

GUIDE TO PERMITTING ELECTRIC TRANSMISSION LINES IN UTAH



Office of Energy Development



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*Transmission Line in Washington County
Photography by EPG*

Disclaimer: This document serves as a summary guide to permitting requirements of various federal, state and local agencies. It is recommended to contact the applicable agencies to confirm the permitting and approval process specific to each project.

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EXECUTIVE SUMMARY

In October, 2009 nine federal agencies established a Memorandum of Understanding (MOU) regarding coordination of federal agency review of electric transmission facilities on federal lands, particularly for high voltage transmission lines that cross jurisdictions administered by more than one federal agency. Transmission siting involves many different authorities governing the use of federal, state, tribal, and county lands, as well as private lands that make up the landscape. As a result, projects involving multiple federal land management agencies are subject to a wide array of processes and procedural requirements for compliance with legal mandates and multiple authorizations. The intent of the MOU is the coordination of these various requirements and designation of a single federal point-of contact. On non-federal lands, project applicants must adhere to the processes and comply with the requirements of each landowner and state. (U.S. Department of Agriculture [USDA], et. al. MOU 2009)

Based on the creation of the MOU, the federal Administration created a Rapid Response Team for Transmission (RRTT). The RRTT's mission is to improve the quality and timeliness of electric transmission line permitting, study, consultation, and review by the government on federal, state, and municipal lands. In response to the federal interagency effort with respect to transmission, the Western Governors' Association began to undertake similar efforts, but with a focus on coordination among states to improve siting and permitting timelines.

When Governor Gary R. Herbert became chair of the Western Governor's Association in the spring of 2012, he built his chair-initiative around energy development, making expedited interstate transmission development one of four primary goals. The Governor's energy initiative gave a boost to the Western Governors' Association's transmission-related efforts, which were formalized through the creation of a Western Governors' Association Siting and Permitting Task Force. The Task Force, which has broad stakeholder representation from throughout the West, has begun to meet regularly to define and advance its goals. Building off the efforts of the Western Governors' Association and federal agencies' coordination of reviews on transmission projects, the Office of Energy Development initiated a plan to develop a permitting guide for electric transmission lines in Utah.

The Office of Energy Development has prepared this guide to outline the process for siting and permitting electrical transmission lines in Utah, a process which involves private landowners and federal, state, and local jurisdictions. The permitting guide serves as a resource for the benefit of transmission project developers, utilities, landowners, and state regulators.

Transmission line siting and permitting is a complex process across the nation. In Utah, there is no single state agency with the primary responsibility for transmission line siting and permitting. Therefore, all the various agencies involved in a specific proposed project need to be contacted to determine the necessary requirements. In addition, since 64 percent of the land in Utah is under federal ownership (School and Institutional Trust Lands Administration [SITLA] 2009), coordination with federal agencies regarding permitting requirements is impor-

tant. Coordination among the various federal, state, and municipal agencies can be difficult, but consultation and communication early in the process can eliminate confusion, redundancy, and make permitting simpler for a developer.

The following Figure ES-1, is a condensed version of a typical transmission line siting and permitting process in Utah. The example provided is for transmission lines 100 miles or more in length, crossing federally managed lands and requiring an EIS level of NEPA review.

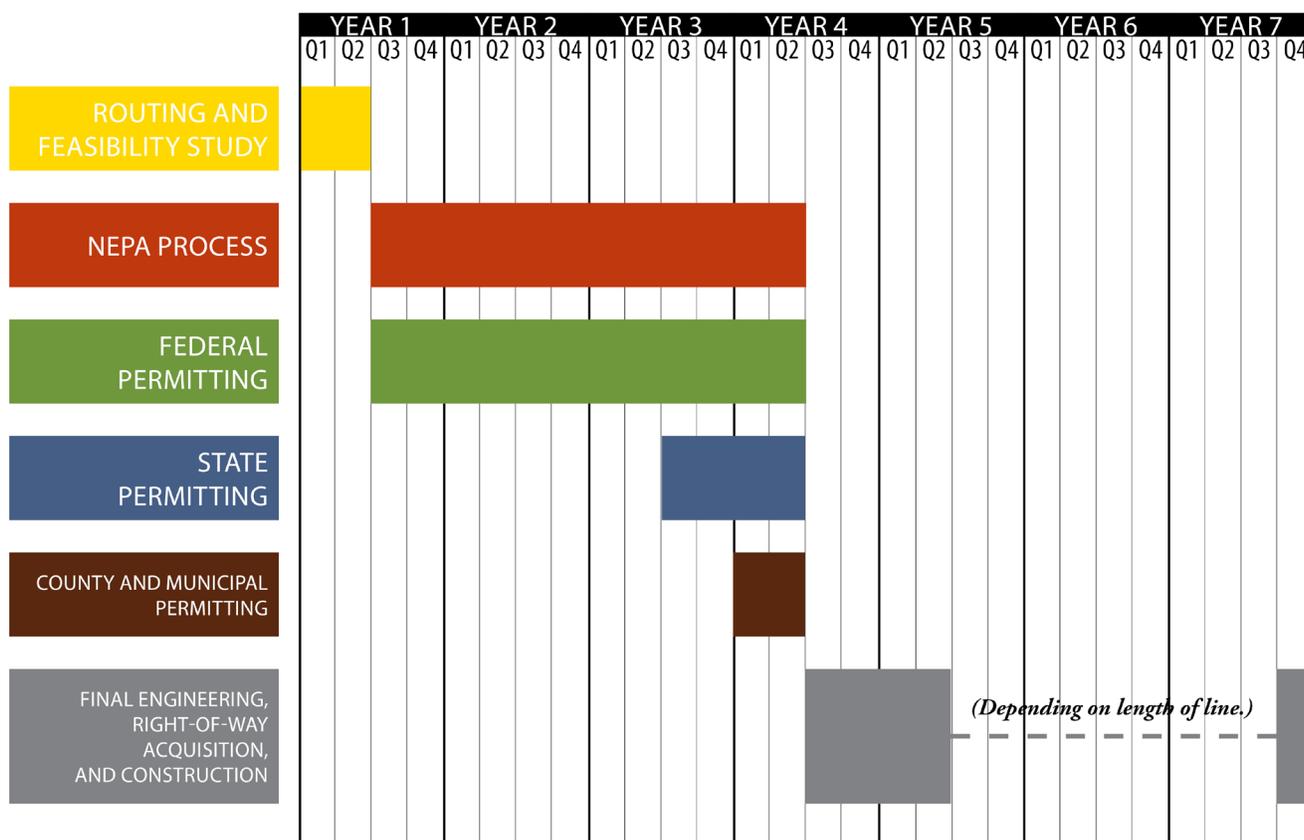


Figure ES-1: Typical Project Approach – Permitting/Consultation Sequence and Schedule

Project specific permitting requirements would vary depending upon location in the state, lands and resources potentially crossed by a project, agency issues, and level of public interest. This figure is provided as an example only and is not meant to represent all potential projects. Refer to Chapter 5 for a more detailed version of Figure ES-1.

Within this guide, 33 federal and state agencies’ permitting and/or consultation processes are outlined. In addition, the permitting requirements of Utah’s 29 counties are included in Appendix A.

Organization of the Guide

This document is organized into the five chapters shown below, which contain information about the various federal, state, and county agencies involved; describes their permitting and regulatory requirements; summarizes their timelines; and characterizes their interactions. The guide also includes a typical permitting process and timeline chart for a transmission line project in Utah (refer to Chapter 5). The guide includes the following chapters, references, and appendices.

- Chapter 1 – Introduction
- Chapter 2 – Federal Permitting and Regulatory Requirements
- Chapter 3 – State Permitting and Regulatory Requirements
- Chapter 4 – County and Municipal Permitting and Regulatory Requirements
- Chapter 5 – Schedule of Permitting/Consultation Sequence
- References
- Appendix A – County Transmission Line Permitting Requirements

The federal, state, and county agencies are discussed in alphabetical order throughout the guide for ease of organization, and are not intended to imply order of relative importance.

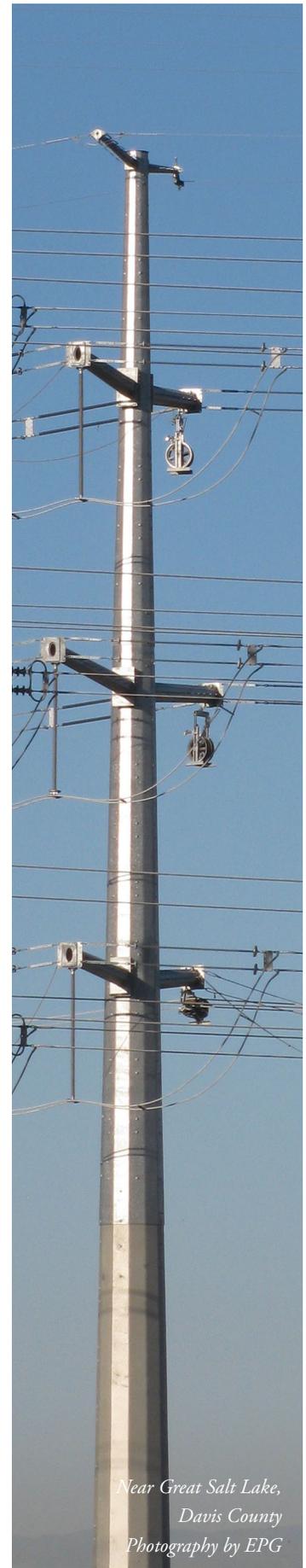


Transmission Line in Utah County

Photography by EPG

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*Near Great Salt Lake,
Davis County
Photography by EPG*

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LIST OF ACRONYMS

ACEC	Areas of Critical Environmental Concern
ACHP	Advisory Council on Historic Preservation
APLIC	Avian Power Line Interaction Committee
BA	Biological Assessment
BIA	Bureau of Indian Affairs
BGEPA	Bald and Golden Eagle Protection Act
BLM	Bureau of Land Management
BO	Biological Opinion
BOR	Bureau of Reclamation
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CGP	Construction General Permits
CPCN	Certificate of Public Convenience and Necessity
CUP	Conditional Use Permit
CWA	Clean Water Act
DAQ	Utah Division of Air Quality
DEQ	Utah Department of Environmental Quality
DNR	Utah Department of Natural Resources
DoD	U.S. Department of Defense
DOE	U.S. Department of Energy
DWQ	Utah Division of Water Quality
DWR	Utah Division of Wildlife Resources
DWRi	Utah Division of Water Rights
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
EPG	Environmental Planning Group, LLC
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FCC	Federal Communications Commission
FERC	Federal Energy Regulatory Commission
FFSL	Division of Forestry, Fire and State Land
FHWA	Federal Highway Administration
FLPMA	Federal Land Policy & Management Act

FONSI	Finding of No Significant Impact
FPA	Federal Power Act
FSA	U.S. Farm Service Agency
LOP	Letter of Permission
LRMP	Land and Resource Management Plan
MBTA	Migratory Bird Treaty Act
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NHL	National Historic Landmarks
NHPA	National Historic Preservation Act
NNL	National Natural Landmarks
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
NRCS	Natural Resource Conservation Service
NWP	Nationwide Permits
NWR	National Wildlife Refuge
PCN	Pre-Construction Notification
PEIS	Programmatic Environmental Impact Statement
PGP	Programmatic General Permit
PLPCO	Public Lands Policy Coordination Office
PSC	Public Service Commission
RDCC	Resource Development Coordination Committee
RMP	Resource Management Plan
RRTT	Rapid Response Team for Transmission
RUS	Rural Utilities Service
SF-299	Standard Form 299
SHPO	State Historic Preservation Office
SITLA	School and Institutional Trust Lands Administration
SWPPP	Storm Water Pollution Prevention Plan
THPO	Tribal Historic Preservation Office
UAC	Utah Administrative Code
UCA	Utah Code Annotated
UDOT	Utah Department of Transportation
ULCT	Utah League of Cities and Towns
UPDES	Utah Pollutant Discharge Elimination System
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USDI	U.S. Department of the Interior
USFS	U.S. Forest Service



*Bad Land Cliffs, Duchesne County
Photography by EPG*

USFWS	U.S. Fish and Wildlife Service
UTM	Universal Transverse Mercator
WAPA	Western Area Power Administration
WECC	Western Electricity Coordination Council
WMA	Wildlife Management Area
WSA	Wilderness Study Areas

CHAPTER 1 - INTRODUCTION

1.1 Purpose and Background

This guide is intended to serve as a resource for the benefit of transmission project developers, utilities, landowners, and state regulators. This guide was developed in coordination with state agencies and other stakeholders to present a comprehensive view of the permitting landscape in Utah.

Ever increasing demands for electricity, along with an aging and fully utilized electrical infrastructure in conjunction with the development of new energy sources, particularly wind, solar, and other renewable energy, increases the need for expanded transmission infrastructure. In response to this need, nine federal departments and agencies signed an MOU in 2009 (USDA, et. al. MOU 2009) to coordinate their reviews of transmission proposals with a view to make it faster and simpler to build transmission lines on federal lands. This was followed by a Presidential Memorandum stating 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” (Council on Environmental Quality [CEQ] 2013).

Based on the creation of the MOU, the federal Administration created a Rapid Response Team for Transmission (RRTT). The RRTT’s mission is to improve the quality and timeliness of electric transmission line permitting, study, consultation, and review by the government on federal, state, and municipal lands. In response to the federal interagency effort with respect to transmission, the Western Governors’ Association began to undertake similar efforts, but with a focus on coordination among states to improve siting and permitting timelines.

When Governor Gary R. Herbert became chair of the Western Governors’ Association in the spring of 2012, he built his chair-initiative around energy development, making expedited interstate transmission development one of four primary goals. The Governor’s energy initiative gave a boost to the Western Governors’ Association’s transmission-related efforts, which were formalized through the creation of a Western Governors’ Association Siting and Permitting Task Force. The Task Force, which has broad stakeholder representation from throughout the West, has begun to meet regularly to define and advance its goals. Building off the efforts of the Western Governors’ Association and federal agencies’ coordination of reviews on transmission projects, the Office of Energy Development initiated a plan to develop a permitting guide for electric transmission lines in Utah.



*Transmission Line in
Uinta National Forest
Photography by EPG*

This guide outlines the process for permitting electrical transmission lines in Utah, a process that involves private landowners and federal, state, and local jurisdictions and has been prepared by Utah's Office of Energy Development, with assistance from EPG.

1.2 Organization of the Guide

This guide is organized into five chapters.

- Chapter 1: Introduction
- Chapter 2: Federal Permitting and Regulatory Requirements
- Chapter 3: State Permitting and Regulatory Requirements
- Chapter 4: County and Municipal Permitting and Regulatory Requirements
- Chapter 5: Schedule of Permitting/Consultation Sequence
- References
- Appendix A: County Transmission Line Permitting Requirements

The federal and state sections include a table identifying all potential agency permits and requirements. An overview of each agency is included using the following categories, when applicable.

- Introduction: A brief introduction of the agency
- Regulatory framework and application to electric transmission lines: The regulations, code, or guidance related to electric transmission lines in the agency
- Key steps for obtaining a permit, completing a study, or conducting a consultation: The main steps for meeting the permitting requirements of each agency (in either table, list, or paragraph form, depending on the information)
- Contact information: A mailing address, phone number, and website for the agency

The county and municipal permitting chapter includes a table summarizing the requirements for the 29 counties in Utah. Appendix A includes the following information in Tables A-1 to A-30.

- County and zoning ordinance plan name
- Contact information
- Zoning districts in the county and information about which zones consider transmission lines as permitted, conditionally permitted, and not permitted
- Permitting decision maker
- Additional information
- Zone or District name definition
- Notes

In addition to the summarizing table and Appendix A, a general discussion of the county and municipal permitting process is included.

1.3 Land Ownership and Permitting Scenarios in the State of Utah

1.3.1 Land Ownership

The State of Utah has a unique land ownership structure administered by many federal, state, tribal, and private agencies/entities. Federal land ownership includes lands managed by the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), the National Park Service (NPS), the U.S. Department of Defense (DoD), and the U.S. Fish and Wildlife Service (USFWS). State-owned lands are administered by the SITLA, the Utah Division of Forestry, Fire, and State Lands (FFSL), the Utah Division of Wildlife Resources (DWR), and the Utah Division of State Parks and Recreation. Tribal lands are cooperatively administered by the Bureau of Indian Affairs (BIA) and the Native American Indian tribes that own the land. Private lands are owned and managed by individual or corporate titleholders. The allocation of land jurisdiction in Utah is as follows (Figure 1-1):

- Federal – 64.3 percent,
- State-administered – 10.1 percent,
- Privately owned – 21.1 percent, and
- Tribal – 4.5 percent (SITLA 2009).

1.3.2 Permitting Scenarios

A transmission line developer may encounter a variety of permitting scenarios when proposing a project in Utah. Table 1-1 outlines three example permitting scenarios for a hypothetical new transmission line. The three example permitting scenarios are as follows:

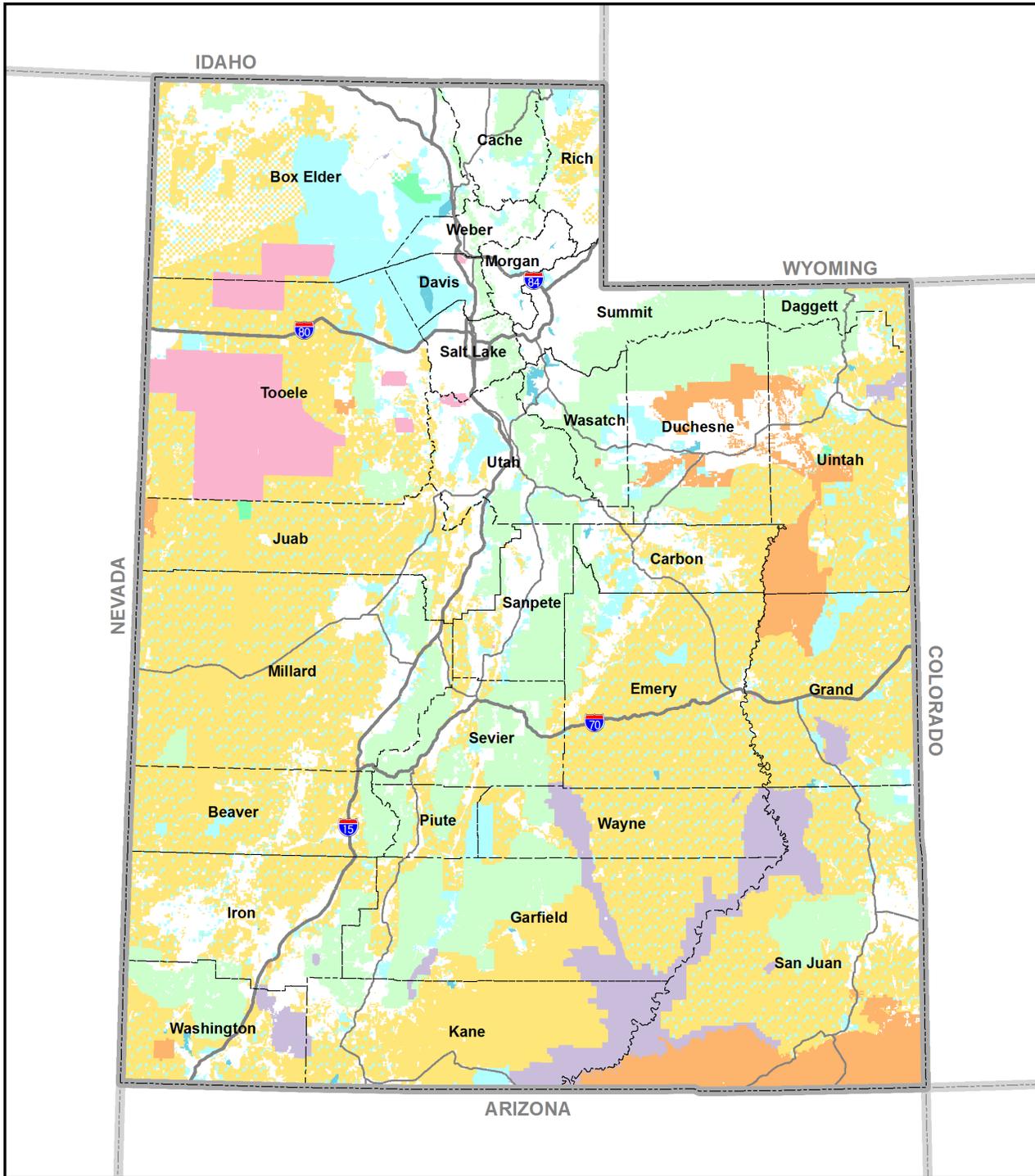
- Scenario 1: Preparation of an Environmental Impact Statement (EIS) with State and Local Permitting,
- Scenario 2: Preparation of an Environmental Assessment (EA) with State and Local Permitting, and
- Scenario 3: State and Local Permitting Only (no Federal nexus).

1.3.3 Rebuilds or Upgrades to Existing Transmission Lines

In situations where an existing transmission line is planned to be upgraded in voltage or rebuilt to accommodate new design standards or new conductors, the applicable right-of-way grants and easement languages would need to be reviewed to determine potential permitting requirements at the local, state, and federal level. In some cases, there may be limited approvals required; in other cases, a full National Environmental Policy Act (NEPA) analysis and coordination with multiple agencies may be required.



*Transmission Line in Duchesne County
Photography by EPG*



1:3,000,000
UTM 12 North
North American 1983



0 10 20 40 60
Miles

BLM State Office Utah, 2009, Land Jurisdiction;
AGRC, 2012, Road Centerlines;
ESRI, 2008, County Boundary; ESRI, 2008, State Boundary

Legend

Administrative Boundaries

- State Boundary
- County Boundary

Transportation

- Interstate
- US Highway

State of Utah Land Ownership

- Bureau of Land Management
- Bureau of Reclamation
- Indian Reservation
- National Park Service
- State Land
- State Park
- Private Land
- U.S. Department of Defense
- U.S. Fish and Wildlife Service
- U.S. Forest Service

Figure 1-1: State of Utah Land Ownership

**TABLE 1-1
EXAMPLE PERMITTING SCENARIOS FOR A NEW TRANSMISSION LINE IN UTAH**

	Scenario 1: Preparation of Environmental Impact Statement with State and Local Permitting	Scenario 2: Preparation of Environmental Assessment with State and Local Permitting	Scenario 3: State and Local Permitting Only (no Federal Nexus)
Proposed Action	Right-of-way grant or special use permit needed to cross lands with federal ownership – potentially significant resource or public issues anticipated or known	Right-of-way grant or special use permit needed to cross lands with federal ownership – no significant resource or public issues anticipated	Project on private and/or State lands only (assumes State lands are not federally funded – i.e., Utah Division of Wildlife Resources lands)
Possible Lead Federal Agencies (depending on project location)	Federal funding of project Bureau of Land Management (BLM), U.S. Forest Service (USFS), Bureau of Reclamation, (BOR), National Park Service (NPS), Bureau of Indian Affairs (BIA), Department of Energy (DOE), Department of Defense (DoD), Western Area Power Administration (WAPA), Rural Utilities Service (RUS)	BLM, USFS, BOR, NPS, BIA, DOE, DoD, WAPA	None
Other Federal Agencies to be Consulted (and areas of key resource concerns)	U.S. Fish and Wildlife Service (USFWS) (threatened and endangered species) U.S. Army Corps of Engineers (USACE) (wetlands, Waters of the U.S.) U.S. Environmental Protection Agency (EPA) (water quality) Federal Aviation Administration (FAA) (airports) Federal Highways Administration (FHWA) (crossing of highways)	USFWS (threatened and endangered species) USACE (wetlands, Waters of the U.S.) EPA (water quality) FAA (airports) FHWA (crossing of highways)	USFWS (threatened and endangered species) USACE (wetlands, Waters of the U.S.) EPA (water quality) FAA (airports) FHWA (crossing of highways)
State and Local Agencies to be Consulted	Public Lands Policy Coordination Office (PLPCO) (and all state agencies within Resource Development Coordinating Committee) State Historic Preservation Office (SHPO) School and Institutional Trust Lands Administration (SITLA) Counties and Municipalities crossed by project	Utah Division of Wildlife Resources (DWR) Utah Department of Transportation (UDOT) Utah Department of Environmental Quality (DEQ) SHPO SITLA Counties and Municipalities crossed by project	DWR UDOT DEQ SHPO SITLA Counties and Municipalities crossed by project
Typical Timeframes for Obtaining Permit Approvals	24 to 36 months; highly controversial or multi-state transmission projects may require up to 48 months	12 to 24 months	6 to 12 months

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CHAPTER 2 - FEDERAL PERMITTING AND REGULATORY REQUIREMENTS

2.1 Introduction

The applicable federal permitting and regulatory requirements potentially required for construction and operation of an electric transmission line in Utah are organized by authorizing agency and/or regulatory framework in Table 2-1. The specific requirements of each potentially relevant federal agency are discussed in this chapter.

2.2 Advisory Council on Historic Preservation

The Advisory Council on Historic Preservation (ACHP) is a federal agency that promotes the preservation, enhancement, and productive use of the nation's historic resources, and advises the President and Congress on national historic preservation policy.

The goal of the National Historic Preservation Act (NHPA), which established the ACHP in 1966, is to have federal agencies act as stewards of the nation's resources when their actions affect historic properties. The ACHP is the only entity with the legal responsibility to encourage federal agencies to factor historic preservation into federal project requirements.

The ACHP serves as the primary federal policy advisor to the President and Congress on historic preservation issues; recommends improvements for protecting our nation's heritage; advocates consideration of historic values in federal decisionmaking; and reviews federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies (ACHP 2013).



*Transmission Line in Emery County
Photography by EPG*

2.2.1 Section 106 Consultation

Regulatory Framework and Application to Electric Transmission Lines

Section 106 of the NHPA (16 United States Code [U.S.C.] 470f-ACHP comment on federal undertakings) mandates federal agencies undergo a review process for all federally funded and permitted projects that will affect 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 effect projects may have on significant archaeological or historic properties. The main

CONTACT INFORMATION

Address: Advisory Council on Historic Preservation
1100 Pennsylvania Avenue
NW, Suite 803
Old Post Office Building
Washington, DC 20004
Phone: 202-606-8503
Website: <http://www.achp.gov/>

**TABLE 2-1
FEDERAL PERMITTING AND REGULATORY REQUIREMENTS**

Agency	Division	Regulatory Framework	Required Study/Permit/ Consultation
Advisory Council on Historic Preservation	<i>Not applicable</i>	National Historic Preservation Act of 1966	Section 106 Consultation
Council on Environmental Quality	<i>Not applicable</i>	National Environmental Policy Act (NEPA)	Environmental Impact Statement – major federal actions
			Environmental Assessment – minor federal actions
			Categorical Exclusion
Federal Communications Commission	<i>Not applicable</i>	Communications Act of 1934; 47 CFR 15.1	Consultation to avoid line-of-sight obstruction
U.S. Department of Agriculture	U.S. Forest Service	Federal Land Policy and Management Act of 1976	Special Use Permit Temporary Use Grant
	Natural Resources Conservation Service	Farmland Protection Policy Act	<i>Not applicable</i>
	Rural Utilities Service	Rural Electrification Act of 1936	Borrower’s Request for Funding
U.S. Department of Defense	U.S. Army Corps of Engineers	Clean Water Act	Section 404 – Discharge to and Fill in Waters of the U.S.
		Rivers and Harbors Act	Section 10 – Work affecting the course, location, or condition of a Navigable Water
	Military Facilities	10 U.S.C. 2668	Right-of-way Authorization
U.S. Department of Energy	Federal Energy Regulatory Commission	Sections 201, 205, 206, and 216(a) Federal Power Act	Rate Filing
	Western Area Power Administration	Established 1977 as part of Department of Energy. ARRA Section 402	Requires NEPA Compliance
U.S. Department of the Interior	Bureau of Indian Affairs	CFR 25 Part 169 (Rights-of-Way Over Indian Lands)	Requires NEPA Compliance
	Bureau of Land Management	Federal Land Policy and Management Act of 1976	Right-of-way grant
	Bureau of Reclamation	43 CFR 429.3	Right-of-way grant
	Fish and Wildlife Service	Endangered Species Act	Consultation with Fish and Wildlife Service (Incidental Take Permit if applicable)
		Bald and Golden Eagle Protection Act	Coordination with Fish and Wildlife Service (Incidental Take Permit if applicable)
		Migratory Bird Treaty Act	Coordination with Fish and Wildlife Service (Incidental Take Permit if applicable)
		National Wildlife Refuges	Right-of-way authorization for crossing and special use permit
National Park Service	15 U.S.C. Director’s Order 53 (Special Park Use Permit) Section 10.2.1 for linear rights-of-way	Right-of-way grant	

**TABLE 2-1
FEDERAL PERMITTING AND REGULATORY REQUIREMENTS**

Agency	Division	Regulatory Framework	Required Study/Permit/ Consultation
U.S. Department of Transportation	Federal Aviation Administration	14 CFR 77	Notice of Proposed Construction or Alteration (Form 7460-1)
	Federal Highway Administration	23 CFR 645.215	Consultation and permits required for utility crossing or encroachments on National Highway System and/or the Interstate Highway System
U.S. Environmental Protection Agency	<i>Not applicable</i>	Clean Water Act	Section 401 – Water Quality Certification (authority delegated to the State of Utah)
			Section 402 – National Pollutant Discharge Elimination System (NPDES) (authority delegated to the State of Utah)

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-management agency, must identify and assess the effects of electric transmission projects on historic properties. Typically, the project applicant funds the technical studies required to accomplish the identification and assessment effort. The lead federal agency must consult with the State Historic Preservation Officer (Refer to Chapter 3.8 for more information), land-management 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).

