

RIGHT-of-WAY MANAGEMENT PLAN

0-65 kV and 66-230 kV Overhead and Buried
Distribution and Transmission Lines
and Service Roads

NorthWestern Corporation
and
Lolo National Forest

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I. INTRODUCTION

The Special-Use Permit (SUP) granted by the U.S. Department of Agriculture Forest Service (FS) authorizes a right-of-way (R/W) to NorthWestern Corporation (NOR) to operate and maintain power facilities (facilities) located on National Forest System lands (NFS) in the state of Montana. The existing line R/W includes operation and maintenance of various voltages. The majority of the line is aerial however; some of the 0-65 kV line is buried. Vegetative management for the buried line R/W is generally not needed. No vegetative management specifications have been included; however, the remaining R/W Management Plan (Plan) applies where applicable.

R/W width varies between the different line voltages and whether the line is aerial or buried. Refer to the SUP for specifications. This Plan is prepared in accordance with provision No. 30 of the SUP. The provisions of this Plan shall be considered terms and conditions of the special-use permit described above and amended as conditions change.

II. COMMUNICATION PROTOCOL

Efficient and accurate communications during operations and maintenance of this project is essential. A clear and consistent communication protocol will help to ensure that any issue is quickly and satisfactorily resolved.

The Permit Administrator will be the primary contact for all activities and coordinating approvals by the Responsible Official (District Rangers) or the Authorized Officer. Prior to any operation and maintenance activity on any portion of NFS, the NOR Representative will notify the Permit Administrator. Notification and scheduling will be in accordance with *VIIA*. The Permit Administrator shall also be the contact in emergency maintenance situations during FS office hours. However, when the Permit Administrator cannot be reached NOR will contact the District Ranger where the emergency exists or the Forest Supervisor. When emergency arise after hours and/or on weekends, the Permit Administrator will be notified the next normal workday.

The Permit Administrator should determine the appropriate contact level within the permittee's hierarchy to resolve a particular issue.

A. U.S. Forest Service, Lolo National Forest Contact Information

Patrick Corts , Permit Administrator	(406)329-3860
Missoula Ranger District – District Ranger	(406)329-3750
Ninemile Ranger District – District Ranger	(406)626-5201
Plains/T. Falls Ranger District – District Ranger	(406)826-3821
Seeley Lake Ranger District – District Ranger	(406)677-2233
Superior Ranger District – District Ranger	(406)822-4233
Forest Supervisor – Authorized Officer	(406)329-3750

B. NorthWestern Corporation Contact Information

Rick Walsh, Manger Environmental Permitting	(406)497-3917
Scott Bernhardt, Supervisor Right-of-Way Management	(406)497-2797

If NOR facilities are involved in a catastrophic event such as a wildfire, washout or other detrimental occurrence notify NOR management at (406)494-4131.

III. EXISTING LAND USES

A. Protection of Improvements

All existing improvements will be protected. Any structure or utilities damaged by NOR, its agents, or contractors will be restored to pre-damaged conditions and to the satisfaction of the owner. Permittees and other regular users of NFS will be notified in advance of any maintenance activity that might affect their businesses or operations. This will include, but not be limited to, posting signs for work on or adjacent to roadways, removal and/or cutting of fences, and disturbances to improvements or other land use related structures.

B. Access

Access is important to the integrity of NOR's facilities and access shall be granted whenever reasonable. NOR vehicular access off of the existing National Forest road system is subject to prior FS approval, except in case of emergency operations.

National Forest access roads and trails that are open to the public receive considerable recreational traffic throughout the year. In the winter, portions may be used as groomed snowmobile trail systems. Roads and trails shall not be blocked for greater than 15 minutes, except with FS approval or in an emergency. Traffic control signs will be used in accordance to *IVB*. NOR will permit free and unrestricted public access to and upon their R/W for all lawful purposes, unless otherwise designated as restricted by the FS.

C. Road and Area Closures

Road and/or Area Closures will be in accordance to the current National Forest Travel Plan Map. Locks of the appropriate agencies/cooperators/permittees will be used at each applicable closure to facilitate entry for administrative use. During the closure, access will be by written authorization. Contact the FS for procedures. Emergency access is allowed without a written authorization to avoid or reduce damages to the line or for extended outages.

