American continent numerous times, it traverses some of America’s most spectacular and isolated scenery, offering views unlike any other trail in the world. In Wyoming, the trail passes through Yellowstone National Park; the Bridger/Teton, Shoshone, and Medicine Bow-Routt National Forests; and public lands managed by the Bureau of Land Management (BLM).

Allowable uses of the BLM-portion of the CDNST include hiking, mountain biking, horseback riding, and limited motor vehicle use. The BLM portion of the trail is 95% primitive two-track roads, 4% is improved roads, and 1% requires cross-country travel. Cross-country segments are closed to motorized vehicles.

**Wyoming Sage-grouse Management RMP Amendments:** The Bureau of Land Management (BLM) Wyoming State Office has initiated a planning effort to prepare Resource Management Plan (RMP) amendments for the Casper, Green River, Kemmerer, Newcastle, Pinedale, and Rawlins RMPs. The RMP amendments will revise sage-grouse and sagebrush management direction in the existing RMPs to incorporate policy from BLM Wyoming’s
Instruction Memorandum (IM) 2010-012. The amendments will address needed changes in the management and conservation of Greater sage-grouse habitats within the six field offices to support sage-grouse population management objectives of the State of Wyoming. Amending the existing RMPs will provide consistency in managing sage-grouse habitat on BLM-administered lands in Wyoming. The RMP decisions to be amended are critical in nature; and by law, all BLM actions, authorizations, and subsequent decisions must be in conformance with the RMP.

The planning area for the RMP amendments includes the area within the boundaries of the BLM Casper, Kemmerer, Newcastle, Pinedale, Rawlins, and Rocks Springs Field Offices. This area includes approximately 11 million acres of public land surface and 20 million acres of federal mineral estate in Albany, Carbon, Converse, Crook, Fremont, Goshen, Laramie, Lincoln, Natrona, Niobrara, Platte, Sublette, Sweetwater, Uinta, and Weston counties. The decisions resulting from the RMP amendments will only apply to BLM-administered public lands within the planning area.

The overall objective of the Wyoming Sage-grouse Management RMP Amendments planning effort is to provide a collaborative planning process for amending the management decisions of the existing six RMPs. The final Approved RMP Amendments will identify desired outcomes, identify future conditions to be maintained or achieved, and specify uses or resource allocations that are allowable, restricted, or prohibited, including any restrictions needed to meet desired outcomes.

Contact Information:
High Desert District
280 Highway 191 North, Rock Springs, WY 82901-3447
(307) 352-0256

High Plains District
2987 Prospector Drive, Casper, WY 82604-2968
(307) 261-7600

Wind River/Bighorn Basin District
101 South 23rd Street, Worland, WY 82401
(307) 347-5100

4.12.3 U.S. Bureau of Reclamation (BOR)

Table 4-6 lists the reservoirs, lakes, and lands within the study area associated with BOR based on land ownership, land management, or water (dam) management. If electric transmission projects were to cross these reservoirs, the landowner, BOR, land manager, and possibly the owner/manager of the surrounding lands would be consulted to discuss permitting requirements specific to that reservoir’s ownership and management agreements.
Table 4-6:
BOR Jurisdictions

<table>
<thead>
<tr>
<th>Managed Area</th>
<th>Recreation Management Entity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcova Reservoir</td>
<td>Natrona County Roads, Bridges, and Parks Department</td>
</tr>
<tr>
<td>Bighorn Canyon</td>
<td>National Park Service</td>
</tr>
<tr>
<td>Boysen Reservoir</td>
<td>Boysen State Park</td>
</tr>
<tr>
<td>Buffalo Bill Reservoir</td>
<td>Buffalo Bill State Park</td>
</tr>
<tr>
<td>Deaver Reservoir</td>
<td>Bureau of Reclamation</td>
</tr>
<tr>
<td>Flaming Gorge</td>
<td>U.S. Forest Service</td>
</tr>
<tr>
<td>Fremont Canyon Recreation Area</td>
<td>Bureau of Reclamation</td>
</tr>
<tr>
<td>Glendo Reservoir</td>
<td>Glendo State Park</td>
</tr>
<tr>
<td>Gray Reef Reservoir</td>
<td>Natrona County Roads, Bridges, and Parks Department</td>
</tr>
<tr>
<td>Guernsey Reservoir</td>
<td>Wyoming State Parks and Historic Sites</td>
</tr>
<tr>
<td>Keyhole Reservoir</td>
<td>Wyoming State Parks and Historic Sites</td>
</tr>
<tr>
<td>Kortes Reservoir / Miracle Mile Area</td>
<td>Bureau of Reclamation</td>
</tr>
<tr>
<td>Lake Cameahwait (Bass Lake)</td>
<td>Wyoming Game and Fish Department</td>
</tr>
<tr>
<td>Newton Lakes</td>
<td>Wyoming Game and Fish Department</td>
</tr>
<tr>
<td>Ocean Lake</td>
<td>Wyoming Game and Fish Department</td>
</tr>
<tr>
<td>Pathfinder Reservoir</td>
<td>Bureau of Land Management and Natrona County Roads, Bridges, and Parks Department</td>
</tr>
<tr>
<td>Pilot Butte Reservoir</td>
<td>Bureau of Reclamation</td>
</tr>
<tr>
<td>Ralston Reservoir</td>
<td>Wyoming Game and Fish Department</td>
</tr>
<tr>
<td>Seminoe Reservoir</td>
<td>Wyoming State Parks and Historic Sites</td>
</tr>
</tbody>
</table>

Special use permits and a ROW grant application would be required from BOR if any portions of electric transmission projects were to be located on lands within BOR jurisdiction. The issuance of permits and ROW grants may also trigger additional NEPA requirements for all or portions of electric transmission projects located on BOR-managed lands.