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

Key Steps for Conducting a Consultation

TABLE 2-2 KEY STEPS FOR CONDUCTING A SECTION 106 CONSULTATION	
Step	Responsible Party
Determine whether the proposed action is an undertaking. An undertaking is defined as a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license, or approval.	Lead federal agency (in consultation with land-management agency)
Make determinations of eligibility and effect for the undertaking. Eligibility: Is the site eligible for listing on the National Register of Historic Places? Effect: What affect will the project have on the site?	Lead federal agency (in consultation with land-management agency)
Consult with State Historic Preservation Officer, land-management agency, Native American tribes, members of the public, and other appropriate state and local officials.	Lead federal agency
Reach concurrence or not with the determinations.	State Historic Preservation Office
Utilize a Programmatic Agreement to manage Section 106 compliance.	Signed by all involved parties

Effects are addressed by mutual agreement, usually among the SHPO, the lead federal agency, and any other involved parties (ACHP 2008). On tribal lands, where a Tribal Historic Preservation Office (THPO) has been established, the THPO must be involved in the assessment of effects on historic properties.

Timing will be specific to each project. If the agency finds that no historic properties are present or affected, it provides documentation to the SHPO and, barring any objection in 30 days, proceeds with its undertaking. If the agency finds historic properties are present, it proceeds to assess possible adverse effects.

The agency, in consultation with the SHPO, makes an assessment of adverse effects on the identified historic properties based on criteria found in the ACHP's regulations.

If the agency and SHPO agree that there will be no adverse effect, the agency proceeds with the undertaking and any agreed-upon conditions.

If the agency and the SHPO find there is an adverse effect, or if the parties cannot agree and ACHP determines there is an adverse effect, within 15 days, the agency begins consultation to seek ways to avoid, minimize, or mitigate the adverse effects. (ACHP 2013)

2.3 Council on Environmental Quality

The CEQ coordinates federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives. The CEQ was established in the Executive Office of the President by Congress as part of the NEPA of 1969 and additional responsibilities were provided by the Environmental Quality Improvement Act of 1970 (CEQ 2013).

2.3.1 National Environmental Policy Act

Regulatory Framework and Application to Electric Transmission Lines

The NEPA requires every federal agency prepare a detailed assessment of the potential environmental effects of “major federal actions” that have the potential to significantly affect the quality of the human or natural environment. Federal actions include permits or authorizations on federally owned or administered lands (e.g., rights-of-way across federally administered lands) and the use of federal funding, facilities, equipment, or employees. “Major federal actions” are defined as actions with effects that may be major and that are potentially subject to federal control and responsibility (40 Code of Federal Regulations [CFR] 1508.18).

If a developer makes application to a federal agency for a transmission line to cross any portion of federally owned or administered lands or for some other action determined by the agency to be a “major federal action,” the federal agency would require a NEPA document be prepared to respond to the application and to support the agency’s decision. The primary NEPA triggers for electric transmission projects are described below.

- Federal approval of a grant of right-of-way, special use permit, or other approval
- Federal ownership of a project
- Federal funding for a project

Unless a proposed action is covered by a Categorical Exclusion (defined in this chapter), the federal agency receiving an application will evaluate the proposal to determine whether to prepare an EA for a project without adverse impacts or an EIS for a project with potential to significantly affect the quality of the human or natural environment or with anticipated controversial issues.

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 effecting procedures adopted by a Federal agency in implementation of these regulations (§1507.3) and for which, therefore, neither an EA nor an EIS is required. An agency may decide in its procedures or otherwise,

CONTACT INFORMATION

Address: Council on Environmental Quality
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Phone: 202-456-1111 or 202-456-1414

Website: <http://www.whitehouse.gov/administration/eop/ceq/>

Refer to contact information for each potential lead agency located in the following sections of guide.

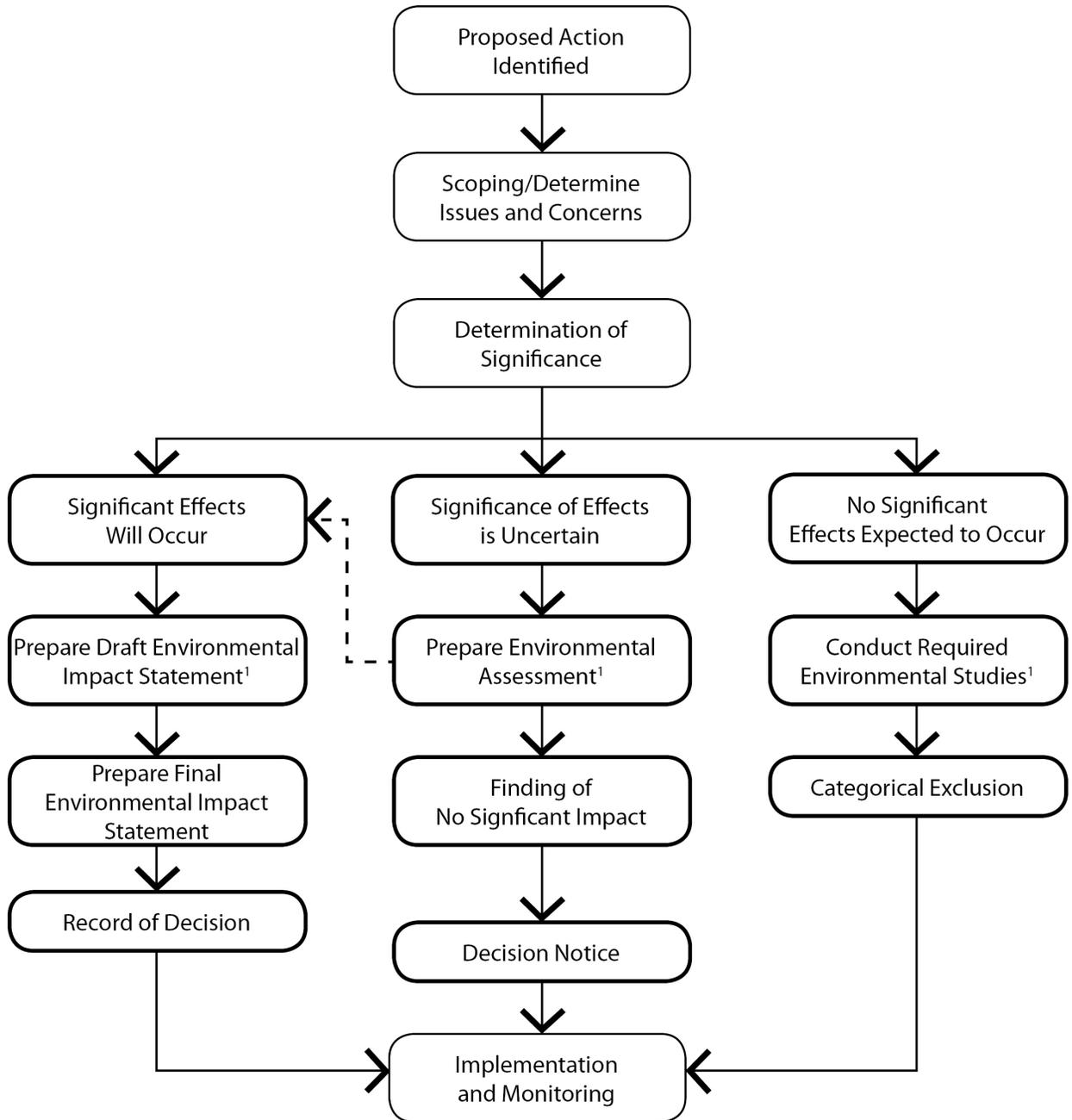
to prepare environmental assessments for the reasons state in §1508.9 even though it is not required to do so. Any procedures under this section shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect (40 CFR 1508.4).

- “EA” (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 EIS or a Finding of No Significant Impact (FONSI), 2) Aid an agency’s compliance with the Act when no EIS 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).
- “EIS” means a detailed written statement as required by section 102(2)(C) of the Act (40 CFR 1508.11).
- 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.” (42 U.S.C. 4332).

The scope of the NEPA process would depend on the type of federal approval needed and the scope of the lead agency’s jurisdiction (Figure 2-1).

The lead federal agency is responsible for NEPA compliance. Per the CEQ Regulations Implementing NEPA (40 CFR Parts 1500-1508), each federal agency has developed their own guidance for implementing NEPA.

PROCESS FLOWCHART FOR THE NATIONAL ENVIRONMENTAL POLICY ACT



¹NOTE: Federal, state, and local permitting studies can be started in conjunction with the NEPA process once a preferred alternative is identified.

Figure 2-1: Process Flowchart for the National Environmental Policy Act Process

Key Steps for Conducting a National Environmental Policy Act Study

The following table outlines the basic steps and questions to ask when conducting a NEPA study.

TABLE 2-3 KEY STEPS FOR CONDUCTING A NATIONAL ENVIRONMENTAL POLICY ACT STUDY	
Step	Responsible Party
Phase 1	
Determine if National Environmental Policy Act (NEPA) applies to a proposed action <ul style="list-style-type: none"> • Is there a “proposal” for action? • Is the action “federal”? • Is the “action” in NEPA’s definition? • Is the action covered by a Congressional exemption, otherwise excluded from NEPA, or covered by a prior NEPA action? • Is the action covered by the agency’s specific Categorical Exclusions? 	Lead federal agency
Phase 2	
Determine whether to prepare an Environmental Impact Statement (EIS) or Environmental Assessment (EA) <ul style="list-style-type: none"> • Determine whether the proposed action has potential to “significantly affect the quality of the human environment.” • What is the “context”? • What is the “intensity”? • If uncertain, an EA may be prepared (or required) to determine whether effects would be expected to be significant. 	Lead federal agency
Phase 3a	
Prepare a Finding of No Significant Impact (FONSI) if the EA reveals no potential to “significantly affect the quality of the human environment.” <ul style="list-style-type: none"> • Adhere to agency-specific guidance for EA/FONSI preparation, review, and decision making. • Public review of FONSI required when the proposed action is: <ul style="list-style-type: none"> ▪ Unusual, new, or precedent-setting ▪ Similar to one normally requiring an EIS ▪ Located in a floodplain or wetland ▪ If a reasonable argument exists that an EIS should be prepared ▪ There is a scientific or public controversy over the proposal 	Lead federal agency

**TABLE 2-3
KEY STEPS FOR CONDUCTING A NATIONAL ENVIRONMENTAL POLICY ACT STUDY**

Step	Responsible Party
Phase 3b	
Prepare EIS if Lead Agency determines there is a potential to “significantly affect the quality of the human environment.” <ul style="list-style-type: none"> • Identify and solicit “Cooperating Agencies” • Publish Notice of Intent in the <i>Federal Register</i> • Conduct Scoping process • Prepare a Draft EIS • File Draft EIS with the Environmental Protection Agency (EPA) and Notice of Availability of Draft EIS in the <i>Federal Register</i> • Circulate and receive public comment on the Draft EIS • Hold a public hearing when appropriate • Prepare Final EIS • File Final EIS with EPA and Notice of Availability of Final EIS in the <i>Federal Register</i> • Circulate Final EIS for review • Use EIS to support decision making • Prepare Record of Decision 	Lead federal agency
SOURCE: Modified from ICF International 2013	

Lead Agency

The lead federal agencies for NEPA in Utah will vary depending on several circumstances including funding, location of the project, and the permits that may be required. Agencies that may serve as lead agencies for a NEPA analysis of an electric transmission project in Utah include:

- U.S. Department of the Interior (USDI),
 - BLM,
 - NPS,
 - BIA,
 - Bureau of Reclamation (BOR),
- USDA,
 - USFS,
- DOE, or
 - Western Area Power Administration (WAPA).

Cooperating Agency

In addition to the lead federal agency, other federal agencies, state agencies, tribes, or counties may be invited by the lead agency to 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 staff available to support the lead agency's request to enhance the lead agency's interdisciplinary capabilities (Environmental Protection Agency [EPA] 2012).

Public Involvement

For an EIS, NEPA compliance consists of the following public involvement requirements.

- Scoping
- Comments on the Draft EIS
- Response to comments on the Draft EIS

As part of the scoping process, the lead federal agency 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 Draft EIS, the comments received, and any underlying documents available to the public (CEQ 2010).

2.4 Federal Communications Commission

The Federal Communications Commission (FCC) regulates interstate and international communications by radio, television, wire, satellite, and cable in all 50 states, the District of Columbia and U.S. territories. It was established by the Communications Act of 1934 and operates as an independent U.S. government agency overseen by Congress.

Regulatory Framework and Application to Electric Transmission Lines

Electric transmission lines and substations are considered “incidental radiation devices” as defined by the 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, 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 on 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 company transmission projects have been able to

CONTACT INFORMATION

Address: Federal Communications Commission
445 12th Street Southwest
Washington DC, 20554

Phone: (888) 225-5322

Website: <http://www.fcc.gov/>

operate under the current FCC rule because situations of harmful interference can generally be eliminated.

Key Steps for Obtaining a Permit

Transmission lines and substations very rarely cause interference with radio and television signals 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 is no formal permit process, and no consultation is required by the FCC, an applicant should analyze the most current FCC data available to identify the exact locations of licensed microwave towers and any other sensitive communication 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.

2.5 U.S. Department of Agriculture

There are over 30 agencies and offices in the USDA. In Utah, the most likely agencies that would be relevant to permitting and regulating transmission line projects are the USFS, U.S. Farm Service Agency (FSA) and U.S. Natural Resource Conservation Service (NRCS). These three agencies are described in more detail in the following sections.

CONTACT INFORMATION

Address: U.S. Forest Service
Intermountain Region
324 25th Street
Ogden, UT 84401

Phone: (801) 625-5605

Website: <http://www.fs.usda.gov/contactus/r4/about-region/>

2.5.1 U.S. Forest Service

The USFS is an agency of the USDA. The USFS manages public lands in national forests and grasslands. Forests in Utah are within the USFS Intermountain Region (Region 4 for the USFS) and are organized into five forests and each forest is managed by several Ranger Districts.

- Ashley National Forest
 - Duchesne Ranger District
 - Flaming Gorge Ranger District
 - Roosevelt Ranger District
 - Vernal Ranger District
- Dixie National Forest
 - Cedar City Ranger District
 - Escalante Ranger District
 - Pine Valley Ranger District
 - Powell Ranger District
- Fishlake National Forest
 - Beaver Ranger District
 - Fillmore Ranger District

- Manti-LaSal National Forest
 - Moab Ranger District
 - Monticello Ranger District
 - Ferron Ranger District
 - Price Ranger District
 - Sanpete Ranger District
- Uinta-Wasatch-Cache National Forest
 - Heber-Kamas Ranger District
 - Logan Ranger District
 - Ogden Ranger District
 - Pleasant Grove Ranger District
 - Salt Lake Ranger District
 - Spanish Fork Ranger District

Regulatory Framework and Application to Electric Transmission Lines

The USFS must respond to applications for authorization of a special use of federally administered lands due to the overarching policy and direction in the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, and its mission, which is multiple-use, sustained-yield management of the National Forest System lands (administered by USFS) and National System of Public Lands (administered by the BLM). The FLPMA also provided the USFS with discretionary authority to grant rights-of-way on lands they administer, taking into consideration impacts on natural and cultural and historical resources. The USFS is also governed by the National Forest Management Act of 1976 which serves national interest in the assessment of present and anticipated uses, demand for, and supply of renewable resources from the Nation's public and private forests and rangelands (USFS 1976).

The USFS response to application for authorization of a special use of USFS-administered lands also is guided by the Energy Policy Act of 2005, which recognized the need to improve domestic energy production, develop renewable energy resources, and enhance the infrastructure (e.g., transmission lines) for collection and distribution of energy resources across the nation. To this end, the USFS is charged with analyzing applications for utility and transportation systems on federal lands they administered. When analyzing applications, the USFS also must consider the recommendations in the 2011 Western Electricity Coordination Council (WECC) 10-Year Regional Transmission Plan regarding future transmission needs (WECC 2011).

A special-use authorization for right-of-way across USFS-administered lands would be required from USFS if any portions of electric transmission projects were to be located on lands in USFS jurisdiction.

USFS lands in each forest are administered with direction from their relevant Land and Resource Management Plans (LRMP). The USFS LRMPs form the basis for every action and approved use on the USFS lands. Plans are periodically revised and change as conditions and resource demands require. The principal acts providing direction in developing LRMPs are:

- Multiple Use and Sustained Yield Act of 1960
- NEPA of 1969

- Forest Rangeland Resources Planning Act of 1974
- National Forest Management Act of 1976

The Forest Rangeland Resources Planning Act of 1974 requires the USFS to conduct assessments or inventories of the Nation’s renewable resources and develop programs for use of the resources. These assessments include determinations of the capability of USFS lands to provide goods and services and an estimation of the future demand on those goods and services. The information gathered by these assessments and inventories form the basis of each forest’s LRMP. Table 2-4 lists the USFS forests located in Utah and potential right-of-way exclusion areas where a transmission line is not likely to be approved.

TABLE 2-4 NATIONAL FORESTS IN UTAH AND RIGHT-OF-WAY EXCLUSION AREAS		
National Forest	Ranger Districts	Right-of-Way Exclusion Areas
Ashley National Forest	Duchesne Flaming Gorge Roosevelt Vernal	Flaming Gorge National Recreation Area High Uintas Wilderness Sheep Creek Geological Area Sims Peak Research Natural Area Gates of Birch Creek Research Natural Area Pollen Lake Research Natural Area Cow Hollow Research Natural Area Green River Wild and Scenic River Zone Little Hole Trail Fish Creek Trail
Dixie National Forest	Cedar City Escalante Pine Valley Powell	Browse-Sand Creek Research Natural Area Red Canyon Research Natural Area Table Cliff Research Natural Area Timbered Cinder Cone Research Natural Area Upper Sand Creek Research Natural Area Ashdown Gorge Wilderness Box-Death Hollow Wilderness Pine Valley Mountains Wilderness
Fishlake National Forest	Beaver Fillmore	No exclusion areas identified
Manti-La Sal National Forest	Moab Monticello Ferron Price Sanpete	Great Basin Experimental Range Dark Canyon Wilderness Straight Canyon & Joe’s Valley Recreation Area Ferron Reservoir Recreation Area Huntington Canyon Recreation Area Hammond Canyon Archeological and Scenic Area Cliff Dwellers Pasture Research Natural Area (Proposed) Elk Knolls Research Natural Area Mount Peale Research Natural Area (Proposed) Nelson Mountain Research Natural Area (Proposed)
Uinta-Wasatch-Cache National Forest	Heber-Kamas Logan Ogden Pleasant Grove Salt Lake Spanish Fork	High Uintas Wilderness Lone Peak Wilderness Area Mount Timpanogas Wilderness Area Mount Nebo Wilderness Area Wellsville Mountain Wilderness Area Mount Naomi Wilderness Area
NOTES: Right-of-way avoidance areas also occur in these Forests and siting in these areas should only be considered if there are no other viable options. Additional areas may be identified with further review and consultation with the U.S. Forest Service.		

Key Steps for Obtaining a Permit

Acquisition of a special use authorization for right-of-way across USFS-administered lands requires submittal of Standard Form 299 (SF-299) Application for Transportation and Utility Systems and Facilities on Federal Lands. The issuance of permits and right-of-way 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 cost recovery fee, processing fee, monitoring fee, and rental 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.

A summary of the permitting process is as follows:

- Application for special-use permit authorization through submittal of SF-299: Application for Transportation and Utility Systems and Facilities on Federal Lands, and
- NEPA requirements to be determined based on project proposal.

2.5.2 Natural Resources Conservation Service/Farm Services Agency

Regulatory Framework and Application to Electric Transmission Lines

CONTACT INFORMATION

Address: Natural Resource Conservation Service State Office
125 South State Street
Room 4010
Salt Lake City, UT 84138
Phone: (801) 524-4550
Website: <http://www.ut.nrcs.usda.gov/>

Address: U.S. Farm Service Agency State Office
125 South State Street
Salt Lake City, UT 84138
Phone: (801) 524-4530
Website: <http://www.fsa.usda.gov/>

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

Other agricultural conservation programs in the state of Utah managed by NRCS and the FSA include the Grassland Reserve Program, the Wetland Reserve Program (NRCS), and the Conservation Reserve Program (FSA). If electric transmission projects cross any lands managed under these programs, additional

coordination with the NRCS or FSA may be required to avoid any breaches in the landowners' contracts or to comply with NEPA if federal monies were utilized to acquire or protect these lands.

The completion of a Farmland Conversion Impact Rating (Form AD-1006) would be necessary for agricultural lands affected by a transmission line project. Individual NRCS and FSA field offices should be identified once the transmission line routes are identified. Form AD-1006 should be completed and submit-

ted to NRCS once the transmission line routes have been established and specific potential impacts on farmland are known (USDA 2013).

Key Steps for Obtaining a Permit

- Farmland Conversion Impact Rating Form AD-1006 completed
- Consultation with individual NRCS and FSA field offices

2.5.3 Rural Utilities Service

Regulatory Framework and Application to Electric Transmission Lines

If Rural Utilities Service (RUS) funding is requested for the development and construction of the transmission line (e.g., a generation and transmission cooperative), NEPA could be triggered (refer to Chapter 2.3.1). 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 2013). If a RUS loan is 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 5 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 5 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:
 - Whether construction would be completed regardless of RUS financial assistance or approval;
 - The stage of planning and construction;
 - Total participation of the applicant(s);
 - Participation percentage of each utility; and
 - Managerial arrangements and contractual provisions (7 CFR 1794.20).

CONTACT INFORMATION

Address: USDA Rural Utility Service
P.O. Box 370810
Denver, CO 80237

Phone: (303) 740-2094

Websites: http://www.rurdev.usda.gov/utilities_LP.html or
<http://www.rurdev.usda.gov/UWP-environmental.htm>

If RUS determines that the project constitutes a federal action, the level of environmental review required would be determined by current RUS guidance.

Key Steps for Obtaining a Permit

Refer to Chapter 2.3.1 for information on how to conduct a NEPA analysis.

2.6 U.S. Department of Defense

There are numerous agencies and offices in the DoD. In Utah, the two most likely agencies relevant to permitting and regulations for transmission line projects are the U.S. Army Corps of Engineers (USACE), and U.S. military installations (U.S. Army, U.S. Air Force). These entities are described in more detail in the following sections.

2.6.1 U.S. Army Corps of Engineers

HEADQUARTERS CONTACT INFORMATION

Address: U.S. Army Corps of Engineers
Sacramento District Headquarters
1325 J. Street
Sacramento, CA 95814-2922

Phone: (916) 557-7461

Website: <http://www.spk.usace.army.mil/>

Address: U.S. Army Corps of Engineers
Los Angeles District Headquarters
915 Wilshire Boulevard, Suite 1101
Los Angeles, CA 90017

Website: <http://www.spl.usace.army.mil/>

UTAH CONTACT INFORMATION

Address: U.S. Army Corps of Engineers
Sacramento District – Bountiful Field Office
533 West 2600 South, Suite 150
Bountiful, UT 84010

Phone: (801) 295-8380

Address: U.S. Army Corps of Engineers
Sacramento District – St. George Field Office
196 East Tabernacle Street, Suite 30
St. George, UT 84770-3474

Phone: (435) 986-3979

The main areas of jurisdiction for the USACE for an electric transmission line project would be for waterways and wetland permitting. As the nation's environmental engineer, the USACE manages one of the largest federal environmental missions: restoring degraded ecosystems; constructing sustainable facilities; regulating waterways; managing natural resources; and, cleaning up contaminated sites from past military activities.

Utah is located in portions of two USACE districts. The majority of the state is in the Sacramento District. A small portion of the southwestern corner of the state is in the Los Angeles District. There are USACE field offices located in Bountiful and St. George, Utah. The individual USACE districts would be responsible for regulatory actions in their districts. On submittal of a Section 404 permit, EPA, USFWS, and other state and federal agencies would be given an opportunity to review and comment on the USACE permit applications. However, USACE makes the final decision to issue or deny a permit application.

Proposed transmission lines and ancillary facilities (i.e., access roads, substations) are typically planned and routed to avoid potential impacts on Waters of the U.S. to the greatest extent practicable.

Transmission line projects are typically designed to span surface water features, including wetlands, streams, lakes, and ponds. Access roads, substations, construction laydown or staging areas, and other ancillary project features must also be evaluated for potential to impact Waters of the U.S. Cumulatively, development of a transmission line project may result in both temporary and/or perma-

ment impacts and both categories of potential impact would need to be reported to the USACE.

Regulatory Framework and Application to Electric Transmission Lines

The Clean Water Act (CWA) is implemented by the EPA (Refer to Chapter 2.10) while the USACE is responsible for permitting activities that would affect waters of the U.S., including Traditional Navigable Waters. For a definition of navigable waters refer to 33 U.S.C. 322.1-5. For a definition of Waters of the U.S. refer to 33 U.S.C. 328.3.

Section 10 of the Rivers and Harbors Act of 1899 requires authorization from the Secretary of the Army, acting through the Corps of Engineers, for the construction of any structure in or over any navigable water of the United States. Structures or work outside the limits defined for navigable waters of the United States require a Section 10 permit if the structure or work affects the course, location, or condition of the water body. The law applies to any dredging or disposal of dredged materials, excavation, filling, rechannelization, or any other modification of a navigable water of the United States, and applies to all structures, including aerial or subaqueous power transmission lines, and any other permanent or semi-permanent obstacle or obstruction.

The USACE authorizes the use of CWA Section 404 permits for many permanent or temporary impacts on Waters of the U.S. (including wetlands and other aquatic systems) including impacts potentially resulting from the construction and operation of electric transmission lines in Utah. The purpose of the Section 404 program is to ensure 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.

It is the responsibility of the USACE to issue a Determination of Jurisdictional Status of Waters that may be impacted as a result of construction activities. It is not, however the USACE's priority to survey, map, and identify waters to make a determination of the Jurisdictional status of specific waterbodies or wetlands. Applicants typically hire a consultant to complete the mapping (delineation) of potentially jurisdictional waters using the current method required by the USACE (Environmental Laboratory 1987).

Potentially jurisdictional waters would be identified in a "wetland and other waters delineation report", which must be submitted to the USACE for review and approval. Once the USACE has ascertained the extent of jurisdictional waters that would be affected by project construction, the most appropriate USACE Section 404 permit for the project can be identified.



*Mount Nebo Scenic Byway in Juab County
Photography by EPG*

Permits that may be used for electric transmission line projects generally include two types of permits, general and individual. In cases where impacts on navigable waters would occur, a Rivers and Harbors Act Section 10 permit may also be required. The following table is a general overview of the USACE permits that may be required for a project. A detailed discussion of each permit follows.

TABLE 2-5 U.S. ARMY CORPS OF ENGINEERS PERMITS	
Permit	Description
General Permits: Consist of Regional General Permits, Programmatic General Permits, and Nationwide Permits	
Regional General Permit	Usually issued for a particular state or region.
Programmatic General Permit	Utah has one called the PGP-40: Minimal Impact Activities under the Stream Alteration Program. Used wherever a State stream alteration permit is necessary for work in jurisdictional waters of the State.
Nationwide Permit ¹	General permit issued on a nationwide basis to streamline the authorization of activities that result in minimal individual and cumulative adverse effects on the aquatic environment. Permanent impacts to waters of the U.S. < 1/10 acre for each complete individual project.
Individual Permits: Permits for activities that cannot be authorized under a general permit.	
Letters of Permission	Type of individual permit issued through an abbreviated processing procedure, which includes coordination with federal and state fish and wildlife agencies, and a public interest evaluation, but without the publishing of an individual public notice.
Standard Permit	A permit that has been processed through the public interest review procedures, including public notice and receipt of comments. Only done for activities that do not qualify for authorization under a General Permit or Letter of Permission. Permanent impacts to waters of the U.S. > 1/10 acre for each complete individual project.
River and Harbors Act Section 10 Permits: Required when there is construction of any structure in or over any navigable Waters of the United States.	
¹ Nationwide permits have stipulations specific to each. Consult the list of nationwide permits to ensure the appropriate permit is being applied to work in Waters of the United States for each individual project.	

General Permits

General permits are a type of permit issued on a regional or nationwide basis for a category or categories of activities when: (1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the general permit would result in avoiding unnecessary duplication of the regulatory control exercised by another federal, state, or local agency provided it has been determined that the environmental consequences of the action are individually and cumulatively minor. General Permits consist of Regional or Programmatic General Permits (PGP) and Nationwide Permits (NWP).

Regional General Permits and Programmatic General Permits

Regional General Permits and PGP are usually issued for a particular state or region. Currently, Utah has one PGP - PGP-40: Minimal Impact Activities under the Stream Alteration Program in the State of Utah. PGP-40 would be used wherever a State stream alteration permit is necessary for work in jurisdictional

waters of the State, which are commonly under the jurisdiction of the USACE as well. Refer to Chapter 3.4.2 for more details on the Utah State Stream Alteration Program.

Nationwide Permits

In Utah, the most common and widely applicable NWP for the development of electric transmission lines is NWP 12: Utility Line Activities. NWP 12 authorizes the construction, maintenance, or repair of utility lines, tower footings, substations, access roads, and ancillary facilities and the associated excavation, backfill, or bedding for the utility lines, in all Waters of the U.S., provided there is no change in preconstruction contours or hydrology, and the activity does not result in the loss of greater than 0.5 acre of Waters of the U.S.

NWPs are general permits issued on a nationwide basis to streamline the authorization of activities that result in minimal individual and cumulative adverse effects on the aquatic environment. To qualify for coverage under an NWP, an applicant must comply with all of the NWP specific conditions, NWP Program general conditions, and any applicable regional conditions of a NWP, including the requirement for submittal of a pre-construction notification (PCN).

