

ATTACHMENT 3

**SUMMARY OF POTENTIAL MAJOR FEDERAL, STATE, AND LOCAL PERMITS OR LICENSES
REQUIRED AND OTHER ENVIRONMENTAL REVIEW REQUIREMENTS FOR TRANSMISSION LINE
CONSTRUCTION AND OPERATION**

Issue	Action Requiring Permit, Approval, or Review	Agency	Permit, License, Compliance, or Review	Relevant Laws and Regulations
Federal				
NEPA Compliance	Federal action: to grant right-of-way across land under federal jurisdiction	Lead agency - BLM; cooperating agencies	EIS and ROD	NEPA (42 U.S.C. 4321); CEQ (40 CFR 1500-1508);
Right-of-way across land under federal management	Preconstruction surveys; construction, operation, maintenance, and abandonment	BLM	Right-of-way grant and temporary use permit	FLPMA of 1976 (PL 94-579); 43 U.S.C. 1761-1771; 43 CFR 2800
	Construction, operation, maintenance, and abandonment of transmission line across or within highway rights-of-way	Federal Highway Administration	Permits to cross Federal Aid Highway; 4(f) compliance	Department of Transportation Act (23 CFR 1.23 and 1.27; 23 U.S.C. 109 and 315); 23 CFR 645; 23 CFR 771
Biological resources	Grant right-of-way by federal land-management agency	USFWS	ESA compliance by federal land-management agency	ESA of 1973, as amended (16 U.S.C. 1531 et seq)
	Protection of migratory birds	USFWS	Compliance	MBTA of 1918 (16 U.S.C. 703-712); 50 CFR 1
	Protection of bald and golden eagles	USFWS	Compliance	Bald and Golden Eagle Protection Act of 1972 (16 U.S.C. 668)
	Protection of Special Status Species	BLM	Compliance	BLM Policy Manual 6840
Ground disturbance and water quality degradation	Construction sites with greater than 5 acres of land disturbed	EPA	Section 402 National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Construction Activities	CWA (33 U.S.C. 1342)

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	Construction across a Superfund site	EPA	Agreement or order on consent with EPA	CERCLA (42 U.S.C. 9601-9675)
	Construction across water resources	U.S. Army Corps of Engineers (USACE)	General easement	10 U.S.C. 2668 to 2669
	Crossing 100-year floodplain, streams, and rivers	USACE	Floodplain use permits	40 U.S.C. 961
	Construction in or modification of floodplains	Federal lead agency	Compliance	42 U.S.C. 4321 Executive Order No. 11988 Floodplains
	Construction in or modification of wetlands	Federal lead agency	Compliance	42 U.S.C. 4321 Executive Order No. 11990 Wetlands
	Potential discharge into waters of the state (including wetlands and washes)	USACE (and states)	Section 401 permit	CWA (33 U.S.C. 1344)
	Discharge of dredge or fill material to a watercourse	USACE	404 Permit (individual or nationwide)	CWA (33 U.S.C. 1344)
	Placement of structures and construction work in navigable waters of the United States	USACE	Section 10 permit	Rivers and Harbors Act of 1899 (33 U.S.C. 403)
	Potential pollutant discharge during construction, operation, and maintenance	EPA	Spill Prevention Control and Countermeasure Plan for substations	Oil Pollution Act of 1990 (40 CFR 112)
Cultural resources	Disturbance of historic properties	Federal lead agency, SHPO, Advisory Council on Historic Preservation	Section 106 consultation	NHPA of 1966 (16 U.S.C. 470) (36 CFR 800)

