

Appendix B

SEASONAL AND SPATIAL RESTRICTIONS FOR BIOLOGICAL RESOURCES

A number of seasonal timing restrictions and spatial buffers for certain terrestrial and aquatic species, and their associated habitats, are required for the Boardman to Hemingway Transmission Line Project (B2H Project). A seasonal timing restriction is defined as the time of year when no surface disturbing activities are allowed in certain areas. Spatial buffers are areas surrounding a sensitive location (e.g., raptor nests, special status plants) where seasonal timing and spatial limitations apply.

In addition, a number of selective mitigation measures, designed to reduce impacts and protect wildlife and plant species, will be applied to specific areas identified during Agency-approved preconstruction surveys (refer to Chapter 2, 2.5.1.1). Mitigation requirements will be updated and refined to inform construction activities, as outlined in the Plan of Development (POD).

Table B-1 is a summary list of the seasonal and spatial restrictions relevant to the B2H Project area. The seasonal and spatial restrictions to protect fish and wildlife listed in Table B-1 were identified from Bureau of Land Management (BLM) resource management plans (RMPs), U.S. Forest Service (USFS) land and resource management plans, and coordination with state wildlife agencies relevant to the B2H Project area. The table provides the sources of the information, the areas to which the restrictions apply, descriptions of the restriction, and exceptions to the restrictions if applicable. The dates represent the maximum duration that restrictions would be necessary to provide adequate protections to wildlife during sensitive periods and comply with applicable plans and management recommendations.

Design features of the B2H Project for environmental protection (Final Environmental Impact Statement Chapter 2, Section 2.3.4, Table 2-7) are part of the Applicant's project description and applied/adhered to as standard practice. Design Feature 4 requires preconstruction surveys to identify areas for which appropriate action must take place to protect sensitive species (through mitigation and/or conservation measures) and Design Feature 5 requires that construction activities be spatially limited to areas identified (from preconstruction surveys) in the POD. Restrictions for migratory bird nesting season also are found in Design Feature 11 and restrictions for raptor protection during breeding season are found in Design Feature 13.

Additional seasonal and spatial restrictions may be developed as conservation measures for Endangered Species Act-listed species through the Section 7 consultation process. Conservation measures developed through the National Environmental Policy Act process and Section 7 consultation to address direct and indirect effects on species will be incorporated into the Biological Resources Conservation Plan to be developed for the final POD.

This page intentionally left blank.

Table B-1. Seasonal and Spatial Restrictions for Biological Resources				
Agency	Applicable Plan or Other Source	Area to Which Restriction Applies	Restriction	Exception
Columbia Spotted Frog				
BLM, Oregon	Baker Field Office Draft RMP/EIS (BLM 2011)	Columbia spotted frog habitat	<ul style="list-style-type: none"> Limit activities within Riparian Management Areas to those that have either a neutral or beneficial effect on aquatic objectives. Timing of those activities will be outside Columbia spotted frog egg laying/hatching for that area. If not known, restrict activities from March 1 to May 31. Habitat connectivity buffers will be placed in areas where there are established breeding and spawning pools or Columbia spotted frog habitat. 	
Big Game				
Oregon Department of Fish and Wildlife (ODFW)	Mitigation Framework for Indirect Road Impacts to Rocky Mountain Elk Habitat (ODFW 2015); B2H Project-specific recommendations developed through coordination with the BLM	Elk and mule deer winter range	<ul style="list-style-type: none"> No construction activities will be allowed from December 1 to March 31. Avoid creating new roads in any portion of big game winter range. 	
Idaho Department of Fish and Game (IDFG)	B2H Project-specific recommendations developed through coordination with the BLM	Mule deer winter range	Avoidance recommended from December 1 to March 31 in Owyhee County.	
BLM, Oregon	Baker Field Office Draft RMP/EIS (BLM 2011)	Elk and mule deer winter range	Avoid locating roads through winter range, when feasible.	
BLM, Oregon	Baker Field Office Draft RMP/EIS (BLM 2011)	Rocky Mountain elk winter range	Prohibit motor vehicle use in winter range from December 1 to April 30.	
USFS, Oregon	36 CFR Sec. 261.50(a) and (b) Order # 196	Spring Creek big game winter closure area	Prohibit motor vehicle use from December 15 to April 30.	USFS authorized officers can provide a written waiver for this restriction.
Greater Sage-Grouse				
ODFW, Oregon	Greater Sage-Grouse Conservation Assessment and Strategy for Oregon: A Plan to Maintain and Enhance Populations and Habitat (ODFW 2011)		<ul style="list-style-type: none"> Micro-site developments and associated infrastructure to minimize impacts on Greater Sage-Grouse habitat use and population dynamics. Conduct construction and maintenance associated with development activities outside of the period from 1 March to 30 June in sage-grouse habitat. If the developer determines that this time period cannot be avoided and the authorizing entity in consultation with ODFW agrees, then restrict the activity from 1 hour after sunset to 2 hours after sunrise. 	
BLM, Oregon	Oregon Greater Sage-Grouse Approved RMP Amendment (ARMPA) (BLM 2015a)	Within 1 mile of the perimeter of occupied leks	From March 1 to June 30 there will be no disruptive activities 2 hours before sunset to 2 hours after sunrise. Disruptive activities are those that are likely to alter Greater Sage-Grouse behavior or displace birds such that reproductive success is negatively affected or an individual's physiological ability to cope with environmental stress is compromised. Examples of disruptive activities are noise, human foot or vehicle traffic, or other human presence.	
BLM, Oregon	Oregon Greater Sage-Grouse ARMPA (BLM 2015a)	Breeding habitat	<ul style="list-style-type: none"> Limit noise at the perimeter of occupied or pending leks from 2 hours before to 2 hours after sunrise and sunset during the breeding season to less than 10 decibels above ambient sound levels. Require noise shields for noise-creating authorizations. Locate new compressor stations and other authorized noise-creating equipment outside priority habitats and design them to reduce noise that may be directed toward priority habitat. 	