Many of the NWPs, general conditions and regional conditions require the submittal of a PCN before commencing the work, to ensure that the project-specific activities authorized under those NWPs have minimal individual and cumulative adverse impacts on the aquatic environment. In such cases, the USACE will confirm that the activity complies with the terms and conditions of the NWP, and will issue a confirmation of permit coverage and authorization to the applicant. The confirmation of permit coverage and authorization may identify project-specific conditions (special conditions) to ensure that no more than minimal individual and cumulative impacts to Waters of the U.S. will occur as a result of the project, and will state that the permit coverage is valid for a specific period of time (generally no more than 2 years), unless the NWP authorization is modified, suspended, or revoked. By regulation, the NWPs must be reissued every 5 years. The reissuance process involves a full interagency and public interest review.



*Salt Flats in Tooele County
Photography by EPG*

NWP 12 may authorize utility lines in or affecting navigable Waters of the U.S. even if there is no associated discharge of dredged or fill material (refer to 33 CFR part 322). Overhead utility lines constructed over Rivers and Harbors Act Section 10 waters and utility lines that are routed in or under Section 10 waters without a discharge of dredged or fill material require a Section 10 permit, though state permits may also be required (refer to Chapter 2.10).

On February 21, 2012 the USACE re-issued the NWP requirements. Changes to NWP 12 resulted in a clarification that access roads are included with other



*Transmission Line near Flaming Gorge,
Daggett County*

Photography by EPG

utility line activities that comprise a single and complete project, including the 0.5 acre that applies to each single and complete project. Additionally, NWP 12 applicants are also required to submit a PCN package with the application for permit coverage under NWP 12 under certain conditions identified in the *Federal Register* (Volume 77, Number 34 published Tuesday, February 21, 2012). Regional Conditions also apply to some projects requiring CWA permit coverage and should be reviewed prior to permit application. An Individual Permit would be required if impacts on wetlands are projected to exceed 0.5 acre for any discrete wetland or water of the U.S.

Electric transmission line projects in Utah 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 of Utah.

A Summary of NWP 12: Utility Line Activities

- Multiple single and complete projects that are part of a larger development can be permitted with individual NWP 12s (i.e., stacking NWP 12s)
- Each permanent impact resulting in discharge or dredge of materials below the ordinary high watermark in a jurisdictional water of the U.S. would culminate as the total impact on that waterbody.
- Each single and complete project is limited to permanent impacts of less than or equal to 0.5 acre
- Special Regional Conditions apply to NWP 12 in Utah
- PCN is required if:
 - A Section 10 permit is required,
 - Mechanized land clearing in forested wetlands is planned,
 - Discharge results in the loss of greater than 0.10 acre,
 - Utility line exceeds 500 linear feet in Waters of the U.S.,
 - Utility line runs parallel to a stream bed in a jurisdictional area,
 - Above-grade permanent access roads exceed 500 feet, and
 - Permanent access roads constructed in impervious materials.

Individual Permits

Individual permits are permits for activities that cannot be authorized under a general permit. These activities may have more than minimal individual or cumulative environmental impacts. Individual permits consist of Letters of Permission and Standard Permits.

Letters of Permission

A Letter of Permission (LOP) is a type of individual permit issued through an abbreviated processing procedure, which includes coordination with federal and state fish and wildlife agencies, and a public interest evaluation, but without the publishing of an individual public notice. The LOP cannot be used to authorize the transportation of dredged material for the purpose of dumping it in ocean waters. An LOP may be authorized for certain activities subject to Section 10 of the Rivers and Harbors Act of 1899, or may be authorized for activities subject to Section 404 of the CWA in the state, provided the applicant follows the LOP process for the appropriate state. For the use of an LOP under Section 404 of the CWA, the applicant must schedule a pre-application meeting with the USACE State Regulatory Office in either Bountiful or St. George.

Standard Permits

A Standard Permit is one which has been processed through the public interest review procedures, including public notice and receipt of comments. Review through the Standard Permit process is only done for activities that do not qualify for authorization under a Regional General Permit, PGP, NWP, or LOP. The Standard Permit process is the most time consuming and stringent process utilized by the USACE. For any activities requiring processing under a Standard Permit, an applicant should anticipate that a decision will not be made in less than a minimum of 120-days from submittal of a completed permit application. If the project is controversial, has significant impacts on the environment, is not the least environmentally damaging practicable alternative or if the project may impact federally listed threatened and/or endangered species or cultural resource, or requires a Section 401 Water Quality Certification, the permit process will likely take substantially longer than 120 days. For larger projects, it is recommended the applicant schedule a pre-application meeting with the USACE State Regulatory Office in either Bountiful or St. George.

Individual permits require a much greater amount of time for application, review, and verification than all other USACE permits. Not only are the USACE and EPA tasked with reviewing the permit, other federal, tribal, state, or local agencies also may be required to review and approve an application for an individual permit. The following approvals must be secured before a permit application can be processed.

- Endangered Species Act (ESA): USFWS Consultation/Biological Opinion (BO)
- NHPA: SHPO Consultation/Antiquities Permits
- Section 401 of the CWA: Utah Department of Environmental Quality (DEQ) Water Quality Certification

Individual Permits may also 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.

For electric transmission line projects, an Individual Permit is most commonly required where a project cannot be designed to have the least adverse effect on Waters of the U.S. and where any single complete project were to result in permanent impacts on Waters of the U.S. that require dredging or placement of fill in excess of 0.5 acre.

A Summary of the Standard Individual Permit Process

- Pre-application Consultation with USACE (available 1 week a month)
- Submission of the Individual Permit Application (ENG Form 4345)
- USACE review of permit application (30 days)
- Issuance of the USACE Public Notice
- Public Comment Period (30 days)
- USACE review of public comments and request for additional information (30 days)
- USACE Application Evaluation and Decision (30 days)
 - Exceptions: (i) If an EA or a FONSI is permissible, USACE will make a decision on the application in 12 to 18 months; and (ii) If an EIS is required, the process will likely take considerably longer (3+ years)
- Appeal Process (within 60 days of the permit decision date)

River and Harbors Act Section 10 Permits

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) requires authorization from the Secretary of the Army, acting through the USACE, for the construction of any structure in or over any navigable water of the United States. Structures or work outside the limits defined for navigable Waters of the U.S. require a Section 10 permit if the structure or work affects the course, location, or condition of the water body unless otherwise provided in 33 U.S.C. 322.4. Permit coverage under Section 10 could become necessary for overhead electric transmission projects if the conductors span navigable waters (refer to 33 U.S.C. 322.5(i)(2) for clearance limits), if tower structures are planned to be constructed in the waterway, or if construction activities would affect the pre-construction navigability of the waterway either temporarily or permanently. Table 2-6 lists the Navigable and Navigable In-Fact Waters of the U.S. located in Utah.

**TABLE 2-6
NAVIGABLE WATERS IN UTAH (USACE SACRAMENTO DISTRICT)¹**

Waterway Name	Waterway Segment	Navigable In-Fact Waterway²	Traditional Navigable Waterway³
Bear Lake	All		X
Colorado River	Mouth of Castle Creek to Cataract Canyon (4.5 miles below mouth of Green River (59 Navigable Miles)		X
Flaming Gorge Reservoir	All		X
Lake Powell	All		X
San Juan River	From the U.S. Highway 160 Bridge Crossing east of Pagosa Springs, Colorado, to its confluence with the Colorado River in Lake Powell, Utah	X	
Sevier Bridge Reservoir (Yuba Lake)	Sevier Bridge Reservoir	X	
Cutler Reservoir	On the Bear River in Cache County, Utah	X	
East Canyon Reservoir	10 miles west of Coalville in Morgan County	X	
Great Salt Lake		X	
Mona Reservoir	Near Mona in Juab County	X	
Panguitch Lake	Garfield County	X	
Pineview Reservoir	Huntsville, Weber County	X	
Piute Reservoir	Sevier River in Piute County	X	
Utah Lake	Utah	X	
Virgin River	Springdale, Utah, to Littleton, Arizona	X	
Green River	Mouth to 20 miles above Green River Station (142 navigable miles)		X
Green River	Flaming Gorge to the Price River confluence	X	

NOTES:

¹The Sacramento District has determined the waterways listed to be “navigable-in-fact” are traditional navigable waters under 33 CFR 328.3(a)(1)

²<http://www.spk.usace.army.mil/Missions/Regulatory/Jurisdiction/NavigableWatersoftheUS/NavigableInFact.aspx>

³<http://www.spk.usace.army.mil/Missions/Regulatory/Jurisdiction/NavigableWatersoftheUS.aspx>

Key Steps for Obtaining a Permit

Nationwide Permits

Many NWP's require project applicants to notify the appropriate USACE district engineer prior to commencing dredge and fill activities in Waters of the U.S. using a PCN. By regulation, the District Engineer must respond to a PCN within

45 days of receipt of a complete PCN. In the event that a PCN is determined to be incomplete, the USACE must notify the applicant within 30 days of receipt of the PCN.

PCNs should be submitted to USACE as early as possible, but at least three months prior to the planned start of project construction. USACE's initial step in the review of an activity under the notification procedure is to determine whether the activity will result in more than minimal individual or cumulative adverse environmental effects or will be conflicting with the public interest. The USACE will evaluate the extent to which avoidance and minimization of impacts to Waters of the U.S. (e.g., routing and siting) are incorporated in the proposed plans for the project in determining whether the project qualifies for coverage under a NWP.

It typically takes about 45 to 60 days to obtain confirmation of coverage and under a NWP authorization for a project from the time a complete application is received by the USACE. The PCN should be submitted as early as possible, but at least 90 days prior to the beginning of construction.

Individual Permits

Pre-Application Consultation

A proactive and optional approach, the pre-application consultation is intended for the permit applicant to address the issues of concern to USACE and the commenting resource agencies, and facilitate the review and processing of the permit application package by USACE prior to submission of the application. Consultations may be formal or informal, depending on the size and nature of the proposed transmission project and/or the degree of controversy associated with the project. The following is recommended information for pre-application meetings with USACE:

- Attempts to avoid or minimize impacts on natural resources,
- Prepared alternative routes,
- Consideration of design changes ,
- Overlays, photos, diagrams, video, etc., along with environmental documentation, and/or
- Analysis of potential adverse impacts on jurisdictional Waters of the U.S. and preliminary mitigation plans.

2.6.2 Right-of-Way Requests on Military Facilities

CONTACT INFORMATION

Address: Department of Defense
Region 8 Program Coordinator
721 19th Street, Ste. 427
Denver, CO 80202-2500

Phone: (303) 844-0958

Website: <http://www.asaie.army.mil/Public/InfraAnalysis/REEO/Western/>

The DoD operates three military facilities in Utah. These facilities include Tooele Army Depot (and Deseret Chemical Depot) and Dugway Proving Ground in Tooele County and Hill Air Force Base in Ogden. In addition, there are military operations areas involving restricted airspace, such as the Utah Test and Training Range.

Because of the constraints involved with constructing and operating transmission lines in DoD facilities, these areas are typically avoided or identified as sensitive areas in the early feasibility and corridor identification process. If a route is selected that crosses 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 U.S.C. 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, applicants for electric transmission projects would work with the appropriate DoD department, DoD Regional Lead, and individual base management to determine the appropriate review process and time frame.

Similarly, if the transmission line route is located in a DoD-designated Special Use Airspace or Military Training Route, the individual military facility and the DoD Regional Lead would need to be contacted. DoD would make a determination whether the proposed transmission line route would conflict with the mission of the facility.

2.7 U.S. Department of Energy

2.7.1 Federal Energy Regulatory Commission

It is unlikely the Federal Energy Regulatory Commission (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 (Refer to Chapter 3.7 for more information).

In accordance with Section 216(a) of the Federal Power Act (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 2010).

While it is unlikely 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

CONTACT INFORMATION

Address: Federal Energy Regulatory Commission
150 East Social Hall Avenue, Suite 300
Salt Lake City, UT 84111
Phone: (801) 524-5017
Website: <http://www.wapa.gov/crsp/default.htm>

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 on its own motion or on motion or complaint (Western Governors Association 2010).

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

2.7.2 Western Area Power Administration

CONTACT INFORMATION

Address: Western Area Power Administration
888 First Street NE
Washington DC, 20426
Phone: (202) 502-6088
Website: <https://www.ferc.gov>

WAPA is one of four power marketing administrations in the DOE (the other three power marketing administrations are Bonneville Power Administration, Southeastern Power Administration, and Southwestern Power Administration). WAPA owns and maintains more than 10 percent of the transmission lines in the WECC area. In fiscal year 2012, WAPA operated and maintained more than 17,000 miles of transmission lines and just over 300 substations in its operating area (WAPA 2012). Construction and operation of a high-voltage transmission line owned at least in part by WAPA would constitute a major federal action, which would trigger NEPA compliance with WAPA 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.

Utah is located in the Colorado River Storage Region, one of four regions of WAPA.

Western Area Power Administration – Transmission Infrastructure Program

WAPA's Transmission Infrastructure Program has a \$3.25 billion borrowing authority from the U.S. Treasury to construct transmission lines to help deliver renewable resources to market.

Program goals are to:

- construct and/or upgrade transmission lines to help deliver renewable resources to market,
- select, study, and/or build projects under this authority that are in the public interest,
- solicit public input in identifying potential projects,
- ensure projects do not adversely impact system reliability or operations, or other statutory obligations,
- ensure projects are economically feasible and are adequate to repay project costs, and

- leverage borrowing authority by partnering with others.

The Transmission Infrastructure Program establishes the policies and practices to implement WAPA's borrowing authority granted under Section 402 of the American Recovery and Reinvestment Act. The Transmission Infrastructure Program consists of several major components.

- Program Principles
- Project Funding
- Project Evaluation
- Project Development and Operations and Maintenance
- Project Rates and Repayment

If the Transmission Infrastructure Program is utilized for a project, because the funding mechanism is from the federal government, the completion of a NEPA process will be required.

2.7.3 Section 368 Energy Corridors

Regulatory Framework and Application to Electric Transmission Lines

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 on the environment in 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 PEIS, Designation of Energy Corridors on Federal Land in the 11 Western States (DOE/EIS-0368) (DOE and USDI 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 USDI 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 corri-

dors on National Forest System lands through amendment of Land and Resource Management Plans.

Section 368 does not require that the Agencies consider or approve specific projects, applications for rights-of-way, 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 right-of-way 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 (CAA), Section 7 of the ESA, and Section 106 of the NHPA (DOE and DOI 2008).

In July of 2012, the Obama administration agreed to settle a 2009 lawsuit against the departments of Interior, Agriculture, and Energy filed in the U.S. District Court for the Northern District of California by 15 plaintiffs regarding the DOE Section 368 corridors. The lawsuit claimed that the utility corridors encouraged coal-fired power in the West and, in several areas, ignored or under-served renewable energy resources.

The settlement requires that the BLM, USFS, and DOE look at each corridor and evaluate how it facilitates renewable energy, avoids environmentally sensitive areas, and prevents a dense web of transmission and pipeline infrastructure. The settlement gives the BLM and USFS the authority to reassess the corridors and revise, delete, or potentially add new corridors.

Why Energy Corridors are Helpful

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 rights-of-way across the landscape and minimize the environmental footprint from development (USFS 2009).

2.7.4 Western Electricity Coordinating Council

The WECC is a non-profit corporation that was organized to assure a reliable bulk electric system in the geographic area known as the Western Interconnection. WECC is the geographically largest of the eight regional entities with delegation agreements under the North American Electric Reliability Corporation (NERC) (which is a branch of the DOE that works in conjunction with FERC to establish standards that will fulfill compliance with FERC regulations). WECC is not a permitting entity in the state of Utah, but does provide a comprehensive planning database, guidance on the analysis and modeling of the transmission system, scenario studies of system performance to establish operating policies and limits, and regional transmission planning. WECC should be consulted regarding reliability guidelines when there are multiple high-voltage transmission lines proposed in the same corridor.

2.8 U.S. Department of Interior

2.8.1 Bureau of Indian Affairs

The BIA provides services (directly or through contracts, grants, or compacts) to approximately 1.9 million American Indians and Alaska Natives. There are 566 federally recognized American Indian tribes and Alaska Natives in the United States. The BIA is responsible for the administration and management of 55 million surface acres and 57 million acres of subsurface minerals estates held in trust by the United States for American Indians, Indian tribes, and Alaska Natives.

CONTACT INFORMATION

Address: Bureau of Indian Affairs
Western Regional Office
2600 North Central Avenue
4th Floor Mailroom
Phoenix, Arizona 85004

Phone: (602) 379-6600

Website: <http://www.bia.gov/WhoWeAre/RegionalOffices/Western/index.htm>

In Utah, there are eight federally recognized Indian tribes.

- Ute (Uintah and Ouray)
 - Located in area known as the “Uinta Basin” in Uintah and Duchesne counties
- Diné (Navajo)
 - Located in southeastern portion of Utah
- Paiute
 - Central headquarters is located in Iron County
- San Juan Southern Paiute
 - Primary community is just outside Tuba City on the Utah-Arizona border
- Confederated Tribes of Goshute
 - Located in Juab and Tooele counties approximately 60 miles southeast of Wendover, Utah
- Northwestern Band of Shoshone
 - Tribal headquarters are located in Brigham City, Utah
- Skull Valley Goshutes
 - Located in Tooele County, Utah approximately 65 miles west of Salt Lake City
- Ute Mountain Ute (White Mesa)
 - Located in eastern Utah, 12 miles south of Blanding, Utah

There are 12 BIA regional offices located at the reservation level. The Uintah and Ouray Agency is in the Western Regional Office. It will be necessary to consult with the BIA Uintah and Ouray Agency and the individual tribes for specific permits and steps required for a project on tribal lands.

Regulatory Framework and Application to Electric Transmission Lines

If a transmission line project is proposed to be located on or adjacent to tribal lands, the tribes that own these lands and the BIA should be contacted and consulted. Permits may be required, which will be determined by the tribal offices affected and the BIA. When the tribes and/or the BIA issue a permit or grant a right-of-way, the NEPA process may be triggered (refer to Chapter 2.3.1).

Key Steps for Obtaining a Permit

A right-of-way acquisition and authorization for use of tribal lands will require an SF-299 application. The BIA may require a processing fee, monitoring fee, and rental fee depending on the level of effort required to issue a permit or right-of-way. A cash or surety bond may also be required.

After an application is submitted, the BIA would determine the appropriate fee and notify the applicant in writing regarding the fee and any additional requirements. The process would take approximately 60 days to process.

The lead agency for the NEPA process on the project should be consulted for a list of tribes that have traditional use areas in the project area. The NEPA lead will consult with the tribes following the Section 106 process of the NHPA (refer to Chapter 2.2.1).

2.8.2 Bureau of Land Management

The BLM is an agency in the USDI that administers public lands totaling approximately 250 million acres. BLM Utah is organized into four District Offices, 10 Field Offices, and one Field Station.

- Canyon Country District
 - Moab Field Office
 - Monticello Field Office
- Color Country District
 - Cedar City Field Office
 - Henry Mountains Field Station
 - Kanab Field Office
 - Richfield Field Office
 - St. George Field Office
- Green River District
 - Price Field Office
 - Vernal Field Office
- West Desert District
 - Fillmore Field Office
 - Salt Lake Field Office

Utah BLM also manages the Grand Staircase-Escalante National Monument.

Regulatory Framework and Application to Electric Transmission Lines

The BLM must respond to applications for right-of-way across federally administered lands due to the overarching policy and direction in the FLPMA, as amended, and its mission, which is multiple-use, sustained-yield management of the National System of Public Lands (administered by BLM) and National Forest System lands (administered by USFS). The FLPMA also provided the BLM with discretionary authority to grant rights-of-way on lands they admin-

CONTACT INFORMATION

Address: Bureau of Land Management Utah State Office
440 West 200 South,
Suite 500
Salt Lake City, UT 84101

Phone: (801) 539-4001

Website: <http://www.blm.gov/ut/st/en.html>

ister, taking into consideration impacts on natural and cultural and historical resources.

The BLM's response to application for right-of-way across lands they administer also is guided by the Energy Policy Act of 2005, which recognized the need to improve domestic energy production, develop renewable energy resources, and enhance the infrastructure (e.g., transmission lines) for collection and distribution of energy resources across the nation. To this end, the BLM is charged with analyzing applications for utility and transportation systems on federal lands they administer. When analyzing applications, the BLM also must consider the recommendations in the 2011 WECC 10-Year Regional Transmission Plan Regarding Future Transmission Needs (WECC 2011).

A right-of-way grant would be required from BLM if any portions of electric transmission projects were to be located on lands within BLM jurisdiction. It is the policy of the BLM to authorize all right-of-way applications at the discretion of the authorized officer in the most efficient and economical manner possible.

BLM lands in each field office area are administered with direction from their relevant Resource Management Plan (RMP). The BLM 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 on 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.

There are several different types of Special Management Areas including ACECs and Wilderness Study Areas (WSA) that are typically avoidance or exclusion areas for transmission lines on BLM-managed lands.

ACECs 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 that 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 to satisfy national priority concerns or to carry out the mandates of FLMPA;
- Has qualities that warrant highlighting 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 WSAs, 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 Utah manages 86 WSAs encompassing 3.2 million acres of public land. In its report to Congress in 1991, BLM Utah recommended that approximately 3.2 million acres in 86 study areas should be designated as part of the National

Wilderness Preservation System. The Wilderness Act prohibits construction of telecommunication towers, facilities for power generation, transmission lines, and energy pipelines. Table 2-7 lists the BLM-managed Wilderness Areas and WSAs in Utah.



*Transmission Line near Vernal, Uintah County
Photography by EPG*

**TABLE 2-7
BUREAU OF LAND MANAGEMENT MANAGED WILDERNESS AND
WILDERNESS STUDY AREAS**

BLM District	BLM Field Office	Wilderness Areas/Wilderness Study Areas (WSA)
Canyon Country	Moab	Black Ridge Wilderness Area Behind the Rocks WSA Black Ridge WSA Coal Canyon WSA Desolation Canyon WSA Floy Canyon WSA Flume Canyon WSA Lost Spring Canyon WSA Mill Creek Canyon WSA Negro Bill Canyon WSA Spruce Canyon WSA Westwater Canyon WSA
	Monticello	Bridger Jack Mesa WSA Butler Wash WSA Cheesebox Canyon WSA Cross Canyon WSA Dark Canyon WSA Fish Creek Canyon WSA Grand Gulch WSA Indian Creek WSA Mancos Mesa WSA Mule Canyon WSA Road Canyon WSA South Needles WSA Squaw/Papoose Canyon WSA
Color Country	Cedar City	Spring Creek Canyon WSA Wah Wah Mountains WSA White Rock Range WSA
	Kanab	Paria Canyon/Vermillion Cliffs Wilderness Area Canaan Mountain WSA Moquith Mountain WSA North Fork Virgin River WSA Orderville Canyon WSA Parunuweap WSA
	Richfield	Bull Mountain WSA Dirty Devil WSA Fiddler Butte WSA Fremont Gorge WSA French Spring/Happy Canyon WSA Horseshoe Canyon North WSA Horseshoe Canyon South WSA Little Rockies WSA Mount Ellen/Blue Hills WSA Mount Hillers WSA Mount Pennell WSA

**TABLE 2-7
BUREAU OF LAND MANAGEMENT MANAGED WILDERNESS AND
WILDERNESS STUDY AREAS**

BLM District	BLM Field Office	Wilderness Areas/Wilderness Study Areas (WSA)
Color Country	St. George	Beaver Dam Mountains Wilderness Area Joshua Tree Instant Study Area Bear Trap WSA Canaan Mountain WSA Cottonwood Canyon WSA Cougar Canyon WSA Deep Creek WSA Goose Creek WSA La Verkin Creek Canyon WSA Red Butte WSA Red Mountain WSA Taylor Creek WSA The Watchman WSA
Green River	Price	Crack Canyon WSA Desolation Canyon WSA Devils Canyon WSA Horseshoe Canyon (North) WSA Jack Canyon WSA Link Flats WSA Mexican Mountain WSA Muddy Creek WSA San Rafael Reef WSA Sids Mountain/Sids Cabin WSA Turtle Canyon WSA
	Vernal	Book Cliffs Mountain Browse Instant Study Area WSA Bull Canyon WSA Daniels Canyon WSA Diamond Breaks WSA Flume Canyon WSA (managed with Moab) West Cold Springs WSA Winter Ridge WSA
West Desert	Fillmore	Conger Mountain WSA Fish Springs WSA Howell Peak WSA King Top WSA Notch Peak WSA Rockwell WSA Swasey Mountain WSA Wah Wah Mountains WSA
	Salt Lake	Cedar Mountain Wilderness Area Deep Creek Mountains WSA North Stansbury WSA

Key Steps for Obtaining a Permit

Right-of-way grant applications (SF-299) 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)).

On receipt of a completed right-of-way application, the BLM will make a determination whether a decision can be issued within 60 calendar days. If it cannot be issued within 60 days, then by day 30 the BLM will send a letter to notify the applicant that BLM cannot process the application in 60 calendar days and will provide the estimated date the decision will be issued (BLM 2012).

2.8.3 Bureau of Reclamation

Established in 1902, the BOR is best known for the dams, power plants, and canals it constructed in the 17 western states. These water projects led to homesteading and promoted the economic development of the West. The agency mission is to assist in meeting the increasing water demands of the West while protecting the environment and the public's investment in these structures. (BOR 2013)

CONTACT INFORMATION

Address: Bureau of Reclamation
Upper Colorado Region Power Office
125 South State Street,
Room 6107
Salt Lake City, UT 84138
Phone: (801)524-3745
Website: <http://www.usbr.gov/uc/>

Regulatory Framework and Application to Electric Transmission Lines

Table 2-8 lists the BOR managed areas in Utah based on land ownership, land management, or water (dam) management. If electric transmission projects were to cross these areas, the BOR would be consulted to discuss permitting requirements specific to that area's ownership and management agreements.

TABLE 2-8 BUREAU OF RECLAMATION MANAGED AREAS	
Projects	
Central Utah Project (6 separate units, Vernal, Bonneville, Jensen, Upalco, Uintah, and Ute Indian Units)	
Colorado River Basin Project	
Colorado River Basin Salinity Control Project	
Emery County Project	
High Plains States Groundwater Recharge Demonstration Program Project	
Hyrum Project	
Moon Lake Project	
Newton Project	
Ogden River Project	
Provo River Project	
Sanpete Project	
Scofield Project	
Strawberry Valley Project	
Weber Basin Project	
Weber River Project	
Dams	
Arthur V Watkins	

**TABLE 2-8
BUREAU OF RECLAMATION MANAGED AREAS**

Broadhead Division
Causey
Currant Creek
Deer Creek
East Canyon
Echo
Flaming Gorge
Huntington North
Hyrum
Joes Valley
Jordanelle
Lost Creek
Midview
Moon Lake
Newton
Pineview
Red Fleet
Scofield
Solider Creek
Starvation
Stateline
Steinaker
Upper Stillwater
Wanship
Power Plants
Deer Creek
Flaming Gorge

Key Steps for Obtaining a Permit

Special use permits and a right-of-way 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 right-of-way grants may also trigger additional NEPA requirements for all or portions of electric transmission projects located on BOR-managed lands.

Acquisition of the right-of-way 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.

There would be a typical 60 day processing timeframe from the time an application is deemed complete.

2.8.4 U. S. Fish and Wildlife Service

The USFWS is responsible for working with others to conserve, protect, and enhance fish and wildlife and their habitat for the continuing benefit of the American people (USFWS 2013).

The USFWS has responsibility for implementing the following federal statutes that may have a bearing on transmission line projects.

- ESA of 1973 (16 U.S.C. 1531–1544 et seq.), (50 CFR 17)
- Bald and Golden Eagle Protection Act of 1940 (BGEPA) (16 U.S.C. 668; 50 CFR 22)
- Migratory Bird Treaty Act (MBTA) (16 U.S.C. 701–712)

USFWS also has responsibility for managing National Wildlife Refuges (NWR). USFWS responsibilities under each of these acts and as a land management agency are described below.

Endangered Species Act

Regulatory Framework and Application to Electric Transmission Lines

The purpose of the ESA is to protect and recover imperiled species and the ecosystems on which they depend. USFWS has responsibility for administering the ESA, while compliance with the law is the responsibility of federal agencies and other entities (including commercial entities and private citizens) that take actions which may affect listed species and the habitats on which they depend. The state of Utah is located, in its entirety, in the Mountain-Prairie Region (Region 6) of USFWS. Most transmission line projects in the state of Utah require permits, authorizations, or funding from a federal agency (e.g., have a federal nexus); each federal agency is responsible for compliance with ESA. If more than one federal agency is involved in funding or approving a project, the agencies are required to comply with ESA through interagency consultation under Section 7 of the ESA. Applicants of a project for which a federal nexus does not exist must still comply with Section 9 of the ESA, which prohibits actions that may result in “take” of listed species or adverse modification of designated critical habitat. Permits for “incidental take” of listed species may be issued by USFWS under Section 10 of the ESA for projects with and without federal nexus.

Greater Sage-grouse

The USFWS published a 12-month findings for petitions to list the greater sage-grouse range-wide under the ESA in March 2010 (75 FR 13910). The 12-month findings established greater sage-grouse as a candidate species for listing under the Act and identified electric powerlines as a potential threat to sage-grouse. USFWS has special interest in conservation of candidate species, including sage-grouse, and employs biologists with expertise in sage-grouse conservation. USFWS should be contacted early in the planning process for new electric transmission lines to

CONTACT INFORMATION

Address: U.S. Fish and Wildlife Service
Utah Ecological Services Field Office
2369 Orton Circle, Suite 50
West Valley City, UT 84119

Phone: (801) 975-3330

Website: <http://www.fws.gov/utahfieldoffice/index.html>

engage staff with special expertise in sage-grouse conservation and to ensure the project is developed in compliance with the current regulations.