D. Survey Monumentation

NOR will protect all public survey monuments found within or adjacent to the R/W. Survey monuments include, but are not limited to: USFS Monuments, General Land Office (GLO) and BLM Cadastral Survey Corners; reference corners; witness points; U.S. Coastal and Geodetic benchmarks and triangulation stations; military control monuments; and recognizable civil (both public and private) survey monuments. If any of the above are obliterated or disturbed, NOR will report the incident, in writing, to the FS and the respective installing authority, if known. Where USFS, BLM or GLO R/W monuments or references are obliterated during operations, NOR will secure the service of a registered land surveyor or a FS cadastral surveyor to restore the disturbed monument. Restoration will follow procedures found in the *Manual of Surveying instructions for the Survey of Public Lands of the United States*, latest edition.

NOR will record such survey in the appropriate county and send a copy to the FS. If a FS cadastral survey crew restores the disturbed survey monument, NOR will be responsible for the cost of such survey.

IV. HEALTH AND SAFETY

A. Safety Plan

NOR is responsible for the safety of all personnel employed by itself or others in the performance of operation and maintenance activities.

B. Traffic Control

All maintenance work where members of the public may be recreating shall be signed according to the *Manual on Uniform Traffic Control Devices for Streets and Highways* (U.S Department of Transportation, Federal Highway Administration, 1988) and applicable Department of Transportation (DOT) standards.

C. Accident Reports

During FS office hours, NOR shall notify the FS, as soon as practicable, that an accident occurred during the performance of operation and maintenance, to either NOR's employees, a member of the public, or to the environment. After hours, and on weekends, the appropriate sheriff's office will be notified and the FS will be notified the next normal workday. NOR will provide a copy of the accident report to the FS.

D. Waste Disposal

All forms of refuse and waste produced along the R/W will be disposed of in a designated landfill or appropriate waste disposal site. Disposal sites on the NFS will only be used with prior designation and approval of the FS. Refuse and waste is defined as any discarded material, trash, garbage, packing material, containers, waste petroleum products, broken equipment (poles, cross arms, wire, other hardware), used parts, excess construction materials including waste rock and excess excavation, or human waste.

V. HAZARDOUS AND TOXIC SUBSTANCES

A. Fuels and Lubricants

Maintenance and construction equipment will not be refueled or maintained within stream or drainage channels, wetlands, or floodplains, or upon or adjacent to agricultural lands. No equipment will be refueled within 300 feet of any wetland or waterway without prior approval of the FS.

All equipment will be regularly inspected for leaks. Any significant leaks detected will be promptly corrected. During fueling operations, personnel will prevent overfill of equipment. Absorbent materials will be kept at the work site to clean up and contain spills. Vehicles and equipment with leaks will have drip pans, heavy plastic sheeting or other containment devices placed on the ground beneath them as a

preventative measure to contain any potential spills, and the vehicle or equipment will not be used until the leak is corrected.

B. Prevention of Oil Spills and Contamination

NOR shall not dispose of any oil, oil products or petroleum containers on NFS. Appropriate preventive measures shall be taken to insure that any such spill of oil or oil products does not enter any stream or other waters of the United States. NOR shall notify the FS when a spill does occur and cleanup will be in accordance with the Code of Federal Regulations and all applicable state environmental laws. When applicable, NOR shall prepare a Spill Prevention Control and Counter Measure Plan and provide a copy to the FS prior to work commencement.

C. Hazardous Materials

NOR will be responsible for any hazmat associated with their facilities and as stated in the SUP.

VI. FIRE PROTECTION PLAN

NOR will take appropriate fire prevention and suppression measures in conjunction with its operations and maintenance on the R/W. NOR shall comply with Montana Forest Fire Regulations and guidelines. The FS may make periodic inspections. Failure to comply shall result in a temporary shutdown of **all** non-compliant maintenance activities until compliance is met.

VII. MAINTENANCE OPERATIONS

A. Notification and Scheduling

NOR will utilize the following notification and scheduling guidelines for all proposed right-of-way maintenance activities, including routine, emergency, and major, and road and gate maintenance activities. When notification is required, it should be of sufficient detail to insure a complete understanding of when and what work is planned.

For routine maintenance - at least 14 days written notice prior to the start of a project when ground disturbing work is need or trees will be cut. Additional time may be needed if an environmental analysis is needed (e.g. an access road is need to the right-of-way to replace a pole). The except to this is if the vehicles utilize already established and open roads, no ground disturbing work is involved, trees are being limbed only, and no trees or shrubs are cut, then no notification is needed.