Table B-1. Seasonal and Spatial Restrictions for Biological Resources				
Agency	Applicable Plan or Other Source	Area to Which Restriction Applies	Restriction	Exception
BLM, Oregon	Oregon Greater Sage-Grouse ARMPA (BLM 2015a)	Seasonal habitats	<p>Anthropogenic disturbances or activities disruptive to Greater Sage-Grouse (including scheduled maintenance activities) will not occur in seasonal Greater Sage-Grouse habitats. Seasonal avoidance periods include:</p> <ul style="list-style-type: none"> • In breeding habitat within 4 miles of occupied and pending leks from March 1 to June 30. Lek hourly restrictions are from 2 hours before sunset to 2 hours after sunrise at the perimeter of an occupied or pending lek. • In brood-rearing habitat, from July 1 to October 31. • In winter habitat, from November 1 to February 28. 	
BLM, Idaho	Idaho and Southwestern Montana Greater Sage-Grouse ARMPA (BLM 2015b)	Within 2 miles of leks during the lekking season	No repeated or sustained behavioral disturbance (e.g., visual, noise more than 10 decibels [A weighted] at lek, etc.) to lekking birds from 6:00 p.m. to 9:00 a.m.	
BLM, Idaho	Idaho and Southwestern Montana Greater Sage-Grouse ARMPA (BLM 2015b)	Nesting habitat	Avoid mechanized anthropogenic disturbance during the nesting season when implementing fuels/vegetation/habitat restoration management projects, infrastructure construction or maintenance, geophysical exploration activities, and organized motorized recreational events.	
BLM, Idaho	Idaho and Southwestern Montana Greater Sage-Grouse ARMPA (BLM 2015b)	Winter habitat	Avoid mechanized anthropogenic disturbance during the winter, in wintering areas when implementing fuels/vegetation/habitat restoration management projects, infrastructure construction or maintenance, geophysical exploration activities, and organized motorized recreational events.	
Northern Goshawk				
BLM, Oregon	Baker Field Office Draft RMP/EIS (BLM 2011)	Northern goshawk nests	<ul style="list-style-type: none"> • Activities should not alter stand structure within a radius of 660 feet from known goshawk nests. • Minimize human disturbance in active northern goshawk nest areas from March 1 to September 30. • Nest-disturbing activities should not occur within a radius of 1,320 feet from known active goshawk nests from April 1 to August 1. 	
BLM, Oregon	Baker Field Office Draft RMP/EIS (BLM 2011)	Northern goshawk post-fledgling family area	Avoid all disturbances from April 1 to August 30.	
USFS, Oregon	Decision Notice for the Revised Continuation of Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales (Eastside Screens; USFS 1995)	Northern goshawk nesting habitat	<ul style="list-style-type: none"> • Activities should not alter stand structure within a radius of 30 acres around active and historical nest trees (within the past 5 years). • Minimize human disturbance around nest site from April 1 to August 30. • Nest-disturbing activities should not occur within the 400 acre Post Fledging Area from April 1 to August 30. 	
Eagles				
BLM, Oregon	Baker Field Office Draft RMP/EIS (BLM 2011)	Bald and golden eagle nests and winter roosts	<ul style="list-style-type: none"> • No project activities will occur from February 1 to July 30 (both dates inclusive) within 0.5 mile from any occupied bald eagle nest site that may occur in a project area. • Project activities that have potential to disturb bald eagle winter roosts, will be restricted within 400 meters of the roosting area from November 1 to April 30. • Down or standing fuel wood will not be cut and gathered within 0.25 mile of the nest from January 1 to August 31 if a bald eagle nest is active; down woody material may be gathered outside of 	If it is determined that a nest was inactive for the nesting season, the BLM authorized officer may issue a written waiver to this term and condition.