USFWS is expected to publish a final range-wide listing determination on the petitions to list the species as threatened or endangered in 2015. The final listing determination will either determine that listing is not warranted and remove the species from USFWS' list of candidate species or establish a rule under the ESA listing sage-grouse as threatened or endangered. If sage-grouse are listed as threatened or endangered, formal consultation with FWS will be required for projects, including electric transmission lines, that cross sage-grouse habitat of may affect sage-grouse.

Key Steps for Completing Required Consultation and Obtaining an Incidental Take Permit, If Required

For projects with federal nexus, compliance with ESA is the responsibility of federal agencies issuing a permit, authorization, or funding for the project (action agency). Compliance for these agencies is achieved through interagency consultation between the federal action agency (or agencies) and the USFWS under Section 7 of the ESA. Section 7 consultation must be complete before federal action agencies can issue their final decision on the project. Section 7 consultations may be formal, requiring the preparation of a Biological Assessment (BA) by the federal action agency and a BO by USFWS, or informal including phone contacts, meetings, conversations, letters, project modifications and concurrences. Formal consultation is required for all projects that “may affect” listed species or designated critical habitat. Informal consultation prior to the initiation of formal consultation will facilitate the process and help to avoid schedule delays.

Informal Consultation

Informal consultation between the federal action agency and USFWS is initiated by requesting a list of threatened and endangered species and designated critical habitat present in counties crossed by the project from USFWS. The request is typically made in a letter between the action agency and USFWS. A map of the proposed project location and alternatives being considered are typically included.

By regulation, USFWS has 30 days to respond to the letter request. The response will include a list of species and designated critical habitat that should be evaluated to determine whether the project “may affect” these resources. 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 present in the project area;
- determine what effect the project may have on these species or critical habitats;
- explore ways to modify the project to avoid or minimize adverse effects to the species or critical habitats; and
- 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.

Formal Consultation

Formal consultation is required for all projects where the action agency determines through its own analysis, informal consultation, or preparation of a BA, “is likely to adversely affect” listed species or designated critical habitat. Formal consultations determine whether a proposed agency action is likely to jeopardize the continued existence of a listed species or destroy or adversely modify critical habitat. They also determine the amount or extent of anticipated incidental take in an incidental take statement. Formal consultations perform several other functions: (1) identify the nature and extent of the effects of actions on listed species and critical habitat; (2) identify reasonable and prudent alternatives, if any, when an action is likely to result in jeopardy or adverse modification; (3) provide an exception for specified levels of “incidental take” otherwise prohibited under Section 9 of the Act; (4) provide mandatory reasonable and prudent measures to minimize the impacts of incidental take to listed species; (5) identify ways the action agencies can help conserve listed species or critical habitat when they undertake an action; and (6) provide an administrative record of effects on species that can help establish the species’ environmental baseline in future BOs.

Formal consultation is initiated by written request and submittal of a BA to the USFWS by the lead federal agency. The USFWS may request additional information from the lead federal agency in the event the BA does not contain all required information to complete the consultation. The BA must be submitted within 180 days of receipt of a list of species and designated critical habitat present in counties crossed by the project. The accuracy of species lists more than 90 days old should be verified prior to submittal of the BA.

The BA is prepared by the lead federal agency (or contractor to the agency). Preparation of the BA may require habitat assessments or surveys for federally listed species in the project area. Surveys required for completion of the BA should be established during informal consultation and incorporated into the project schedule. The BA includes the information regarding the project, listed species and critical habitats required to determine whether a proposed action is likely to:

- adversely affect listed species or destroy or adversely modify designated critical habitat,
- jeopardize the continued existence of species that are proposed for listing, or
- adversely modify proposed critical habitat.

The USFWS will provide written acknowledgement of receipt of the BA and advise the lead agency regarding whether all data required to complete the consultation are included within 30 days of its receipt. Formal consultation is concluded within 90 days of receipt of all information required to complete the consultation. The USFWS will issue a BO and Incidental Take Statement (if required) within 135 days of receipt of all information required to complete the consultation.

The BO will contain a description of the proposed action, the status of the species/critical habitat affected, the environmental baseline, the effects of the action, cumulative effects, the USFWS’s conclusion of jeopardy/no jeopardy and/or ad-

verse modification/no adverse modification for each species, and reasonable and prudent alternatives that must be undertaken by the action agency, as appropriate. USFWS will issue an Incidental Take Statement for all formal consultations, except those only involving plants.

The Incidental Take Statement will contain a statement of anticipated incidental take (including take resulting from effects on habitat) with reasonable and prudent measures, as appropriate, to minimize such take. This statement provides an exemption from the taking prohibitions of Section 9 only when the agency and/or applicant demonstrate clear compliance with the implementing terms and conditions. These terms and conditions include reasonable and prudent measures designed to minimize the impact of incidental take on the species as described in the Incidental Take Statement and are binding on the action agency.



Transmission Line in Emery County

Photography by EPG

For projects without federal nexus, the project applicant must determine if listed species or critical habitats for listed species are present in the project area. The USFWS Utah Ecological Services Field Office website may be accessed to obtain a list of threatened and endangered species by county, and designated critical habitats for them. If no federal nexus exists, but listed species or critical habitats for listed species are present in the project area and the action could result in a “take” of the species, the applicant can apply for an Incidental Take Permit to authorize non-purposeful take of listed species incidental to otherwise lawful activities under Section 10 of the ESA. Applications for an Incidental Take Permits where no other federal

nexus exists require preparation of a Habitat Conservation Plan and a \$100 application fee. NEPA analysis is required in connection with some Habitat Conservation Plans and USFWS decisions regarding issuance of an Incidental Take Permit. Therefore, early coordination with USFWS is prudent to avoid delays in the applicant’s schedule.

Bald and Golden Eagle Protection Act

Regulatory Framework and Application to Electric Transmission Lines

The BGEPA of 1940 provides for the protection of bald and golden eagles. USFWS is responsible for enforcement of the BGEPA and oversees protection and conservation of bald and golden eagles under the provisions of the act. The BGEPA 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.

On July 9, 2007, USFWS delisted the bald eagle as an endangered species (72 FR 37346). Guidance was issued 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 broadened the statutory prohibi-

tion 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.

Under the BGEPA, “take” is defined as any action to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, or disturb eagles. “Disturb” is defined under BGEPA as any action that agitates or bothers a bald or golden eagle to a degree that causes or is likely to cause injury to an eagle, decrease in productivity, or nest abandonment.

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 regulation set forth in 50 CFR 22.26 provides for issuance of permits to take bald eagles and golden eagles where the taking is associated with but not the purpose of the activity and cannot practicably be avoided. Most take authorized under this section will be in the form of disturbance; however, permits may authorize non-purposeful take that may result in eagle mortality.

A Federal Permit for Non-Purposeful Eagle Take will authorize limited, non-purposeful take of bald 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.

A Federal Permit for Eagle Nest Removal (50 CFR 22.27) can be issued for removing eagle nests where:

- necessary to alleviate a safety emergency to people or eagles;
- necessary to ensure public health and safety;
- the nest prevents the use of a human engineered structure; or
- the activity or mitigation for the activity will provide a net benefit to eagles.

Only inactive nests may be removed, except in the case of safety emergencies. Inactive nests are defined by the continuous absence of any adult, egg, or dependent young at the nest for at least 10 consecutive days leading up to the time of take (USFWS 2009).

Key Steps for Obtaining a Permit

Many public utilities obtain programmatic permits from USFWS to remove problematic eagle nests from infrastructure that they operate as a component of the company’s regular operations. However, removal of eagle nests from existing transmission lines is rare in Utah and requires strict reporting and coordination with USFWS.

Most new transmission line projects in Utah do not require permits for the take of bald or golden eagles or their nests and achieve compliance with BGEPA by designing transmission lines to avoid unintentional take of eagles and avoiding actions that could result in take of eagles or nests.

Avian Power Line Interaction Committee (APLIC) has published documents including *Suggested Practices for Avian Protection on Power Lines* (APLIC 2006) and *Reducing Avian Collisions with Power Lines* (APLIC 2012), which provide best-practices for designing power lines to avoid take of eagles. The USFWS Utah Ecological Services Field Office has published *Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck 2003), which include recommendations for avoiding take of eagles and nests by avoiding construction and other disturbing activities around nests.

New transmission line projects should follow USFWS and APLIC guidance for avoiding take of eagles and their nests. Additionally, coordination with USFWS Utah Ecological Services Field Office should occur during planning for new electric transmission lines to establish whether a take permit would be required based on the project design and resources present in the project area.

If a permit for take of bald or golden eagles or their nests is required, an application can be obtained from the USFWS website (<http://www.fws.gov/forms/3-200-71.pdf> application form). Permit applications should be submitted with the required fee and supplemental information to:

USFWS Region 6 Migratory Bird Regional Permit Office
P.O. Box 25486
DFC (60154)
Denver, CO 80225-0486

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 depends on the complexity and scope of the activity and associated take and need for other environmental analyses (NEPA) to be conducted in order for USFWS to issue the permit. Processing times range from 90 days to 24 months.

Migratory Bird Treaty Act

Regulatory Framework and Application to Electric Transmission Lines

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 and applies to both public and private property. Under authority of the MBTA, it is unlawful to take, kill, or possess migratory birds, their parts, nests, or eggs. Take is defined (50 CFR 10.12) as to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect.

USFWS has responsibility for enforcement of the MBTA (16 U.S.C. 701–712) in accordance with regulations at 50 CFR Parts 13 and 21 of 1918). A list of species protected under the MBTA (50 CFR 10.13.) can be obtained from the USFWS website (<http://www.fws.gov/migratorybirds/RegulationsPolicies/mbta/mbtandx.html>). While the principal purpose of the MBTA was to prohibit the intentional taking of migratory birds, the Act has also been construed to prohibit

the “incidental” taking of migratory birds, including raptors. Incidental take is take that is not the intended purpose of otherwise lawful activities. Incidental taking of migratory birds that may occur from electrical transmission projects includes mortality of birds due to collision with or electrocution by transmission lines, removal of hazard nests constructed on transmission lines, land clearance and construction activities during nesting season, and other corridor development, maintenance, and operation activities may affect breeding birds or their habitats.

Recommended Actions to Comply with Migratory Bird Treaty Act

None of the regulations promulgated under the MBTA expressly provide for permits for incidental take (USFWS 1996b). The Service’s regulations provide for a number of permits to authorize otherwise prohibited actions under the MBTA. Refer to 50 CFR Part 21, subparts C and D.

Most new transmission line projects in Utah achieve compliance with MBTA by designing transmission lines to avoid unintentional take of migratory birds, coordinating with USFWS, minimizing effects on migratory bird habitats, and avoiding actions that could result in take of migratory birds. Some public utilities obtain special purpose permits from USFWS to remove problematic migratory bird nests from infrastructure that they operate as a component of the company’s regular operation. However, removal of nests from existing transmission lines is rare in Utah and requires strict reporting and coordination with USFWS and is generally not a component of developing new transmission lines.

Pre-construction surveys are recommended prior to any ground-disturbing activities in connection with a project that occurs during the avian breeding season (as determined by USFWS, but peak nesting activity generally occurs between April and August) to avoid impacts on active nests and breeding birds and to avoid “incidental take” under the MBTA. The USFWS Utah Ecological Service Field Office has published *Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck 2003) which should be followed for all projects. If construction and ground-disturbing activities occur outside the breeding season, pre-construction bird surveys are not necessary. Coordination with the USFWS Region 6 Office (as well as the Utah Ecological Services Field Office) should be initiated for electric transmission projects prior to construction for further guidance, and recommendations for any breeding bird surveys as part of due diligence to avoid impacts on nesting migratory birds.

Additionally, new transmission lines should be designed and sited to minimize the risk of incidental bird mortality due to collisions with or electrocution by transmission lines. Methods and guidelines that the electric generation and transmission industry can apply to reduce bird mortality resulting from industry facilities include development of an Avian Protection Plan in accordance with existing guidelines (Edison Electric Institute-USFWS 2005). Additionally, the APLIC has published documents including *Suggested Practices for Avian Protection on Power Lines* (APLIC 2006) and *Reducing Avian Collisions with Power Lines* (APLIC 2012) which provide best-practices with specific guidance for bird collisions with power lines based on the most current published science

and technical information. Guidance included in these documents should be followed for all transmission line developments.

A summary of recommended measures for compliance with the MBTA on both public and private property include:

- Coordination with USFWS Utah Ecological Services Field Office prior to construction,
- Pre-construction surveys prior to any ground disturbing activities during avian breeding season (generally between April and August),
- Adherence to USFWS recommendations for avoidance of active nests and breeding birds,
- Development of an Avian Protection Plan, and/or
- Siting and design of new transmission lines to meet APLIC guidelines.

National Wildlife Refuges

Regulatory Framework and Application to Electric Transmission Lines

The Secretary of the Interior may permit the use of any area in the NWR System so long as the use is deemed “compatible” with the primary purposes for which the refuge was established and the goals of the NWR System (16 U.S.C. 668dd).

There are three NWRs in Utah.

- Bear River Migratory Bird Refuge
- Fish Springs NWR
- Ouray NWR

Key Steps for Obtaining a Permit

Transmission lines are unlikely to be viewed as compatible uses of NWR lands by USFWS and these areas should be avoided during early planning for new transmission lines if possible. If avoidance is not possible, acquisition of the right-of-way and use authorization requires a Compatibility Determination, completed by the USFWS, and submittal of an application for Special Use Permit to Cross Federal Lands using SF-299. The issuance of permits and right-of-way 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, the USFWS determines the appropriate fee and would notify the applicant in writing.

The timeline for compatibility determinations and right-of-way permits are dependent on the level of NEPA compliance required for a specific project. Comprehensive conservation plans and step-down management plans may also be required to complete the compatibility determination and could be completed concurrently with the NEPA process. Compatibility determinations are an integral part of the USFWS decision about refuge uses; however, it is important to note that compatibility is only one of many factors the USFWS takes into account when considering allowing or not allowing a refuge use. According to USFWS guidance, many compatibility determinations will be completed as part

of the NEPA process (USFWS 2013). A detailed illustration of the compatibility determination process can be found on the USFWS website (<http://www.fws.gov/policy/e1603fw2.pdf>).

It is reasonable to assume that any compatibility determinations or right-of-way permits for electric transmission projects that are required by USFWS would be completed through the NEPA process, and subject to the NEPA compliance timeline.

TABLE 2-9 KEY STEPS FOR OBTAINING A NATIONAL WILDLIFE REFUGE PERMIT	
Step	Responsible Party
Application for Special Use Permit to Cross Federal Lands (SF-299)	Applicant
Compatibility determination (may be part of National Environmental Policy Act [NEPA] process)	U.S. Fish and Wildlife Service
Right-of-way grants may trigger additional NEPA requirements	U.S. Fish and Wildlife Service
U.S. Fish and Wildlife Service determines appropriate fee	U.S. Fish and Wildlife Service

2.8.5 National Park Service

The NPS is a bureau of the USDI. The NPS manages the 401 parks of the National Park System and helps administer dozens of affiliated sites such as the National Register of Historic Places, National Heritage Areas, National Wild and Scenic Rivers, National Historic Landmarks (NHL), and National Trails (NPS 2013).

CONTACT INFORMATION

Address: Regional Director
National Park Service
12795 Alameda Parkway
Denver, CO 80225

Phone: (303) 969-2500

Website: <http://www.nps.gov/index.htm>

Regulatory Framework and Application to Electric Transmission Lines

In Utah, NPS manages the National Parks, National Monuments, trails, recreation areas, and historic sites listed in Table 2-10. NPS has overall authority for managing the NHL and the National Natural Landmarks (NNL) programs as well. Direct oversight is vested with the landowner or respective land-management agency, but NPS has responsibility for broad programmatic oversight. There are 14 NHLs in Utah and 4 NNLs.

**TABLE 2-10
NATIONAL PARKS, NATIONAL MONUMENTS, TRAILS, RECREATION AREAS, AND HISTORIC SITES**

Classification	Site
National Parks	Arches National Park
	Bryce Canyon National Park
	Canyonlands National Park
	Capitol Reef National Park
	Zion National Park
Trail	California Trail
	Mormon Pioneer Trail
	Old Spanish Trail
	Pony Express Trail
National Monument	Cedar Breaks National Monument
	Dinosaur National Monument
	Hovenweep National Monument
	Natural Bridges National Monument
	Rainbow Bridge National Monument
	Timpanogos Cave National Monument
National Recreation Area	Glen Canyon National Recreation Area
National Historic Site	Golden Spike National Historic Site
National Historic Landmark	Alkali Ridge
	Bingham Canyon Open Pit Copper Mine
	Bryce Canyon Lodge and Deluxe Cabins
	Central Utah Relocation Center (Topaz)
	Danger Cave
	Desolation Canyon
	Emigration Canyon
	Fort Douglas
	Mountain Meadows Massacre Site
	Old City Hall
	Quarry Visitor Center
	Reed O. Smoot House
	Temple Square
Brigham Young Complex	
National Natural Landmark	Cleveland-Lloyd Dinosaur Quarry
	Little Rockies
	Neffs Canyon Cave
	Joshua Tree Natural Area

Key Steps for Obtaining a Permit

Federal law gives NPS authority to grant easements for rights-of-way for “electric poles and lines for transmission and distribution of electric power” up to 200 feet on either side of the centerline (15 U.S.C. 5). A transmission line right-of-way 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 on 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 permits or disallows some forms of rights-of-way. 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 rights-of-way or widen or lengthen any existing rights-of-way 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 right-of-way 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 U.S.C. 5 are discretionary and conditional on a finding by NPS that the proposed use will not cause impacts on park resources, values, or purposes found in enabling legislation or 15 U.S.C. 1 (Management Policies 2006).

TABLE 2-11 KEY STEPS FOR OBTAINING A NATIONAL PARK SERVICE (NPS) PERMIT	
Step	Responsible Party
The application process would begin when the park receives a letter from a project applicant 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 in the viewshed of a park boundary or the operation may affect night skies.	Applicant
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.	Applicant
NPS staff will conduct a compliance analysis to evaluate the proposed project’s adherence to laws and other compliance requirements (such as National Environmental Policy Act [NEPA] and National Historic Preservation Act [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 right-of-way 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

**TABLE 2-11
KEY STEPS FOR OBTAINING A NATIONAL PARK SERVICE (NPS) PERMIT**

Step	Responsible Party
<p>NPS staff will issue a compatibility determination and draft permit, including terms and conditions necessary to protect park resources and values. New right-of-way 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.</p>	<p>NPS</p>
<p>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 on “tangible and intangible worth” of NPS lands or facilities. In addition, there are three other payments associated with right-of-way applications:</p> <ul style="list-style-type: none"> • Application Charge, which varies based on the length of the proposed line: <ul style="list-style-type: none"> ▪ \$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 right-of-way 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: <ul style="list-style-type: none"> ▪ \$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. • For non-linear projects, \$100 for each 40 acres or fraction thereof (36 CFR 14.22). 	<p>NPS</p>
<p>Once the application has been submitted, the agency would determine the appropriate fee and would notify the applicant in writing.</p>	<p>NPS</p>
<p>The permit would take 60 days to process from the time that the application is deemed complete.</p>	

2.9 U.S. Department of Transportation

2.9.1 Federal Aviation Administration

The Federal Aviation Administration (FAA) oversees the safety of civil aviation. The safety mission of the FAA is first and foremost and includes the issuance and enforcement of regulations and standards related to the manufacture, operation, certification and maintenance of aircraft.

The FAA, which operates a network of airport towers, air route traffic control centers, and flight service stations, develops air traffic rules, allocates the use of airspace, and provides for the security control of air traffic to meet national de-

fense requirements. Other responsibilities include the construction or installation of visual and electronic aids to air navigation and promotion of aviation safety internationally. The FAA, which regulates and encourages the U.S. commercial space transportation industry, also licenses commercial space launch facilities and private sector launches (FAA 2013).

Regulatory Framework and Application to Electric Transmission Lines

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.

CONTACT INFORMATION

Address: Federal Aviation Administration
Northwest Mountain Region, Denver Airports
District Office (Colorado, Utah, Wyoming)
26805 East 68th Avenue,
Suite 224
Denver, CO 80249-6361

Phone: (303) 342-1261

Website: <http://www.faa.gov/>

Once the specific locations of electric transmission 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 Evaluations/ Airport Analysis website or by U.S. mail. No fee is required to submit Form 7460-1 or to have the FAA review the submittal.

Note: Microwave communication towers are sometimes utilized in electric transmission systems for communications. If microwave communication facilities are included in an electric transmission project, then the applicant would be required to include them in the FAA 7460-1 application. Also applicants may be required to submit one Application for Antennal Structure Registration for each microwave tower to the FCC.

Key Steps for Obtaining a Permit

TABLE 2-12 KEY STEPS FOR OBTAINING A FEDERAL AVIATION ADMINISTRATION (FAA) PERMIT	
Step	Responsible Party
Determine location of transmission structure	Applicant
Complete Notice of Criteria Tool to determine which transmission structures may affect navigable airspace	Applicant
Notify the FAA, using Form 7460-1 (Notice of Proposed Construction or Alteration) online or by mail	Applicant

**TABLE 2-12
KEY STEPS FOR OBTAINING A FEDERAL AVIATION ADMINISTRATION (FAA) PERMIT**

Step	Responsible Party
Review of each notice to determine if the structure will be a hazard or non-hazard to air navigation. Applicant will ultimately receive a letter with a "Determination of No Hazard to Air Navigation." This letter will outline all requirements and expirations for each structure submitted. Some structures may initially be determined as a hazard or require further study. The applicant must work with the FAA to resolve.	Federal Aviation Administration
NOTE: A supplemental form 7460-2 (Notice of Actual Construction or Alteration) may be required based on FAA review. Review is based on project type and number of structures. 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.	

2.9.2 Federal Highway Administration

The Federal Highway Administration (FHWA) in the U.S. Department of Transportation is the agency that supports state and local governments in the design, construction and maintenance of the Nation's highway system.

Regulatory Framework and Application to Electric Transmission Lines

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.

Utility Permit/Road Crossing Permit, Federal Highway Administration

The Utah Department of Transportation (UDOT) has authority from FHWA for utility accommodation policies for federal-aid highways that must be approved by the 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. When a utility applies for a permit to occupy a federal-aid

highway, UDOT 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 2000).

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 individual project-related clearances from the FHWA division office are not needed.

CONTACT INFORMATION

Address: Utah Division Federal Highway Administration
2520 West 4700 South
Salt Lake City, UT 84129
Phone: (801) 955-3500
Website: <http://www.fhwa.dot.gov/utdiv/>

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 right-of-way or other lands acquired or improved with federal-aid or direct federal highway funds and are located in 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 U.S.C. 138, scenic strips, overlooks, rest areas, and landscaped areas.

UDOT may permit exceptions provided the following conditions are met:

- New underground or aerial installations may be permitted only when they do not require extensive removal or alteration of trees or terrain features visible to the highway user or impair the aesthetic quality of the lands being traversed.
- Aerial installations may be permitted only when:
 - Other locations are not available or are unusually difficult and costly, or are less desirable from the standpoint of aesthetic quality.
 - Placement underground is not technically feasible or is unreasonably costly, and
 - 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.

Refer to Chapter 3.5, for permitting steps required in the state of Utah.

2.10 U.S. Environmental Protection Agency

The EPA's mission is to protect human health and the environment. This mission is accomplished by developing and enforcing regulations, giving grants to state environmental programs and non-profits, studying environmental issues, sponsoring partnerships with other organizations, environmental education, and publishing information about the activities within the EPA.

For transmission projects that require an EIS, the EPA reviews and comments on EISs prepared by other federal agencies, maintains a national filing system for all EISs, and assures its own actions comply with NEPA. The EPA regulates many aspects of the environment. The two main regulations for which a transmission line project will be reviewed by the EPA are the CAA and CWA. In some specific cases, the EPA has delegated authority for administration of certain sections of the CWA to the state.

CONTACT INFORMATION

Address: U.S. Environmental Protection Agency
Region 8, 80C-EISC
1595 Wynkoop St.
Denver, CO 80202-1129

Phone: (303) 312-6312

Website: <http://www2.epa.gov/aboutepa/epa-region-8-mountains-and-plains>

The EPA Region VIII office in Denver, Colorado, is responsible for enforcement of the CWA for the state of Utah. EPA is generally given an opportunity to review and comment on CWA permits administered by USACE or the state. 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.

Regulatory Framework Applicable to Electric Transmission Lines

Clean Air Act (42 U.S.C. § 7401 et seq. [1970]) (in Utah administered by DEQ, Division of Air Quality)

The Utah Division of Air Quality (DAQ) is responsible for issuing permits for any operation that emits any contaminant into the air. Currently there is no permit or direct approval required from the DAQ for discharges of fugitive dust. A fugitive dust control plan is an item commonly included in a Storm Water Pollution Prevention Plan (SWPPP). Refer to Chapter 3.3.2 for further information.

Clean Water Act (33 U.S.C. 1342 and 1344) (in Utah administered by DEQ, Title 19, Chapter 5 for Section 401 and Section 402 permits)

Section 401 of the CWA is the regulatory section of the Act for federal actions for Water Quality Certifications, and Section 402 of the CWA is the regulatory section of the Act that protects Waters of the U.S. from discharges resulting from municipal, industrial, agricultural activities.

The National Pollutant Discharge Elimination System (NPDES), sometimes administered directly by the EPA, has been delegated to the Utah Division of Water Quality (DWQ). The DWQ is responsible for reviewing applications, issuing permits, and monitoring compliance of municipal and industrial developments permitted under the Utah Pollutant Discharge Elimination System (UPDES). Refer to Chapter 3.3.2 for detailed information related to DWQ permit requirements.

CHAPTER 3 - STATE PERMITTING AND REGULATORY REQUIREMENTS

The applicable state permitting and regulatory requirements required for construction and operation of an electric transmission line in Utah are organized by authorizing agency and/or regulatory framework in Table 3-1. The specific requirements of each state agency are discussed in this section.

3.1 Governor's Public Lands Policy Coordination Office

Over 64 percent of lands within Utah are managed by the federal government (SITLA 2009). Another 10 percent of lands within Utah are managed by state government. The PLPCO coordinates the state's interests on public lands issues and acts to ensure that state and local interests are considered in the management of public lands.

CONTACT INFORMATION

Address: Governor's Public Lands Policy Coordination Office
P.O. Box 41107
Salt Lake City, UT 84114
Phone: (801) 537-9801
Website: <http://governor.utah.gov/publiclands/>

PLPCO's other main responsibility is, in cooperation with the Division of State History, to ensure that surveys and excavations of the state's archaeological and anthropological resources are undertaken in a coordinated, professional, and organized manner through administration of the state archaeological survey and excavation permitting system (PLPCO 2013a). There are no formal permits required through PLPCO.

3.1.1 Resource Development Coordination Committee

The Resource Development Coordination Committee (RDCC) is a clearinghouse for information on activities affecting state and public lands throughout Utah. The RDCC includes representatives from the state agencies that are generally involved or impacted by public lands management. The RDCC coordinates the review of technical and policy actions that may affect the physical resources of the state and facilitates the exchange of information on those actions among federal, state, and local government agencies (PLPCO 2013b).

The RDCC has the following function in relation to electric transmission lines.

- Assists the state planning coordinator with the development and implementation of a procedure which will expedite the review of proposed energy and industrial facilities that require permits to be issued by more than one state agency.

3.2 State of Utah School and Institutional Trust Lands Administration

The SITLA—an independent agency of state government—was established to manage lands that Congress granted to the State of Utah for the support of common schools and other beneficiary institutions, under the Utah Enabling Act.

**TABLE 3-1
STATE PERMITTING AND REGULATORY REQUIREMENTS**

Main Agency	Regulatory Framework	Study/Permit/Consultation
Governor's Public Lands Policy Coordination Office – Resource Development Coordinating Committee	Utah Administrative Code (UAC) Sections 63J-4-501 and 62J-4-504	No formal permit required. Consultation – coordinates review of state permitting process.
State of Utah School and Institutional Trust Lands Administration	UAC, Title R850	Easement onto state lands
	UAC Title 65A	Right-of-entry application and approval
	U.S.C. 63-73-11 through 63-73-19	Permit to excavate and collect paleontological resources from state land
Utah DEQ	Clean Water Act	Section 401 Permit - Water Quality Certification Section 402 – Utah Pollutant Discharge Elimination System Permit
DEQ – Division of Air Quality	Clean Air Act	Fugitive Dust Plan Approval
Utah Department of Natural Resources (DNR) – Division of Forestry, Fire, and State Lands	UAC Title 65A	Right-of-entry application and approval
	UAC Sections 65A-7-8 and 652-40	Easement onto state lands
DNR – Division of Water Rights	UAC Section 73-3-29	Stream Alteration Permit
DNR – Division of Wildlife Resources	UAC R657-28-23	Easement for use of state wildlife resource lands
DNR – State Parks and Recreation	UAC Section 63-11-10.3	Agreement for granting and maintenance of easements or rights-of-way across park lands
Utah Department of Transportation	UAC Section 72-7-102	Encroachment permit
Utah Reclamation Mitigation and Conservation Commission	Central Utah Project; Completion Act of 1992 (P.L.12-575)	The Mitigation Commission is responsible for designing, funding and implementing projects to offset the impacts on fish, wildlife and related recreation resources caused by Central Utah Project and other federal reclamation projects in Utah.
Utah Public Service Commission	UAC Title 54 and Title 11	Certificate of Public Convenience and Necessity
Utah State Historic Preservation Office	UAC 9-8-404	Section 106 Consultation (refer to Advisory Council on Historic Preservation section in Table 2-1)

The State of Utah expressly accepted this grant in the Utah Constitution, thereby creating a compact between the federal and state governments which imposes upon the State a perpetual trust obligation to which standard trust principles are applied.