Acquisition of the ROW and use authorization requires submittal of Use Authorization Application, Form 7-2540 or SF 299, Application for Transportation and Utility Systems and Facilities on Federal Lands. All plans, specifications, maps, and drawings as required under either application should be included with the application. Permit fees are $100 and the typical processing time frame is 60 days from the time that the application is deemed complete.

Contact Information:
Wyoming Area Office
P.O. Box 1630, Mills, WY 82644
(307) 261-5671
705 Pendell Ave., Casper, WY 82604
(307) 261-5628
4.12.4 U.S. National Park Service (NPS)

Within Wyoming, NPS manages the following National Parks, National Monuments, trails, recreation areas, and historic sites listed in Table 4-7. NPS has overall authority for managing the National Historic Landmarks (NHL) and the National Natural Landmarks (NNL) programs. Direct oversight is vested with the landowner or respective land management agency, but NPS has responsibility for broad programmatic oversight. There are 23 NHLs in Wyoming and 6 NNLs.

Table 4-7: National Park Service Sites, Wyoming

<table>
<thead>
<tr>
<th>Service</th>
<th>Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Parks</td>
<td>Yellowstone National Park</td>
</tr>
<tr>
<td></td>
<td>Grand Teton National Park</td>
</tr>
<tr>
<td></td>
<td>John D. Rockefeller Jr. Memorial Parkway</td>
</tr>
<tr>
<td>National Monuments</td>
<td>Fossil Butte National Monument</td>
</tr>
<tr>
<td></td>
<td>Devils Tower National Monument</td>
</tr>
<tr>
<td>Trails</td>
<td>Oregon Trail</td>
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<tr>
<td></td>
<td>Mormon Trail</td>
</tr>
<tr>
<td></td>
<td>California Trail</td>
</tr>
<tr>
<td></td>
<td>Pony Express Trail</td>
</tr>
<tr>
<td>Recreation Areas</td>
<td>Bighorn Canyon National Recreation Area</td>
</tr>
<tr>
<td>Historic Sites</td>
<td>Fort Laramie National Historic Site</td>
</tr>
</tbody>
</table>

Federal law gives NPS authority to grant easements for ROWs for “electric poles and lines for transmission and distribution of electric power” up to 200 feet on either side of the center line (15 USC § 5). A transmission line ROW is considered a special use of the park governed by Director’s Order 53 (Special Park Uses), which requires a Right-of-Way Permit signed by the park superintendent. The proposed use must be consistent with applicable legislation and federal regulations, avoid visitor use conflicts, and not create unacceptable impacts to park resources. A use is generally permitted only if there are no practicable alternatives to such use of NPS lands. The designating legislation of some parks specifically permit or disallow some forms of ROWs. These legislation requirements would be investigated on a case-by-case basis during the routing process. According to Director’s Order 53, NPS will not issue any new ROWs or widen or lengthen any existing ROWs in study, proposed, recommended, or designated wilderness areas. Also, Director’s Order 53 states “as a general rule, and where and when possible, all new utility lines in parks will be placed underground and in conduit.” The order further recommends directional boring rather than trenching to place lines underground, and states that economics will be considered.

A ROW may be granted to a utility generally if there are no practicable alternative to such use of NPS lands. Rights-of-way issued under 16 USC § 5 are discretionary and conditional upon a finding by NPS that the proposed use will not cause impacts on park resources, values, or purposes found in enabling legislation or 15 USC § 1 (Management Policies 2006).
The application process would begin when the park receives a letter from a utility company requesting use of park lands. In general, an applicant is encouraged to meet with NPS staff prior to submittal of applications, particularly if a project is within the viewshed of a park boundary or the operation may affect night skies. Right-of-way permits are submitted on a Standard Form SF 299, which would contain the information needed by the park superintendent to make a preliminary evaluation of a new use. NPS also requires an original and two copies of a metes-and-bounds drawing that shows park features and the proposed route.

NPS staff will conduct a compliance analysis to evaluate the proposed project’s adherence to laws and other compliance requirements (such as NEPA and NHPA), and evaluate where the proposed use will “impair” park resources or be in “derogation of the values and purposes” for which an area was established. In evaluating a ROW application, NPS will pay special attention to charges and a fair market value for use of the land. Any compliance requirements would need to be completed by the permit applicant. NPS may assist in determining the appropriate level of compliance, and be part of the process, but would not be the lead agency responsible for meeting compliance requirements under NEPA, Section 106 of NHPA, etc.

