

Appendix C

Sage Grouse Correspondence



WYOMING GAME AND FISH DEPARTMENT

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April 8, 2011

WER 12221
Black Hills Power
Greater Sage Grouse Development and Mitigation Plan
Teckla-Osage Rapid City 230kV Transmission Line
Letter of Concurrence
Campbell and Weston Counties

Mark Carda
Transmission and Distribution Engineering Manager
Black Hills Power
PO Box 1400
Rapid City, SD 57709-1400

Dear Mr. Carda:

The staff of the Wyoming Game and Fish Department (WGFD) has reviewed the Greater Sage Grouse Development and Mitigation Plan (Plan) for Black Hills Power (BHP) Teckla-Osage Rapid City 230kV Transmission Line in Campbell and Weston Counties. We have worked cooperatively with BHP and the U.S. Fish and Wildlife Service (USFWS) to develop a plan that we believe would allow for construction of this proposed project, while not causing population level impacts to sage grouse. As a result, we offer this letter of concurrence that this project can move forward under the terms established in the Plan, without anticipated population level impacts to sage grouse. Additionally, WGFD received written concurrence from USFWS agreeing that they too felt the project could move forward under the terms and conditions of the Plan.

We offer these few points of clarification:

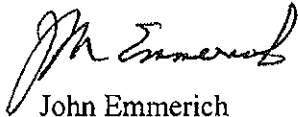
- Affected leks and control leks that will be monitored pre- and post-construction are described in the Plan and have been agreed upon by all parties.
- In the event that WGFD is unable to adequately monitor the Cellars Lek Complex and the Stenson-Main Lek in any required year, we will provide BHP with this information by no later than March 15th of the affected year in order for BHP to have adequate time and resources to arrange for the required monitoring.
- WGFD will work with BHP to acquire permission to access private lands, if necessary, for required lek monitoring.

Mr. Mark Carda
April 8, 2011
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- The Plan will become an attachment to BHP's required NEPA document, or Plan of Development, in order to administratively tie the terms and conditions of the Plan to the project.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact Matt Fry, Staff Terrestrial Biologist, at 307-777-4510

Sincerely,



John Emmerich
Deputy Director

JE/mf/wp

cc: USFWS
Daryl Lutz, Wildlife Management Coordinator, Casper Region, WGFD
Joe Sandrini, Wildlife Biologist, Casper Region, WGFD
Jerimiah Rieman, Natural Resources Policy Advisor, Governor Mead's Office



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January 30, 2014

WER 12221
USDA Forest Service
Black Hills National Forest, SD
Thunder Basin National Grassland, WY
Draft Environmental Impact Statement
Teckla-Osage-Rapid City Transmission 230 kV Project
Black Hills Power
Campbell and Weston Counties

Ruth Esperance, District Ranger
Mystic Ranger District
Teckla-Osage-Rapid City Project
8221 South Highway 16
Rapid City, SD 57702

Dear Ms. Esperance:

The staff of the Wyoming Game and Fish Department (WGFD) has reviewed the Draft Environmental Impact Statement for the Teckla-Osage-Rapid City Transmission 230 kV Project submitted by Black Hills Power (BHP). We offer the following comments.

Terrestrial Considerations:

The Teckla-Osage Rapid City 230K Transmission Line crosses designated sage-grouse core area. For any disturbance/activity within core the Governor's Sage Grouse Executive Order (SGEO) 2011-5 requires the Density/Disturbance Calculation Tool (DDCT) to be conducted. Since this project has not been evaluated using the current DDCT analysis under SGEO 2011-5, one should be completed. We also recommend updating the Greater Sage-Grouse Mitigation Plan to reflect Sage-Grouse Executive Order (SGEO) 2011-5. The original Greater Sage-grouse Development and Mitigation Plan, submitted by Black Hills Power, is based on SGEO 2010-4.

The WGFD appreciates efforts made by BHP to circumvent the Upton-Fairview and Oil City 2 leks by greater than 0.6 miles even though they are not located within sage-grouse core areas.