Table B-1. Seasonal and Spatial Restrictions for Biological Resources				
Agency	Applicable Plan or Other Source	Area to Which Restriction Applies	Restriction	Exception
			the nesting season. <ul style="list-style-type: none"> No standing dead tree greater than 18 inches diameter at breast height (dbh) will be cut or removed within 500 meters (0.31 mile) of the nest at any time of the year. No standing dead trees greater than 16 inches dbh will be cut, unless it meets the long-term management objectives. In bald eagle management areas and essential habitat, protect all known nesting, roosting, and perch trees and provide alternative and future perch trees. Generally, these are any live trees (Douglas-fir, ponderosa pine, etc.) or snags greater than 21 inches dbh. 	
BLM, Oregon	Southeastern Oregon RMP and Final EIS (BLM 2002)	Bald eagle winter habitat	Human activities that significantly disrupt habitat security would be eliminated by avoiding authorized uses during the winter use period.	
BLM, Idaho	Owyhee RMP (BLM 1999)	Bald eagle winter habitat	Protect bald eagle winter habitat and populations through implementation of the Snake River Birds of Prey National Conservation Area Management Plan and restricting activities that would result in disturbance to wintering eagles or adverse impacts on roost trees, prey species or other habitat components.	
BLM, Idaho	Owyhee RMP (BLM 1999)	Golden eagle nests	Authorize no human caused disturbance within a 0.5-mile radius of any known golden eagle nest from February 1 to June 30. Disturbance is defined as any activity that could result in frequent flushing of adults or young, nest abandonment, or significant loss of prey base.	
USFS, Oregon	National Bald Eagle Management Guidelines (USFWS 2007)	Bald eagle nests	<ul style="list-style-type: none"> Landscape buffer of no activity within 660 feet of active nest. Human disturbances should be minimized from Jan 1 to August 31. It is recommended to site transmission power lines away from nests, foraging areas and communal roost sites to avoid collisions. 	
USFWS	National Bald Eagle Management Guidelines (USFWS 2007)	Bald eagle nests	Except for authorized biologists trained in survey techniques, avoid operating aircraft within 1,000 feet of the nest during the breeding season.	Except where eagles have demonstrated tolerance for such activity as approved by the management agency.
USFWS	National Bald Eagle Management Guidelines (USFWS 2007)	Bald eagle nests	Avoid blasting and other activities that produce extremely loud noises within 1/2 mile of active nests.	Unless greater tolerance to the activity (or similar activity) has been demonstrated by the eagles in the nesting area as approved by the management agency.
USFWS	National Bald Eagle Management Guidelines (USFWS 2007)	Bald eagle foraging areas and communal roost sites	<ul style="list-style-type: none"> Minimize potentially disruptive activities and development in the eagles' direct flight path between their nest and roost sites and important foraging areas. Locate aircraft corridors no closer than 1,000 feet vertical or horizontal distance from communal roost sites. 	