NPS staff will issue a compatibility determination and draft permit, including terms and conditions necessary to protect park resources and values. New ROW permits are executed by the regional director, but conversions from other authorizing documents, amendments, and renewals of existing permits may be signed by the park superintendent. Specific requirements and formats are provided for in Director’s Order 53.

NPS will assess a fee based on the recovery of the fair market value of lands and waters as determined by the authorizing official using an appraisal (Director’s Order 53). This land use fee is based upon “tangible and intangible worth” of NPS lands or facilities. In addition, there are three other payments associated with ROW applications:

- Application Charge, which varies based on the length of the proposed line:
  - $50 per mile or fraction thereof, for less than 5 miles;
  - $500, for 5 to 20 miles; or
  - $500 for each 20 miles or fraction thereof, for 20 miles and over.
  - For non-linear facilities, $250 for each 40 acres or fraction thereof (36 CFR § 14.22).
- Administrative charge, which should reflect “the actual costs incurred by NPS in processing the ROW permit, from reception of a complete application to final permit approval and issuance” (Director’s Order 53).
- Monitoring charge, assessed on a yearly basis, of: $20 per mile or fraction thereof, for less than 5 miles; $200, for 5 to 20 miles; $200 for each 20 miles or fraction thereof; or
- For non-linear projects, $100 for each 40 acres or fraction thereof (36 CFR § 14.22).
Once the application has been submitted, the agency would determine the appropriate fee and would notify the applicant in writing. The permit would take 60 days to process from the time that the application is deemed complete.

**Contact Information:**
Regional Director, National Park Service
12795 Alameda Parkway, Denver, CO 80225
(303) 969-2500

### 4.13 U.S. Federal Aviation Administration (FAA)

The FAA is responsible for ensuring the safety of the navigable airspace. In compliance with Objects Affecting Navigable Airspace (14 CFR 77), any structures (including transmission structures or substations) associated with electric transmission projects that may affect navigable airspace (generally any structure more than 200 feet tall and other shorter structures within 10,000 feet of most airports) must file notice with the FAA as described below.1

Once the specific locations of electric transmission project facilities, including transmission structures and substations, that might affect navigable airspace are known, Form 7460-1 would be filed with the FAA. Form 7460-1 may be submitted electronically via the FAA Obstruction Evaluation/Airport Airspace Analysis website or by U.S. mail. No fee is required to submit Form 7460-1 or to have the FAA review the submittal. The required notice must be submitted at least 30 days before the earlier of the following dates: the date the proposed construction or alteration is to begin or the date an application for a construction permit is to be filed.

**Contact Information:**
Northwest Mountain Region, Denver Airports District Office (Colorado, Utah, Wyoming)
U.S. Department of Transportation, Federal Aviation Administration
Denver Airports District Office, 26805 E. 68th Avenue, Suite 224, Denver, CO 80249-6361
(303) 342-1261

### 4.14 U.S. Federal Communications Commission (FCC)

Electric transmission lines and substations are considered “incidental radiation devices” as defined by the Federal Communications Commission (FCC): “A device that radiates radio frequency energy during the course of its operation although the device is not intentionally designed to generate radio frequency energy.” Such a device “shall be operated so that the radio frequency energy that is emitted does not cause harmful interference.” Harmful interference is defined as “any emission, radiation or induction which endangers the functioning of a radio navigation service or of other safety services or seriously degrade,

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1 Microwave communications towers are sometimes utilized in electric transmission systems for communications. If microwave communications facilities are included in a given, electric transmission project, then the applicant would be required to include them in the FAA 7460-1 Application.
Permitting Electric Transmission Lines in Wyoming

obstructs or repeatedly interrupts a radio communication service operating in accordance with this chapter" (47 CFR §15.1).

Consumers or businesses may report potential interference to the FCC. If harmful interference is identified, federal law requires the operator of that facility to cease operations upon notification by the FCC that the device is causing harmful interference; until such time that the harmful interference has been corrected (47 CFR § 15.5). Electric power companies have been able to work quite well under the current FCC rule because harmful interference can generally be eliminated.

Transmission lines and substations very rarely cause interference with radio and television under normal operating circumstances. Transmission lines and substations may interfere with microwave communication signals if the transmission structure is constructed in the line of sight between the transmitter and receiver sites. Effects on microwave communications facilities in proximity to a transmission line or substation could be mitigated by locating structures outside the line of sight between the transmitter and receivers.

While there was no formal permit process or consultation required by the FCC that could be identified, an applicant would analyze the most current FCC data available to identify the exact locations of licensed microwave towers and any other sensitive communications facilities. The data would be utilized during the transmission line routing or substation siting process to avoid line-of-sight obstruction by strategic structure placement.²

Contact Information:
Federal Communications Commission
445 12th Street Southwest, Washington, DC 20554
(888) 225-5322

² Microwave communications towers are sometimes utilized in electric transmission systems for communications. If microwave communications facilities are proposed as part of a given electric transmission project, applicants would be required to submit one Application for Antennal Structure Registration for each microwave tower to the FCC.
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5. Schedule of Permitting/Consultation Sequence
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6. Permitting Flow Chart
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