For major maintenance projects - at least 120 days written notice prior to the start of a project is required, particularly if an environmental analysis is needed. Once work commences, NOR shall provide the FS with a periodic work progress schedule so that FS inspections can proceed at a regular pace with the work being performed.

For emergency maintenance - immediate notification or as soon as practical, but generally within one day of the emergency situation.

B. Permit Requirements

All necessary local, state and federal permits shall be obtained by NOR and detailed plans developed prior to the start of a project.

C. Maintenance Workforce and Living Facilities

No maintenance camps (living facilities) will be developed on public lands unless specifically authorized by the FS. Maintenance workers will be permitted to camp at designated recreation sites under the same conditions as those imposed on the general public while participating in maintenance activities, unless specific exceptions are granted by the FS.

D. Right-of-Way Maintenance Definitions

For the purposes of this plan, the following maintenance definitions shall apply:

1. Routine Maintenance - this activity includes day-to-day monitoring of local line maintenance conditions to assure that vegetation does not interfere with the safe transmission of electricity through the conductors and the structural integrity of the transmission line is maintained. Activities may include, but are not limited to, limbing branches as they grow into the R/W, hazard tree identification and removal, cutting individual shrubs and trees and replacement of individual power poles and attachments. These activities are generally accomplished by a small number of locally based NOR employees or contractors using hand tools and chainsaws on an as needed basis to remove problem vegetation and/or a boom truck, backhoe or other small equipment may be used to replace or repair individual power poles, guy wires and associated structures on an as needed basis. This could also include equipment access development. Any ground disturbing work will require prior notification to and coordination with the FS, and may require environmental analysis prior to the commencement of work.
2. Emergency Maintenance - this activity involves unexpected work usually created by natural events such as windstorms, snowstorms, fire or flood that interrupt transmission of electricity through the conductors. This often involves a higher level or complexity of maintenance that cannot be considered routine, and requires work that must be accomplished in an expedient manner in order to restore power to customers and eliminate immediate fire and safety hazards. This may involve replacement of multiple power poles and attachments and/or the removal of multiple trees and the reduction of slash originating outside the R/W. This could also include equipment access development.
3. Major Maintenance - this activity involves complex work activities on a larger scale that can be planned in advance, require prior notification to and coordination with the FS, and may require environmental analysis prior to the commencement of work. These activities include major R/W clearing using hand tools and chainsaws, chippers, slashbusters and other heavy equipment or other operations using heavy equipment for new installations, line relocations, road construction, etc.

E. Collection Agreement

At NOR's discretion and, subject to FS regulations, NOR may choose to enter into a collection agreement with the FS in order to provide the necessary funding to expedite the environmental analysis associated with any maintenance project. In lieu of a collection agreement, NOR and the FS may reach mutual

agreement on an independent contractor that will conduct the appropriate environmental analysis at the expense of NOR in order to expedite the proposed project.

The FS shall require a collection agreement with NOR in order to collect, in advance, the necessary funding to cover the cost of inspection and administration of major maintenance projects. Routine and emergency maintenance will be exempt from this requirement. Upon approval of a plan for a major maintenance project, NOR will submit a tentative work schedule to the FS, and the FS shall then estimate the time and resources needed to effectively administer the project.

F. Vegetation Management – General Overhead Line Requirements

For all types of maintenance activities **both in- and outside** the right-of-way the following practices will be implemented:

1. Deciduous Trees and Shrubs, Forbs, and Grasses - Leave all low growing vegetation such as deciduous shrubs and trees, forbs, and grasses. When deciduous trees or shrubs need to be cut, NOR will obtain prior FS approval.
2. Slash Disposal - NOR shall be responsible for disposing of slash (branches, boles) and other debris created as a result of vegetation clearing, logging, or other activities. Slash shall be treated to meet applicable FS and State standards for hazard reduction. Unless otherwise agreed in writing by the FS, the following standards shall apply:
 - In areas where either hand crews and/or mechanized equipment methods are employed, slash shall be cut to lengths not to exceed three (3) feet with a diameter of two (2) inches and shall be scattered evenly with slash depth not to exceed one (1) foot.
 - All tree stumps shall be cut not to exceed a height of six (6) inches from the ground measured on the uphill side.
 - All culverts, ditches and other drainage structures shall be cleared of all slash and debris resulting from R/W operation and maintenance activities.
 - See special requirements for floodprone and visual concern areas.
3. Disposition of Merchantable Timber - NOR shall be responsible for the value and salvage of merchantable timber cut associated with NOR facilities and access roads located on NFS. If the FS identifies sufficient volume for removal, NOR shall be responsible for the removal of the trees, stumpage payment, load accountability and scaling, and truck ticket books.

