

LINCOLN COUNTY, NV **2019-156678**
Rec:\$35.00
Total:\$35.00 **07/01/2019 02:00 PM**
BUILDING DEPARTMENT Pgs=6 KE



OFFICIAL RECORD
AMY ELMER, RECORDER

**SPECIAL USE PERMIT-
CONDITIONS OF APPROVAL**

Applicant: TransWest Express LLC
Assessor Parcel Number(s): Various
File: 2019-SUP-07

Planning Commission Approval Date: June 13, 2019

Request: Special Use Permit to construct and operate a high voltage (500kv) overhead transmission system

Master Plan Designation: Public and Agricultural

This document is to be notarized and recorded with the Lincoln County Recorder's Office within the timeframe listed in this document.

CONDITIONS:

The following conditions have been placed in this request to ensure the applicant and any future owners will meet all necessary standards in place.

A. Within 60 days of final approval:

1. The Applicant shall record the approved conditions with the Lincoln County Recorder's Office

B. Within 1 year of final approval or prior to commencement of construction:

1. Review by the Lincoln County Planning Commission

C. Following formal Notice to Proceed and prior to commencement of construction in Lincoln County:

1. Presentation before the Board of Lincoln County Commissioners regarding Project.

D. Prior to start of construction, Applicant or Applicant's assignee or contractor shall:

1. Submit a detailed Construction Operation and Maintenance Plan to the Board of Lincoln County Commissioners, as well as the Lincoln County Road Department, Planning and Building

Department, Sheriff's Department, Fire District and N-4 Grazing Board Representative.

2. Coordinate with the Lincoln County Road Department and provide an executed Road Maintenance and Restoration Agreement to ensure that County roads used during the construction phase of the TWE Project are properly maintained, improved, and repaired prior to, during and after construction. Signed agreement shall be provided to Staff as reference to the Special Use Permit.
3. Apply for and obtain building permit as required by the Lincoln County Code for the regeneration sites.
4. In conjunction with obtaining building permits, obtain physical address assignments for any temporary project-related locations that will contain buildings, batch plants, or major storage/delivery/staging areas.
5. Demonstrate compliance with the BLM grazing requirements included in the TransWest Special Use Permit Application, Appendix E.

E. During construction, Applicant or Applicant's assignee or contractor shall:

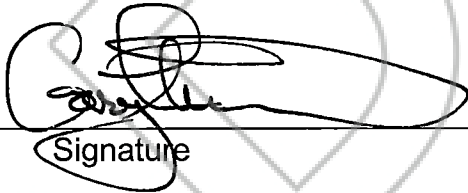
1. Adhere to Exhibit B to mitigate or eliminate impacts to public land grazing permittees.
2. Obtain necessary disposal service contracts through Lincoln County Solid Waste, or qualified solid waste service provider, for waste materials. Construction materials may not be disposed of at local community solid waste drop box facilities.
3. Reimburse the Lincoln County Road Department for road inspections conducted solely in connection with this project by the Lincoln County Road Department, and in accordance with the requirements and estimated costs provided in Exhibit A and in conjunction with the Road Maintenance and Restoration Agreement.

F. TransWest may adjust the locations of TWE Project facilities if necessary to address landowner concerns, engineering constraints, or unforeseen environmental conflicts, without amending the SUP or submitting a new application.

G. TransWest will acquire the legal right to use all necessary private land in Lincoln County prior to commencing construction activities.

- H. The SUP will not expire pursuant to Section 13-9-9 of the Code if TransWest has engaged in either pre-construction or construction activities. Either pre-construction or construction activities at any location along the Project route will constitute the Project being "diligently prosecuted to completion" for purposes of Section 13-9-9.
- I. TransWest will acquire other required county permits, including building permits for the communication regeneration sites, if required, following the BLM's issuance of the Final Notice to Proceed and prior to construction.

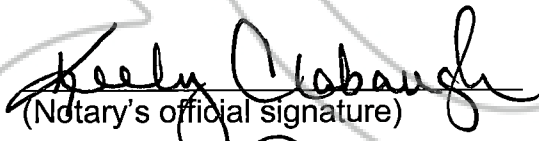
JUNE 27, 2019
Date


Signature

Garry L. Miller
Printed Name

STATE OF COLORADO)
) ss.
COUNTY OF DENVER)

Subscribed and sworn before me this 27th day of June, 2019


(Notary's official signature)
Notary Public
(Title of office)
April 13, 2023
(Commission Expiration)

Notary Stamp

<p>KEELY CLABAUGH NOTARY PUBLIC STATE OF COLORADO NOTARY ID 20154014633 MY COMMISSION EXPIRES APRIL 13, 2023</p>
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EXHIBIT A

Lincoln County Road Department Inspection Fees Agreement

TransWest Express LLC ("Applicant") agrees to reimburse the Lincoln County Road Department (the "Department") for road inspections conducted by the Department in accordance with this agreement. This agreement shall be utilized in conjunction with the Road Maintenance and Restoration Agreement between the Lincoln County Road Department and TransWest Express LLC; which will be executed prior to construction of an electric transmission facility ("TWE Project").