Title to these trust lands is vested in the State as trustee to be administered for the financial support of the trust beneficiaries. The trust principles impose fiduciary duties upon the State, including a duty of undivided loyalty to, and a strict requirement to administer the trust corpus for the exclusive benefit of, the trust beneficiaries.

CONTACT INFORMATION

Address: State of Utah Institutional Trust Lands Administration
675 East 500 South, Suite 500
Salt Lake City, UT 84102

Phone: (801) 538-5100

Website: <http://trustlands.utah.gov/home/index.html>

As trustee, the SITLA must manage the lands and revenues generated from the lands in the most prudent and profitable manner possible, and not for any purpose inconsistent with the best interest of the trust beneficiaries. The trustee must be concerned with both income for the current beneficiaries and the preservation of the trust corpus for future beneficiaries, which requires a balancing of short and long-term interests so that long-term benefits are not lost in an effort to maximize short-term gains. The beneficiaries do not include other governmental institutions or agencies, the public at large, or the general welfare of the State (SITLA 2013).

3.2.1 Easement and Right-of-Entry

Regulatory Framework and Application to Electric Transmission Lines

Easement

Easements issued by SITLA are governed by the administrative rules of the administration (Utah Administrative Code [UAC], Title R850). For rules pertaining specifically to easements, refer to administrative rules under R850-40, *Easements*.

Right-of-Entry

A right-of-entry permit allows commercial use or other types of land uses to occur on Utah’s trust land on a short-term basis (normally, 1-year or less).

Key Steps for Obtaining an Easement or Right-of-Entry

TABLE 3-2 KEY STEPS FOR OBTAINING A SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION EASEMENT OR RIGHT-OF-ENTRY	
Step	Responsible Party
Easement	
Submit and Easement Application to the School and Institutional Trust Lands Administration (SITLA). The application is available online at www.utahtrustlands.com/forms , or by contacting the administration at 801-538-5100.	Applicant

**TABLE 3-2
KEY STEPS FOR OBTAINING A SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION
EASEMENT OR RIGHT-OF-ENTRY**

Step	Responsible Party
Submit a letter detailing the intended use of the easement and other pertinent project details.	Applicant
Submit a map detailing the location of the easement.	Applicant
Submit a metes and bounds legal description of the easement corridor, including the desired width of the corridor.	Applicant
A meeting with the applicant or a site visit may be necessary to discuss details of the proposal.	Applicant/SITLA
On receipt of the application, the administration will undertake a 15-day preliminary review of the application. At the end of this review period, the Director will make a determination of whether to accept or reject the application.	SITLA administration and Director
The applicant will be informed of the Director's determination at the end of the initial review period. If the application is accepted, a non-refundable \$750.00 application fee is due. Please note that the Director's initial acceptance of the application does not imply final approval of the easement.	SITLA administration
Other Reviews/Requirements	
Review by the Resource Development Coordinating Committee (RDCC): Most easement applications will require review by the state RDCC. During the initial 15-day review period mentioned above, a determination will be made as to whether the application requires review by the RDCC. The RDCC review requires 30 days and gives local government and other state and federal agencies the opportunity to review the easement application and submit comments regarding the application to the Trust Lands Administration. The applicant will be informed of any comments or additional requirements at the end of this review period.	RDCC
Cultural Resources (Archaeological) Survey: During the administration review period, a determination will be made as to whether the proposed easement will require a survey for cultural resources and whether special accommodations will need to be made for cultural resources in the proposed project area. If a cultural resource survey is required, it is the responsibility of the applicant to obtain this survey and bear all costs associated with the survey. The applicant should contact the SITLA staff archeologist for more information regarding cultural resources on Trust Lands.	SITLA administration/ Applicant

**TABLE 3-2
KEY STEPS FOR OBTAINING A SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION
EASEMENT OR RIGHT-OF-ENTRY**

Step	Responsible Party
Paleontological Resources Survey: If the proposed easement is located in an area where potential paleontological resources may exist, the Utah Geological Survey will often require that a paleontological survey be conducted. The Utah Geological Survey will notify the Trust Lands Administration if such a survey will be required during the RDCC review process. If a paleontological survey is required, it is the responsibility of the applicant to obtain the survey and bear all costs associated with the survey.	Utah Geological Survey/Applicant/RDCC
Other Requirements: Occasionally environmental, wildlife, or other concerns will arise during the above-mentioned review processes that will need to be resolved prior to final approval of the easement application. If any of these concerns arise, the applicant will be promptly notified.	SITLA administration
Right-of-Entry	
File application with non-refundable \$50.00 application fee	Applicant
Provide brief outline of proposed activities and include a map of the project area	Applicant
Submit insurance naming SITLA as co-insured	Applicant
Pay permit and processing fees	Applicant
<p>NOTES: There are three separate fees: an application fee, an easement fee, and an administrative fee, that will be charged to the applicant to obtain an easement.</p> <p>An easement is typically issued for a maximum term of 30 years.</p> <p>Processing requirements include cultural resource surveys, review by local government, and a 30-day review by the RDCC. General turn-around time for an easement application is within 90 days</p> <p>From the time of the application, the permit will likely require 2 to 8 weeks to process and issue.</p>	

On satisfactory completion of all application requirements and payment of the required fees, the application will be submitted to the Director for approval. The approval is documented on the Director’s agenda, which documents official agency actions. The Director’s agenda is typically issued every Monday for all official agency actions occurring during the previous week.

On approval of the application on the Director’s agenda, the Trust Lands Administration will prepare an easement agreement for execution. Two copies of the agreement will be sent to the applicant for execution, which must both be returned to the administration within 60 days. The Director will then execute both copies, and one original will be returned to the applicant. On execution of the agreement by the Director, it becomes a binding contract between SITLA and the applicant.

There are no SITLA requirements to submit an applicant appraisal of the land.

There are no fees due at the time of an application. Once the application is internally reviewed, SITLA will inform the applicant of the required fees. SITLA has geographical information systems (GIS) data that tracks land ownership in the state. SITLA encourages the use of this data when applying for rights-of-entry and easements.

3.3 Utah Department of Environmental Quality

The DEQ's mission is to safeguard public health and the quality of life of Utah's residents and visitors by protecting and enhancing the environment. The department implements state and federal environmental laws and works with individuals, community groups, and businesses to protect the quality of Utah's air, land, and water.

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CONTACT INFORMATION

Address: Utah Department of Environmental Quality
195 North 1950 West
Salt Lake City, UT 84111
Phone: (801) 536-4400
Website: <http://www.deq.utah.gov/>

The DEQ regulations are contained in Title 19, Chapters 1-10, Utah Code. In addition, federal regulations administered by the EPA are also relevant to permissions and protections administered by the DEQ.

New or expanding transmission line projects may need to obtain various environmental permits through the DEQ and subsidiary divisions before construction

begins. Permits are required for activities that could adversely affect the environment. These activities will be regulated if any activity could release pollutants to the air, land, or water or if there is the need to store, treat, or dispose of hazardous or solid wastes. Permits that could be required for construction of new electric transmission projects could include, but are not limited to the following:

- Air quality permits,
- Discharge permits,
- Hazardous waste permits,
- Solid waste permits,
- Underground storage tank permits,
- Used oil permits, and
- Water quality permits.

The two most pertinent regulations and permitting requirements for a transmission line project are air quality and water quality. The steps for compliance for each are listed below and in the following tables.

3.3.1 Air Quality

The Department of Air Quality (DAQ) is responsible for issuing permits for any operation that emits any contaminant into the air. Such permits will often set limits on the amount of a contaminant that can be released, the amount of material that can be processed, or how dark a smoke plume can be.

Currently there is no permit or direct approval required from the DAQ for discharges of fugitive dust. A fugitive dust control plan is an item commonly included in a SWPPP. The following web page has more information:

<http://www.airquality.utah.gov/Permits/FORMS/2013/March/Draft%20FDCP%20Instructions%2012-12.pdf>

Key Steps for Air Quality Compliance

TABLE 3-3 KEY STEPS FOR AIR QUALITY COMPLIANCE	
Step	Responsible Party
Develop a plan (on-line or by hand) and submit it to DAQ.	Applicant
The plan is reviewed by DEQ staff, and if they find deficiencies, the applicant will be informed.	DEQ staff
If deficiencies are identified, DEQ staff will suggest how to improve the plan.	DEQ staff

Appropriate staff members from the DEQ will review fugitive dust plans submitted to the division. The DAQ staff will review the fugitive dust plan in conjunction with a SWPPP for compliance with Sections 401 and 402 of the CWA.

Submit fugitive dust plans to the DAQ staff with enough time for staff to review prior to beginning construction. Where fugitive dust plans are incorporated into a project SWPPP, the same timing applies as mentioned above in the DWQ section.

Resources and information regarding the Utah Air Quality Division, rules, and permits can be found at the following website: <http://www.airquality.utah.gov/>

3.3.2 Water Quality

As previously mentioned in Section 2.10, administration of the NPDES has been delegated to the DWQ through the UPDES.

Section 401 – Water Quality Certification

A Section 401 Water Quality Certification is required for projects permitted under the CWA for any activity affecting waters under the jurisdiction of the USACE. For the definition of which waters are considered jurisdictional waters of the U.S., refer to 33 CFR Ch. II 328.3. A Section 401 certification is also required for activities permitted under the State Stream Alteration Program and/or the UPDES. Water Quality Certifications are maintained and issued through the DWQ. Water Quality Certifications are updated every 5 years for specific waters and regions and are issued for specific activities on a project-by-project basis.

Section 402 – Construction General Permits

In the case of Section 402 discharge permits, if it is determined that a discharge will be allowed, the DWQ will develop any needed UPDES permits for public notice following the normal permit issuance process. The DWQ issues a number of permits commonly referred to as Construction General Permits (CGP) that could be applicable to transmission line projects. These include, but are not limited to, the following:

- Groundwater permits,
- Indirect discharges (to municipal sanitary sewers),
- Operating permits,
- Pesticide application general permit,
- Storm water permits,
- Surface water discharge permits, and
- Underground injection control permits.

Descriptions of these permits and application requirements can be located at <http://www.waterquality.utah.gov/permits/index.htm>.

Key Steps for Obtaining Construction General Permits

Where DWQ is the permitting authority (on UPDES permits), the project applicant is required to apply for and be issued a CGP, which outlines a set of guidelines construction operators must follow to comply with the requirements of UPDES as well as any specific regulations that may be in place to protect or improve the integrity of a waterbody (i.e., those waters listed under Section 303(d) of the CWA as impaired waters or waters known to support special status fish and/or wildlife species). The CGP covers any site 1 acre and larger, including smaller sites that are part of a larger common plan of development. CGPs are typically updated every 5 years. CGPs are transferable and extendable.

Development activities requiring UPDES permits are required by regulations to have a SWPPP that identifies potential sources of pollution and describes methods by which a facility can reduce the potential for pollutants to be discharged to waters of the State and maintain compliance with permit conditions (i.e., sediment, spill, shock, fire, and stabilization best management practices). The plan must be developed and implemented within 12 months of issuance of the NPDES permit at which point surface disturbing activities can commence. Typically, a SWPPP is developed and submitted with the CGP application. The SWPPP must be located on-site and should be used as a maintenance log to provide evidence that the Project has been in compliance with UPDES. An operator is required to maintain a copy of the SWPPP for 2 years following completion of the development. Stipulations for the preparation and content of a SWPPP, as well as monitoring obligations and maintenance schedules are available online on the DWQ website.

Operators of construction sites permitted under the UPDES are required to submit a Notice of Intent (NOI) to obtain permit coverage. Submission of a complete and accurate NOI is the formal application for permit coverage under a CGP. In some cases, the DWQ specifically notifies the discharger that an

Individual Permit application must be submitted. The preferred method of transmission of the NOI is via the DWQ website.

The DWQ has 7 days to review an NOI and permit application. The permit is considered to be issued on the date application for permit coverage is received at the DWQ office. The DWQ does not send a formal verification of permit coverage, rather, permit coverage is announced in the Federal Register, and it is the responsibility of the operator to document permit verification in the SWPPP. The permit will be effective for 2 years from that date, ending at midnight on the anniversary of publication. Once a permit has expired, the operator is eligible for an extension. Following completion of a project, the operator is required to submit a Notice of Termination (NOT) for project closure within 30 days of final stabilization.

Key Steps Required for Coverage under the Utah Pollutant Discharge Elimination System

TABLE 3-4 KEY STEPS REQUIRED FOR COVERAGE UNDER THE UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM	
Step	Responsible Party
Identify the appropriate permit needed for the type of work being done.	Applicant
Identify and document environmental or cultural resources on site	Applicant
Identify if any federal permits are required (Historic Properties Treatment Plan, Section 404 Permit(s), etc.)	Applicant
Develop a SWPPP	Applicant
Submit NOI	Applicant
Department of Water Quality (DWQ) reviews Notice of Intent (NOI) package and determines if permit coverage can be issued	DWQ
DWQ Issues CGP and general conditions	DWQ
Maintain best management practices and log construction activities in the Storm Water Pollution Prevention Plan (SWPPP)	Applicant
Stabilize disturbed areas following completion of ground disturbing activities	Applicant
File Notice of Termination	Applicant
Review of Notice of Termination (NOT) and inspection of SWPPP and site stability	DWQ
Permit termination	DWQ
NOTE: DWQ Review of NOI is seven days. Permit Coverage is 2 years from time the NOI is published to the Federal Register. DWQ Review of NOT and verification of "final stabilization" is 30 days following NOT.	

Resources for permitting through the UPDES and working with Utah DWQ can be found at <http://www.waterquality.utah.gov/UPDES/stormwater.htm>.

3.4 Utah Department of Natural Resources

The Utah Department of Natural Resources (DNR) is composed of seven divisions (Forestry, Fire, and State Lands; Water Rights; Wildlife Resources; State Parks and Recreation; Oil, Gas, and Mining; Water Resources; and Geological Survey). The following sections outline the requirements of each of these divisions with the exception of Oil, Gas, and Mining; Water Resources; and Geological Survey, as these agencies are not responsible for permitting or regulating transmission lines in Utah. The DNR is responsible for ensuring that Utah’s natural resources are protected, conserved, and used wisely for the benefit of the citizens of the state.

3.4.1 Division of Forestry, Fire, and State Lands

The FFSL manages, sustains, and strengthens Utah’s forests, rangelands, sovereign lands, and watersheds for its citizens and visitors (FFSL 2013a).

Regulatory Framework and Application to Electric Transmission Lines

For sovereign land management, Utah Statute Section 65A-7-8 authorizes the FFSL to establish rules for the issuance of easements on, through, and over any sovereign land, and to establish price schedules for this use. According to Section R652-40-300, “Easements across sovereign lands may be acquired only by application and grant made in compliance with these rules and the laws applicable thereto. No easement or other interest in sovereign lands may be acquired by pre-

scription, neither by adverse possession, nor by any other legal doctrine except as provided by statute. All applications shall be made on division forms. The filing of an application form is deemed to constitute the applicant’s offer to purchase an easement under the conditions contained in the conveyance document and these rules” (FFSL 2013b). A right-of-entry may also be required.

Key Steps for Obtaining a Permit

**TABLE 3-5
KEY STEPS FOR OBTAINING A DIVISION OF FORESTRY, FIRE,
AND STATE LANDS (FFSL) PERMIT**

Step	Responsible Party
Leases, Permits and Easements	
Application is submitted to the FFSL office, with applicable fees (including a non-refundable application and advertising fees) during office hours.	Applicant

CONTACT INFORMATION

Address: Division of Forestry, Fire, and State Lands
1594 West North Temple, Suite 3520
Salt Lake City, UT 84114
Phone: (801) 538-5555
Website: <http://www.ffsl.utah.gov/ffsl.htm>

**TABLE 3-5
KEY STEPS FOR OBTAINING A DIVISION OF FORESTRY, FIRE,
AND STATE LANDS (FFSL) PERMIT**

Step	Responsible Party
On receipt, the FFSL will review the application for completeness. Applicants submitting incomplete applications will be provided a written notice and will be allowed 60 days to fix the deficiency. If not fixed within that 60-day time frame, the application will be denied.	FFSL
Application approval by the director constitutes acceptance of the applicant's offer.	FFSL Director
The easement will be executed by the applicant and returned to the division within 60 days from the date of the applicant's receipt of the written easement. Failure to execute and return the documents to the FFSL within 60 days will cause the easement to be revoked. Refer to http://www.rules.utah.gov/publicat/code/r652/r652-040.htm .	Applicant/FFSL
Rights of Entry (maximum of 1 year)	
Application is submitted to the FFSL office with applicable fees (including a non-refundable application fee) during office hours	Applicant
The FFSL staff will review the application for completeness and will allow 15 days from the date of mailing notice for any deficiencies in the application to be remedied.	FFSL
Application approval by the Director constitutes acceptance of the applicants offer. Refer to http://www.rules.utah.gov/publicat/code/r652/r652-040.htm .	FFSL Director
<p>NOTE: The easement will be executed by the applicant and returned to the division within 60 days from the date of the applicant's receipt of the written easement. Failure to execute and return the documents to the FFSL within 60 days will cause the easement to be revoked.</p> <p>The applicant will be granted an easement that would normally last for no more than a 30-year term. Longer or shorter terms can be granted on application if the director determines that such a grant is in the best interest of the beneficiaries.</p> <p>Rights-of-entry are typically granted for no more than a 1-year term. Longer terms can be granted based on written findings.</p>	

3.4.2 Division of Water Rights

The Utah Division of Water Rights (DWRi) administers the appropriation and distribution of the state's valuable water resources. In addition, the DWRi regulates dam safety, stream alterations, well drilling, and other programs. The mission of the DWRi is to provide order and certainty in the beneficial use of Utah's water. DWRi administers alterations to natural streams under terms of the Utah Code in conjunction with a PGP administered by the USACE (DWRi 2013).

Regulatory Framework and Application to Electric Transmission Lines

CONTACT INFORMATION

Address: State Engineer
Utah Division of Water Rights
1594 West North Temple, Suite 220
P.O. Box 146300
Salt Lake City, UT 84114

Phone: (801) 538-7240

Section 73-3-29 of the Utah Code requires any person, governmental agency, or other organization wishing to alter the bed or banks of a natural stream to obtain written authorization from the State Engineer prior to beginning work.

The Utah Stream Alteration Program was implemented in 1972 to protect the natural resource value of the state's streams and protect the water rights and recreational opportunities associated with them. In 1988

the USACE issued PGP-40, which allows an applicant to obtain both state approval and authorization under Section 404 of the CWA through a single application process. Although not all stream alteration activities qualify for approval under PGP-40, many minimal impact projects can be approved under this joint permit agreement.

Many areas of the state are administratively "closed" to new appropriations of water. In those areas, new diversions and uses of water are established by the modification of existing water rights. Such modifications are accomplished by the filing of "change applications." These applications are filed and processed in a manner very similar to those described for obtaining a temporary or permanent water appropriation.

Key Steps for Obtaining a Temporary or Permanent Water Appropriation

TABLE 3-6 KEY STEPS FOR OBTAINING A TEMPORARY OR PERMANENT WATER APPROPRIATION	
Step	Responsible Party
An application to appropriate water is filed with the Division of Water Rights (DWRi).	Applicant
Application is advertised and protests may be received and a hearing may be held.	Applicant
The State Engineer renders a decision on the application based on principles established in statute and by prior court decisions.	DWRi
If the application is approved, the applicant is allowed a set period of time in which to develop the proposed diversion and use water. ¹	DWRi
On verification of acceptably complete proof documentation, the State Engineer issues a Certificate of Appropriation, thus "perfecting" the water right.	Applicant
NOTE: ¹ When the diversion and use are fully developed, the applicant retains the services of a professional engineer or land surveyor who files "proof" documentation with the Division showing the details of the development.	

Key Steps for Obtaining a Stream Alteration Permit

**TABLE 3-7
KEY STEPS FOR OBTAINING A STREAM ALTERATION PERMIT**

Step	Responsible Party
Appropriate application processing fee payment.	Applicant
Provide site location map, 7.5 minute quadrangle map is recommended.	Applicant
Provide plan view and cross-sectional drawings. ¹	Applicant
Provide restoration plan.	Applicant
Provide ground photographs taken from various locations of the proposed disturbance area.	Applicant
If the proposed project involves bank stabilization or protection provide a narrative.	Applicant
The narrative will demonstrate that the proposed activity incorporates the least damaging bank protection methods. ²	Applicant
Division of Water Rights (DWRi) reviews the application.	DWRi staff
NOTES:	
¹ Plans and drawings must show all work requiring a permit, including fills, structures, borrow sites, staging areas, and storage areas. The drawings must clearly demarcate the ordinary high water mark of the waters of the U.S. to be affected. Professional drawings are not required; however, drawings must be scaled or indicate dimensions of the work to be completed.	
² These methods include, but are not limited to, the use of bioengineering, biotechnical design, root wads, large woody debris, native plantings, and beach nourishment in certain circumstances. If rock must be used due to site erosion conditions, explain how the bank stabilization structure incorporates elements beneficial to aquatic organisms.	

The decision maker for the state stream alteration permits would be the State Stream Alteration Engineer or the State Engineer's office staff as designated and the USACE/EPA for PGP-40 applications. For stream alteration permits the applicant works with the Dam Safety Section, and for water appropriation (temporary or permanent) the applicant works with the Water Rights Section.

For stream alteration permits, the DWRi processes applications within 20 days of receipt. The application is provided to other state and federal offices as appropriate (i.e., DWR if there are issues potentially related to fisheries or wildlife; USFWS if there any potential issues with species listed under the ESA, or SHPO for cultural or archeological resources) and unless any issues are identified, the DWRi staff will provide written response to the application.

Three to six months on average is required for applications to be processed for either temporary or permanent appropriations. If there is a protest and or a hearing this could slow down the process.

The DWRi has a Fact Sheet site that includes detailed instructions for completion of the stream alteration application process (<http://www.waterrights.utah.gov/strmalt/whitepapers/whitepaper02.pdf>)

The application for the new water appropriation is located at <http://www.waterrights.utah.gov/wrinfo/forms/ApplicationtoAppropriate.pdf>

The application for temporary appropriation is located at <http://www.waterri-ghts.utah.gov/wrinfo/forms/Temporaryapplication.pdf>

Stream Alteration Permit application forms are available at <http://www.waterri-ghts.utah.gov/strmalt/forms.asp>

Water Rights application process diagram is shown at <http://www.waterrights.utah.gov/wrinfo/policy/apschem.pdf>

3.4.3 Utah Division of Wildlife Resources

The DWR is part of the Utah DNR. The DWR is responsible for management and protection of Utah's wildlife and management of hunting and fishing opportunities in the state. To fulfill the agency's obligations, DWR also establishes and manages Wildlife Management Areas (WMAs) to provide nesting and migration habitats for waterfowl; secure and enhance critical foothill habitats for wintering big game; preserve fish and wildlife habitats along important stream corridors; and to provide access for fish and wildlife enthusiasts. (<http://wildlife.utah.gov/dwr/about-us.html>)

Regulatory Framework and Application to Electric Transmission Lines

CONTACT INFORMATION

Address: Utah Division of Wildlife Resources
Box 146301
Salt Lake City, UT 84114
Phone: (801) 538-4700
Website: <http://wildlife.utah.gov/dwr/>

The DWR is responsible for administering state statutes, codes, and plans related to wildlife within the state of Utah. Additionally, a right-of-way must be obtained from DWR for projects that cross WMAs. Utah statutes, codes, and plans related to DWR's role in managing Utah's wildlife that may apply to electric transmission lines include:

- UAC R657-48 directs the DWR to maintain a Utah Sensitive Species List that identifies plant and animal species (1) listed, or candidates for listing, pursuant to the ESA; (2) for which a conservation agreement is in place; or (3) whose population viability is threatened in Utah (i.e., wildlife species of concern). Timely and appropriate conservation actions implemented on behalf of species listed on the Utah Sensitive Species List will preclude the need to list these species under the provisions of the federal ESA.
- The Utah Comprehensive Wildlife Conservation Strategy (2005) is a comprehensive management plan designed to conserve native species populations and habitats in Utah, and prevent the need for additional federal listings.
- Utah State Code Section 23-14-1 directs the DWR to protect, propagate, manage, conserve, and distribute protected wildlife throughout the state. This statute also authorizes DWR to identify and delineate crucial seasonal wildlife habitats.
- Utah Partners in Flight Avian Conservation Strategy (Version 2.0) prioritizes avian species and their habitats and sets objectives designed to determine which species are most in need of immediate and continuing

conservation effort. The other purpose of the strategy is to recommend appropriate conservation actions required to accomplish stated objectives.

- Conservation Plan for Greater Sage-grouse in Utah (2013) establishes sage-grouse management areas within Utah and outlines conservation goals and objectives that apply within the management areas. The plan also addresses siting of electric transmission lines, establishes caps on new disturbance, and establishes requirements for mitigating unavoidable effects on sage-grouse within sage-grouse management areas.

Additionally, Utah Statute R657-28-23 Rights-of-Way Leases, Non-agricultural Leases of Division Lands, Special Use Permits – Application Procedures – Required Information – Conditional Approval is applicable to transmission line projects that cross WMAs or other DWR managed lands. The statute outlines the procedure that would need to be completed for a right-of-way lease to be granted across a Wildlife Management Area (WMA) or other DWR managed area.

Coordinating with Utah Division of Wildlife Resources for Electric Transmission Projects

Compliance with most statutes, codes, and plans for which DWR has administrative responsibility can be achieved through early and frequent coordination with DWR during the planning and development of an electric transmission line project. During early coordination activities, DWR can assist by providing technical assistance in identification of species and habitats of concern, by making recommendations regarding siting of projects to avoid sensitive habitats, developing best management practices and seasonal avoidance measures to reduce or avoid impacts on sensitive species, and development of species-specific mitigation plans, if applicable. For projects where avoidance of sensitive habitats is not possible, surveys for sensitive species may be recommended to determine locations where measures to reduce potential effects on sensitive species should be implemented.

Greater Sage-grouse

The Governor of the State of Utah approved the *Conservation Plan for Greater Sage-grouse Management in Utah* in April 2013. The Plan will remain in effect until June 2016 and may be amended or extended prior to that date. The Plan establishes sage-grouse management areas (Figure 3-1) and requires conservation measures to protect sage-grouse within management areas on most state and federally managed public lands in Utah. Compliance with the conservation measures on private, local government, and SITLA lands is voluntary though incentives are offered to encourage adoption of recommended conservation measures. For electric transmission lines within sage-grouse management areas, the Plan identifies the following siting requirement.

- Where feasible and consistent with federally required electrical separation standards, site new linear transmission features in existing corridors, or at a minimum, in concert with existing linear features in greater sage-grouse habitat.

The plan also establishes other conservation measures to protect sage-grouse in Utah, including a cap on new surface disturbance in sage-grouse habitats and seasonal avoidance of important habitats to protect sage-grouse. A copy of the plan, shapefiles, and maps of the sage-grouse management areas can be obtained from the DWR website (<http://wildlife.utah.gov/uplandgame/sage--grouse>). Early coordination with the DWR should occur for any electric transmission line proposed within sage-grouse management areas.

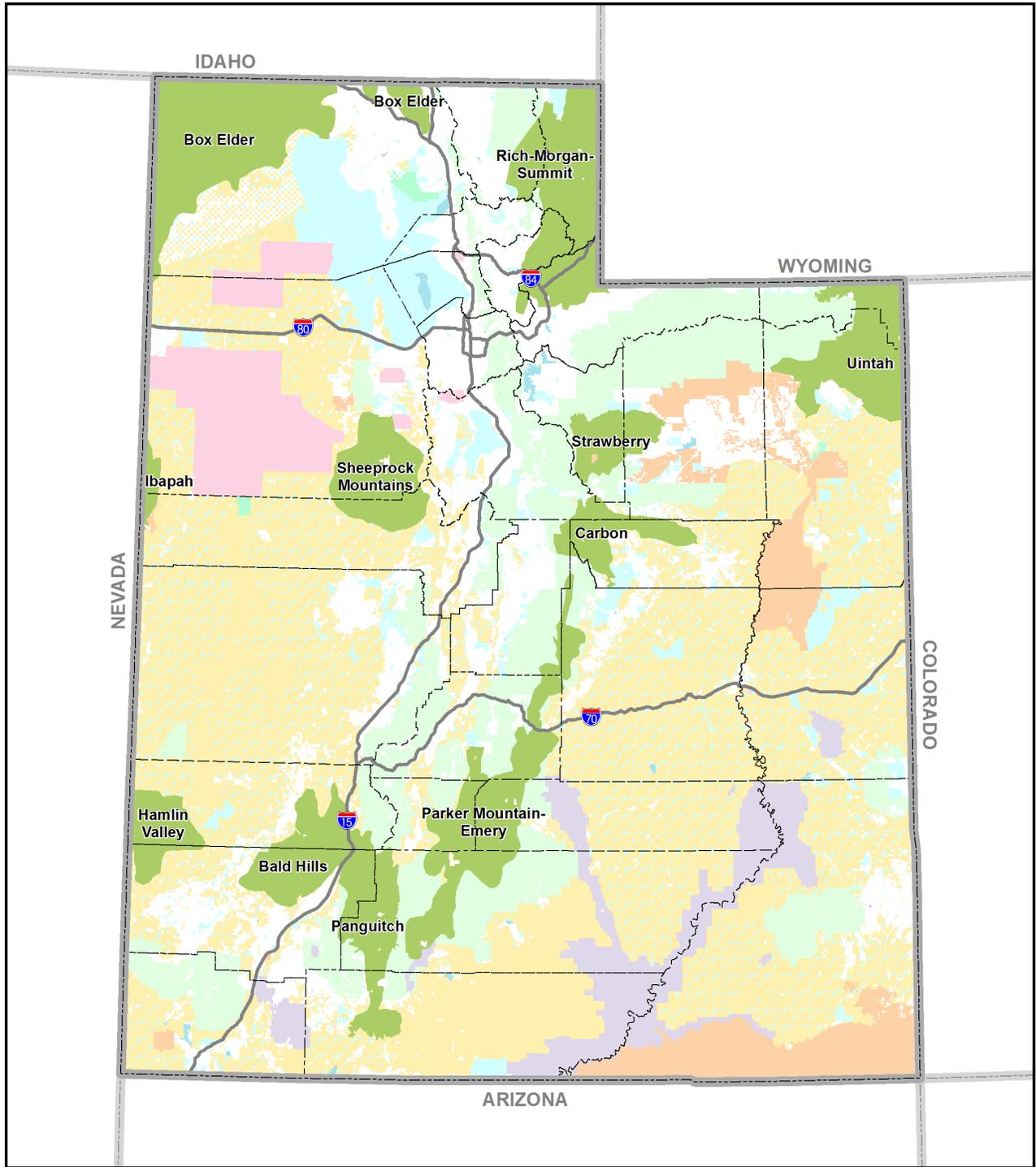
In addition to *Utah's Conservation Plan for Greater Sage-grouse Management in Utah*, several other agencies are undergoing planning processes to establish sage-grouse conservation measures at the time of publication of this Guide. These planning processes include BLM RMP revisions to address sage-grouse conservation, USFS Forest Plan revisions to address sage-grouse conservation, and USFWS's final range-wide listing determination on a petition to list the species as threatened or endangered (decision expected in 2015). These agencies may adopt the State's Conservation Plan or may establish other conservation measures applicable to electric transmission lines in sage-grouse habitat in Utah. The DWR, BLM, USFS, and USFWS should be contacted early in the planning process for new electric transmission lines to ensure the project is developed in compliance with the current regulations.