However, individual or groups of trees which NOR and FS mutually agree are cost prohibitive, infeasible, impractical, unreasonable or unsafe to remove may be left on site. FS shall retain authority to specify final disposition of such timber (e.g. bucking, lopping, etc.). NOR shall not be required to pay for merchantable timber left on-site by mutual agreement. FS may at its discretion, elect to post certain areas containing remaining timber left by agreement, such as streamside zones, as closed to firewood cutting to prevent wood removal and possible associated resource disturbance.

The following is the minimum FS utilization standards for salvaging live and recently dead timber:

- lodgepole pine: 6.0" diameter breast height (dbh, 4.5' above the ground on the uphill side);

4.6" diameter inside bark (dib) on small end;
16.0' minimum piece size.

- all other species: 7.0" diameter breast height (dbh, 4.5' above ground on the uphill side);
4.6" diameter inside bark (dib) on small end;
16.0' minimum piece size.

4. Removal of Bird Nests - NOR shall obtain the necessary permits prior to moving any osprey or eagle nests from their facilities. In concert with obtaining the permit(s) and if during FS office hours, NOR shall notify and coordinate with the FS and their designated Wildlife Biologist. After hours, on weekends, holidays, or in emergency situations, where there is a threat of damage or harm to life or property the FS will be notified on the next regularly scheduled work day. Observations of Threatened and Endangered Species shall be reported to the FS.
5. Cultural and Historic Resources - The location of known historic or prehistoric sites, buildings, objects and properties related to American history, architecture, archaeology and culture, such as settler or Indian artifacts are protected by the American Antiquities Act of 1906, National Historic Preservation Act of 1966, and the Archaeological Resources Protection Act of 1979. Those sites that may be affected by maintenance activities along the R/W are identified in Appendix A. NOR's maintenance activities will be implemented in a manner that protects these identified sites. NOR shall immediately notify the FS if disturbance occurs to any of these known sites or new sites are discovered as stated in the SUP.
6. Erosion Control - Following any ground disturbing activities, NOR shall seed all exposed areas of raw soil. Eroded areas will be stabilized using FS approved erosion control measures (e.g. earthen or belted waterbars, drain-dip, filter fence, straw bales, slash filter windrow, slash mats, etc) prior to seeding. The soil on areas to be seeded shall be left in a roughened condition favorable to the retention and germination of the seed; usually ½ inch of surface soil shall be in a loose condition. The FS, depending upon the disturbed area, may also prescribe scarification, fertilizing, and/or mulching. Only certified, blue-tagged Lolo Seed mixes will be used. The Lolo National Forest Seed Mix Guide can be obtained from the FS. No application work shall be done during extremely windy or rainy weather. No seed shall be applied to frozen ground. Seeding shall occur within 7 days of final disturbance, unless otherwise agreed to by the FS. Areas that do not achieve adequate cover may require additional scarification and reseeding and fertilizing. This shall remain the responsibility of NOR, until approved by the FS.

G. Vegetation Management - Specific Overhead Line Requirements Inside the Right-of-Way

For all types of maintenance activities **inside** the right-of-way the following practices will be implemented:

1. Removal of Equipment - Any cable, wire, or hardware that is replaced shall be removed from NFS as soon as replacement is complete. In addition, all poles and cross-members will be removed from NFS unless approved by the FS.
2. Noxious Weed Control - NOR will be responsible for the prevention and control of noxious weeds associated with their facilities and as stated in the SUP and will be consistent with the 1991 Lolo National Forest Noxious Weed Management Plan. In addition, all effort shall be made to minimize and control the spread of noxious weeds by power washing all off road equipment

(slashbusters, backhoes etc.) prior to being moved onto NFS. No equipment washes on NFS shall be allowed. Equipment washes may be required between Ranger Districts if one District has a noxious weed not common to the other Districts. Checkerboard ownership within a District is exempt from equipment washes.