Table B-1. Seasonal and Spatial Restrictions for Biological Resources				
Agency	Applicable Plan or Other Source	Area to Which Restriction Applies	Restriction	Exception
Other Raptors				
BLM, Oregon	Baker Field Office Draft RMP/EIS (BLM 2011)	Ferruginous hawk nests	<ul style="list-style-type: none"> Do not disturb nest sites from March 15 to July 15. Generally, avoid treatments from March 1 to August 1 each year, especially during the incubation period when ferruginous hawks are more prone to abandon nests if disturbed. 	
BLM, Idaho	Owyhee RMP (BLM 1999)	All other raptor nests	Authorize no human caused disturbance within a 0.5 mile radius of nests from March 15 to June 30. Disturbance is defined as any activity that could result in frequent flushing of adults or young, nest abandonment, or significant loss of prey base.	
USFS, Oregon	Wallowa-Whitman Land and RMP (USFS 1990)	Raptor nests	The Wallowa-Whitman Land and RMP calls to protect all active raptor nest sites using best available science. There are more than 10 raptor species with the potential to nest within the transmission line footprint, each with unique landscape buffers and timing restrictions. General overlap of timing restrictions occurs from March 1 to August 15.	
Fish				
ODFW	Oregon Guidelines for Timing of In-water Work to Protect Fish and Wildlife Resources (ODFW 2008)	Fish-bearing streams	ODFW guidelines for preferred work periods will be followed for any in-water work.	
<p>Table Sources: Bureau of Land Management (BLM). 1999. <i>Owyhee Resource Management Plan</i>. Boise: USDI, BLM, Lower Snake River District, Boise Field Office. https://eplanning.blm.gov/epl-front-office/projects/lup/35607/41983/44484/Owyhee_RMP_ROD_1999.pdf. ———. 2002. <i>Southeastern Oregon Resource Management Plan and Record of Decision</i>. BLM/OR/WA/GI-03/020+1792. Vale: USDI, BLM, Vale District Office. http://www.blm.gov/or/plans/files/SEORMP-ROD.pdf. ———. 2011. <i>Baker Field Office Draft Resource Management Plan and Environmental Impact Statement</i>. Baker City: USDI, BLM, Vale District Office, Baker Resource Area. http://www.blm.gov/or/districts/vale/plans/bakerrmp/draftmp.php. ———. 2015a. <i>Idaho and Southwestern Montana Greater Sage-Grouse Approved Resource Management Plan Amendment. Attachment 1 from the 2015 Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region including the Greater Sage-Grouse Sub-Regions or: Idaho and Southwestern Montana, Nevada, and Northeastern California, Oregon, and Utah</i>. Boise: Idaho State Office. https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=42003. ———. 2015b. <i>Oregon Greater Sage-Grouse Approved Resource Management Plan Amendment. Attachment 3 from the 2015 Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region including the Greater Sage-Grouse Sub-Regions or: Idaho and Southwestern Montana, Nevada, and Northeastern California, Oregon, and Utah</i>. Portland: Oregon State Office. http://www.blm.gov/or/energy/opportunity/finaleis.php. Oregon Department of Fish and Wildlife (ODFW). 2008. <i>Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources</i>. Bend: ODFW. http://www.dfw.state.or.us/lands/inwater/oregon_guidelines_for_timing_of_%20InWater_work2008.pdf. ———. 2011. <i>Greater Sage-Grouse Conservation Assessment and Strategy for Oregon: A Plan to Maintain and Enhance Populations and Habitat</i>. Bend: ODFW. http://www.dfw.state.or.us/wildlife/sagegrouse/docs/20110422_GRSG_April_Final%2052511.pdf. ———. 2015. <i>Mitigation Framework for Indirect Road Impacts to Rocky Mountain Elk Habitat</i>. ODFW. U.S. Fish and Wildlife Service (USFWS). 2007. <i>National Bald Eagle Management Guidelines</i>. USFWS. https://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenagementguidelines.pdf. U.S. Forest Service (USFS). 1990. <i>Land and Resource Management Plan: Malheur National Forest</i>. John Day: USDA, USFS, Pacific Northwest Region. http://www.fs.usda.gov/detail/malheur/landmanagement/?cid=fsbdev3_033814. ———. 1995. Decision Notice for the Revised Continuation of Interim Management Direction Establishing Riparian, Ecosystem and Wildlife Standards for Timber Sales. USDA, USFS, Region 6. http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fsbdev3_033053.pdf</p> <p>Table Notes: ARMPA = Approved resource management plan amendment BLM = Bureau of Land Management EIS = Environment impact statement RMP = resource management plan ODFW = Oregon Department of Fish and Wildlife USDA = U.S. Department of Agriculture USDI = U.S. Department of the Interior USFS = U.S. Forest Service USFWS = U.S. Fish and Wildlife Service</p>				