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	Excavation of archaeological resources	Federal land-management agency	Permits to excavate	ARPA of 1979 (16 U.S.C. 470aa to 470ee)
	Potential conflicts with freedom to practice traditional American Indian religions	Federal lead agency, federal land-management agency	Consultation with affected American Indians	American Indian Religious Freedom Act (42 U.S.C. 1996)
	Disturbance of graves, associated funerary objects, sacred objects, and items of cultural patrimony	Federal land-management agency	Consultation with affected Native American groups regarding treatment of remains and objects	NAGPRA of 1990 (25 U.S.C. 3001-3002)
	Investigation of cultural and paleontological resources	Affected land-management agency	Permit for study of historical, archaeological, and paleontological resources	Antiquities Act of 1906 (16 U.S.C. 432-433)
	Investigation of cultural resources	Affected land-management agency	Permits to excavate and remove archaeological resources on federal lands; American Indian tribes with interests in resources must be consulted prior to issuance of permits	ARPA of 1979 (16 U.S.C. 470aa to 470ee) (43 CFR 7)
	Protection of segments, sites, and features related to national trails	Affected land-management agency	National Trails System Act compliance	National Trails System Act (PL 90-543) (16 U.S.C. 1241 to 1249)

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Paleontological resources	Ground disturbance on federal land or federal aid project	BLM	Compliance with BLM mitigation and planning standards for Paleontological resources of public lands	FLPMA (43 U.S.C. 1701-1771); Antiquities Act of 1906 (16 U.S.C. 431-433)
	Collection of paleontological resources from federal land	FLPMA	Permit to collect paleontological resources from federal land	Paleontological Resources Preservation Act of 2009 (PRPA)
Air traffic	Location of towers in regards to airport facilities and airspace	Federal Aviation Administration (FAA)	A "No-hazard Declaration" required if structure is more than 200 feet in height	FAA Act of 1958 (Public Law 85-726) (14 CFR 77)
Rate regulation	Sales for resale and transmission services	FERC	Federal Power Act compliance by power seller	Federal Power Act (16 U.S.C. 792)
State of Utah				
Permitting process	Proposed transmission line facility	Resource Development Coordinating Committee	Expedites review of permitting process for all state agencies	UAC Sections 63-38d-501 and 63-38d-504
Right-of-way encroachment	Encroachment on, through, or over state lands	Division of Forestry, Fire, and State Lands, and SITLA	Application approval	UAC Title 65A
Project need	Project construction	Public Service Commission (PSC)	Certificate of Public Convenience and Necessity	UAC Sections 54-4-25 and R 746-401
Ground surface disturbance	Crossing state lands	Division of Forestry, Fire, and State Lands and SITLA	Easement onto state lands. Bond may be required	UAC Sections 65A-7-8 and 652-40

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Cultural, paleontological, and biological resources	Crossing state lands	Division of Forestry, Fire, and State Lands and SITLA	Provide a cultural and/or paleontological and/or biological survey and submit procedures for reasonable mitigation actions	UAC Section R 652-40-500
Paleontological resources	Excavation and collection of paleontological resources from state land	Utah Geological Survey (UGS), Utah Museum of Natural History, SITLA	Permit to excavate and collect paleontological resources from state land	U.S.C. 63-73-11 through 63-73-19
Historical and cultural review	Impact on historical sites	Division of State History	Notification of planning stage and before Construction	UAC Section 9-8-306
Archaeological resources	Survey or excavation of archaeological resources on lands owned or controlled by the state	Governor's PLPCO	Permit to survey or excavate	UAC Sections 9-8-305 and R 694-1
Encroachment on state park lands	Utility easement on state park lands	Division of Parks and Recreation	Agreement for granting and maintenance of easements or rights-of-way across park lands	UAC Section 63-11-10.3
Air quality	Construction and operation	Air Quality Board	Notice of Construction	UAC Section 19-2-108
Air Quality	Construction and operation	UDEQ	Fugitive Dust Control Plan	See EIS text – Chapter 4 air quality for reference
Water resources	Construction and operation	Water Quality Board	Discharge permit, spills	UAC Section 19-5-101 et. seq.
Wildlife	Modification of habitat	UDWR	Easement for use of state wildlife resource lands	UAC Title 23

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Local				
	Construction and operation of transmission lines	Tooele County	Conditional Use Permit	County Rules and Regulations
	Construction of transmission lines	Tooele County	Road Excavation Permit	County Rules and Regulations
	Construction of control/regeneration building and substation	Tooele County	Site Plan Review	County Rules and Regulations
	Construction of control/regeneration building	Tooele County	Building Permit	County Rules and Regulations