3. Pesticide Use – The use of pesticides for the control of undesirable woody vegetation is as stated in the SUP.
4. Requirements for Areas Without Floodplain, Floodprone or Visual Concerns - In areas without floodplain, floodprone, or visual concerns in addition to those practices listed above in *VIIF* and *VIIG1* and *VIIG2*, the following practices will be implemented:
 - a. Remove all trees from the right-of-way where the clearance between the line and the ground is less than 145 feet. This is assuming an average maximum tree height of 120 feet plus 25 feet clearance.
 - b. The cultivation of native plant and other low growing shrub for the enhancement of wildlife species is the preferred state for the utility right-of-way.
5. Requirements for Areas With Floodplain or Floodprone Concerns - Floodplain or floodprone areas provide quality water and habitat for a variety of aquatic-dependent animal and plant species. The FS can supply NOR with the definitions of floodplains and flood prone areas upon request. NOR shall exercise care to ensure protection of all floodplain or floodprone areas, aquatic habitats, riparian and wetland areas on NFS. Of critical importance is the protection of habitat for the bull trout, which is listed as a threatened species under the Endangered Species Act of 1973 (ESA, P.L. 93-205, 12/28/73). The FS has adopted certain measures prescribed in the Inland Native Fish Strategy (INFish, 7/28/95) to help mitigate impacts that disturbing activities may have on native fish and their habitat, and these measures shall apply to NOR's operations.

For the purpose of vegetative maintenance, mechanized equipment shall not be allowed within floodplains or flood prone areas. The most critical sites that may be affected by maintenance activities along the R/W are identified in *Appendix B*. However, due to the mapping resolution included in *Appendix B*, there will likely be other floodprone areas that NOR maintenance personnel will encounter in the field not identified in *Appendix B*. As these unidentified sites are encountered apply the same requirements listed below as NOR would to the identified areas. If in doubt, notify the FS for verification. In addition to those practices listed above in *VIIF* and *VIIG1* and *VIIG2*, the following practices will be implemented at those sites listed in *Appendix B*:

- a. A 25-foot clearance is required from the maximum sag of the line or additional as may be required per National Electric Safety codes. In the riparian zone if tall alder or other deciduous trees and brush are within 25 feet of the line, cut at approximately 2 feet above ground level. If within 5 years the conifer trees will grow within the 25-foot clearance zone, cut them down. The trees will be felled as a whole, if possible, leaving it on the ground in one piece with branches attached. It is desirable for trees to be felled perpendicular to predicted flows and left attached to the stump by not completing the back-cut when falling.

Future research and analysis is needed on stream bank stabilization. As the root masses from

the cut conifer trees decompose, what methods will be needed to stabilize the stream banks? Two potential alternatives to be implemented by NOR is the planting of low growing vegetation that produces a large root mass or armoring the bank with root wads, logs, or other methods as approved by the FS. NOR will partner with the FS in this future research and analysis.

- b. Mechanized equipment will not be used in floodplain or flood prone areas for the purposes of clearing except in emergency situations.
 - c. If mechanized equipment must cross the floodplain or flood prone areas, NOR shall ensure that the machinery and equipment crosses streams only at locations and using measures designated by the FS, or at established stream crossings (e.g. bridges, fords, etc.). In addition, NOR must obtain the necessary authorizations (example - a 310 permit from the local Conservation District) prior to crossing streams at other than established locations except in emergency situations.
6. Requirements for Areas With Visual Concerns - Where the NOR line is in areas with visual concerns (within view from major roads, trails, and communities) vegetative screening is needed to maintain visual quality. The most critical sites that may be affected by maintenance activities along the R/W are identified in *Appendix C*. However, due to the mapping resolution included in *Appendix C*, there will likely be other visual areas that NOR maintenance personnel will encounter in the field not identified in *Appendix C*. As these unidentified sites are encountered apply the same requirements as NOR would to the identified areas. If in doubt, notify the FS for verification. In addition to those practices listed above in *VIIF*, *VIIG1* and *VIIG2*, the following practices will be implemented at those sites listed in *Appendix C*.
- a. Use only hand-felling methods unless mechanized equipment such as the slashbuster is approved. If mechanized equipment is approved, hand crews may need to follow up with cutting the stumps as specified by FS.
 - b. A 25-foot clearance is required from the maximum sag of the line or greater as may be required per the National Electrical Safety Code. Between each span along the line, leave trees will occupy approximately 40-50% of the area in at least two height classes. Leave trees will be left in clumps to visually “break-up” the line of sight down the corridor. Once the height classes are established, vegetation management can be maintained on a 10-year cycle. This translates to slashing every 10 years one height class (the tallest trees that will grow into the 25-foot clearance requirement within 10 years) plus thinning out additional trees from the other height classes resulting in a total area of 50-60% being occupied by shrubs, forbs, grasses, and trees less than two (2) feet tall.