Power Line Construction Recommendations:

- Power lines and conductors should be constructed in accordance with raptor-safe design criteria as suggested in the following publication:

- 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.
- Avoid power line construction across waterways that are used as flight corridors by migratory waterfowl, and neo-tropical migrants.
- Avoid construction of overhead lines and other perch sites in occupied sharp-tailed grouse or sage-grouse habitat, especially within ¼ mile of leks, or within 0.6 mile in sage-grouse core areas. Where these structures must be built, or presently exist, locate along existing utility corridors or modify the structures to prevent perching raptors, where possible.
- Avoid construction activity within ½-mile to 1-mile of occupied raptor nests, depending on the species and site configuration. See table below:

WGFD DISTURBANCE-FREE DATES AND BUFFERS FOR RAPTORS		
SPECIES	DISTURBANCE-FREE DATES	DISTURBANCE-FREE BUFFER
Bald Eagle	February 15 – August 15	½ mile
Ferruginous Hawk	March 1 – July 31	1 mile
Golden Eagle	February 15 – July 31	½ mile
Merlin	April 1 – August 15	½ mile
Northern Goshawk	April 1 – August 15	½ mile
Peregrine Falcon	March 15 – August 15	½ mile
Prairie Falcon	March 1 – August 15	½ mile

Note: Disturbance-free dates include territory establishment through fledging.

Note: Additional considerations include line of sight, visibility, type of disturbance activity, location of disturbance above or below the occupied nest, and specific situations.

- Power line construction should be avoided within crucial habitats subject to the following seasonal stipulations (as applicable):
 - Big game winter range: November 15 - April 30.
 - Sage-grouse Non-Core Area, ¼-mile NSO buffer from lek perimeter: March 15 – June 30.
 - Sage-grouse Non-Core Area nesting/early brood-rearing, 2-mile buffer from lek perimeter or otherwise mapped: March 15-June 30.

- Sage-grouse Core Areas; 0.6 mile NSO buffer from lek perimeter: March 15 – June 30.
 - Sage-grouse Core Areas nesting/early brood rearing, March 15-June 30.
 - Avoid human activity between 8 p.m. and 8 a.m. from March 1- May 15 within ¼ mile of the perimeter of occupied sage-grouse leks (0.6 mile in Core Areas)
 - Sharp-tailed grouse leks; ¼-mile NSO from lek perimeter buffer: March 15 - May 31.
 - Avoid human activity between 8 p.m. and 8 a.m. from March 15 – May 31 within ¼ mile of the perimeter of occupied sharp-tail grouse leks.
 - Sharp-tailed grouse nesting/early brood-rearing, 2-mile buffer from lek perimeter: April 1 – July 15.
- Power line right of ways can be actively managed to benefit some species of game animals and offer enhanced hunting opportunities. As such, a habitat management plan should be established for this power line right of way. The plan should be designed to keep this habitat, at the expense of the operator, in early to mid seral stages, while avoiding the establishment of noxious weeds and other undesirable plant species. This will prevent establishment of tall trees that could interfere with the line, while enhancing forage and cover for game animals.
 - Construction of roads should be minimized to the greatest extent possible, and roads needed only for construction should be obliterated and reseeded to avoid establishment of noxious weeds and other undesirable plant species. To minimize disturbance to wildlife and enhance habitat quality, retained roads should be effectively closed to public travel and only be open for future construction and service work, or administrative access.

Aquatic Considerations:

To minimize impacts to the aquatic resources of nearby waterways, we recommend the following:

- Accepted best management practices be implemented to ensure that all sediments and other pollutants are contained within the boundaries of the work area. Disturbed areas that are contributing sediment to surface waters as a result of project activities should be promptly re-vegetated to maintain water quality.
- Equipment should be serviced and fueled away from streams and riparian areas. Equipment staging areas should be at least 300 feet from riparian areas.
- Preventing the spread of aquatic invasive species (AIS) is a priority for the State of Wyoming, and in many cases, the intentional or unintentional spread of organisms from one body of water to another would be considered a violation of State statute and

Wyoming Game and Fish Commission Regulation. To prevent the spread of AIS, the following is required:

If equipment has been used in a high risk infested water [a water known to contain Dreissenid mussels* (zebra/quagga mussels)], the equipment must be inspected by an authorized aquatic invasive species inspector recognized by the state of Wyoming prior to its use in any Wyoming water.

Any equipment entering the State by land from March through November (regardless of where it was last used), must be inspected by an authorized aquatic invasive species inspector prior to its use in any Wyoming waters.

If aquatic invasive species are found, the equipment will need to be decontaminated by an authorized aquatic invasive species inspector.

Any time equipment is moved from one 4th level (8-digit) Hydrological Unit Code watershed to another within Wyoming, the following guidelines are recommended:

DRAIN: Drain all water from watercraft, gear, equipment, and tanks. Leave wet compartments open to dry.

CLEAN: Clean all plants, mud, and debris from vehicle, tanks, watercraft, and equipment.