Key Steps for Obtaining a Permit to Cross Utah Division of Wildlife Resources Managed Lands

Right-of-way leases are required for electric transmission lines that cross WMAs or other lands managed by DWR. Right-of ways can be obtained for electric transmission line projects through the process described in this section. Applicants should obtain information from DWR regarding the specific management of biological resources on WMAs and other properties.

DWR may impose stipulations on use of WMAs in right-of-way grants to protect resources being managed in the area. Applicants should also be aware of potential complications in obtaining right-of-way leases across WMAs and other DWR managed lands including the following.

- Several WMAs and other DWR managed lands within the State of Utah were purchased through federal conservation programs using federal funds. The federal government maintains an interest in lands purchased using federal funds and requests for right-of-way across these lands may trigger NEPA, which could affect the schedule and requirements for evaluating and granting the right-of-way. DWR can provide information on individual WMAs and other DWR managed lands, including information about which properties were acquired using federal funds.
- Some properties adjacent to and in the vicinity of WMAs and other DWR managed lands are managed under conservation easements to protect wildlife and habitat. Conservation easements may preclude development of new electric transmission lines or may impose restrictions on their development.



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Legend

Greater Sage-grouse	State of Utah Land Ownership
Greater Sage-grouse Management Area	Bureau of Land Management
Administrative Boundaries	State Park
State Boundary	Private Land
County Boundary	U.S. Department of Defense
Transportation	U.S. Fish and Wildlife Service
Interstate	U.S. Forest Service
US Highway	Indian Reservation
	National Park Service
	State Land

UDWR, 2012, Greater Sage-grouse Management Area;
 BLM State Office Utah, 2009, Land Jurisdiction;
 AGRC, 2012, Road Centerlines;
 ESRI, 2008, County Boundary; ESRI, 2008, State Boundary

Figure 3-1: Greater Sage-grouse Management Areas in Utah

- Some properties managed by DWR are owned by other federal or private entities. Depending on the land ownership, additional easements or permissions may need to be acquired to develop new electric transmission lines on the in the area.

The process for obtaining a right-of-way lease for electric transmission lines across a WMA or other DWR managed property under Utah Statute R657-28-23 includes the following:

TABLE 3-8 KEY STEPS FOR OBTAINING A PERMIT TO CROSS DWR MANAGED LANDS	
Step	Responsible Party
Submit application, with a nonrefundable application fee to the regional supervisor at the appropriate regional office at least 120 days prior to the proposed construction date.	Applicant
Upon receiving the application, application fee, and the information required in Subsection (1)(d) the division director or the director's designee may either deny the application or grant a conditional approval within 60 days in the application is complete (see Tips for Conducting a Consultation Successfully for a list of what needs to be in the application).	DWR
If the application is denied, the Director shall provide a written notice to the applicant.	DWR
A right-of-way lease may be granted for a maximum of 30 years from the date of signing; however, the division explicitly reserves the right to grant leases for shorter periods.	DWR

3.4.4 State Parks and Recreation

CONTACT INFORMATION

Address: Utah State Parks and Recreation
1594 West North Temple, Suite 116
Salt Lake City, UT 84116
Phone: (801) 538-7220
Website: <http://stateparks.utah.gov/>

The Utah Division of State Parks and Recreation manages 43 state parks and administers the Utah off-highway vehicle, boating, and trails programs. The agency works to provide access to waterways and trails and to promote education, safety, and resource protection. (Utah Division of State Parks and Recreation 2013)

Regulatory Framework and Application to Electric Transmission Lines

Under Utah Rule R651-700 Section R651-700-9 (*Right-of-way, Easements, Special Use Leases, and/or Special Use Permit*), applicants can apply to cross park and recreation sites managed by the State.

Key Steps for Obtaining a Permit

TABLE 3-9 KEY STEPS FOR OBTAINING A STATE PARKS AND RECREATION PERMIT	
Step	Responsible Party
Potential applicants for right-of-way or easement may contact the park manager or regional manager prior to making a formal application to the Lands and Environmental Coordinator to discuss the potential right-of-way or easement.	Applicant
The applicant completes and submits an application and applicable fee to the Lands and Environmental Coordinator at least 120 days prior to the proposed construction. The Lands and Environmental Coordinator reviews the application to make sure it is complete, if the subject area is available for the requested use, and determines the amount of compensation payable.	Applicant/State Parks and Recreation
On acceptance, the application may be circulated to various local, state, and federal agencies and other interested persons, including tribal governments, adjacent property holders, affected lessees and permittees, and easement holders for review and comment. As part of this review, the Division shall specifically request comments concerning: <ul style="list-style-type: none"> (a) The presence of state or federal listed threatened and endangered species (including candidate species), and archaeological and historic resources in the requested area that may be disturbed by the proposed use; (b) Conformance of the proposed use with other local, state, and federal laws and rules; (c) Conformance of the proposed use with a state park comprehensive land use plan, resource management plan, operation plan, business plan, and/or zoning ordinances; (d) Conformance with existing state park rules, policies, and guidelines; (e) Potential conflicts of the proposed use with existing leases, permits or easement holders. 	State Parks and Recreation
The Lands and Environmental Coordinator will provide a written notice to the applicant taking into consideration the agency and public comment. Before final approval, the Division of State Parks and Recreation may require the applicant to provide additional information. If approved, a right-of-way or easement will be granted to the applicant.	State Parks and Recreation/ Applicant
The Division of State Parks and Recreation will establish the amount of annual compensation or minimum bid at auction for the land that the right-of-way or easement is crossing. The rent for right-of-way and easements is based on the costs incurred by the Division and fair market value. Fees are based on the current fee schedule that can be obtained from the Lands and Environmental Coordinator. (http://www.rules.utah.gov/publicat/code/r651/r651-700.htm#T9)	State Parks and Recreation

3.5 Utah Department of Transportation

3.5.1 Right-of-way Permit or Encroachment Permit

UDOT's stated mission is to preserve infrastructure, optimize mobility, improve safety, and strengthen the economy. UDOT is responsible for over 6,000 miles of highways across the state. This responsibility includes keeping bridges and pavement in good condition, adding capacity, implementing innovative lane use and intersections, signal coordination, providing traffic information, decreasing traffic fatalities, and snow removal (UDOT 2013).

Regulatory Framework and Application to Electric Transmission Lines

UDOT follows State of Utah Rule 930-6, also known as the UDOT Department document, "Accommodation of Utilities and the Control and Protection of State Highway Rights of Way." The manual is available at <http://www.udot.utah.gov/main/uconowner.gf?n=6599114996078154>

Utah Code Section 72-7-102 prohibits digging or excavating in the state right-of-way to place, construct, or maintain any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard advertising sign, or any other structure or object of any kind or character without first obtaining a permit.

Contractors and utility crews are required to have an encroachment permit before performing construction or maintenance work or upgrades in the state's right-of-way.

An encroachment permit allows certain time-limited construction, installation, and repair-related activities to take place in the state right-of-way in conformity with state and federal law. Before an encroachment permit is issued, the applicant must complete a number of procedural requirements including, but not limited to, the following:

- Statewide utility license agreement,
- Performance and warranty bond,
- Inspection bond, and
- Minimum liability insurance coverage.

Each region has its own staff responsible for the right-of-way and encroachment permitting process. Coordination with the appropriate region based on the transmission line project's location would be required.

CONTACT INFORMATION

Address: Utah Department of Transportation
Right-of-way
4501 South 2700 West
P.O. Box 148445
Salt Lake City, UT 84114

Phone: 801-695-4000

Website: <http://www.udot.utah.gov/main/?p=100:6:0:::V,T;1>

Contact the region where the transmission line project is located.

3.6 Utah Reclamation Mitigation and Conservation Commission

3.6.1 Coordination of NEPA and ESA Section 7 Consultation and License Agreements

The Utah Reclamation, Mitigation, and Conservation Commission (The Mitigation Commission) is responsible for designing, funding, and implementing projects to offset the impacts on fish, wildlife, and related recreation resources caused by the Central Utah Project and other federal reclamation projects in Utah. Lands owned and managed by The Mitigation Commission for the Central Utah Project mitigation commitments are located in various areas of central Utah.

CONTACT INFORMATION

Address: Executive Director
Utah Reclamation, Mitigation, and Conservation Commission
230 South 500 East,
Suite 230
Salt Lake City, UT 84102
Phone: (801) 524-3146
Website: <http://www.mitigationcommission.gov/index.html>

Although some of the lands managed by The Mitigation Commission do not necessarily preclude development, including overhead transmission line projects, there would likely be NEPA and possibly ESA Section 7 consultation required. In addition to NEPA and ESA Section 7 consultation, specific mitigation and terms could be set forth in a license agreement that would be required to cross these lands (The Mitigation Commission 2013).

Regulatory Framework and Application to Electric Transmission Lines

The Mitigation Commission is an Executive branch agency of the federal government, authorized under the Central Utah Project Completion Act of 1992 (PL 102-575). The Act set terms and conditions for completing the Central Utah Project, which diverts, stores, and delivers large quantities of water from numerous Utah rivers.

Any impacts of a transmission line project on lands under The Mitigation Commission's management are on resources preserved or protected by statute as mitigation for the Central Utah Project. To obtain a license agreement, some form of mitigation and a site-specific assessment of the level of impact from a project would likely be required.

DNR and DWR work closely with The Mitigation Commission in planning for priority land acquisition and land management after The Mitigation Commission takes ownership of lands.

Key Steps for Obtaining a License Agreement

TABLE 3-10 KEY STEPS FOR OBTAINING A LICENSE AGREEMENT	
Step	Responsible Party
Coordinate with the Mitigation Commission to determine management requirements of lands crossed by a project.	Applicant
Prepare any required NEPA documents.	Applicant
Determine if ESA Section 7 or other federal or state agency consultation is required, complete that consultation and include staff from The Mitigation Commission.	Applicant/The Mitigation Commission
Coordinate with The Mitigation Commission on terms for a license agreement.	Applicant/The Mitigation Commission
Determine any mitigation (financial or in-kind) requirements.	Applicant/The Mitigation Commission

Many of the lands owned by The Mitigation Commission are managed by DWR as the lands are adjacent to other lands managed by DWR. Coordination with DWR is recommended in the early stages of any transmission line project that is proposed to cross The Mitigation Commission owned lands.

3.7 Utah Public Service Commission

CONTACT INFORMATION

Address: Public Service Commission
Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84114
Phone: (801) 530-6716
Website: <http://psc.utah.gov/index.html>

“The primary responsibility of the [PSC] is to ensure safe, reliable, adequate, and reasonably priced utility service. It conducts hearings and investigations of utility company operations in order to determine just and reasonable rates for service. The [PSC] strives to protect efficient, reliable, reasonably-priced utility service for customers, and to maintain financially healthy utility companies. These goals are attained through the regulatory decisions the PSC makes and through rules it adopts.” (PSC 2013)

Regulatory Framework and Application to Electric Transmission Lines

Certificate of Public Convenience and Necessity

The PSC has jurisdiction over the construction and operation of electric facilities, although there are exceptions. In accordance with Utah Code Annotated (UCA) Section 54-4-25, and except as provided in UCA Section 11-13-304, an electric corporation “may not establish, or begin construction or operation of a line, route, plant, or system, without having first obtained from the Commission a certificate that present or future public convenience and necessity does or will require the construction.” The foregoing requirement to obtain a certificate is not required for an extension:

- Within any city or town within which it has lawfully commenced operations;

- Into territory, either within or without a city or town, contiguous to its line, plant, or system that is not served by a public utility of like character; or
- Within or to territory already served by it, necessary in the ordinary course of its business.

Electric corporations are defined in UCA Section 54-2-1(7) and public utilities under the jurisdiction of the PSC area defined in Section 54-2-16. Challenges may be brought by any other public utility claiming to be injuriously affected by the new facilities. The affected utility is required to file a complaint with the PSC, which may impose conditions or prescribe terms concerning the new construction that are just and reasonable.

Right of Eminent Domain

Electric power lines and sites for electric power plants are deemed public uses in Utah for which the right of eminent domain may be exercised. Refer to UCA Section 78B-6-501(8).

Purpose and necessity of a project is typically a matter of judicial scrutiny. Under Utah case law, a court will not preclude a condemnation action based on a landowner's opinion that a better or different route is available.

Public Utility Notice Requirements to Affected Entities

UCA Section 54-3-28 provides that if a specified public utility prepares a long-range plan regarding its facilities proposed for the future or amends an existing long-range plan, it is required to provide notice to affected entities (i.e., counties, municipalities and local districts) of its intent to prepare or amend the long-range plan. The notice must describe or provide a map of the geographic area affected by the plan or plan amendment. The notice must invite affected entities to provide information for the public utility to consider in the process of preparing, adopting, and implement the long-range plan or plan amendment, including impacts on the affected entity and uses of land that the affected entity is planning or considering, that may conflict with the long-range plan or plan amendment.

Siting of High Voltage Power Line Act

UCA Section 54-18 generally requires a public utility to give notice prior to constructing a high voltage power line, operated at a nominal voltage of 230-kilovolt (kV) or more, or upgrading an existing high voltage power line to 230kV or more. The public utility must notify an affected entity and affected landowner when applying for a land use permit and must conduct public workshops and distribute information to the public on the proposed high voltage power line. The Act also authorizes a public utility or local government to appeal a high voltage power line route to the Utility Facility Review Board.

Utility Facility Review Board Act

In 1997, the Utah State legislature created the Utility Facility Review Board to resolve disputes between local governments and public utilities regarding the siting and construction of facilities pursuant to UCA Section 54-14. The five-

member Utility Facility Review Board is comprised of the three Public Service Commissioners and two local government representatives appointed by the Governor. UCA Section 54-14-303 identifies the actions or disputes for which board review may be sought.

Specifically, the Act precludes local governments from imposing certain non-standard requirements on the construction of public utility facilities without paying the incremental cost difference. A local government may require or condition the construction of a facility (including transmission lines in excess of 34kV) if:

- The requirements or conditions do not impair the ability of the public utility to provide safe, reliable, and adequate service to its customers; and,
- The local government pays for the actual excess cost (costs exceeding standard costs) resulting from the requirements or conditions.

The Utility Facility Review Board or the PSC may provide exceptions to this requirement and require the utility to pay the differential cost. The Board is essentially an appellate review for mediating cost differentials and the reasonability of requirements and conditions.

Either a local government or public utility may seek Board review pursuant to the provisions of Utah Code Section 54-14-303. The Board must convene a hearing within 40 days. The Board must issue a written decision no later than 45 days following the initial hearing (Utah Code Section 54-14-305(1)). A local government or utility may seek review by the Board if:

- There is a dispute regarding cost or schedule;
- Allowance of reasonable time for local government to pay for extra cost;
- A local government has required construction of a facility in a manner that will not permit the utility to provide service to its customers in a safe, reliable, adequate, or efficient manner;
- A local government has prohibited construction of a facility which is needed to provide safe, reliable, adequate, and efficient service to the customers of the public utility;
- A local government has not made a final decision on the public utility's application for a permit, authorization, approval, exception, or waiver with respect to a facility within 120 days of the date the public utility applied to the local government;
- A facility is located or proposed to be located in more than one local government jurisdiction and the decisions of the local governments regarding the facility are inconsistent;
- A facility is proposed to be located within a local government jurisdiction to serve customers exclusively outside the jurisdiction of the local government and there is a dispute regarding the apportionment of the actual excess cost of the facility between the local government and the public utility. (Utah Code 54-14-303).

Any party may apply for rehearing of any matters determined in the action or proceeding. The applicant may not urge or rely on any ground not set forth in the application in an appeal to any court. Any application for rehearing not granted by the Commission within 20 days is denied.

The Utility Facility Review Board has been convened two times since its inception. The two cases brought before the Board include:

- In April 2005, PacifiCorp asked the Board to convene and address a dispute with West Jordan City concerning the location and construction of an electrical substation within the City. Upon review of the dispute, the Board concluded that the City's position that the substation may be located outside the substation target area without impairing PacifiCorp's ability to provide safe, reliable, and adequate service must be rejected. Because PacifiCorp has indicated that the Preferred Site is not the only location within the target area that it will accept, the Board did not rule that the Preferred Site is the only possibility. In November 2005, pursuant to Utah Code Section 54-14-305(3), the Board concluded and found that the substation shall be located within the general area between 2700 West and 3300 West and 6900 South and 7200 South in order for PacifiCorp to provide safe, reliable, and adequate service. (PSC 2005)
- In April 2010, Rocky Mountain Power petitioned the Board for review of Tooele County's denial of an application for a conditional use permit (CUP). Tooele County denied Rocky Mountain Power's application for a CUP in March 2010 for the construction and operation of the Mona to Oquirrh Transmission Project. The Board, having reviewed the substantial, competent and credible evidence before it, unanimously found the proposed Transmission Project was needed to provide safe, reliable, adequate and efficient service to its customers. In June 2010, the Board directed the County to issue the CUP for the Transmission Project to be located within the proposed transmission corridor, within 60 days after issuance of the Order, and to issue any other permits, authorizations, approvals, exceptions, or waivers necessary for construction of the Transmission Project. (PSC 2010)

Key Steps for Obtaining a Permit

Complete the application for a Certificate of Public Convenience and Necessity (CPCN) and submit to PSC for review. No other formal permits are required. If a dispute arises between local governments and public utilities regarding the siting and construction of facilities, the Utility Facility Review Board can be convened to resolve the dispute.

3.8 Utah State Historic Preservation Office

CONTACT INFORMATION

Address: State Historic Preservation Office
300 South Rio Grande Street
Salt Lake City, UT 84101

Phone: (801) 254-7263

Website: http://history.utah.gov/state_historic_preservation_office/index.html

State and federal agencies that undertake projects must ‘take into account’ how their project activities will affect historic and archaeological resources. Common projects include construction, rehabilitation, demolition, licensing, permitting, or transfer of public lands.

The SHPO provides guidance to agencies and governments who are affected by these laws. Each month the SHPO reviews about 200 develop-

ment projects and their potential effects on archaeological and historical sites. The SHPO comments on projects within 30 days and provide accurate data and professional consultation (SHPO 2013a).

3.8.1 NHPA Section 106 Consultation

Refer to Chapter 2.2.1, under the ACHP for regulatory framework and steps for conducting a NHPA Section 106 consultation.

3.8.2 Utah Code Annotated 9-8-404

Regulatory Framework and Application to Electric Transmission Lines

“Utah law requires State agencies and developers using State funds to take into account how their expenditures or undertakings will affect historic properties. They must also provide the SHPO with a written evaluation of the project and an opportunity to comment. The PLPCO is authorized under 9-8-404 to review comments made by SHPO and mediate disputes between a State agency and the SHPO” (SHPO 2013b).

Key Steps for Conducting a Consultation

TABLE 3-11 KEY STEPS FOR CONDUCTING A STATE HISTORIC PRESERVATION OFFICE (SHPO) CONSULTATION	
Step	Responsible Party
Complete application and supporting documentation to SHPO.	Applicant
Review of application.	SHPO
Decision on application within 30 days.	SHPO

CHAPTER 4 - COUNTY AND MUNICIPAL PERMITTING AND REGULATORY REQUIREMENTS

Utah is considered a “local-rule” state. Each city, town, and county is required to designate their own land authority, usually a planning commission, but sometimes a city/town or county commission or council. Because each municipality has a unique process for regulating land use in their jurisdiction, it is important for an applicant to learn about these processes early in the project planning phases. The applicant is encouraged to meet with local government organizations and staff, as well as the appropriate planning commission and city or county councils/commissions. As soon as a project begins the early planning stages, initial meetings with state or regional entities may also be useful. The Utah Association of Counties and ULCT are two organizations that serve the many municipalities in the state and provide support and resources during the permitting process.

Figure 4-1 outlines the general process to obtain a permit in a county or municipality in Utah. Other potential permits and documents that may be required by a county or city are listed here (please note list is not all inclusive and may vary):

- Building permit,
- Zoning or general plan amendment,
- Engineered drawings,
- Site plans,
- Excavation permit, and/or
- Road encroachment permit.

A summary of the applicable county permitting and regulatory requirements required for construction and operation of an electric transmission line in Utah is organized by county in Table 4-1 below. Tables A-1 to A-30 located in Appendix A lists detailed information regarding transmission line permitting in each of the 29 counties.

A transmission line project may also cross a municipal boundary, but information for the hundreds of cities and towns in the state is not included in this guide.

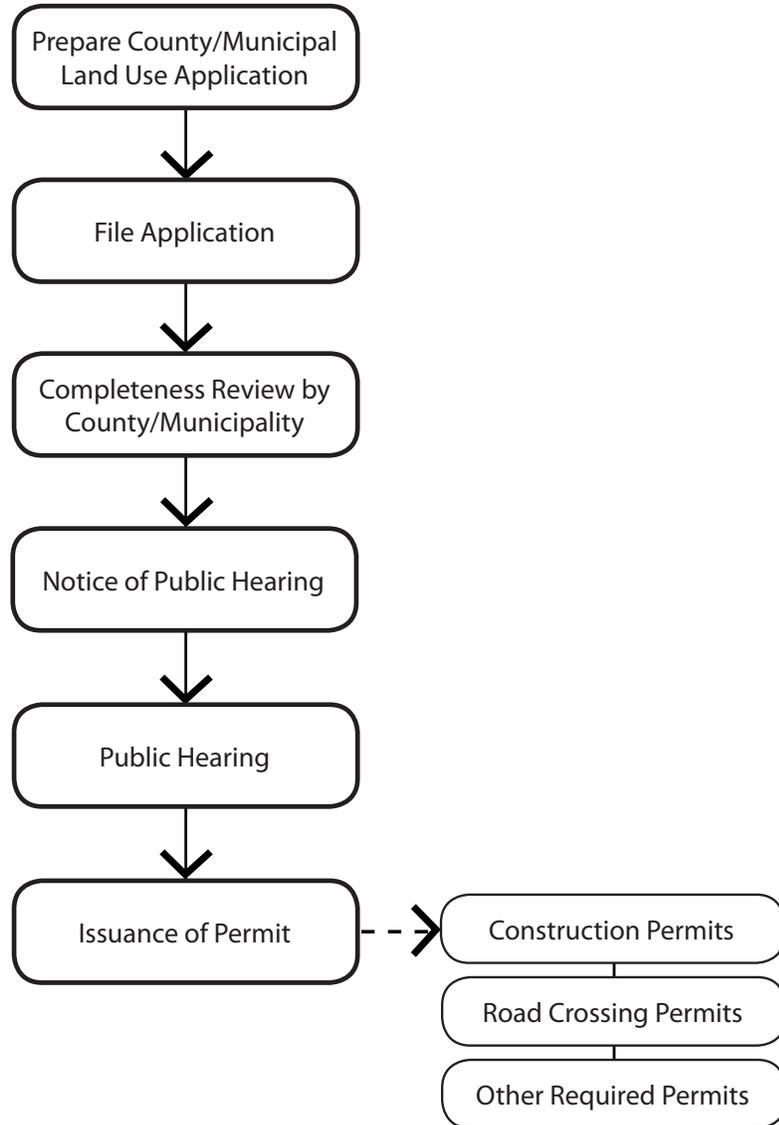
The permitting process across a city would typically be similar to the county permitting processes described in this section. As mentioned previously, Appendix A (Tables A-1 to A-30) includes the following information:

- County and zoning ordinance plan name,
- Contact information,
- Zoning districts in the county and information about which zones consider transmission lines as permitted, conditionally permitted, and not permitted,
- Permitting decision maker,
- Additional information,
- Zone or District name definition, and
- Notes.



*Mona Substation in Juab County
Photography by EPG*

PROCESS FLOWCHART FOR COUNTY AND MUNICIPAL PERMITTING



NOTE: County and municipal permitting applications can be started in conjunction with the NEPA process once a preferred alternative is identified.

Figure 4-1: Process Flowchart for County and Municipal Permitting

**TABLE 4-1
APPLICABLE COUNTY PERMITTING AND REGULATORY REQUIREMENTS FOR
CONSTRUCTION AND OPERATION OF AN ELECTRIC TRANSMISSION LINE IN UTAH**

County	Permitting Process
Beaver	Conditional Use Permit (CUP) required in certain zones. Other zones define transmission lines as a permitted use. The remaining zones do not allow transmission lines.
Box Elder	CUP required in most zones. Remaining zones do not allow transmission lines.
Cache	CUP required in certain zones. Remaining zones do not allow transmission lines.
Carbon	CUP required in certain zones. Other zones define transmission lines as a permitted use. The remaining zones do not allow transmission lines.
Daggett	CUP required in all zones.
Davis	Transmission line use is not defined in county ordinance. Consultation with the county required.
Duchesne	CUP required in certain zones. Other zones define transmission lines as a permitted use.
Emery	CUP required in certain zones. Other zones define transmission lines as a permitted use.
Garfield	CUP required in certain zones. The remaining zones do not allow transmission lines.
Grand	CUP required in all zones.
Iron	CUP required in all zones.
Juab	Transmission line use is not defined in county ordinance. Consultation with the county required.
Kane	CUP required in certain zones. Other zones define transmission lines as a permitted use.
Millard	CUP required in certain zones. The remaining zones do not allow transmission lines.
Morgan	CUP required in certain zones. Other zones define transmission lines as a permitted use.
Piute	Plan was unavailable for review when completing this guide; consult Piute County for County Plan information.
Rich	CUP required in all zones.
Salt Lake	New and upgraded transmission lines (>46kV) are required to be underground, except when occurring in main North-South transmission corridors, when variations are approved by the County Mayor, or when putting the transmission line underground is determined cost prohibitive by the County Mayor.
San Juan	CUP required in certain zones. Other zones define transmission lines as a permitted use. The remaining zones do not allow transmission lines.
Sanpete	CUP required in certain zones. Other zones define transmission lines as a permitted use.
Sevier	Certain zones allow transmission lines without an application. The remaining zones do not allow transmission lines.
Summit	CUP required in certain zones. Other zones define transmission lines as a permitted use.
Tooele	CUP required in certain zones. Other zones define transmission lines as a permitted use.

**TABLE 4-1
APPLICABLE COUNTY PERMITTING AND REGULATORY REQUIREMENTS FOR
CONSTRUCTION AND OPERATION OF AN ELECTRIC TRANSMISSION LINE IN UTAH**

County	Permitting Process
Uintah	CUP required in all zones.
Utah	CUP required in certain zones. Other zones define transmission lines as a permitted use.
Wasatch	CUP required in certain zones. Other zones define transmission lines as a permitted use.
Washington	CUP required in all zones.
Wayne	CUP required in certain zones. The remaining zones do not allow transmission lines.
Weber	CUP required in certain zones. Other zones define transmission lines as a permitted use.
<p>Note: All information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects.</p>	

Please note this section (and corresponding Appendix A) only outlines the requirements of each county’s zoning ordinance. A thorough review of the county general plan is also suggested prior to undertaking a transmission line project, as general plan amendments may also be required when a transmission line project crosses certain designations. The information presented in this section should not be considered final or legally binding. This information should be used as a tool to facilitate discussion with the counties crossed by the transmission line project.

4.1 General Plans and Zoning Ordinances

Municipal governments in the state of Utah utilize general plans (also known as comprehensive or master plans) and zoning ordinances (also known as land use ordinances) to govern land use in their jurisdiction. It is important to review both a community’s general plan and zoning ordinance when siting or permitting a new transmission line project. In addition to permits that may be required by the municipality, a general plan amendment or rezone may also be required after consultation with the city/county (refer to Chapter 4.2).

4.1.1 General Plans

The role of a general plan is to plan for physical development of a community. These plans are typically oriented toward the future and cover the geographic area of the city/county. General plans are typically officially adopted policy documents and include input from the citizens in the community. Topics included in a general plan typically cover elements that determine the future of the community’s development and progress, such as:

- Development of land,
- Preservation of open space,
- Transportation systems,
- Partnerships with other organizations (often federal and state land owners),

- Economic growth, and
- Expansion of public facilities and services.