H. Vegetation Management – Specific Overhead Line Requirements Outside the Right-of-Way

The type of activities **outside** the right-of-way includes routine and emergency maintenance and/or the mitigation requirements as a result of maintenance work such as but not limited to erosion control, erosion control seeding, or resource restoration responsibilities. Vegetation management for routine or emergency maintenance entails removing trees by felling, girdling, or topping and the cutting of branches to alleviate the hazard of vegetation hitting the facilities. Hazard trees shall be defined as any tree that is of sufficient height, lean, and poses indicators that the tree’s structure maybe failing, and in close enough

proximity to the conductor that if the tree were to be blown over or break along the bole of the tree that it would hit the facilities. Large ponderosa pine and western larch trees have high wildlife values, girdling or topping are the preferred methods for hazard reduction.

1. Requirements for Areas Without Floodplain, Floodprone or Visual Concerns - The following practices will be implemented outside the R/W:
 - a. Annually, NOR will survey the R/W for potential hazard trees. When the survey has been completed, NOR and the FS will field review and determine which trees will be salvaged. Trees to be salvaged will be accomplished in a reasonable timeframe and manner.
 - b. Trees to be limbed of branches can be cut by hand or by mechanical methods. To reduce potential for future rot where the branch is cut off, it is advantageous to minimize the amount of branch stub beyond the branch collar.
 - c. In emergency maintenance situations, trees that are leaning towards or that are in the R/W and endangering NOR facilities shall be topped or felled.
2. Requirements for Areas Within Floodplain or Floodprone Concerns - In addition to those practices listed in *VIIG4*, the following practices will be implemented outside the R/W:
 - a. Hazard trees to be cut will be felled as a whole, if possible, leaving it on the ground in one piece with branches attached. It is desirable for trees to be felled perpendicular to predicted flows when feasible and left attached to the stump by not completing the back-cut when falling.
 - b. Trees to be limbed shall be cut by hand held equipment only. To reduce potential for future rot where the branch is cut off, it is advantageous to minimize the amount of branch stub beyond the branch collar. Any slash created by limbing will **not** be treated in floodplain or floodprone areas. Branches must be removed from the floodplain or floodprone areas by non-mechanized means and then bucked up or chipped as specified in *VIIF2*.
 - c. In emergency maintenance situations trees that are leaning towards or that are in the R/W and endangering NOR facilities shall be topped or if necessary felled in accordance to *VIH2a*.
3. Requirements for Areas Visual Concerns – The height of a stump measured from the uphill side will be less than six (6) inches for those hazard trees to be felled. Where trees need to be limbed, branches will be cut by hand with branch stubs less than 1 inch or as close to the branch collar as possible. Slash will be dealt with in accordance to *VIIF2*. Equipment will not gouge or debark the bole of the tree.

I. Road and Gate Maintenance

Both in and outside the right-of-way, NOR will be responsible for road and gate maintenance to Lolo Best Management Practices (BMP's) standards, road restoration, and damage to other natural resource features resulting from routine, emergency and major maintenance activities and this responsibility also extends to damage caused by unknown parties, where NOR has maintenance responsibilities. Road maintenance shall be commensurate with NOR's use and includes road surface replacement, drainage structures, and other road improvements consistent with the Bull Trout Programmatic Road Maintenance BA's composed by the Montana Bull Trout Level I Team. Structures or facilities such as bridges, gates, guard rails, fences and signs which are damaged as a result of NOR's operation and maintenance activities shall

be repaired or replaced to the satisfaction of the FS. NOR's responsibility for road and gate maintenance and the level of maintenance is defined in *Appendix D* .