The Project will traverse approximately 69 miles through Lincoln County. This agreement shall not include any road inspections conducted on a routine basis by the Department, nor does it include any roads which are not County roads or are not roads used by the Project or located outside of Lincoln County. The Department will also be entitled to receive reports documenting the current conditions of the County roads as they become available upon completion by Applicant's contractor. The Department agrees to conduct inspections in a reasonable and prudent manner. To ensure that the Department is adequately reimbursed for road inspections conducted pursuant to this agreement, provided below are estimates for road inspection frequency and costs.

Project construction in Lincoln County is estimated to last approximately 18 months (up to 72 weeks), but the actual construction timeframe may be less than or more than the estimated time. Reimbursements pursuant to this agreement shall be allowed for the actual duration of the construction, but fees shall not exceed the total amount identified below.

- Up to eighteen (18) road inspections may be reimbursed during the construction period. Each inspection will consist of one (1) man and one (1) vehicle for a maximum of eight (8) hours per day, and the total hours billed during the Project construction period shall not exceed one-hundred, forty-four (144) hours.
- Total hourly fees for the inspection shall be \$100.00/hour, based upon \$80.00/hour for inspector and \$20.00/hour for vehicle. Based upon the estimated construction timeframe, the total road inspection fees shall not exceed \$14,400.00.
- All inspections will be billed to Applicant or applicant contractor at the above listed rates for actual hours logged by the Department and conducted solely in connection with the Project.

EXHIBIT B

As part of the TWE Project Construction, Operation and Maintenance Plan submit a section entitled "Grazing Activities - Coordination and Range Management" that addresses the following:

Coordinate this effort with Lincoln County, the N-4 Grazing Board, and affected permittees at all stages of the project:

1. Provide a copy of the Construction, Operations, and Maintenance (COM) Plan or any other pertinent project documents or notifications to Lincoln County and the N-4 Grazing Board.
2. Notify the County, Grazing Board, and all affected permittees that the Grazing Board has identified to TransWest as to the start and anticipated end of each phase of construction. Solicit inputs in terms of avoiding, minimizing, or mitigating impacts for each project phase.
 - a. The applicant will notify the grazing board at least 3 months prior to construction within a specified allotment(s) to provide the permittee the opportunity to work with the Project Manager to avoid or minimize impacts to grazing operations.
 - b. At least one meeting will be held by the Project Manager with all subcontractors, the County Planning and Building Director and the grazing board to identify items within this Exhibit and coordinate efforts to minimize impacts on grazing operations.
3. Provide contact information of Compliance Inspector or other Project Manager that can be contacted by the County, Grazing Board, or individual permittee if a problem arises.
4. Grazing Operations and Improvements
 - a. Maintain the integrity of all existing fencing, cattle guards, water sources, and other range improvements.
 - b. Leave all gates as found, do not leave holes in existing fence when livestock are present, and repair all fence breaches. Coordinate directly with affected permittee if breaches in existing fences cannot be avoided.
 - c. Locate and maintain accessibility and functionality of all water sources, water storage and distribution infrastructure, and any other range improvements (such as corrals, chutes, cattle

guards, etc.) within the Project area. In the event that this cannot be avoided, coordinate directly with permittee to mitigate the impact.

- d. Repair or replace any range improvement damaged due to construction activity.
5. Maintain current level of grazing in all affected allotments in compliance with Lincoln County's goal of no net loss of AUMs on public lands. If this cannot be accomplished work with Lincoln County, the N-4 Grazing Board, and BLM to determine appropriate mitigation for lost AUMs as a last resort.
 6. Transportation and Public Access
 - a. Maintain existing or equivalent public access to public lands throughout the construction and operation phase as permitted by BLM.
 - b. Provide temporary access or detours through construction zones.
 - c. Restore any disturbed County roadways to pre-construction condition once construction is completed.
 - d. Subject to requirements that may be imposed by the BLM, restore any trails or two-track roads to previous condition once construction is completed.
 7. Land disturbance and re-vegetation practices
 - a. BLM's Record of Decision approving the TWE Project requires TransWest to submit a detailed Plan of Development (POD) for BLM's approval. The POD will include detailed requirements for right-of-way reclamation on BLM managed land. POD Appendix Q. The reclamation plan will cover erosion control, revegetation, and weed management. TransWest will provide a copy of the BLM-approved reclamation plan to the County and N-4 Grazing Board in advance of commencing construction.
 - b. TransWest will conduct a right-of-way reclamation in Lincoln County as required by the BLM-approved reclamation plan.