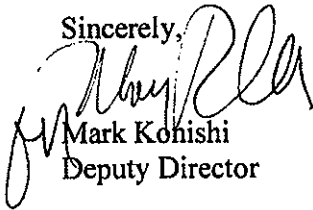
DRY: Dry everything thoroughly. In Wyoming, we recommend drying for 5 days in Summer (June - August); 18 days in Spring (March - May) and Fall (September - November); or 3 days in Winter (December - February) when temperatures are at or below freezing.

*A list of high risk infested waters and locations in Wyoming to obtain an AIS inspection can be found at: wgfd.wyo.gov

Ruth Esperance
January 30, 2014
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Thank you for the opportunity to comment. If you have any questions or concerns, please contact Rick Huber, Staff Aquatic Biologist, at 307-777-4558 or Linda Cope, Staff Terrestrial Biologist, at 307-777-2533.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Kohishi', is written over the typed name and title.

Mark Kohishi
Deputy Director

MK/mf/gb

cc: USFWS
Paul Mavrakis, Sheridan Region
Justin Binfet, WGFD - Sheridan Region
Joe Sandrini, WGFD – Sheridan Region



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July 21, 2014

WER 12221
Black Hills Power
Governor's Sage Grouse Executive Order 2011-5
2014 Density Disturbance Calculation Tool Analysis
Teckla-Osage_Rapid City 230kV Transmission Line
Weston County

Mark Carda
Black Hills Power
PO Box 1400
Rapid City, SD 57709

Dear Mr. Carda:

The staff of the Wyoming Game and Fish Department (WGFD) has reviewed the Governor's Sage Grouse Executive Order 2011-5, Density Disturbance Calculation Tool (DDCT) Analysis for the Black Hills Power's Teckla-Osage_Rapid City 230kV Transmission Line project in Weston County and the updated Teckla-Osage-Rapid City 230kV Transmission Line Greater Sage-Grouse Mitigation and Development Plan. We offer the following comments for your consideration.

The Teckla-Osage Rapid City 230kV Transmission Line crosses approximately 3.7 miles of the Newcastle sage-grouse core area. Comments were submitted to Black Hills Power (BHP) in January of 2014 asking them to update the approved Teckla-Osage-Rapid City 230kV Transmission Line Greater Sage-Grouse Mitigation and Development Plan to reflect the Governor's Sage-Grouse Executive Order (SGEO) 2011-5 and complete a Density Disturbance Calculation (DDCT). BHP had previously completed a Preliminary Impact Analysis Area (PIAA). BHP has updated their mitigation plan to reflect the 2011-5 SGEO and completed the DDCT.

The disturbed percentage prior to this project is above the 5% threshold at 9.74%. A large portion of this disturbance is due to overlap by pre-August 1, 2008 oil units. The Bureau of Land Management was contacted regarding the unit Plan of Development (POD) but none is available at this time so all units were considered 100% disturbed for this analysis. The proponents DDCT showed the addition of 0.16% disturbance to the project area. Disruption density for this area is 0.62/640 which is below the 1/640 disruption threshold. Construction of the Teckla-Osage portion of the Proposed Project is expected to begin in early 2015, and construction of the Osage-Rapid City portion is expected to begin in mid-2015. The Proposed Project has an anticipated in-service date of late 2016.

Mark Carda
July 21, 2014
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BHP will be in compliance with SGEO 2011-5 if they follow their updated mitigation plan, seasonal and timing stipulations agreed to in their DDCT worksheet (no construction activity in core area from March 15-June 30 and no construction activity between the hours of 6 p.m. and 8 a.m. from March 1-May 15). We recommend BHP work closely with the WGFD for future monitoring of affected and control leks as discussed in previous comments provided to BHP.

BHP, the WGFD and U.S. Fish and Wildlife Service (USFWS) developed the project-specific Teckla-Osage-Rapid City 230kV Transmission Line Greater Sage-Grouse Mitigation and Development Plan to address impacts on sage-grouse populations with the installation of the 230kV transmission line. With concurrence from the USFWS the WGFD agreed this project could move forward under the terms and conditions of the Mitigation Plan (WGFD letter, April 8, 2011).

The WGFD appreciates efforts made by BHP to update their mitigation plan and complete a DDCT, as well as their efforts to circumvent the Upton-Fairview and Oil City 2 leks by greater than 0.6 miles even though they are not located within sage-grouse core areas.

Thank you for the opportunity to comment. If you have any questions or concerns, please contact Linda Cope, Staff Terrestrial Biologist, at 307-777-2533

Sincerely,


John Kennedy
Deputy Director

JK/ml/gb

Enclosures

- 1) Sage-Grouse Executive Order 2011-5 Worksheet
- 2) Final Results

cc: USFWS
Chris Wichmann, Wyoming Department of Agriculture, Cheyenne
Nicholas Graf, WyGIS