The FS will likewise be responsible for damage to resources resulting from their activities. The FS will also arrange for road maintenance as a result of timber sale activity or other commercial road use on NFS lands and/or R/Ws. FS will ensure road maintenance and project activities do not preclude access or passage to NOR's R/W.

For either party, the damage will be repaired as soon as weather, ground, and scheduling conditions permit. Immediate temporary erosion control will be conducted where soil displacement or sedimentation by erosion is likely, for example filter fence, straw bales, slash filter windrows, etc. NOR may request the FS to provide repair of damage or erosion. If the FS can accommodate such request, NOR would initiate a reimbursement agreement. The party responsible for the damage will be responsible for final repair and restoration as needed.

VIII. ACCEPTANCE

NORTHWESTERN CORPORATION

RICK WALSH
Manager of Environmental Permitting

(Date)

USDA - FOREST SERVICE

DEBORAH L.R. AUSTIN
Forest Supervisor

(Date)

APPENDIX

APPENDIX A – Map of Cultural or Historic Resource Areas

APPENDIX B – Map of Floodplain or Floodprone Areas

APPENDIX C – Map of Visually Sensitive Area

APPENDIX D – Maintenance Levels and Road and Gate Inventory

Level 1

This level is for those roads serving strictly NOR's needs on a very infrequent basis and closed yearlong to the general public. Basic custodial care is required to protect the road investment and to see that damage to adjacent land and resources is held to a minimum. The objective of Level 1 maintenance is to maintain drainage facilities and road stability. This level is the normal prescription for roads that are not opened to public traffic.

The following standards apply to Level 1 roads:

Traveled Way and Shoulder Maintenance: None required. Routine removal of brush and trees from the roadway is not included in this level. A slide may block vehicle traffic but be allowed to remain in place if it does not interfere with drainage along or across the roadbed. Vegetative cover must be maintained as needed to alleviate erosion or sedimentation on or from roadway or roadsides.

Drainage Maintenance: All drainage is functioning properly, does not cause erosion and/or sedimentation, or have potential to do so.

Deferred Maintenance: Structures must be adequate for the expected use. Some minor maintenance needs may be deferred until adequate repair equipment is in the area. An example of this would be a bent culvert inlet. The bent culvert functions properly and has adequate capacity for expected flows, and there is not likelihood of further damage. A decision may be made to delay straightening the culvert until the proper equipment is available, and deferral will not cause land or road damage.

Traffic Service: When physical closure devices are in place and functional, locks will be provided for NOR and the FS. Locks of other landowners or cooperators may also be in place at certain closures. Closures will be properly signed. Signs will meet FS standards.

Level 2

This level is used on roads where management requires that the road be open for passage of high clearance traffic. Traffic is normally minor, usually consisting of one or a combination of the following: administrative use, permitted use, or specialized traffic. NOR roads in this level are generally not intended for public traffic.

Level 2 requires the basic care of Level 1, plus the following:

Road Maintenance: Logging out and brushing out as necessary to permit vehicular passage. Road prism restored as necessary to be erosion free and passable. Removal of slides is required, but undercutting of banks will not be done. Vegetative cover must be maintained as needed to alleviate erosion or sedimentation on or from roadway or road sides.

Traffic Services: All route markers, regulatory and warning signs and devices in place and usable.

Level 3

This level is used on roads, which are opened for public traffic. Seasonal use will vary. The road is to be maintained for safe and moderately convenient travel suitable for passenger cars.

Level 3 requires the following, in addition to Levels 1 and 2:

Road Maintenance: Brushing as required for safe sight distance. Roadbed stable, subgrade maintained as constructed, and slumps and gulying repaired. Traveled-way crown or cross slope is maintained prior to runoff season. Drainage structures are to be maintained to their “as constructed” condition. Ditches cleaned as required for runoff.

Roadside Activities: Litter cleanup. Unsightly materials removed currently.

NOR’s Road and Gate Inventory

Township (N)	Range (W)	Section	Location	Road Width	Road Length	Maintenance Level	Closure Devise
21	31	34	E½NE¼, SW¼SE¼	30	800		
20	31	4	NW¼NW¼	30	1000		
20	31	5	SE¼SE¼	30	400		
20	31	8	NE¼NE¼	30	1000		
20	31	17	W½NE¼, E½SE¼	30	3814		
20	31	20	NE¼NE¼	30	800		
19	30	20	N½N½	20	177	1	Boulder