4.1.2 Zoning Ordinances

Zoning ordinances are a tool for land use planning to regulate the use of real property by a local government. Zones are created in a community to restrict certain territory to residential, commercial, industrial, preservation, or other uses. Dividing a community into these certain types of uses helps to preserve the desirable characteristics of each type of setting in the community. Zoning ordinances aid planners in bringing about orderly growth and helps to create attractive, healthy, and stable communities. Zoning ordinances should reflect planning efforts utilized and documented in the municipality's general plan.

4.2 General Plan Amendment and Rezone Application Process

A general plan amendment or rezone application may be required when a project is not compatible with a municipality's/county's current general plan or zoning ordinance and the project cannot be sited in another location. The following is a general process for obtaining a general plan amendment or rezone. Each municipality/county will need to be consulted for exact requirements.

1. File application for amendment or rezone with municipality/county
2. Application is reviewed for completeness
3. Public hearing scheduled with the planning commission and applicant/planners provide notice as necessary
4. Planning commission conducts and closes the public hearing
5. Planning commission considers the application and all input received and formulates recommendation to the city or county commission
6. Public hearing scheduled with city or county commission and notice is provided as necessary
7. City or county commissioners conduct and close public hearing on planning commission recommendation
8. City or county commission considers planning commission recommendation, application, and all input received and approves or denies the general plan amendment or rezone
9. Amendment or rezone adopted into general plan or zoning ordinance

4.3 Utah Association of Counties and Utah League of Cities and Towns

The Utah Association of Counties and the ULCT are discussed below. In Utah it is necessary to coordinate with the planning staff, planning commissions, and county commissions for each individual city/county. However, at the beginning of a project, the Utah Association of Counties and the ULCT will be useful

entities to coordinate with on the requirements that each city/county may have concerning transmission lines. General contact information for each county is included in Appendix A (Tables A-1 to A-30). Contact information and a general description of the Utah Association of Counties and ULCT are included below.

CONTACT INFORMATION

Address: Utah Association of Counties
5397 South Vine Street
Murray, UT 84107
Phone: (801) 265-1331
Website: <http://www.uacnet.org>

Address: Utah League of Cities and Towns
50 South 600 East, Suite 150
Salt Lake City, UT 84102
Phone: (801) 328-1601
Website: <http://www.ulct.org/ulct/>

4.3.1 Utah Association of Counties

The Utah Association of Counties is a voluntary, state-wide organization operated by the 29 counties of Utah. Utah Association of Counties was formed in 1924 to help counties provide effective county governance to the people of Utah. The Utah Association

of Counties offers a broad range of management and intergovernmental relations services to county commissioners and other county officials. The Utah Association of Counties' purpose is to improve the operation of Utah's county governments and thereby, the services counties provide to their residents (Utah Association of Counties 2013).

4.3.2 Utah League of Cities and Towns

The UCLT initially was organized in 1907. ULCT serves 242 incorporated municipalities in the state of Utah. ULCT represents municipal government interests with a strong, unified voice at the state and federal levels and provides information, training and technical assistance to local officials on municipal issues to create a greater public awareness and understanding of municipal responsibilities, governance and administration.

ULCT is a nonpartisan, inter-local, government cooperative, working to strengthen the quality of municipal government and administration (ULCT 2013).

CHAPTER 5 - PERMITTING/CONSULTATION SEQUENCE AND SCHEDULE

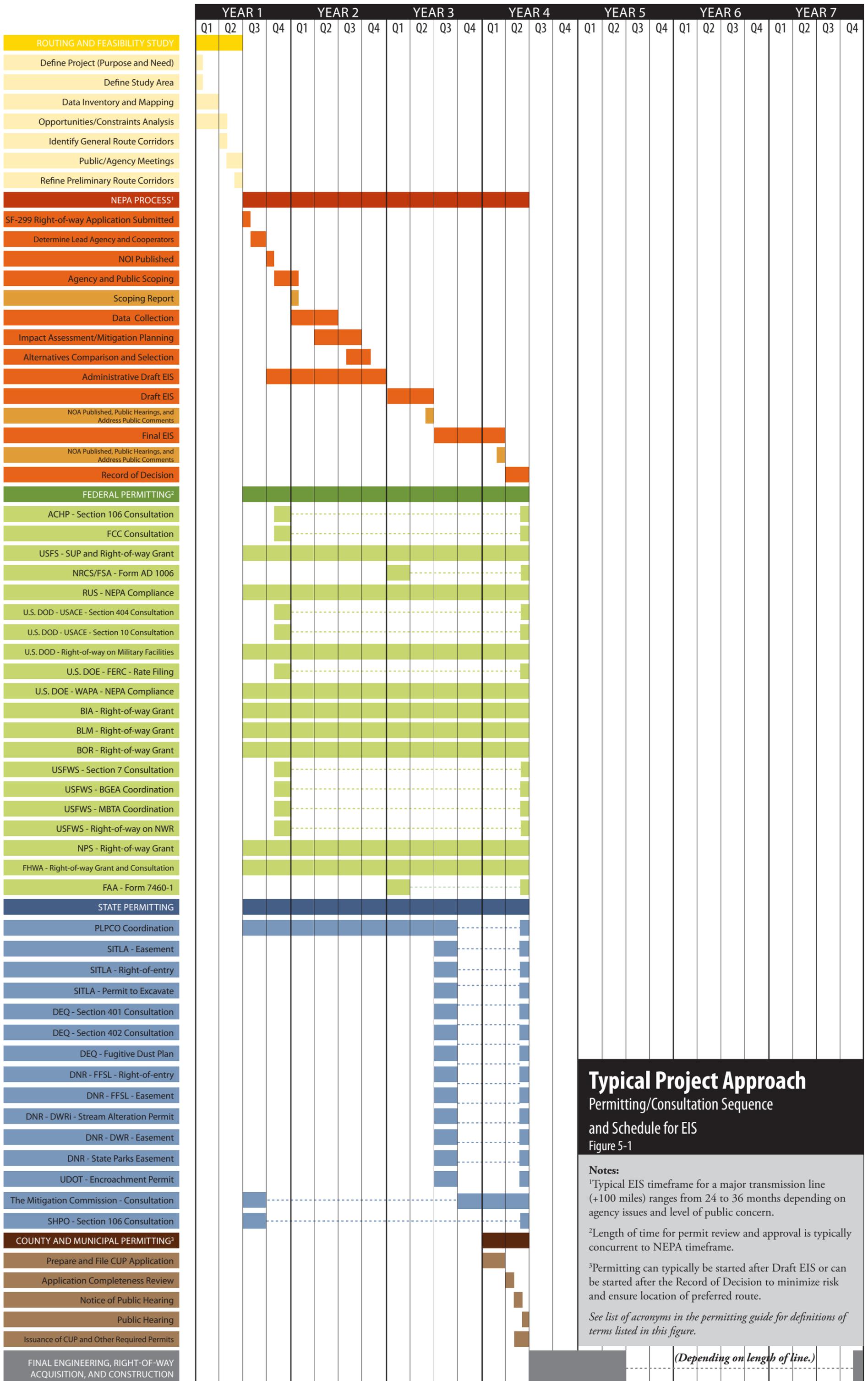
The following Figure 5-1, depicts a typical transmission line siting and permitting process in Utah. The example provided is for a transmission line 100 miles or more in length, crossing federally managed lands and requiring an EIS level of NEPA review.

Project specific permitting requirements would vary depending upon location in the state, lands and resources potentially crossed by a project, agency issues, and level of public interest. This figure is provided as an example only and is not meant to represent all potential projects.



Transmission Line in Uintah County, Photography by EPG

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Typical Project Approach
 Permitting/Consultation Sequence
 and Schedule for EIS
 Figure 5-1

Notes:
¹Typical EIS timeframe for a major transmission line (+100 miles) ranges from 24 to 36 months depending on agency issues and level of public concern.
²Length of time for permit review and approval is typically concurrent to NEPA timeframe.
³Permitting can typically be started after Draft EIS or can be started after the Record of Decision to minimize risk and ensure location of preferred route.
 See list of acronyms in the permitting guide for definitions of terms listed in this figure.

(Depending on length of line.)

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REFERENCES

- Advisory Council on Historic Preservation. 2008. Section 106 Consultation Page. Available at <http://www.achp.gov/106summary.html>, accessed April 26, 2013.
- _____. 2013. About Us Page. Available at <http://www.achp.gov/aboutachp.html>, accessed April 26, 2013.
- Automated Geographic Reference Center. 2012. Road Centerlines GIS Shapefile.
- Avian Power Line Interaction Committee (APLIC). 2006. *Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006*. Edison Electric Institute, APLIC, and the California Energy Commission. Washington D.C. and Sacramento, CA.
- _____. 2012. *Reducing Avian Collisions with Power Lines: The State of the Art in 2012*. Edison Electric Institute and APLIC. Washington D.C.
- Beaver County. Beaver County Zoning Ordinance. (2010).
- Box Elder County. Box Elder County Land Use Management and Development Code. (2011).
- Bureau of Land Management. 2009. Approved Resource Management Plan Amendments/Record of Decision for Designation of Energy Corridors on BLM-Administered Lands in the 11 Western States.
- _____. 2012. BLM Rights-of-way. Available at <http://www.blm.gov/wo/st/en/prog/more/lands.html>, accessed May 25, 2013.
- _____. 2009. Land Jurisdiction GIS Shapefile.
- Cache County. Cache County Code. (2013).
- Carbon County. The Development Code of Carbon County, Utah. (2003).
- Council on Environmental Quality. 2010. NEPA Guidelines. Available at <http://ceq.hss.doe.gov/index.html>, accessed May 23, 2013.
- _____. 2013. Presidential Memorandum--Speeding Infrastructure Development through More Efficient and Effective Permitting and Environmental Review. Available at <http://www.whitehouse.gov/the-press-office/2011/08/31/presidential-memorandum-speeding-infrastructure-development-through-more>, accessed April 29, 2013.
- Daggett County. Uniform Zoning and Subdivision Ordinances. (2011).
- Davis County. A Codification of the General Ordinances of Davis County, Utah. (2010).
- Department of Energy and Department of the Interior. 2008. The Final Programmatic Environmental Impact Statement, Designation of Energy Corridors on Federal Land in the 11 Western States.
- Division of Water Rights. 2013. Utah Division of Water Resources. Available at <http://www.water.utah.gov/mission/BRDDIVBF.asp>, accessed April 22, 2013.

Duchesne County. Duchesne County Code. (2012).

EI-USFWS, 2005. Avian Protection Plan Guidelines. Available at <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/APP/AVIAN%20PROTECTION%20PLAN%20FINAL%204%2019%202005.pdf>, accessed April, 29, 2013.

Emery County. Zoning Ordinance. (2009).

Environmental Laboratory. 1987. "Corps of Engineers Wetlands Delineation Manual". Technical Report Y-87-1, US Army Engineer Waterways Experiment Station, Vicksburg, Miss.

Environmental Protection Agency. 2012. NEPA Basics. Available at <http://www.epa.gov/compliance/basics/nepa.html>, accessed May 24, 2013.

Environmental Systems Research Institute. 2008. County Boundary GIS Shapefile.

Environmental Systems Research Institute. 2008. State Boundary GIS Shapefile.

Federal Aviation Administration. 2013. Federal Aviation Administration Page. Available at <http://www.faa.gov/>, accessed April 29, 2013.

Federal Energy Regulatory Commission. 2010. A Guide to the FERC Electric Transmission Facilities Permit Process.

Federal Highway Administration (FHWA). 2000. 23 CFR 645 Subpart B - Accommodation of Utilities. Available at <http://www.fhwa.dot.gov/reports/utilguid/utilappb.cfm>, accessed April 29, 2013.

Garfield County. Garfield County Zoning Ordinance. (1986).

Grand County. Grand County Land Use Code. (2008).

ICF International. 2013. The ICF Jones & Stokes NEPA Rule of Thumb.

Iron County. Iron County Zoning Ordinance. Chapter 17. (1998).

Juab County. Land Use Code. (2007).

Kane County. Kane County Land Use Ordinance. (2010).

Management Policies. 2006. National Park Service Management Policies. Available at <http://www.nps.gov/policy/mp2006.pdf>, accessed May 22, 2013.

Millard County. Millard County, Utah County Code. (2004).

Morgan County. Morgan County, Utah County Code. (2012).

National Forest. 1976. National Forest Management Act of 1976. Available at <http://www.fs.fed.us/emc/nfma/includes/NFMA1976.pdf>, accessed July 15, 2013.

- National Park Service. 2013. National Park Service Overview. Available at http://www.nps.gov/news/upload/NPS-Overview-2012_updated-04-02-2013.pdf, accessed April 25, 2013.
- Public Lands Policy Coordination Office (PLPCO). 2013a. Archaeological Permitting. Available at <http://governor.utah.gov/publiclands/archaeologicalpermitting.htm>, accessed April 22, 2013.
- _____. 2013b. State of Utah Resource Development Coordinating Committee. Available at <http://governor.utah.gov/planning/rdcc.htm>, accessed April 22, 2013.
- Rich County. Draft Rich County Code. (n.d.).
- Romin L. and J. Muck. 2003. Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances. U.S. Fish and Wildlife Service. Salt Lake City, Utah.
- Salt Lake County. A Codification of the General Ordinances of Salt Lake County, Utah. (2013).
- San Juan County. San Juan County Zoning Ordinance. (2011).
- Sanpete County. Sanpete County Land Use Ordinance. (2013).
- Sevier County. Sevier County Zoning Ordinance. (2010).
- State of Utah Division of Natural Resources, Division of Forestry, Fire, and State Lands. 2013a. Mission Statement Utah Division of Forestry, Fire, and State Lands. Available at <http://www.utah.gov/ffsl.htm>, accessed April 22, 2013.
- _____. 2013b. Rule R652-40: Easements, Utah Administrative Code. Available at <http://www.rules.utah.gov/publicat/code/r652/r652-040.htm>, accessed April 22, 2013.
- State of Utah Division of Natural Resources, Division State Parks and Recreation. 2013. About Page. Available at <http://stateparks.utah.gov/about>, accessed April 25, 2013.
- State of Utah School and Institutional Trust Lands (SITLA). 2009. Land Ownership of Utah. Available at http://extension.usu.edu/utahranglands/files/uploads/RRU_Section_Two.pdf, accessed May 23, 2013.
- Utah Department of Administrative Services, Division of Administrative Rules. 2013. Utah Administrative Code, Title R850. Available at <http://www.rules.utah.gov/publicat/code/r850/r850.htm>, accessed April 22, 2013.
- Utah Department of Transportation, 2013. UDOT Mission, Objectives, and Funding. Available at <http://www.udot.utah.gov/main/f?p=100:pg:0:::1:T,V:33>, accessed July 15, 2013.

State of Utah Public Service Commission (PSC). 2005. Docket No. 05-999-08. Available at <http://www.psc.utah.gov/utilities/misc/05orders/Nov/0599908odga.pdf>, accessed July 10, 2013.

_____. 2010. Docket No. 10-035-39. Available at http://www.psc.utah.gov/utilities/electric/ordersindx/documents/672371003539o_000.pdf, accessed July 10, 2013.

_____. 2013. Public Service Commission of Utah. Available at <http://www.psc.utah.gov/>, accessed April 23, 2013.

State of Wyoming and Tetra Tech. 2013. Guide to Permitting Electric Transmission Lines in Wyoming.

Summit County. Synderville Basin Development Code. (n.d.).

_____. Eastern Summit County Development Code. (1996).

Tooele County. Tooele County Land Use Ordinances. (2005).

Utah Association of Counties. 2013. About page. Available at <http://www.uacnet.org/about/>, accessed April 15, 2013.

Utah Division of Wildlife Resources. 2005. Utah Comprehensive Wildlife Conservation Strategy. Available at http://wildlife.utah.gov/cwcs/11-03-09_utah_cwcs_strategy.pdf, accessed June 6, 2013.

_____. 2013. Conservation Plan for Greater Sage-grouse in Utah. Available at http://wildlife.utah.gov/uplandgame/sage-grouse/pdf/greater_sage_grouse_plan.pdf, accessed June 6, 2013.

_____. 2012. Greater Sage-grouse Management Areas GIS Shapefile.

Utah League of Cities and Towns. 2013. About the League. Available at <http://www.ulct.org/ulct/about/abouttheleague.html>, accessed April 15, 2013.

Utah Reclamation, Mitigation, and Conservation Commission. 2013. Utah Reclamation Mitigation and Conservation Commission. Available at <http://www.mitigationcommission.gov/index.html>, accessed April 23, 2013.

U.S. Bureau of Reclamation. 2013. About Us. Available at <http://www.usbr.gov/main/about/>, accessed April 25, 2013.

U.S. Department of Agriculture, et. al. 2009. Memorandum of Understanding Among the U.S. Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, The Council on Environmental Quality, The Federal Energy Regulatory Commission, The Advisory Council on Historic Preservation, and Department of the Interior Regarding Coordination in Federal Agency Review of Electric Transmission Facilities on Federal Land. Available at <http://www.whitehouse.gov/files/documents/ceq/Transmission%20Siting%20on%20Federal%20Lands%20MOU.pdf>, accessed July 8, 2013.

- U.S. Department of Agriculture. 2013. Conservation Reserve Programs. Available at <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=copr&topic=crp>, accessed April 29, 2013.
- _____. 2013. Rural Utilities Service. Available at http://www.rurdev.usda.gov/utilities_LP.html, accessed May 22, 2013.
- U.S. Fish and Wildlife Service. Migratory Bird Treaty Act. Available at <http://www.fws.gov/migratorybirds/mbpermits/regulations/mbta.html>, accessed on May 25, 2013.
- _____. 2009. 50 CFR Parts 13 and 22: Eagle Permits; Take Necessary to Protect Interests in Particular Localities; Final Rules. Available at <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BaldEagle/Final%20Disturbance%20Rule%209%20Sept%202009.pdf>, accessed April 29, 2013.
- _____. 2013. U.S. Fish and Wildlife Service Manual 603, FW 2.18. Available at <http://www.fws.gov/policy/603fw1.html>, accessed May 29, 2013.
- U.S. Forest Service. 2009. 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.
- Uintah County. Uintah County Code. (2013).
- Utah County. Utah Land Use Ordinance. (2013).
- Utah State Historic Preservation Office. 2013a. State Historic Preservation Office – Compliance. Available at http://history.utah.gov/state_historic_preservation_office/index.html, accessed April 29, 2013.
- _____. 2013b. Available at http://history.utah.gov/state_historic_preservation_office/state_laws/index.html, accessed April 29, 2013.
- Wasatch County. Wasatch County Land Use and Development Code. (n.d.).
- Washington County. Washington County, Utah County Code. (2012).
- Wayne County. Wayne County, Utah Zoning Ordinance. (2011).
- Weber County. Uniform Land Use Ordinance of Weber County, Utah. (n.d.).
- Western Area Power Administration. 2012. *A Time of Exponential Change, Annual Report 2012*.
- Western Electricity Coordination Council. 2011. Western Electricity Coordination Council (WECC) 10-Year Regional Transmission Plan. Available at <http://www.wecc.biz/library/StudyReport/Wiki%20Pages/Home.aspx>, accessed June 7, 2013.*
- Western Governors Association. 2010. Renewable Energy Transmission Roadmap.

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APPENDIX A - COUNTY TRANSMISSION LINE PERMITTING REQUIREMENTS

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**TABLE A-1
BEAVER COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Beaver County Zoning Ordinance April 1993; updated June 2010	
Contact Information	Address: 105 East Center Beaver, UT 84713 Phone: (435) 438-6484 Fax: (435) 438-6462 Website: http://beaver.utah.gov/index.aspx?NID=261	
Zoning Districts	Permitted²:	M-D, M-G, MD-B (transmission lines)
	Conditional Use Permit or Other³:	M-D, M-G, MD-B (transmission lines)
	Not Permitted⁴:	C-G, C-H, C-N, C-S (transmission lines)
Permitting Decision Maker	<p>The Planning Commission makes the final decisions on CUP applications.</p> <p>Projects with total value of \$150,000, or greater, are automatically appealed to Board of County Commissioners for final approval.</p>	
Additional Information	<p>Definition: Transmission lines – In the Beaver County Zoning Ordinance, transmission lines are not broken out by kilovolt (kV) size, only described as electric transmission line.</p> <p>Zones not Defined: The Residential Estates (RE), Residential District (R), Forest/Recreation Residential District (FR), and Multiple-Family Residential District (RM) do not explicitly detail whether transmission lines will be permitted, require a conditional use permit or are not permitted in these districts.</p>	
Zone or District Name	<p>A: Agricultural District CD: Central Development District C-G: General Commercial District C-H: Commercial Highway District C-N: Neighborhood Commercial District C-S: Shopping Commercial District FR: Forest/Recreation Residential District MU-20: Multiple Use District M-D: Manufacturing-Distribution MD-B: Manufacturing-Distribution-Business Park M-G: General Industrial District R: Residential District (R) RE: Residential Estates District RM: Multiple-Family Residential District</p>	
<p>NOTES:</p> <p>¹All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects.</p> <p>²Permitted: A transmission line is allowed in the zone or district</p> <p>³Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required.</p> <p>⁴Not Permitted: A transmission line is not allowed in a zone or district.</p>		

**TABLE A-2
BOX ELDER COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Box Elder County Land Use Management and Development Code 2007; updated 2011	
Contact Information	Address: 1 South Main Street Brigham City, UT 84302 Phone: (435) 734-3314 Website: http://www.boxeldercounty.org/planning-and-zoning.htm	
Zoning Districts	Permitted²:	None
	Conditional Use Permit or Other³:	MU-160, MU-80, MU-40, A-20, A-1, A-1/2, RR-10, RR-5, RR-2, RR-1, R1-12, R1-8, R1-6, RM-7, RM-15, C-N, C-S, C-H, C-G, M-FP, M-G, C-E, RR-20, R-1-20 (utility lines rights-of-way, CUP)
	Not Permitted⁴:	RR-5 modified, SW-NC, MG-EX
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definition: Utility lines rights-of-way: include electrical transmission line.	
Zone or District Name	A-20: Agricultural Zone A-1: Agricultural Zone A-1/2: Agricultural Zone MU 160: Mixed Use Zone MU 80: Mixed Use Zone MU 40: Mixed Use Zone RR-1: Rural Residential Zone RR-2: Rural Residential Zone RR-5: Rural Residential Zone RR-5 modified: Rural Residential Zone RR-10: Rural Residential Zone RR-20: Rural Residential Zone R-1-20: Rural Residential Zone R-1-8: Residential Zone R-1-12: Residential Zone RM-7, RM-15: Multiple Residential District MH: Mobile Home Parks C-N: Neighborhood Commercial District C-S: Shopping Commercial District C-H: Highway Commercial District C-G: General Commercial District M-FP: Manufacturing-Food Products District M-G: General Industrial District SW-NC: South Willard Neighborhood Commercial MG-EX: Mining, Quarry, Sand & Gravel Excavation Zones	
NOTES:		
¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects.		
² Permitted: A transmission line is allowed in the zone or district		
³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required.		
⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-3
CACHE COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Cache County Code January 2013	
Contact Information	Address: 179 North Main Street, Suite 305 Logan, UT 84321 Phone: (435) 755-1640 Website: http://www.cachecounty.org/pz/	
Zoning Districts	Permitted²:	None
	Conditional Use Permit or Other³:	PI (Major electric transmission facility, CUP) RU-2, RU-5, A-10, FR-40, C, IM, RR, PI (Minor electric transmission facility, CUP)
	Not Permitted⁴:	RU-2, RU-5, A-10, FR-40, C, IM, ME, RR (Major electric transmission facility) ME (Minor electric transmission facility)
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definitions: Major electric transmission facility – Transmission lines that are 46kV or greater and that may provide interstate power transmission. Minor electric transmission facility – Transmission lines that are 46kV or less and provide power to customers or areas located in the county.	
Zone or District Name	A-10: Agricultural zone RU-2: Rural-2 zone RU-5: Rural-5 zone FR-40: Forest Recreation zone C: Commercial zone IM: Industrial/manufacturing zone ME: Mineral extraction and excavation zone RR: Resort recreation zone	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-4
CARBON COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	The Development Code of Carbon County, Utah 2003	
Contact Information	Address: 120 East Main Price, UT 84501 Phone: (435) 636-3201 Website: http://www.carbon.utah.gov/pandz/planning/Index.html	
Zoning Districts	Permitted²:	RA-20, RR-5, RR-2.5, RR-1, R-1-20,000, R-1-12,000, R-1-8,000, R-2-8,000, R-4-8,000, C-1, C-2, M&G, SL, PV, HMC, (Minor projects)
	Conditional Use Permit or Other³:	RA-20, RR-5, RR-2.5, RR-1, R-1-20,000, R-1-12,000, R-1-8,000, R-2-8,000, R-4-8,000, C-1, C-2, M&G, SL, PV, HMC (Major projects, CUP) I-1, I-2, WS, MR, RFM (Both major and minor projects, CUP)
	Not Permitted⁴:	SC (Both Major and Minor projects)
Permitting Decision Maker	The County Commission makes the final decision on CUP applications.	
Additional Information	Definitions: Major projects – Transmission lines that are 45kV and larger. Minor projects – Transmission lines that are 45kV or less.	
Zone or District Name	RA-20: 20 acre Residential Agricultural RR-5: 5 acre Rural Residential RR-2.5: 2.5 acre Rural Residential Zone RR-1: 1 acre Rural Residential R-1-20,000: Residential Zone R-1-12,000: Residential Zone R-1-8,000: Residential Zone R-2-8,000: Residential Zone R-4-8,000: Residential Zone C-1: Retail Commercial Zone C-2: Wholesale Commercial Zone SC: Shopping Center Zone I-1: Light Industrial Zone I-2: Heavy Industrial Zone M&G: Mining and Grazing Zone WS: Water Shed Zone MR: Mountain Range Zone SL: Scofield Lake Zone PV: Pleasant Valley Zone RFM: Recreation, Forestry, and Mining Zone HMC: Historic Mining Camp Zone FPO: Flood Plain Overlay Zone	

NOTES:
¹All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects.
²Permitted: A transmission line is allowed in the zone or district
³Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required.
⁴Not Permitted: A transmission line is not allowed in a zone or district.

**TABLE A-5
DAGGETT COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Uniform Zoning and Subdivision Ordinances 1994; amended 2011	
Contact Information	Address: 95 North 100 West Manila, UT 84046 Phone: (435) 438-784-3154 Website: http://www.daggettcounty.org/index.aspx?nid=36	
Zoning Districts	Permitted²:	None
	Conditional Use Permit or Other³:	R-1-40, R-1-20, R-1-12, R-1-10, R-1-8, R-1-6, R-M-7, R-M-15, R-M-30, C-D (transmission 50kV+, CUP)
	Not Permitted⁴:	None
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definition: Transmission 50kV+ – Transmission lines that are 50kV or greater. Zones not Defined: The Multiple Use Districts (M-U-40, M-U-80, M-U-160), Agricultural District (A-20, A-40), Rural Residential (R-R-1/2, R-R-1, R-R-5, R-R-10), Neighborhood Commercial District (C-N), Commercial Shopping District (C-S), Highway Commercial District (C-H), General Commercial District (C-G), Manufacturing-Distribution District (M-D), and General Industrial District (M-G) do not explicitly detail whether transmission lines will be permitted, require a conditional use permit or are not permitted in these districts.	
Zone or District Name	M-U-40: Multiple Use District M-U-80: Multiple Use District M-U-160: Multiple Use District A-20: Agricultural District A-40: Agricultural District R-R-1/2: Rural Residential District R-R-1: Rural Residential District R-R-5: Rural Residential District R-R-10: Rural Residential District R-1-40: Residential District R-1-20: Residential District R-1-12: Residential District R-1-10: Residential District R-1-8: Residential District	R-1-6: Residential District R-M-7: Residential District R-M-15: Residential District R-M-30: Residential District C-N: Neighborhood Commercial District C-S: Commercial Shopping District C-H: Highway Commercial District C-G: General Commercial District M-D: Manufacturing –Distribution District M-G: General Industrial District C-D: Central Development District P: Planned District

NOTES:

¹All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects.

²Permitted: A transmission line is allowed in the zone or district

³Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required.

⁴Not Permitted: A transmission line is not allowed in a zone or district.

**TABLE A-6
DAVIS COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	A Codification of the General Ordinances of Davis County, Utah 2010	
Contact Information	Address: P. O. Box 618 Farmington, UT 84025 Phone: (801) 451-3281 Website: http://www.co.davis.ut.us/planning/default.cfm	
Zoning Districts	Permitted²:	AE, A-1,A-5, (private rights-of-way)
	Conditional Use Permit or Other³:	None
	Not Permitted⁴:	None
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definition: Private rights-of-way – (unable to identify definition) Zones not Defined: The Neighborhood Commercial Zone (C-1) , General Commercial (C-2), Forestry Zone (F-1), General Manufacturing (M-1), Natural Resources Zone (NR), Residential Single-Family Zone (R-1), Residential Two-Family Zone (R-2), and Residential Multi-Family Zone (R-3) do not explicitly detail whether transmission lines will be permitted, require a conditional use permit or are not permitted in these zones.	
Zone or District Name	AE: Agriculture Estate/Limited Agriculture Zone A-1: Limited Agriculture Zone A-5: Agriculture and Farm Industry Zone C-1: Neighborhood Commercial Zone C-2: General Commercial Zone F-1: Forestry Zone M-1: General Manufacturing Zone NR: Natural Resource R-1: Residential Single-Family Zone R-2: Residential Two Family Zone R-3: Residential Multi-Family Zone	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-7
DUCHESNE COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Duchesne County Code November 2012	
Contact Information	Address: P. O. Box 317 Duchesne, UT 84021 Phone: (435) 738-1151 Website: http://duchesne.utah.gov/government/planning-a-zoning.html	
Zoning Districts	Permitted²:	A-5, A-10, A-2 1/2, R-1, I, C (Major facility of a public utility)
	Conditional Use Permit or Other³:	R 1/2 (Major facility of a public utility, CUP)
	Not Permitted⁴:	None
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definition: Major facility of a public utility – An electric transmission line greater than 115kV.	
Zone or District Name	I: Industrial C: Commercial A-10: Agricultural 10 acres minimum A-5: Agricultural 5 acres minimum A-2 ½: Agricultural 2.5 acres minimum R-1: Residential 1 acre minimum R-1/2: Residential ½ acre minimum	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-8
EMERY COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Zoning Ordinance June 2009	
Contact Information	Address: P. O. Box 417 Castle Dale, UT 84513 Phone: (435) 381-3555 Website: http://www.emerycounty.com/b&z/index.htm	
Zoning Districts	Permitted²:	A-1, MG&R-1, M-1, 1-1 (Minor transmission lines)
	Conditional Use Permit or Other³:	A-1, MG&R-1, M-1, 1-1 (Major transmission lines, CUP-Level 3)
	Not Permitted⁴:	None
Permitting Decision Maker	The County Commission makes the final decision on Level 3 CUP applications.	
Additional Information	Definitions: Major transmission lines – Transmission lines 69kV or larger. Minor transmission lines – Transmission lines 69kV or smaller.	
Zone or District Name	A-1:	Agricultural Zone
	MG&R-1:	Mining, Grazing, & Recreation Zone
	M-1:	Mountain Zone
	I-1:	Industrial Zone

NOTES:
¹All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects.
²Permitted: A transmission line is allowed in the zone or district
³Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required.
⁴Not Permitted: A transmission line is not allowed in a zone or district.

**TABLE A-9
GARFIELD COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Garfield County Zoning Ordinance 1986	
Contact Information	Address: P. O. Box 77 Panguitch, UT 84759 Phone: (435) 676-1157 Website: http://garfield.utah.gov/	
Zoning Districts	Permitted²:	None
	Conditional Use Permit or Other³:	MU, FR, A, (utility easements, CUP) R, RE (public utilities, CUP)
	Not Permitted⁴:	R, RE (utility easements) C, M-1, M-2 (public utilities and utility easements)
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definitions: Utility easements – not defined in the Zoning Ordinance. Public utilities – Electrical corporation where the service is performed for the commodity delivered to the public or any portion thereof.	
Zone or District Name	MU: Multiple Use Zone FR: Forest Zone A: Agricultural Zone R: Residential Zone RE: Residential Estates Zone C: Commercial Zone M-1: Light Industrial Zone M-2: Heavy Industrial Zone	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-10
GRAND COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Grand County Land Use Code Amended April 2008	
Contact Information	Address: 125 East Center Moab, UT 84532 Phone: (435) 259-1343 Website: http://www.grandcountyutah.net/planning.htm	
Zoning Districts	Permitted²:	None
	Conditional Use Permit or Other³:	SLR, LLR, RR, MFR, RG, NC, GB, RC, RS, HC, LI, HI (All transmission projects, including major, CUP)
	Not Permitted⁴:	None
Permitting Decision Maker	The County Council makes the final decision on CUP applications.	
Additional Information	Definitions: Major transmission projects; Interstate or intrastate facilities.	
Zone or District Name	SLR: Small Lot Residential Zone LLR: Large Lot Residential Zone RR: Rural Residential Zone MFR: Multi-family Residential Zone RG: Range and Grazing Zone NC: Neighborhood Commercial Zone GB: General Business Zone HC: Highway Commercial Zone RC: Resort Commercial Zone RS: Resort Special Zone LI: Light Industrial Zone HI: Heavy Industrial Zone	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-11
IRON COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Iron County Zoning Ordinance, Chapter 17 1998	
Contact Information	Address: 82 North 100 East, Suite 102 Cedar City, UT 84720 Phone: (435) 865-5350 Website: http://www.ironcounty.net/departments/BuildingInspector/	
Zoning Districts	Permitted²:	None
	Conditional Use Permit or Other³:	A-20, R-5, R-2, R-1, R-1/2, C, LI, I, IA All electric transmission and utility service facility lines, CUP)
	Not Permitted⁴:	None
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definitions: Electric transmission lines – three or more structures and appurtenant facilities erected above ground, supporting one or more conductors that transmit 115kV or more. Utility service facility – Electrical distribution lines 115kV and lower.	
Zone or District Name	A-20: Agriculture Zone I-A: Intensive Agricultural Zone R-5: Residential Zone R-2: Residential Zone R-1: Residential Zone R-1/2: Residential Zone C: Commercial Zone LI: Light Industrial Zone I: Industrial Zone	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-12
JUAB COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Land Use Code July 2007	
Contact Information	Address: 160 North Main Nephi, UT 84648 Phone: (435) 623-3400 Website: http://www.co.juab.ut.us/County/Planning/Index.html	
Zoning Districts	Permitted²:	GMRF-1 (transmission lines)
	Conditional Use Permit or Other³:	None
	Not Permitted⁴:	None
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definition: Transmission line – unable to identify definition Zones not Defined: The Agricultural District (A-1), Highway Commercial District (HC), Industrial District (ID), Outlying District (O-1), Residential-Agricultural District (RA-1), and Growth Area District (GA) do not explicitly detail whether transmission lines will be permitted, require a conditional use permit or are not permitted in these zones.	
Zone or District Name	AG: Agricultural Protection District A-1: Agricultural District C-1: Commercial District GMRF-1: Grazing, Mining, Recreation & Forestry District HC: Highway Commercial H-1: Highway & Roadside District ID: Industrial District O-1: Outlying District RA-1: Residential-Agricultural District GA: Growth Area District	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-13
KANE COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Kane County Land Use Ordinance February 2010	
Contact Information	Address: 76 North Main Street Kanab, UT 84741 Phone: (435) 644-4966 Website: http://www.kane.utah.gov/deptinfo.cfm?ID=8	
Zoning Districts	Permitted²:	AG, R-1/2, R-1, R-2, R-5, M (Minor transmission lines) C-1 and C-2 (Major and minor transmission lines)
	Conditional Use Permit or Other³:	AG, R-1/2, R-1, R-2, R-5, M (Major transmission lines)
	Not Permitted⁴:	None
Permitting Decision Maker	The Land Use Authority makes the final decision on CUP applications.	
Additional Information	Definitions: Major transmission lines – Are 70 feet or greater in height. Minor transmission lines – Are 70 feet or less in height.	
Zone or District Name	AG: Agricultural Zone R-1/2: Residential Zone R-1: Residential Zone R-2: Residential Zone R-5: Residential Zone C-1: Commercial Zone C-2: Commercial Zone M: Manufacturing Zone I: Industrial Zone CZ: Community Zone	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-14
MILLARD COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Millard County, Utah County Code December 2004	
Contact Information	Address: P. O. Box 854 Delta, UT 84624 Phone: (435) 846-1400 Website: http://www.millardcounty.org/Planning--Zoning.html	
Zoning Districts	Permitted²:	None
	Conditional Use Permit or Other³:	RF, AG-20, AG, AI, R1, HC, LI, HI (Minor transmission lines; C-1 Permit)
	Not Permitted⁴:	RF, AG-20, AG, AI, R1, HC, LI, HI (Major transmission lines)
Permitting Decision Maker	The Board of County Commissioners makes the final decision for a C-1 application.	
Additional Information	Definitions: Major transmission lines – Electric transmission rights-of-way (major) designed to provide for the location of electric transmission lines. They are designed to operate at voltages of 140,000 volts (140 kV), or greater, and may provide for interstate power transmission or power to customers or areas located outside of the county. The transmission line has been found by the county to conform to the general plan, or has been considered by the commission, and the Board of County Commissioners has approved the proposed location as an amendment to the general plan. Minor transmission lines – Electric transmission rights-of-way (minor) designed to provide for the location of electric transmission lines. They are designed to operate at voltages of less than 140,000 volts (140 kV) and provide power transmission to customers or areas located in the county.	
Zone or District Name	RF: Range and Forest District AG-20: Agriculture 20 District AG: Agriculture District AI: Agriculture Industrial District R1: Residential District HC: Highway Commercial District LI: Light Industrial District HI: Heavy Industrial District	

NOTES:
¹All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects.
²Permitted: A transmission line is allowed in the zone or district
³Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required.
⁴Not Permitted: A transmission line is not allowed in a zone or district.

**TABLE A-15
MORGAN COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Morgan County, Utah County Code December 2012	
Contact Information	Address: 48 West Young Street P. O. Box 886 Morgan, UT 84050 Phone: (435) 845-4015 Website: http://www.morgan-county.net/CountyDepartments/PlanningDevelopmentServices/tabid/85/Default.aspx	
Zoning Districts	Permitted²:	CB (All transmission line)
	Conditional Use Permit or Other³:	C-N, C-S, C-H, C-G, M-D, M-G (All transmission line, CUP)
	Not Permitted⁴:	None
Permitting Decision Maker	The County Council makes the final decision on CUP applications.	
Additional Information	Definition: All transmission lines – includes all voltage categories for transmission lines Zones not Defined: The Multiple Use District (MU-160), Forestry District (F-1), Agriculture District (A-20), Rural Residential District (RR-10, RR-5, RR-1), Residential District (R1-20, R1-12, R1-8), and Multiple Residential District (RM-7, RM-15) do not explicitly detail whether transmission lines will be permitted, whether a conditional use or not is permitted in these districts	
Zone or District Name	MU-160: Multiple Use District F-1: Forestry District A-20: Agriculture District RR-10: Rural Residential District RR-5: Rural Residential District RR-1: Rural Residential District R1-20: Residential District R1-12: Residential District R1-8: Residential District RM-7: Multiple Residential District RM-15: Multiple Residential District CB: Commercial Buffer District C-N: Neighborhood Commercial District C-S: Commercial Shopping District C-H: Highway Commercial District C-G: General Commercial District M-D: Manufacturing – Distribution District M-G: General Industrial District	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-16
PIUTE COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	(Plan was unavailable for review when completing this guide; consult Piute County for County Plan information)	
Contact Information	Address: 550 North Main Junction, UT 84740 Phone: (435) 577-2840 Website:	
Zoning Districts	Permitted²:	Consult Piute County on whether or not a proposed transmission project would be permitted.
	Conditional Use Permit or Other³:	Consult Piute County on whether or not the proposed transmission project would require a permit.
	Not Permitted⁴:	Consult Piute County on whether or not the proposed transmission project would be not permitted.
Permitting Decision Maker	Consult Piute County on the decision maker for a proposed transmission project permit.	
Additional Information	Definition:	
Zone or District Name	(Plan was unavailable for review when completing this guide; consult Piute County for zone information)	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-17
RICH COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Draft Rich County Code	
Contact Information	Address: P. O. Box 472 Garden City, UT 84028 Phone: (435) 946-2198 Website: http://www.bearlakeregionalcommission.org/rich_county.htm	
Zoning Districts	Permitted²:	None
	Conditional Use Permit or Other³:	A-10, A-20, FR-40, AR-1, AR-2, AR-5, R, C, BD, M, WS (CUP)
	Not Permitted⁴:	None
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definition: No definition was given for all utilities.	
Zone or District Name	A-10: Agriculture Zone A-20: Agriculture Zone FR-40: Forest- Recreation Zone AR-1: Agricultural Residential Zone AR-2: Agricultural Residential Zone AR-5: Agricultural Residential Zone R: Residential Zone C: Commercial Zone BD: Beach Development Zone M: Manufacturing Zone WS: Water Source Protection Zone	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-18
SALT LAKE COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	A Codification of the General Ordinances of Salt Lake County, Utah February 2013	
Contact Information	Address: 2001 South State Street, N3600 Salt Lake City, UT 84190 Phone: (385) 468-6700 Website: http://www.pwpds.slco.org/	
Zoning Districts	Permitted²:	All transmission lines being proposed in Salt Lake County after 1997 must be underground except for above ground installation of: New service drops and/or distribution lines where service is available from existing aboveground systems; temporary systems required for construction projects that do not last more than 1 year; transmission systems installed in the 2 main north-south transmission corridors, as identified on the map entitled “main north-south electrical transmission corridors” on file with the planning and development services division. Other cases for why are project may be exempt from being placed underground include: where there is unusual topographical, aesthetic, or other exceptional conditions or circumstances that exist which would cause minimal visual, health, or safety impact on the public; or if the county mayor or designee determines that insufficient funds are available to pay for the incremental costs of underground installation of a system or the public benefit of placing a transmission line underground is not cost effective or is otherwise not in the public interest. (Chapter 19.79 Utility and Facility System Placement Regulations)
	Conditional Use Permit or Other³:	None
	Not Permitted⁴:	None
Permitting Decision Maker	If a project is identified as needing a conditional use permit, the Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definition:	
Zone or District Name	F-1: Forestry Zone FM-10: Forestry Multifamily Zone FM-20: Forestry Multifamily Zone FR-0.5: Forestry and Recreation Zone FR-1: Forestry and Recreation Zone FR-2.5: Forestry and Recreation Zone FR-5: Forestry and Recreation Zone FR-10: Forestry and Recreation Zone FR-20: Forestry and Recreation Zone FR-50: Forestry and Recreation Zone FR-100: Forestry and Recreation Zone R-1-3: Residential Zone R-1-4: Residential Zone R-1-5: Residential Zone R-1-6: Residential Zone	R-1-7: Residential Zone R-1-43: Residential Zone R-2-6.5: Residential Zone R-1-8: Residential Zone R-1-10: Residential Zone R-1-10c: Residential Zone R-1-15: Residential Zone R-1-21: Residential Zone R-2-8: Residential Zone R-2-10: Residential Zone R-2-10c: Residential Zone R-4-8.5: Residential Zone S-1-G: Residential Zone R-M: Residential Zone
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-19
SAN JUAN COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	San Juan County Zoning Ordinance Amended September 2011	
Contact Information	Address: P. O. Box 9 Monticello, UT 84535 Phone: (435) 587-3225 Fax: (435) 438-6462 Website: http://sanjuancounty.org/planning.htm	
Zoning Districts	Permitted²:	CD (public utilities)
	Conditional Use Permit or Other³:	CD (private utilities, CUP)
	Not Permitted⁴:	MU-1, A-1, RR-1
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definition: No definition was given for public utilities or private utilities.	
Zone or District Name	MU-1: Multiple Use District A-1: Agricultural District RR-1: Rural Residential District CD: Controlled District IR: Indian Reservation District	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-20
SANPETE COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Sanpete County Land Use Ordinance November 2000; amended March 2013	
Contact Information	Address: 160 North Main Manti, UT 84642 Phone: (435) 835-2113 Website: http://sanpete.com/pages/inspector	
Zoning Districts	Permitted²:	IN, PF (all transmission lines)
	Conditional Use Permit or Other³:	A, RA1, RA2, SL, BC (all transmission lines, CUP)
	Not Permitted⁴:	None
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definition: All transmission lines: includes all voltage categories for transmission lines	
Zone or District Name	A: Agricultural Zone RA-1: Residential-Agriculture Zone RA-2: Residential-Agriculture Zone PF: Public Facilities Zone BC: Business/Commercial Zone SL: Sensitive Lands Zone	

NOTES:
¹All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects.
²Permitted: A transmission line is allowed in the zone or district
³Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required.
⁴Not Permitted: A transmission line is not allowed in a zone or district.

**TABLE A-21
SEVIER COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Sevier County Zoning Ordinance Revised 2010	
Contact Information	Address: 250 North Main Street Richfield, UT 84701 Phone: (435) 893-0400 Website: http://sevierutah.net/index.aspx?NID=101	
Zoning Districts	Permitted²:	A5, GRF-5, GRF-20R, GRF-20S (major transmission lines)
	Conditional Use Permit or Other³:	None
	Not Permitted⁴:	RA5 and RA (major transmission lines)
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definition: Major transmission lines: not defined in Zoning Ordinance	
Zone or District Name	A5: Agricultural Zone RA: Residential-Agricultural Zone RA5: Residential-Agricultural Zone GRF-5: Grazing, Recreation, and Forestry Zone GRF-20S: Grazing, Recreation, and Forestry Seasonal Zone GRF-20R: Grazing, Recreation, and Forestry Residential Zone	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-22
SUMMIT COUNTY – EASTERN SUMMIT COUNTY DISTRICT TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Eastern Summit County Development Code 1996	
Contact Information	Address: 60 North Main P. O. Box 128 Coalville, UT 84017 Phone: (435) 336-(ext.) Website: http://www.co.summit.ut.us/communitydevelopment/planning.php	
Zoning Districts	Permitted²:	AP, AG-100, AG-160, CA-HC, C, LI, I (all underground transmission lines) AG-100, AG-160, I (minor transmission structures)
	Conditional Use Permit or Other³:	AP, AG-100, CA, HC, C, LI (major transmission structures, CUP) AP, CA, HC, C, LI (minor transmission structures, Low Impact Use) AG-160, I (major transmission structures, Low Impact Use)
	Not Permitted⁴:	None
	Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.
Additional Information	Definitions: Minor transmission structures – utility towers and associated transmission and distribution lines 45 feet in height or less. Major transmission structures – utility towers and associated transmission and distribution lines greater than 45 feet in height. Low Impact Use – The uses, projects, and activities considered to have little or no impact on the public health, safety, and general welfare. Low Impact Uses determined to be in compliance with the development evaluation standards and general regulation of the Code and provisions of the General Plan may be approved administratively by the Community Development Director or designated planning staff member.	
Zone or District Name	AP: Agriculture Protection Zone AG-100: Agriculture-grazing 100 Zone AG-160: Agriculture-grazing 160 Zone HC: Highway Corridor Zone CA: Cabin Area Zone C: Commercial Zone LI: Light Industrial Zone I: Industrial Zone SPA: Specially Planned Area Zone	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-23
SUMMIT COUNTY – SNYDERVILLE BASIN DISTRICT TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Synderville Basin Development Code (unable to identify date)	
Contact Information	Address: 60 North Main P. O. Box 128 Coalville, UT 84017 Phone: (435) 336-(ext.) Website: http://www.co.summit.ut.us/communitydevelopment/planning.php	
Zoning Districts	Permitted²:	None
	Conditional Use Permit or Other³:	RR, HS, MR (Above-ground facilities, CUP)
		CC, SC, NC (Above-ground facilities; Low Impact Permit)
	Not Permitted⁴:	RR, HS, MR, CC, SC, NC (Underground utilities, Low Impact Permit)
Permitting Decision Maker	The Planning Commission may make a recommendation but the Community Development Director or designated planning staff will make the final decision.	
Additional Information	Definitions: Underground Utilities – Underground transmission lines exceeding 12 inches in diameter (i.e., gas, oil, water) and utility towers and transmission lines 45 feet in height or less Above-ground – Utility towers and transmission and distribution towers greater than 45 feet in height	
Zone or District Name	RR: Rural Residential Zone HS: Hillside Stewardship Zone MR: Mountain Remote Zone CC: Community Commercial Zone SC: Service Commercial/Light Industrial Zone NC: Neighborhood Commercial Zone TC: Town Center Zone RC: Resort Center Zone	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-24
TOOELE COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Tooele County Land Use Ordinances 2005	
Contact Information	Address: 47 South Main Street Tooele, UT 84074 Phone: (435) 843-3160 Website: http://www.co.tooele.ut.us/building.html	
Zoning Districts	Permitted²:	C-N, C-S, C-H, C-G, M-D, M-G, T, MG-H (essential service facilities)
	Conditional Use Permit or Other³:	MU-40, MU-80, MU-160, A-20, A-40, RR-1 RR-5, RR-10, R-1-2, R-1-12, R-1-10, R-1-8, R-M-7, R-M-15, R-M-30, C-N, C-S, C-H, C-G, M-D, M-G, T, MG-H (transmission lines 50kV or greater capacity)
	Not Permitted⁴:	None
		MU-40, MU-80, MU-160, A-20, A-40, RR-1 RR-5, RR-10, R-1-2, R-1-12, R-1-10, R-1-8, R-M-7, R-M-15, R-M-30 (distribution transmission lines)
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definitions: Essential service facilities – service provided by public or private utilities, including underground and overhead electrical. Distribution transmission lines – transmission lines under 49kV	
Zone or District Name	MU-40: Multiple Use MU-80: Multiple Use MU-160: Multiple Use A-20: Agricultural A-40: Agricultural RR-1: Rural Residential RR-5: Rural Residential RR-10: Rural Residential R-1-21: Residential R-1-12: Residential R-1-10: Residential R-1-8: Residential R-M-7: Multiple Residential	R-M-15: Multiple Residential R-M-30: Multiple Residential C-N: Commercial Neighborhood C-S: Commercial Shopping C-H: Commercial Highway C-G: Commercial General M-D: Manufacturing Distribution M-G: Manufacturing General T: Travel Influence MG-H: Hazardous Industries R-T: Railroad Travel Influence MG-EX: Mining, quarry, sand, and gravel excavation
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-25
UINTAH COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Uintah County Code February 2013	
Contact Information	Address: 152 East 100 North Vernal, UT 84078 Phone: (435) 781-5336 Website: http://www.co.uintah.ut.us/comdev/comdev.php	
Zoning Districts	Permitted²:	None
	Conditional Use Permit or Other³:	A-1, RA-1 (CUP)
	Not Permitted⁴:	None
Permitting Decision Maker	The Land Use Authority makes the final decision on CUP applications.	
Additional Information	Definition: None Zones not Defined: The Residential (R-1, R-2, R-3) zones, Residential Mobile Home (MH) zone, Commercial (C-1, CP-1) zones, Industrial (I-1 and I-2), Travel Tourism and Recreation Commercial (TTR-2) zone, Mining and Grazing (MG-1) zone, and Recreation, Forestry, and Mining (RFM) zone do not explicitly detail whether transmission lines will be permitted, or whether a conditional use or not is permitted in these zones.	
Zone or District Name	A-1: Agriculture Zone RA-1: Residential Agricultural Zone R-1: Residential Zone R-2: Residential Zone R-3: Residential Zone MH: Residential Mobile Home Zone C-1: Commercial Zone CP-1: Planned Commercial Zone TTR-2: Travel Tourism and Recreation Commercial Zone I-1: Industrial Zone I-2: Industrial Zone MG-1: Mining and Grazing Zone RFM: Recreation, Forestry, and Mining Zone	

NOTES:
¹All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects.
²Permitted: A transmission line is allowed in the zone or district
³Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required.
⁴Not Permitted: A transmission line is not allowed in a zone or district.

**TABLE A-26
UTAH COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Utah Land Use Ordinance January 2013	
Contact Information	Address: 100 East Center Street, Suite 2200 Provo, UT 84606 Phone: (801) 851-8000 Website: http://www.utahcounty.gov/Dept/comdev/Planning/index.asp	
Zoning Districts	Permitted²:	RA-5, RR-5, TR-5, CE-1, CE-2, M&G-1, NC-1, HS-1, I-1, A-40, PF, P-C (345kV transmission lines or less)
	Conditional Use Permit or Other³:	RA-5, RR-5, TR-5, CE-1, CE-2, M&G-1, NC-1, HS-1, I-1, A-40, PF, PC (345kV transmission lines or greater)
	Not Permitted⁴:	None
Permitting Decision Maker	The Board of Adjustment makes the final decision on CUP applications.	
Additional Information	Definition: None	
Zone or District Name	RA-5: Residential Agricultural Zone RR-5: Rural Residential Zone TR-5: Transitional Residential Zone CE-1: Critical Environmental Zone CE-2: Critical Environmental Zone M&G-1: Mining and Grazing Zone NC-1: Neighborhood Commercial Zone HS-1: Highway Service Zone I-1: Industrial Zone A-40: Agricultural Zone PF: Public Facilities Zone PC: Goshen Valley Planned Community Zone	

NOTES:
¹All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects.
²Permitted: A transmission line is allowed in the zone or district
³Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required.
⁴Not Permitted: A transmission line is not allowed in a zone or district.

**TABLE A-27
WASATCH COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Wasatch County Land Use and Development Code (unable to identify date)	
Contact Information	Address: 55 South 500 East Heber City, UT 84032 Phone: (435) 657-3205 Fax: (435) 438-6462 Website: http://www.co.wasatch.ut.us/planning.aspx	
Zoning Districts	Permitted²:	A-20, C (underground transmission lines) RA-5, RA-1, OBP (underground transmission lines under 38 KV and/or under 35 foot towers)
	Conditional Use Permit or Other³:	P-160, M, HS, OBP, I, PF (all transmission lines) RA-5, RA-1 (transmission lines over 38 kV and over 35' towers, CUP) C (transmission lines over 38 kV and less than 35' height, CUP)
	Not Permitted⁴:	None
Permitting Decision Maker	Depending on the type of project and the comments or objections received from the public notice about the application, either the Wasatch County Planning Staff or the Wasatch County Planning Commission will make the final decision.	
Additional Information	Definition: All transmission lines – Over and under 38kV and over and under 35 foot towers.	
Zone or District Name	P-160: Preservation Zone A-20: Agricultural Zone RA-5: Residential-Agricultural Zone RA-1: Residential-Agricultural Zone M: Mountain Zone C: Commercial Zone HS: Highway Services Zone OBP: Office and Business Park Zone I: Industrial Zone PF: Public Facilities Zone	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-28
WASHINGTON COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Washington County, Utah County Code December 2012	
Contact Information	Address: 197 East Tabernacle St. George, UT 84470 Phone: (435) 634-5701 Fax: (435) 438-6462 Website: http://www.washco.utah.gov/planning/index.php	
Zoning Districts	Permitted²:	None
	Conditional Use Permit or Other³:	OSC, A, FR, SFR, RA, RE, SF, MF, MH, PDR (all public utilities)
	Not Permitted⁴:	None
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definition: All public utilities – includes all transmission line voltages	
Zone or District Name	OSC: Open Space Conservation Zone A: Agricultural Zone FR: Forest Residential Zone SFR: Seasonal Forest Residential Zone RA: Residential Agricultural Zone RE: Residential Estate Zone SF: Single-Family Residential Zone MF: Multiple-Family Residential Zone MH: Manufactured Housing Park and Recreational Vehicle Park Zone PDR: Planned Residential Development District C-1: Commercial Zone C-2: Commercial Zone C-3: Commercial Zone M-1: Manufacturing Zone I-1: Industrial Zone	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-29
WAYNE COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Wayne County, Utah Zoning Ordinance January 2011	
Contact Information	Address: P. O. Box 189 Loa, UT 84747 Phone: (435) 836-1303 Website: http://www.waynecountyutah.org/Planning-Zoning	
Zoning Districts	Permitted²:	None
	Conditional Use Permit or Other³:	A, I, SP (Major facilities, CUP)
	Not Permitted⁴:	A, RA, BC, RR, I, SP (All minor facilities, Permit-2) RA, BC, RR (Major facilities)
Permitting Decision Maker	The Board of County Commissioners makes the final decision for CUP applications. The Planning Commission makes the final decision for Permit-2 applications.	
Additional Information	Definitions: Major facilities – Aboveground facilities designed to transit 140,000 volts or more. Minor facilities – Aboveground facilities designed to transit 140,000 volts or less.	
Zone or District Name	A: Agricultural District RA: Residential Agricultural District BC: Business- Commercial District RR; Resort and Recreation District I: Industrial District SP: Special Purpose District	
NOTES: ¹ All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects. ² Permitted: A transmission line is allowed in the zone or district ³ Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required. ⁴ Not Permitted: A transmission line is not allowed in a zone or district.		

**TABLE A-30
WEBER COUNTY TRANSMISSION PERMITTING REQUIREMENTS¹**

County Plan Name	Uniform Land Use Ordinance of Weber County, Utah (unable to identify date)	
Contact Information	Address: 2380 Washington Boulevard, Suite 240 Ogden, UT 84401 Phone: (801) 399-8791 Website: http://www.co.weber.ut.us/mediawiki/index.php/Planning	
Zoning Districts	Permitted²:	M-3 (All transmission lines)
	Conditional Use Permit or Other³:	F-5, F-10, F-40, S-1 (All transmission lines, CUP)
	Not Permitted⁴:	None
Permitting Decision Maker	The Planning Commission makes the final decisions on CUP applications.	
Additional Information	Definition: All transmission lines – includes all transmission line voltage sizes	
Zone or District Name	RE-15: Residential Estates Zone RE-20: Residential Estates Zone G: Gravel Zone A-1: Agricultural Zone A-2: Agricultural Zone A-3: Agricultural Zone AV-3: Agricultural Zone F-5: Forestry Zone F 10: Forestry Zone F-40: Forestry Zone FV-3: Forest Valley Zone S-1: Shoreline Zone CVR-1: Commercial Valley Resort Recreation Zone R-1-12: Residential Zone R-1-10: Residential Zone FR-1: Forest Residential Zone R-2: Residential Zone R-3: Residential Zone	FR-3: Forest Residential Zone RMHP: Residential Mobile/Manufactured Home Park Zone RMH-1-6: Residential Manufactured Home Zone C-1: Commercial Zone (Neighborhood) C-2: Commercial Zone (Limited) C-3: Commercial Zone (Business District) CV-1: Commercial Valley Zone CV-2: Commercial Valley Zone M-1: Manufacturing Zone M-2: Manufacturing Zone M-3: Manufacturing Zone MV-1: Manufacturing Zone O-1: Open Space Zone

NOTES:
¹All of this information has been compiled to assist with what types of permits may be required, in general, for transmission lines. Each County should be directly contacted for particular permitting information pertaining to specific projects.
²Permitted: A transmission line is allowed in the zone or district
³Conditional Use Permit/Other: For a transmission line to be placed in a certain zone or district, a conditional use or other type of permit may be required.
⁴Not Permitted: A transmission line is not allowed in a zone or district.